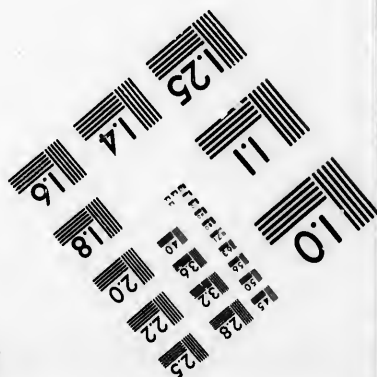
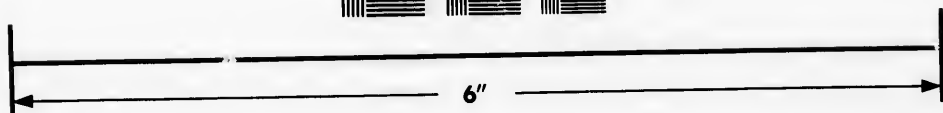
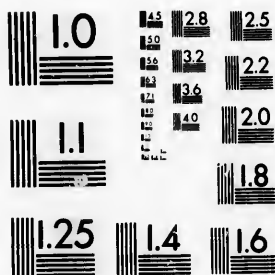


**IMAGE EVALUATION
TEST TARGET (MT-3)**



**Photographic
Sciences
Corporation**

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

1.8
2.0
2.2
2.5
2.8
3.2
3.6
4.0

**CIHM/ICMH
Microfiche
Series.**

**CIHM/ICMH
Collection de
microfiches.**



Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques

1.0
1.2
1.5
1.8

© 1983

Technical and Bibliographic Notes/Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- | | |
|---|---|
| <input type="checkbox"/> Coloured covers/
Couverture de couleur | <input type="checkbox"/> Coloured pages/
Pages de couleur |
| <input type="checkbox"/> Covers damaged/
Couverture endommagée | <input type="checkbox"/> Pages damaged/
Pages endommagées |
| <input type="checkbox"/> Covers restored and/or laminated/
Couverture restaurée et/ou pelliculée | <input type="checkbox"/> Pages restored and/or laminated/
Pages restaurées et/ou pelliculées |
| <input type="checkbox"/> Cover title missing/
Le titre de couverture manque | <input checked="" type="checkbox"/> Pages discoloured, stained or foxed/
Pages décolorées, tachetées ou piquées |
| <input type="checkbox"/> Coloured maps/
Cartes géographiques en couleur | <input type="checkbox"/> Pages detached/
Pages détachées |
| <input type="checkbox"/> Coloured ink (i.e. other than blue or black)/
Encre de couleur (i.e. autre que bleue ou noire) | <input checked="" type="checkbox"/> Showthrough/
Transparence |
| <input type="checkbox"/> Coloured plates and/or illustrations/
Planches et/ou illustrations en couleur | <input type="checkbox"/> Quality of print varies/
Qualité inégale de l'impression |
| <input type="checkbox"/> Bound with other material/
Relié avec d'autres documents | <input type="checkbox"/> Includes supplementary material/
Comprend du matériel supplémentaire |
| <input checked="" type="checkbox"/> Tight binding may cause shadows or distortion along interior margin/
La reliure serrée peut causer de l'ombre ou de la distortion le long de la marge intérieure | <input type="checkbox"/> Only edition available/
Seule édition disponible |
| <input type="checkbox"/> Blank leaves added during restoration may appear within the text. Whenever possible, these have been omitted from filming/
Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées. | <input type="checkbox"/> Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image/
Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible. |
| <input type="checkbox"/> Additional comments:/
Commentaires supplémentaires: | |

This item is filmed at the reduction ratio checked below/
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	12X	14X	16X	18X	20X	22X	24X	26X	28X	30X	32X
					X						

The copy filmed here has been reproduced thanks to the generosity of:

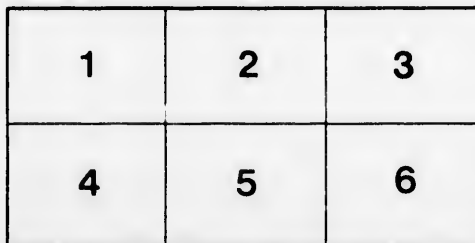
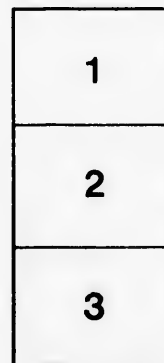
Nova Scotia Public Archives

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol \rightarrow (meaning "CONTINUED"), or the symbol ∇ (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:



L'exemplaire filmé fut reproduit grâce à la générosité de:

Nova Scotia Public Archives

Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole \rightarrow signifie "A SUIVRE", le symbole ∇ signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.

ails
du
odifier
une
mage

errata
to

la pelure,
on à



T

Pu

LAWS
—AND—
ORDINANCES
—RELATING TO THE
TOWN OF TRURO,
Nova Scotia.

—
SECOND EDITION.

Published by Order of the Town Council.

—◆◆◆—
TRURO:
W. B. ALLEY, PRINTER.
1879.

law
in f
pare
of
sho
intr
can
abo

spee

the
whic
13.
Wat
ther
Cou
of L
ther
The
Aug
thir

I

and
I
Cou
men
unde
on o
beer
I ha

I
relia
a co
Ena

T

PREFACE.

This small volume is the result of a compilation, and contains the laws specially affecting the Town of Truro, and the Town Ordinances in force on the fifth day of March last. The manuscript has been prepared for the printer by the subscriber, in accordance with a resolution of the Town Council, the Council being desirous that the citizens should be informed of the laws by which they are governed. However intricate some of these laws, rightly or wrongly, may be considered; it cannot be contended that they are voluminous, wherefore explanations about the arrangement of the work are scarcely necessary.

Part I contains the enactments of the Legislature of Nova Scotia, specially affecting the Town of Truro.

Part II contains the Ordinances of the Town of Truro, made by the Council, and approved of by the Governor in Council, many of which have the force of direct Legislative Enactments, under Section 13, Chapter 49, Acts of 1876; while the others (except No. XXII of Water Works) designated by the prefix of an asterisk, (*) or parts thereof not so designated, but printed in *Italics*, were made by the Council under Section 37 of Chapter 47, Acts of 1875, and approved of by the Governor in Council on the fifth day of March, 1878, and therefore are as binding in law as those confirmed by Act of Parliament. The Water Works Ordinance was passed by the Council fourth of August, 1876, and approved of by the Governor in Council the twenty-third day of the same month.

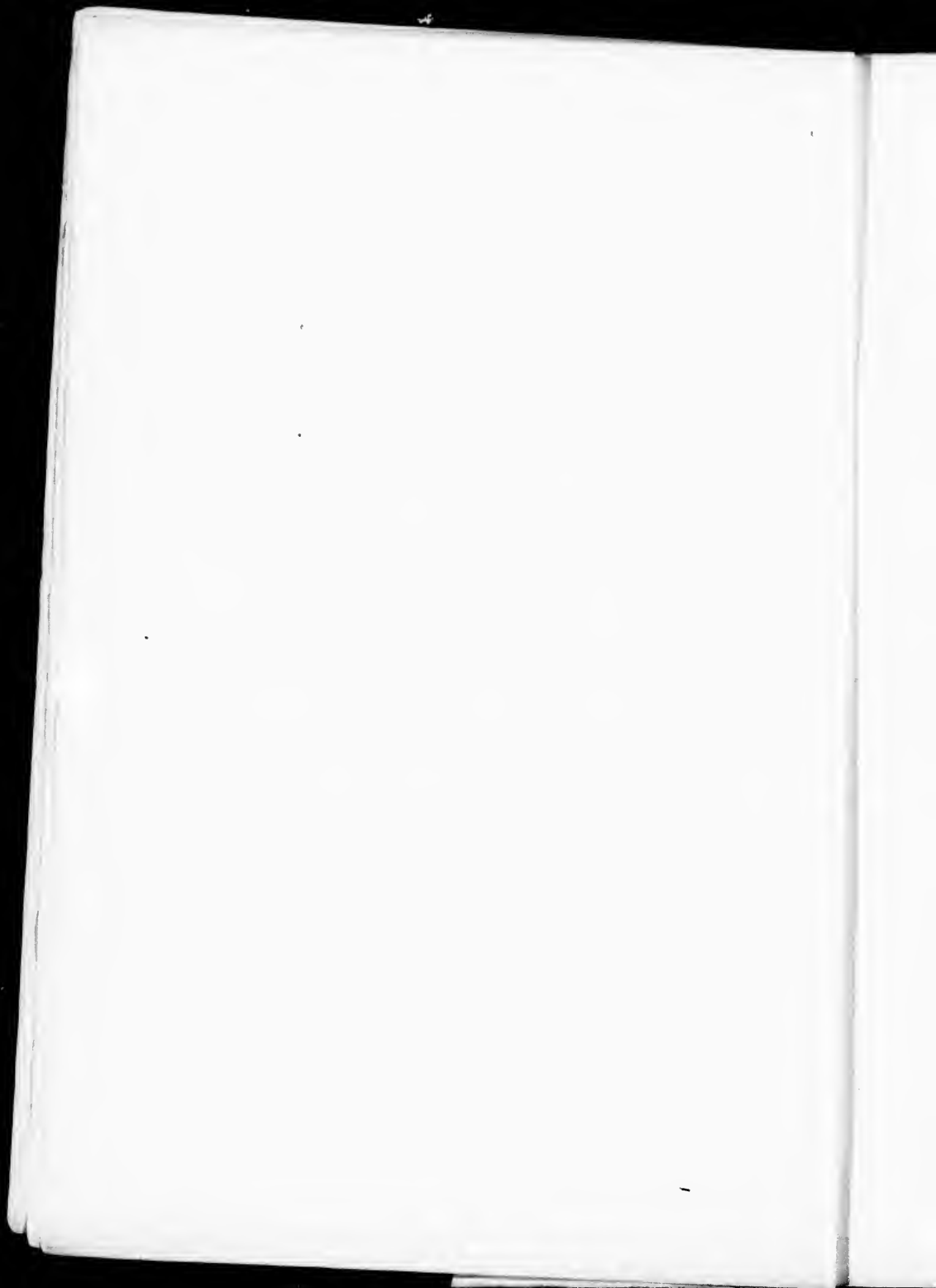
Part III contains Miscellaneous Rules concerning the Town Court and the Police Force.

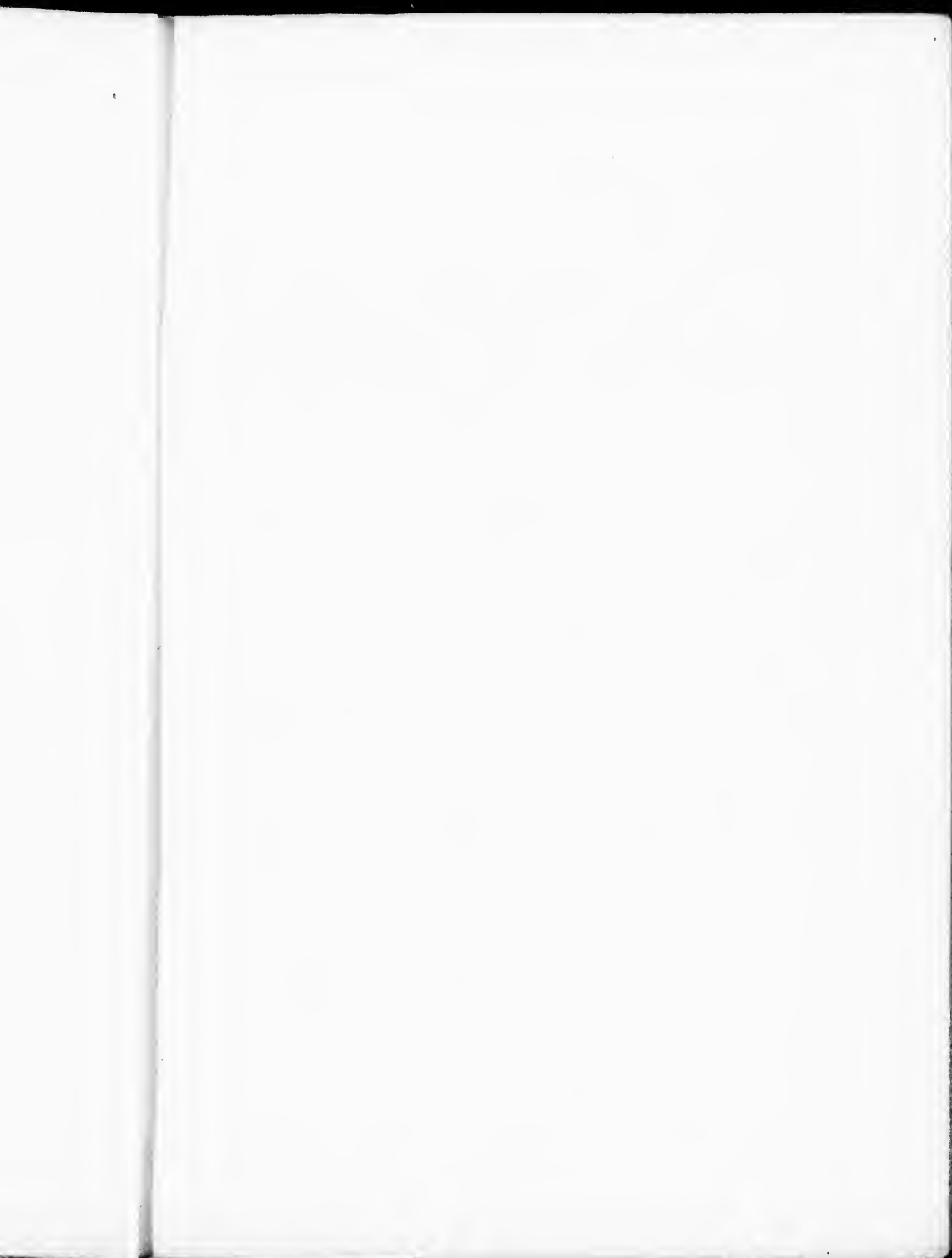
In Appendix A will be found some forms prescribed by the Town Council. Appendix B contains His Honor Judge Blanchard's Judgment on the Liquor suits taken from the Town to the County Court under writs of Certiorari, being the first important finding of a Judge on our Town Laws, for which reason, and also on account of having been appealed for the decision of the full Bench of the Supreme Court, I have thought well to incorporate with these Laws and Ordinances.

My aim has been to make this edition of the "Town Laws" a reliable authority, stamped by the impress of the existing laws, and not a confused mass of legislation that cannot be verified by Parliamentary Enactments.

ISRAEL LONGWORTH,
Mayor.

TRURO, March 17th, 1879.





LL

AN

SECTION

1. Inc
2. To
3. Bo
4. Div
Wa
Wa
Wa
5. To
6. Qu
7. Qu
8. Ele
9. Of
10. Ele
11. Oat
12. Ele
r
For
13. Ma
I
14. Tin
15. Vol
16. Bal
17. Des
18. Pre
I
Pen
19. Bal
20. Pol
Dec
21. Cas
22. Clo
23. Pen
24. Pen
25. Ret

PART I.

ENACTMENTS

OF THE

LEGISLATURE OF NOVA SCOTIA,

ESPECIALLY AFFECTING THE

TOWN OF TRURO.

TITLE I.

CHAPTER 47. 38 VICTORIAE.

AN ACT TO INCORPORATE THE TOWN OF TRURO.

(Passed the 6th day of May, A. D. 1875).

SECTION.

1. Incorporation of "Town of Truro."
2. To have all privileges usually enjoyed by Corporations.
3. Boundary of Town.
4. Division of Town into Wards.
Ward No. 1.
Ward No. 2.
Ward No. 3.
5. Town Council.
6. Qualification necessary for Mayor or Councillor.
7. Qualification of Electors.
8. Elections, when held, &c.
9. Of Retiring Councillors.
10. Elections, how conducted.
11. Oath to be taken by persons offering to vote.
12. Electors to vote in ward wherein they reside.
Form of oath mentioned in preceding section.
13. Manner in which candidates shall be proposed.
14. Time of opening and closing polls.
15. Vote by ballot, &c.
16. Ballot boxes.
17. Description of ballot.
18. Presiding Officer, &c., not to give ballot to any voter.
Penalty.
19. Ballots exceeding votes.
20. Poll list.
Declaration.
21. Casting vote.
22. Closing poll.
23. Penalty for voting illegally.
24. Penalty for forgery, &c.
25. Return of Candidates.

SECTION.

26. Election of Mayor.
27. Result of election to be published.
28. Oaths of Mayor or Councillors.
29. Duties of Mayor.
30. Duties and powers of Council.
31. Ditto.
32. Meetings.
33. Mayor to preside at meetings.
34. Officers appointed by Council.
35. Duty of Clerk.
36. Bye laws to specify duties of officers.
37. Council to make and repeal Bye laws.
38. Of Town Property.
39. Town to be separate in school sections.
40. Auditors, their duties, &c.
41. On report of Auditors Council to pass accounts.
42. Auditors' statement to be published.
43. Council to regulate payment of moneys
44. Annual meeting of rate payers, proceedings at, &c.
45. Debentures.
46. Debentures interest, when redeemable
47. Water supply.
Loans.
Tenders therefor.
Debentures.
Payment.
Assessment for interest on loan.
48. Sinking fund.
49. District No. 1.
50. Existing arrangements not to be disturbed till first election takes place.
51. Salaries to be fixed by Council.
52. Council to carry out past contracts of Town.
53. Inconsistent law repealed.

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

Incorporation of "Town of Truro."

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

To have all privileges usually enjoyed by Corporations.

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

Boundary of Town.

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

Beginning on the Salmon River at or as far down as the west line of David Fulton's farm, thence southwardly by such line to the rear base line of the long front lots, thence westwardly by such base line to the old Halifax road, thence northwardly on such road to the junction of the road leading to the Lower Village, thence northwardly to the western line of the Truro Cemetery, and continuing the same course west and east to include the Roman Catholic grave-yard till it comes to the Marsh road, thence north or by the line of fence dividing the upper from the lower division of marsh to the Bay, thence up stream of the Bay and Salmon River to the place of beginning.

Division of Town into Wards.

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

Ward Number One.

Ward No. 1.

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

Ward Number Two.

Ward No. 2.

All that portion of the Town lying to the east of such lines and to the west of a line from Salmon River in a south direction through the centre of Logan Street

d Assem-

ro within
ed a body
Town of

perpetual
pleasure,
ed in all
and con-
ersonal, or
ually had

s follows,

far down
ce south-
the long
ne to the
n road to
r Village,
he Truro
west and
ard till it
y the line
ivision of
Bay and

e Wards,

lying to
ion from
et to the
he centre
to Prince
Dominion
ay track
Cown.

he east of
on River
an Street

to the
the cer
to Prin
Inglis
and co
Town ;

All
the line
Logan
the Sou
eastern

5.
six Cot
stitute
payers
ex officio
Town.

6.
of May
thousan
any am

7.
been so
election
Her Ma
who sha
dred an
dollars
hundred
poration
rates th
shall ow
dred dol
rate the
shall be
Council

8.
shall be
day of M
in Coun
until the
elected b
one shal

to the centre of Queen Street, and of a line through the centre of Church Street leading from Queen Street to Prince Street, and of a line through the centre of Inglis Street leading from Prince Street to the railway and continued to the south boundary line of the Town; and

Ward Number Three.

All that portion of the Town lying to the east of Ward No. 3. the line from Salmon River through the centre of Logan Street and Church Street and Inglis Street to the South boundary line of the Town, and west of the eastern boundary of the Town.

5. The Corporation shall consist of a Mayor and Town Council. six Councillors, residents of the Town, who shall constitute the Town Council, to be elected by the rate-payers thereof. Such Mayor and Councillors shall be *ex officio* Justices of the Peace within the limits of the Town.

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

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

8. The first election for Mayor and Councillors Elections, when held, &c. shall be held at any time not later than the first Tuesday of May, A. D., 1878, to be fixed by the Governor in Council. At such election a Mayor, to hold office until the close of the second municipal year, shall be elected by all the wards, and two Councillors, of whom one shall retire at the end of the first year as herein-

after provided, shall be elected by each ward. Subsequent elections shall be held on the first Tuesday of May in each and every year; at each of which one Councillor to hold office for two years shall be elected by each ward, and a Mayor to hold office for one year by all the wards. One Councillor from each ward shall go out of office at the end of each year, but shall be eligible for re-election. The presiding officer to be appointed by the Governor in Council under this section shall give notice of such election for fourteen days by advertisement in a newspaper (if any) published in the Town of Truro, and by handbills posted therein.

Of Retiring
Councillors.

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

Elections, how
conducted.

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

Oath to be taken
by persons
offering to vote

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

Electors to vote
in ward where-
in they reside.

12. Every elector shall vote in the Ward wherein he resides, or, if a resident without the Town and assessed upon property of the required value within the

1. Subse-
Tuesday of
which one
be elected
or one year
each ward
; but shall
ficer to be
er this sec-
rteen days
blished in
therein.

ayor shall
cillors for
the senior
erson elect-
serve shall
the Town.
shall have
e for non-
expiration
previous

ected by a
governor in
ing officer
Succeed-
fficers and
her with a
and place
he case of
ointed by
elections
places in
ous to the

y election
other per-
ualified to
his poor

d wherein
n and as-
within the

Town,
situate
section
so as to
the To

" I,
of Tru
unless
twenty
Lady t
18— I
hundre
dollars
of real
be), an
is in w
voted a
being l

13.
Counci
payers.
Ward
their na
presidi
and in
three
election
shall p
conspic
the el
names
several

14.
in the
they m
be poll

15.
ballot.
contain
partly
elector
office v
each v
specto

Town, shall vote in the ward where such property is situate; and the oath mentioned in the preceding section shall be as follows, to be modified when necessary so as to be made applicable to persons residing without the Town and owning property within the same:—

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

Form of oath mentioned in preceding section.

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

Manner in which candidates shall be proposed.

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

Time of opening and closing polls.

15. The votes shall be given at the election by ballot. The ballot shall be a paper ticket which shall contain in writing or printing, or partly written and partly printed, the name of the person for whom the elector intends to vote, designating on the back the office which the person named inside is intended to fill; each voter shall deliver his ballot folded up to the Inspector. The inspector shall ascertain that the ballot

Vote by ballot, &c.

is single without reading it, and shall then, in the presence of the elector, deposit it without delay in the ballot box.

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

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

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

Penalty.

Ballots exceeding votes. 19. On opening the boxes if it is found that the ballots in any of the boxes exceed the number of votes entered on the poll list, the ballots of that box shall be returned and well mingled, and then the presiding officer shall draw out publicly as many of them without looking at them as equals the excess, and destroy them at once.

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

Declaration.

in the pres-
day in the

the officer
the Mayor
shall be two
separate ballots

names than
No ballot
to which it
a ballot if
it shall be

nor any
present
vote with,
person for
with the
such pre-
offending
since a sum
ed by any
one in such
any person

that the
er of votes
box shall
presiding
without
destroy them

such elec-
at such
after the
each ward
ed by the
recorded at
declaration
lots shall
of every
given for
ficer shall

proce
majo

2

an eq
the p
other
order
herei
siding
poll
and
other
side,
in wr
of th
there

22

public
to po
no vo
then l

23

at an
entitle
in wh
fraudu
voting
one w
offenc
eight
cred i
Court,
be cor
than t

24

of givi
a forge
such a
son as
name a
pay to
forty d
of Tru
shall b

proceed publicly to declare the persons having the majority of votes in their favour to be duly elected.

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

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

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

24. If any person at any election for the purpose Penalty for forgery, &c. of giving a vote shall knowingly and fraudulently offer a forged or altered receipt for his rates and taxes, or such a receipt or certificate belonging to another person as his own, or shall vote falsely under the assumed name and character of any voter, he shall forfeit and pay to the Town not less than eight nor more than forty dollars, to be recovered in the name of the Town of Truro, at the Police Office, and in default of payment shall be imprisoned for not less than one month nor

more than six months, and in every such case shall be incapable of voting or holding office in the Town for seven years next after the offence.

Return of Candidates.

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

Election of Mayor.

26. In the first election of Mayor the presiding officer appointed as aforesaid, in succeeding elections the Council, shall in public cause the return to be read and the votes for each candidate summed up, and the person who has the greatest number of votes in his favour shall be declared to be the Mayor on the day of the election or the day following. In case of an equality of votes for Mayor at the first election, the presiding officer aforesaid, and at succeeding elections the officer presiding in Council, shall by his casting vote decide which of the candidates shall be Mayor.

Result of election to be published.

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

Oaths of Mayor or Councillors.

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

"I, A. B., do swear that I am duly qualified as required by law for the office of ———; that I am seized or possessed as the owner in my own right and for my own use and benefit of real or personal estate, or both, in the Town of Truro, of the value of one thousand dollars beyond the amount of my just debts; and that I have not obtained the same by fraud or collusion to

ase shall be
e Town for

ection shall,
in the case
r appointed
ent elections
ons having
ected, and
return also
number of

e presiding
g elections
to be read
p, and the
votes in his
on the day
case of an
lection, the
g elections
his casting
e Mayor.
Mayor and
ext *Royal*

efore enter-
ectively be
allegiance
ministered
County, or
ace for the
a to these
certificate
ntered by
he oath of

fied as re-
am seized
nd for my
or both, in
usand dol-
nd that I
ollusion to

qual
fully
office
my
filled
take

2

and
and
time
town
the c
ment
cause
of du
comm
inform
tend
health
of th

30

the M
one of
the di
each o
comm
power
ing th
course
out ne
the pe
the ex
shall h
which

Over
auction
measu
and co
shingle
fixing
and fo

The
the am
Over

qualify myself for office, and I swear that I will faithfully perform the duties of ——— while I hold the office, with diligence and impartiality, to the best of my ability. So help me God." The blanks shall be filled up with the name of the office before the oath is taken or subscribed.

29. The Mayor shall be the head of the Council and the head and chief executive officer of the town, and it shall be his duty to be vigilant and active at all times in causing the law for the government of the town to be duly executed and put in force; to inspect the conduct of all subordinate officers in the government thereof, and, as far as may be in his power, to cause all negligence, carelessness, and positive violation of duty to be duly prosecuted and punished, and to communicate from time to time to the Council all such information and recommend all such measures as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort and appearance of the town. Duties of Mayor.

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

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

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

Over the support and regulation of the Public

Schools and the appointment of the teachers, in conjunction with the Superintendent of Normal School as at present exercised, excepting the Provincial Normal School; the support of the Poor; Licensing the sale of intoxicating liquors, fixing all rates of licenses and regulating applications therefor; regulating the assessments; collecting the assessments; the making all contracts relative to matters under their control, which contracts, after having been duly considered by the Council, shall be signed by the Mayor and countersigned by the Clerk. The appointment of all subordinate officers of the town, fixing the amount of their remuneration, and the time and mode of paying them. The returns of assessors and collectors, and the appointing of presiding officers and the regulating of elections; and making and directing the enforcement of regulations for the preservation of the health of the town.

Duties and
powers of
Council.

31. They shall vote, assess, collect, receive, appropriate and pay whatever moneys are required for County assessments—poor, school, and other rates and assessments, and shall have within the Town all the powers relating thereto vested in the Sessions, Grand Jury, School Meeting and Town Meeting; and shall have and exercise within the Town all the powers and authority which within the district, previous to the passing of this Act of Incorporation, were exercised by the Sessions, Grand Jury, Board of Health, or Town or School Meeting or Trustees of School and Public Property. They shall also have the power of enforcing due observance of the Lord's Day, of preventing vice, drunkenness, profane swearing, obscene language, and every other species of immorality in the public streets and roads, and all places within the bounds of such Town; and of preserving peace and good order in such streets and roads, taverns, and other places, and of preventing the sale of intoxicating liquors to Indians, minors and apprentices, and of restraining and punishing all vagabonds, drunkards and beggars, and all persons found drunk or disorderly in any street, road, or public highway in the Town. The imposing of fines on the owners of cattle, horses, swine, geese, and poultry going at large within the limits of the town and the providing of pounds for keeping the same. Also, the providing for any other purpose, matter or thing

thers, in con-
nal School as
ncial Normal
ng the sale of
nses and reg-
the assess-
making all
ontrol, which
ered by the
and counter-
f all subordi-
ount of their
paying them.
the appoint-
of elections ;
nt of regula-
the town.

ve, appropri-
l for County
s and assess-
l the powers
Grand Jury,
l shall have
vers and au-
o the passing
ised by the
or Town or
Public Pro-
of enforcing
venting vice,
nguage, and
ublic streets
nds of such
order in such
aces, and of
to Indians,
and punish-
and all per-
ect, road, or
sing of fines
and poultry
wn and the
Also, the
er or thing

speci
this .
bye-l
dolla
term
defau

3
meet
callec

3.
meet
presic

3-
Treas

ors, C
Super
Collec

assess
Const
Weig
deme
on the

35
declan
theref
of Tre
Licen
rates a
from t

36
specifi

37-
and fr
laws, r
conduc
tion o
touchi
the alt
the lab

or of s
forman
they m
sary fo
and reg

specially subjected to the control of the Council under this Act or by any law or bye-law of the Town, but no bye-law shall impose any penalty exceeding eighty dollars, and the Council may by a bye-law impose a term of imprisonment not exceeding six months in default of payment of such fine.

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

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

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

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

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

37. The Council shall also have power to make, and from time to time to alter and repeal, all such bye-laws, rules and regulations as may be necessary for the conduct and good order of their proceedings, the direction of the Town Clerk and all other officers, and touching all matters within their authority, including the altering, limiting or modifying the mode in which the labor on the streets and roads shall be performed, or of substituting assessment in lieu thereof of the performance of labour on the said streets and roads as they may judge proper, and shall make all rules necessary for the creating and for the conduct, management and regulation of the Police and Municipal Court of Council to make and repeal Bye-laws.

the Town, and for the regulating the mode of assessment, and of levying the same, and shall also make all regulations necessary for holding elections to supply vacancies occurring within the year in the office of Mayor or Councillors, which rules, bye-laws and regulations, when approved of by the Governor in Council, shall have the force of law.

Of Town Property.

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

Town to be separate school section.

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

Auditors, their duties, &c.

40. The Council shall annually appoint two auditors. No one who during the preceding year shall have been a member of the Council, or a contractor or officer appointed by the Council (except an auditor) shall be eligible. The auditors shall examine and report upon all accounts affecting the Town or relating to any matter under its control or within its jurisdiction for the year preceding their appointment. The auditors shall prepare an abstract of the receipts, expenditures and liabilities of the town, and also a detailed statement of such particulars, in such form as the Council shall direct, and shall report in duplicate on all the accounts audited by them, and shall file such report in the office of the Clerk of the Council within one month after their appointment, and thereafter one copy shall be open to the inspection of any rate-payer at all seasonable hours, and he may by himself or his agent at his own expense take a copy thereof or extract therefrom.

On report of Auditors Council to pass accounts.

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

...e of assess-
...so make all
...s to supply
...e office of
...s and regu-
...in Council,

...erty real and
...all be public
...in any way
...of this Act,
...own.

...Town shall
...within the
...n shall have
...d within its
...also of all
...hools, which

...t two audi-
...r shall have
...cor or officer
...cor) shall be
...report upon
...to any mat-
...tion for the
...ditors shall
...ditures and
...statement of
...ouncil shall
...he accounts
...in the office
...h after their
...l be open to
...nable hours,
...own expense

...port of the
...accounts of
...nts against
...s not regu-
...allow what

42.
auditor
statem

43.
orderin
hands

44.
Public
holden
to the
as the
accoun
called
report
Town,
and sh
improv
approx
require
the cou
and th
same, f
and sh
to mee
improv
the ma
Counc
law im
pendit
amount
Town,
the int

45.
ered, u
presen
tures u
more o
Town
of rais
proper
or the
proven

46.
of not

42. The Town Clerk shall print and publish the auditors' abstract, and shall also publish the detailed statement in such forms as the Council shall direct. Auditors' statement to be published.

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

44. The Council shall, in each year, convene a public meeting of the rate-payers of the Town, to be holden at such time not later than one week previous to the annual election of Councillors, and at such place as the bye-laws may designate, at which meeting the accounts of the year as audited shall be produced if called for, and the Council shall through the Mayor report to the meeting the state and condition of the Town, and the efficiency of the several departments, and shall recommend to the meeting any proposed improvements and alterations, and shall furnish an approximate estimate of the expenses of all kinds required to be incurred for the current year, including the county rates of the Town for the incoming year, and the amount required to be raised to defray the same, for which sum the incoming Council shall assess, and shall also recommend any additional sum required to meet any contemplated extraordinary services or improvements, and the rate-payers may by a vote of the majority present affirm such expenditure, and the Council shall at their next ensuing meeting pass a bye-law imposing a rate to meet such extraordinary expenditure so affirmed, or shall raise the required amount by the issue of bonds or debentures of the Town, and by assessment make provision for meeting the interest. Annual meeting of rate payers. proceedings at next.

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

46. Such debentures shall bear interest at the rate of not more than seven dollars by the hundred by the Debentures interest.

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

Water supply. 47. The Council are hereby authorized and empowered to take all necessary measures for the introduction in to the Town of Truro of a supply of water for fire and domestic purposes.

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

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

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

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

Payment. The principal moneys of such loan shall be paid to the lenders at periods to be expressed in said debentures not less than ten years nor more than twenty years from the date of the loan, but the Town may at its option pay off such debentures in whole or in part, at the end of the first five years, and after that period

deemable at
res not less
years from
ot be issued
each. The
e respective
at liberty to
the expira-
upon giving
entures shall

ed and em-
or the intro-
ply of water

hat purpose
nd revenues,
ot to exceed

in portions
ide.
vertised in a
two or more
at least one
lowest rate of
may sell the
the highest

n in sums of
entures with
Town, signed
uncillors, and
ble to bearer,
nterest to be
transferable
ill be paid to
e being pre-

ill be paid to
n said debent-
than twenty
Town may at
le or in part,
r that period

at any
Such d

The
erty of
and sha
authori

48.
of the
the iss
for form
or deb

49.
lying o
as here
and all
Poor d
and R
be still

50.
lors tak
existing
County
of Tru
the ass
present
and col
Section
not be
notwith

51.
Stipend
of all o
by the
time as

52.
gagem
and sha
heretof
Town c
ment o

53.
law, reg
of Col
repeale

at any time on six months' notice given to the holders. Such debentures shall be free from municipal taxation.

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

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

49. All that part of Polling District number one lying outside of the boundary of the Town of Truro, as hereby incorporated, shall, for all county purposes, and all that part of said district not included in the Poor district, or settlements of Brookfield, Greenfield and Riversdale, shall for all town and poor purposes be still considered and known as district number one. District No. 1.

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

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

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

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

TITLE II.

CHAPTER 48. 38 VICTORIA.

An Act to enable the Trustees of a School Section in the County of Colchester to Borrow Money.

(Passed the 6th day of May, A. D. 1875).

SECTION.

1. School Trustees at Truro may borrow money, &c.
2. Tenders therefor.
3. Debentures.

SECTION.

4. Amounts required for payment, how raised.
5. Town of Truro, if incorporated, to assume liability, &c.
6. Proceedings legalized.

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

School Trustees at Truro may borrow money, &c.

1. The Trustees of School Section No. 41, A., Truro, in the County of Colchester, may borrow on the credit of the property of such School Section, and the security of this Act, a sum not exceeding ten thousand dollars, for the erection of a school-house in such Town, and shall repay the same to the lenders in ten equal annual instalments, with interest, at a rate not exceeding seven per cent. per annum, such interest to be paid half-yearly.

The loan may be obtained at once, or in portions from time to time as the Trustees require the same to pay for such school-house.

Tenders therefor.

2. Tenders for the money shall be advertised for in a newspaper, if any, published at Truro, and in two newspapers published at Halifax, for at least one month; and the tenders expressing the lowest rate of interest shall be preferred.

Debentures.

3. The Trustees shall give to the lenders debentures for the amount of loans, in the form in Schedule A to this Act.

Amounts required for payment, how raised.

4. The amount annually required by such School Section for the payment of such debentures shall be added to the amount required for the support of Schools in such section, in each year; and the same shall be assessed, levied and collected, as school rates are assessed, levied and collected. Should the amount to meet the payment of such debentures not be as-

ction in the
ney.

for payment, how
incorporated, to
cc.
ed.
il and As-

No. 41, A.,
borrow on
Section, and
g ten thou-
use in such
nders in ten
a rate not
interest to

in portions
the same to

advertised for
and in two
least one
west rate of

nders debent-
in Schedule

such School
res shall be
support of
d the same
school rates
the amount
not be as-

ses
Co
suc

sur
to
car
in t
Th
sig
cou
sha

pay
of t
eigl
the
and
may
prov
Pub

of C
of t
afor

date

day

sessed, collected and paid at maturity, the Supreme Court of Nova Scotia, on application, shall amerce such school section for the amount due.

5. The Town of Truro, if incorporated, shall assume and pay all liabilities incurred under this Act up to and at the time of incorporation, and shall also carry out the provisions and requirements of this Act, in the manner herein enjoined upon such school section. The debentures in case of such incorporation shall be signed by the Mayor and one of the Council, and countersigned by the Town Clerk of such Town, and shall be debentures of the Town.

Town of Truro if incorporated to assume liability, &c.

6. The proceedings of the meeting of the rate-payers of such school section, number 41, A., Truro, of the ninth day of May, A. D., 1874, and of the twenty-eighth day of September, in the same year, authorizing the erection of such school-house, are hereby legalized and confirmed, notwithstanding that such meetings may not have been called in strict accordance with the provisions of Chapter 32, of the Revised Statutes, "Of Public Instruction."

Proceedings legalized.

SCHEDULE A.

School Section number 41, A., Truro, in the County of Colchester, will pay at the office of the Secretary of the Trustees of such School Section, at Truro, aforesaid, to the holder thereof, the sum of
 dollars, in years from this
 date, with interest payable half-yearly, at the rate of
 per cent. per annum.

Dated at Truro, this }
 day of A. D., 187 }

} Trustees of
 } School Section,
 } No. 41, A.

TITLE III.

1876.

CHAPTER 49.

39 VICTORIE.

An Act to amend the Act to Incorporate the Town of Truro.

(Passed the 4th day of April, A. D., 1876.)

SECTION.

1. Municipal Courts.
2. Offices of Recorder and Stipendiary Magistrate may be filled by one and the same person, &c.
3. Courts to have seal.
4. Fines, costs, &c.
5. Jurisdiction of Town Court.
6. Practice in Town Court.

SECTION.

7. Affidavits.
8. Jurisdiction of Police Court.
9. Police Court to sit daily.—Proviso.
10. Administration of Police.—Proviso.
11. Appeals.
12. Action for recovery of fines, &c.
13. Bye-laws of Town confirmed. Schedule.

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

Municipal Courts.

1. The Municipal Courts of the Town of Truro incorporated by Chapter forty-seven of the acts of eighteen hundred and seventy-five shall be, a Court for the trial of Civil Causes, known as the Town Court, to be presided over by the Recorder or Stipendiary Magistrate, and a Court for the transaction of all Police and Criminal business of the town, known as the Police Court, to be presided over by the Recorder, Mayor or any Councillor, the Town Clerk shall be and act as the clerk of such courts.

Offices of Recorder and Stipendiary Magistrate may be filled by one and the same person, &c.

2. The offices of Recorder and Stipendiary Magistrate of the Town may be filled by one and the same person, appointed by the Mayor and Council. He shall be a Justice of the Peace and a Barrister of at least three years standing. In case of the temporary absence of the Recorder from the Town, or of his inability through sickness or otherwise to perform his duties, the Council may appoint a suitable person to fill such office during his absence or incapacity.

Courts to have seal.

3. Such Court shall have a seal of such form and design as the Recorder shall adopt ; and all writs, process and other proceedings shall be signed, sealed and issued by the Town Clerk, and shall be directed to the Police Constable or to any Constable of the County of Colchester.

Fines, Costs, &c.

4. All fines, costs and fees shall go to form a fund out of which the salary of the Recorder and the ex-

VICTORIA.

Town of Truro.

(1876.)

Police Court.
to sit daily.—Proviso.
of Police.—Proviso.

covery of fines, &c.
own confirmed.

ouncil and As-

Town of Truro
of the acts of
be, a Court for
Town Court, to
or Stipendiary
on of all Police
n as the Police
rder, Mayor or
and act as the

endiary Magis-
and the same
Council. He
Barrister of at
the temporary
n, or of his in-
to perform his
able person to
capacity.

such form and
d all writs, pro-
ced, sealed and
directed to the
of the County

to form a fund
r and the ex-

penses
shall be
any bal
shall be

5. T
zance a
way wit
tractu, i
arisen w
of actio
are bala
stated a
contract
reduced
and who
amount
ment in
and sla
ex delict
building
of poss
the caus
the tow
do not c
and pos
municip
the Pea
Act of t
sable or
have po
without
from th
boundar
writs an
and to c
in any p
and by
to adjud

6. T
civil cau
month,
may sit
causes o
and St

penses of the Court shall be defrayed, any deficiency shall be paid out of the general funds of the town, and any balance remaining after defraying such expenses shall be paid into the general funds of the town.

5. The Town Court shall have jurisdiction, cognizance and power to try and determine in a summary way without a jury, all civil actions or dealings *ex contractu*, in which the whole cause of action shall have arisen within the Town of Truro, and in which the cause of action does not exceed eighty dollars, or where there are balances not exceeding eighty dollars upon accounts stated and settled previous to suit, and all such civil contracts, where the amount originally due has been reduced to eighty dollars or less by payment of cash, and when the defendant shall prove an offset of greater amount than the plaintiff has proved, may give judgment in favor of the defendant for the balance due him; and shall try in a summary way, without a jury actions *ex delicto* in the nature of replevin, trespass, to land or buildings or other real estate, in which the title or right of possession is not the object of controversy, provided the cause of such action originated within the limits of the town, and the damages claimed in any such case do not exceed sixty dollars. Such Court shall have and possess all the powers in civil matters within the municipality conferred upon one or more Justices of the Peace or Stipendiary or Police Magistrate by any Act of the Province of Nova Scotia, or hitherto exercisable or held by them or him; and such Court shall have power whenever a defendant in any suit resides without the limits of the town, or is temporarily absent from the municipality, but resides or is within the boundaries of the County of Colchester to issue its writs and processes of every description against him, and to cause the same to be duly served and executed in any part of such county by the officers of such Court, and by any constable of the County of Colchester, and to adjudicate upon the same.

Jurisdiction of
Town Court.

6. The Town Court shall be holden for the trial of civil causes on the first and third Tuesdays of every month, beginning at ten o'clock in the forenoon, and may sit by adjournment from day to day until all the causes on the lists for trial are called. The Recorder and Stipendiary Magistrate shall, until otherwise

Practice in
Town Court.

directed by the Council, frame and make all rules, orders and regulations, respecting the practice in the Town Court for the trials of civil causes, and shall make order and declare, adopt and from time to time vary and alter the various writs, processes and forms to be used by the Municipal Courts, together with a tariff of costs, charges and fees, such fees not to exceed the scale of fees in the schedule to this Act. In all undefended civil causes in the Town Court where the defendant has been duly served with process and fails to appear at the time and place named in the summons for his appearance, the Court shall be at liberty to give judgment for the plaintiff upon proof of his claim. The party succeeding shall, in all civil cases, be entitled to his costs.

Affidavits.

7. The Mayor, Recorder, Town Clerk or any Councillor shall have power to take any affidavit required before the issuing of a Capias and all other affidavits required by the practice of such Town Court.

Jurisdiction of Police Court.

8. The Police Court shall have an exercise within the bounds of the Municipality, all the powers and jurisdiction in criminal matters, conferred upon one or more Justices of the Peace or Stipendiary or Police Magistrate by any Act of this Province, or of the Dominion of Canada or hitherto exercisable or held by him or them.

Police Court to sit daily.

9. The Police Court for the trial of Criminals shall sit every day if occasion require, beginning at ten o'clock in the forenoon, and shall continue until all the cases are disposed of; provided that the Stipendiary Magistrate, Councillor or person presiding may continue any complaint for such time as may be necessary.

Proviso.

Administration of Police.

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

make all rules,
the practice in the
s, and shall make
ne to time vary
and forms to be
her with a tariff
ot to exceed the
ct. In all unde-
Court where the
process and fails
l in the summons
be at liberty to
roof of his claim.
cases, be entitled

n Clerk or any
any affidavit re-
as and all other
uch Town Court.
n exercise within
the powers and
red upon one or
adiary or Police
ce, or of the Do-
sable or held by

ial of Criminals
re, beginning at
continue until all
at the Stipendi-
presiding may
me as may be

within the town,
corporation are
nd the Stipendi-
cillors in rotation
by the Council.
ne suitable time
rform every act
f the Peace, Sti-
y for the appre-
punishment of
o effect the laws

in force
town, an
powers
Court ;
at all tim
the Rec
nothing
the pow
Magistr
Stipend
and shal
Mayor a

11.
in civil o
the Sup
in his ab
be allow
satisfied
and tha
purpose
Town C
ten day
two suff
of the j
shall en
or Appe
the Cou
and all o
or rende
first day
the judg
sequentl
the Tow

12.
fines an
ordinanc
either in
not othe
the Tow

13.
Truro, a
third da
sand eig
the sam

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

11. The Courts on the application of either party in civil cases shall grant appeals from their decision to the Supreme or Appellate Court, but the appellant or in his absence his agent shall, before the appeal shall be allowed, make an affidavit in writing that he is dissatisfied with the judgment and feels aggrieved thereby, and that such appeal is not prosecuted solely for the purpose of delay, and shall file such affidavit with the Town Clerk, and the party so appealing shall, within ten days after the judgment, enter into a bond with two sufficient sureties in a penalty double the amount of the judgment, with a condition that the appellant shall enter and prosecute his appeal in the Supreme or Appellate Court, and shall perform the judgment of the Court, and shall pay the amount of the judgment and all costs of the Supreme Court or Appellate Court, or render the body of the appellant, or shall before the first day of the term of such court pay the amount of the judgment, together with all the costs thereon subsequently accruing, which bond shall be prepared by the Town Clerk.

12. Actions and prosecutions for the recovery of fines and penalties for violations of any bye-law or ordinance of the town, may be brought and prosecuted either in the Town Court or Police Court, and when not otherwise directed shall be brought in the name of the Town of Truro.

13. The bye-laws and ordinances of the Town of Truro, approved by the Governor in Council on the third day of August, in the year of our Lord one thousand eight hundred and seventy-five, except so far as the same are amended by this Act, are hereby con-

firmed as the bye-laws of such town, and may be acted upon and enforced as if the same were enacted and published with and as part of the Act of Incorporation of such town. The Mayor and Council of such town shall have power to make other bye-laws, and from time to time to alter and repeal any of such bye-laws and ordinances, and such additions, alterations and amendments shall, when approved of by the Governor in Council, have the force of laws. Provided that all such bye-laws heretofore so passed and approved, or which shall be hereafter so passed and approved, shall not be inconsistent with the provisions of this Act, or of the Act hereby amended or any other express law within this Province.

Schedule.

SCHEDULE.

COSTS AND FEES IN TOWN COURT.

Each summons and capias,	\$0.50
All affidavits for capias and other necessary affidavits and swearing, each.	0.20
Subpœna,	0.20
Tickets,	0.10
Swearing each witness,	0.10
Trial and judgment, cause of action over \$40,	1.00
" " " " " " under \$40,	0.50
Rules for continuance, better particulars and other necessary rules,	0.20
Appeal Bond,	0.50
Transmitting papers on appeal,	0.20

CONSTABLE'S FEES.

Serving summons and capias and making return, &c.,	0.20
Bail bond,	0.20
Serving subpœna,	0.20
Serving execution and return,	0.20
Poundage on execution, sale of goods for each \$4,	0.10
Where money paid for each \$4,	0.05
All travelling on service of summons, capias, execution and subpœna, &c., to be travel actually and necessarily performed by Constable, commencing at Town Clerk's office, Truro, and ending at the place of service—per mile,	0.10

may be acted
enacted and
incorporation
of such town
s, and from
each bye-laws
provisions and
the Governor
provided that all
approved, or
approved, shall
this Act, or
express law

RT.

..... \$0.50
..... necessary
..... 0.20
..... 0.20
..... 0.10
..... 0.10
..... \$40,.... 1.00
..... over \$40.. 0.50
..... rs and
..... 0.20
..... 0.50
..... 0.20

making
..... 0.20
..... 0.20
..... 0.20
..... 0.20
..... each \$4,.. 0.10
..... 0.05
..... pias, ex-
..... ce travel
..... rmed by
..... n Clerk's
..... place of
..... 0.10

Affidav
Warrant
Service
Judgme
Warrant
Subpen
Recogn

187

**An Act
Te**

SECTION.

1. Teacher

Be
sembly,

1.
Normal
teacher
exempt
taxes o
Truro ;
all rates
same m

2.
with th
of Truro

COSTS AND FEES IN POLICE COURT.

Affidavit,.....	\$0.20
Warrant or Summons,.....	0.50
Service of Process,.....	0.25
Judgment,.....	0.20
Warrant of Commitment,.....	0.20
Subpcena,.....	0.10
Recognizance,.....	0.60

TITLE IV.

1876. CHAPTER 50. 39 VICTORIE.

An Act to amend the Law respecting the Assessment of Teachers so far as regards the Town of Truro.

(Passed the 4th day of April, A. D. 1876).

SECTION.

1. Teachers not to be exempt from taxes.

SECTION.

2. Inconsistent law repealed.

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

1. Hereafter the Principal and Teachers in the Normal and Model Schools, the Inspector and licensed teachers, and persons employed as such, shall not be exempt from assessment for or payment of rates or taxes of any kind whatsoever within the Town of Truro; but they shall be assessed and held liable for all rates and taxes assessable within such town in the same manner as other inhabitants of such town.

2. So much of the existing law as is inconsistent with this Act is repealed, so far as regards the Town of Truro.

PART II.

BYE-LAWS AND ORDINANCES

OF THE

TOWN OF TRURO.

No. I

THE TOWN SEAL.

SECTION.

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

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

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

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

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

For affixing the Seal to any document to be used out of the Province,.....	\$2.50
If to be used within the Province,.....	1.50
If to be used within the Town.....	1.00
For the Seal to any certificate,.....	1.50

6. *The assessment rolls of the Town, and also petitions for Licenses for the sale of Intoxicating Liquors, shall be open for the inspection of any rate-payer of the Town, free of charge. Any other public document of the Town, including petitions, reports, or other documents, on file in the office of the Town

ANCES

of suitable
the Council

is a party, and
by the Town
the same, and
any law, bye-
or resolution

ertificate or doc-

e affixed to any
thentication or
ees:—

o be
..... \$2.50
..... 1.50
..... 1.00
..... 1.50

and also petitions
rs, shall be open
n, free of charge.
cluding petitions
ice of the Town

Clerk,
Town,
and an
any su
afores
of ten

SECTION

1.
the Fi
Janua
of the
ings o
two d
be call
at a sh
ing, an
of the

2.
shall f

3.
the sa
which
one ho

4.
the mi
when
after v
shall b

5.
moved

6.
be wit

7.
case o
casting

8.
decoru
appea
and se

Clerk, shall be open for the inspection of any rate-payer of the Town, upon the payment of a fee for a search of twenty cents; and any rate-payer of said Town shall be entitled to a copy of any such License and Petition or other document on file as aforesaid, on payment to the Town Clerk therefor of the sum of ten cents for every folio of ninety words.

No. II.

THE TOWN COUNCIL.

SECTION.

1. *The Quarterly Meetings of the Council shall be held on the First Tuesdays of the months of April, July, October and January, in each year, all meetings to be open to the rate-payers of the Town.* Written notices for the quarterly and other meetings of Council shall be sent to the Mayor and each Councillor two days previous to the meeting. Emergency meetings may be called by the Mayor or Presiding Councillor, when necessary, at a shorter notice. Notices shall state place and time of meeting, and shall be left at the dwelling house or place of business of the party notified.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4th—A motion to postpone the question indefinitely.

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

6th—A motion to adjourn.

7th—Or the previous question.

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

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

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

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

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

18. Any member called to order by the chair shall sit down at once, but may, by leave of the chair, afterwards rise to explain.

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

address the

or motion

be laid on
subsequent
ted, at the
il shall by

e, no other
ided, unless

olution.

committee.

the future day

ely.

question or
the division.

of adjourn-
made during

the question
al reflections

en, shall vote
good grounds

the transaction
or presiding

shall sit down
ise to explain.

of the Mayor.

ters which it

their considera-

lay, a copy of

of the mem-

r or Presiding

20.
may be
meeting

1st-
2nd
3rd
tained
of which
adjourn
4th
5th
6th
7th
given o
8th
commi
9th
10th

21.
the ele

1.-
2.-
3.-
4.-
5.-
6.-
7.-
8.-

22.
motion

23.
and sig
is a dif
concur
writing
by all o

24.
passed.
before
or re-c

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

1st—Reading minutes of previous meeting.

2nd—Motion to amend the minutes.

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

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

5th—Receiving any petitions.

6th—Ordering the payments of accounts.

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

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

9th—Discussing any petition.

10th—Miscellaneous business.

COMMITTEES.

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

1.—Committees on Public Accounts and Finances.

2.—“ Tenders.

3.—“ Schools.

4.—“ Licenses.

5.—“ Roads, Streets and Public Property.

6.—“ Auditing.

7.—“ Police.

8.—“ *Water Works.*

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

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

24. Notices for rescinding or re-considering any resolution passed, must be given on the day of the resolution being passed, before adjournment, and no resolution passed shall be rescinded or re-considered when such notice has not been given, and no

such notice shall have the effect of delaying or impeding the action necessary to give effect to any resolution unless the Council shall otherwise order.

No. III.

ASSESSMENT.

SECTION.

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

2. The objects to be provided for by the assessments shall include the salaries and compensation to the officers of the Town, County rates, the support of the Poor, the support of the Schools, the expenses of the Fire Department, the Town Court, civil and criminal; making, repairing and improving the roads, streets, lanes and bridges of the Town; providing Town Buildings, and opening up new Streets, for the care of property, the expense of the Police, extra constables and night watch, and the interest money required to be raised on all debentures issued by the Council, on behalf of or for the Town, and all expenses required in the due execution of the different powers and trusts vested by law in the Corporation, its Mayor, Council and Officers *including keeping Water Pipes in repair, additional Hydrants as required, and Lighting streets.*

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

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

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

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

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

eding the
unless the

itants, and
e necessary

ments shall
f the Town.
he Schools,
t, civil and
ads, streets,
ldings, and
expense of
he interest
ued by the
ses required
es vested by
rs *including*
as required.

not being a
continue in
the Council.
-payer from
s respective

n one week
as they shall
oath in the
lor, to faith-
and make a
e respective

their contin-
their services

lect or refuse
y, shall pay a

8.
years a
pay an
an ora
party
as othe

9.
subject

1st
Majes

2nd
the pr
ation,
Deber

3rd
Provin

10
held t
affixe
to any

11
be hel
horses
ments
and s
in the
all sta
suran
withi
of ha
incom
wheth
other
both
or ve
mater
are in

12
the o
party
occup
again
both
case

8. Every male resident of the Town, of the age of eighteen years and upwards, *except apprentices articulated to tradesmen*, shall pay an annual poll tax of two dollars, *which may be collected as an ordinary debt, in the Town Court, or in any other Court, if the party may have removed from the Town, or by warrant of distress, as other taxes are collected.*

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

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

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

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

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

11. The term personal property and personal estate shall be held to include all household furniture, goods, chattels, wares, horses, cattle and farming stock and implements, and implements of trade, and one-half of the value of all ships or vessels, and shares in ships or vessels owned by parties doing business in the Town, whether the same be at home or abroad, *including all stocks of public or private banking companies, or marine insurance companies, or agencies of such companies doing business within the Town. The stock of such agencies shall be rated as if holding \$100 of property for every ten dollars net annual income or profit derived from their business done at such agency, whether the profits of the year are declared or reserved*, and all other property except land; and the term property shall include both real and personal property. Provided always that all ships or vessels in course of construction, all timber, plank, and other materials necessary for, and in the yard where such ships or vessels are in course of construction, shall be free from assessment.

12. All lands shall be assessed in the name of and against the occupant, and in the case of occupied lands owned by a party known or residing or doing business in the Town, but occupied by another party, shall be assessed in the name of, and against both the owner and the occupant, inserting the name of both on the roll, with the word "owner" or "occupant" as the case may be, and notifying both, as hereinafter provided, and

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

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

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

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

16. The Town Assessors, assisted by the Ward Assessors in their respective wards, shall prepare an assessment roll of each ward, wherein shall be set, in separate columns, the names and surnames, as far as the same can be ascertained, of all taxable parties in said wards, distinguishing residents of the Town from non-residents, together with the description and extent or amount of property assessable against each, and in a separate column all the particulars mentioned in the Appendix, Schedule A, and shall deliver the same, signed by the Town Assessor and also by Ward Assessors for the respective wards, to the Town Clerk, as soon as practicable after making the assessment.

17. Every party holding assessable property in the Town, either in his own right or as an executor, administrator, trustee, guardian or agent, the agent or any partner of a firm, the secretary or manager of any joint-stock company, *and also the manager, cashier, agent or secretary of any public or private banking company or marine insurance company, or of the agencies of any such company or association doing business in the Town*, shall, when required by the Town or Ward Assessor, deliver to them a statement in writing, signed by such party, or in case of his

from any
case against
owner and
tenant, against
or occupied
by the owner
accordingly.

incorporated or
held in the
individuals is
incorporated
treated as an

partnership shall
and notice to
and sufficient.
control of any
guardians or
of minors,
rights exercis-
ed shall be
and personal

ward Assessors
assessment roll of
the names
of all taxable
in the Town from
the amount
in the column all
Schedule A, and
and also by
Town Clerk, as

in the Town,
administrator, trustee,
or firm, the secre-
*also the man-
agement of any
in the Town, shall,
deliver to them
in case of his*

absenc
the pr
official
any su
statem
shall f
to be r
Town,
cost of
the Co

18.
from t
quiry
withsa
amoun

19.
execut
on suc
and su
such r
Treas
shall b
and th
in case
of suc
the Co
levied
for suc
if any
last pl

20.
the ye
case o
law, th
be du
enforc
first su

21.
leave,
the to
before
shall t
notice

absence, by his agents, containing all the particulars respecting the property assessable against such party, in his private or official capacity, which are required in the assessment roll, and any such assessable party refusing or neglecting to give such statement when required, or knowingly giving a false statement, shall forfeit a sum not less than ten or more than thirty dollars, to be recovered in the name of the Town, and for the use of the Town, and in default of payment of such sum, together with the cost of prosecution, the party shall be liable to imprisonment in the County Jail for a period not exceeding ten days.

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

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

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

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

and the sums at which his personal property shall have been assessed by them.

22. The Town Clerk shall, on the receipt of the assessment roll of each ward from the Assessors, make a copy thereof, arranged in the alphabetical order of the surnames, and shall post such copy in his office for fourteen days, for the inspection of any rate-payer of the Town; *and shall give notice that such roll is posted for one week in a newspaper published in the Town*; and any rate-payer, or firm, or company, who shall think himself or themselves not legally entitled to be rated, or that he or they are overcharged on said roll, may, within such fourteen days, but not after, give notice in writing to the Town Clerk that he appeals from such rate, either in the whole or in part, and shall, in such notice, state the grounds of his objection to such rate.

23. The subject matter of such appeal shall be tried by a Court, to be composed of three members of the Council (to be appointed by the Council) and the Recorder, who after hearing the complaint, and the Assessor and Assessors, and any witnesses adduced by or on behalf of either of them under oath, shall determine the matter, and either confirm, modify or amend the roll accordingly, and if the party appealing shall fail to appear, the Court shall proceed *ex parte*; and if any elector of the Town shall deem that any party has been assessed too low, or has been omitted from said roll, the Clerk shall, at the request of the elector in writing, give notice to the party, and to the assessor or assessors, of the time when the matter will be tried by the said Court, and the matter shall be decided in the same manner as complaints by a party assessed, and the roll, as finally passed by the Court, and certified by the Clerk as so passed, shall be valid, and shall bind all parties concerned, notwithstanding any defect or error committed in or in regard to said roll. *The said Court of Appeal shall also have power, and it shall be their duty, when a property shall have been assessed in the name of a person, who is not the proper owner or occupier, to transfer the assessment to the proper owner or occupier; when any property has been assessed more than once for the same general assessment, to strike out such as shall be improper or illegal; to correct any clerical errors made by the assessors in any assessment.*

24. The Clerk shall post up in the Town Hall, or his office, or such other place in the Town as the Mayor shall direct, a list of all complainants on their own behalf against the Assessors' return, and of all complaints on account of the assessment of other parties, stating the name of each with a concise description of the matter complained against, together with the time

have been

assessment
thereof, ar-
shall post
jection of
at such roll
own; and
himself or
or they are
days, but
k that he
and shall.
ch rate.

tried by a
ncil (to be
ter hearing
y witnesses
oath, shall
amend the
to appear.
f the Town
low, or has
quest of the
the assessor
by the said
manner as
ally passed
ed, shall be
tanding any
. *The said*
be their duty.
of a person,
the assessment
ty has been
ent, to strike
any clerical

or his office,
direct, a list
e Assessors'
assessment of
cise descrip-
with the time

when t
may be
as per
place o
the To
or left
meeting
place o

25.
than th
the Co

26.
ever pr

27.
Town
make c
purpos
ance in
which r
non-res
the Co
or rates
propert
sufficie
estimat

28.
be calle
may be
of each
assesse
and th
roll, aft
the Co
and se
chargea
and ap
for tha

29.
by the
Town s
their ag
dix A,
be mai

when the Court will be held to hear such complaint, which list may be in the form given in the Appendix A, Schedule B. Notice as per form in the Appendix A, Schedule C, shall be left at the place of residence or business of the complainant, if resident of the Town, and if non-resident shall be mailed to their address, or left on the premises assessed, at least five days before the meeting of such Court; like notice shall also be delivered at the place of business or abode of the assessors.

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

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

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

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

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

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

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

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

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

the amount
in case of
address, or
as shall
Council, the
with *two*
expenses
the goods
to pay the
, wherever
also make
of said non-
said non-
d, and the
fe-keeping.
asurer the
ceipt of his
t, from the

med within
at auction
ses of sale,
conspicuous
e paid over

dent of the
assessment,
ny balance
n Treasurer
one-half per
n, as in the
the roll and
vide evidence

y either resi-
option, sue
half per cent.
y balance un-
sue for any
A certificate
s, under the
office of the
a lien on the
t has passed.

34.
whose
way
Town
debtor

35.
arre
bankru
Treasu
compro
may ap

36.
Town
or prej
levied
of any
affect t
assessm

37.
the tax
the part
been pa
and un
judgme
can be r

SECTION.

1.
the Stip
by the M
as clerk

2.
office of
Justice o
at the E
Recorder
and Rec
Council
of either
appoint

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

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

36. *No error, informality or irregularity on the part of the Town Council, the assessors, or other Town officers, shall affect or prejudice the validity of any general assessment made and levied in such Town. The invalidity, illegality or irregularity of any individual rate or assessment shall not extend to or affect the general assessment, or any other individual rate or assessment.

37. *In any suit pending in any court for the collection of the taxes of the Town, the Treasurer's certificate, in writing, that the party appears on the assessment roll and the rate has not been paid, shall be presumptive evidence of the rate being due and unpaid, and shall be sufficient to entitle the Town to a judgment without further proof, unless a good and just defence can be made thereto.

No. IV.

MUNICIPAL COURT.

SECTION.

1. There shall be a Municipal Court, to be presided over by the Stipendiary and Police Magistrate, or as hereinafter provided by the Mayor or one Councillor, and the Town Clerk shall act as clerk thereof.

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

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

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

5. The Municipal Court shall have jurisdiction, cognizance and power, to try and determine in a summary way, without a jury, all civil actions or dealings *ex contractu*, in which the whole cause of action shall have arisen within the Town of Truro, and in which the cause of action does not exceed Eighty dollars, and for all balances not exceeding Eighty dollars, upon accounts stated and settled previous to suit, and all such civil contracts, where the amount originally due has been reduced to Eighty dollars or less by payment of cash, and when the Defendant shall prove an off-set of greater amount than the Plaintiff has proved, may give judgment in favor of the Defendant for the balance due him ; and shall try in a summary way, without a jury, actions *ex delicto* in the nature of replevin, trespass to land or building, or other real estate, in which the title or right of possession is not the object of controversy, provided the cause of such action originated within the limits of the Town, and the damage claimed in any such case do not exceed Sixty dollars. No civil suit, for any debt or dealing, in which the whole cause of action shall have arisen in the municipality, shall be brought to any other court, except by way of appeal to the Supreme or County Courts. Provided, that if the Plaintiff or Defendant in such suit does not reside within the Town of Truro, the same may be sued, defended or tried in any court having jurisdiction.

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

7. The administration of Police within the Town, and all the executive powers of the corporation, are vested in the Mayor

l be from

and, out of
Recorder,
deficiency
ny balance
e paid into

cognizance
without a
the whole
Truro, and
dollars, and
n accounts
l contracts,
to Eighty
endant shall
has proved.
the balance
jury, actions
or building.
possession is
such action
age claimed
civil suit, for
action shall
to any other
ounty Courts.
suit does not
aed, defended

se, within the
urisdiction in
istices of the
ny Act of the
to exercisable
for the trial of
ommencing at
causes are dis-
rate or person
time as may

Town, and al
l in the Mayor

and
and
the
suit
act a
iary
mita
carr
bye-
the p
prov
the
pend
deem
a Po
pend
atten
cillon
8.
cause
men
day t
TH
wise
and n
for th
adop
procc
with
procc
Clerk
all u
fenda
mons
judg
oath
civil

SECT
1.
a Po
of th

and Councillors, and the Stipendiary Magistrate. The Mayor and Councillors in rotation, according to a Roster, to be by the Council prepared, shall attend at the Police Office, at some suitable time and times to be named, and shall perform every act appertaining to the office of Justice of the Peace, Stipendiary or Police Magistrate, necessary for the apprehension, comital, conviction and punishment of criminal offenders, and for carrying into effect the laws in force and the ordinances and bye-laws of the Town, and shall have and exercise all and every the powers vested in the criminal side of the Municipal Court, provided that the Mayor or Councillor shall at all times have the power of calling to his assistance the Recorder and Stipendiary Magistrate, and that nothing herein contained shall be deemed to abridge the power of the Stipendiary Magistrate as a Police Magistrate, and that by order of the Council the Stipendiary Magistrate may be placed on the Roster, and shall attend in rotation in the same manner as the Mayor and Councillor.

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

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

No. V.

POLICE FORCE.

SECTION.

1. The Council shall, as often as occasion shall require, select a Policeman or Policemen who shall act as day and night watch of the Town of Truro, and in the event of more than one Police-

man being appointed, shall select one of the number to be Chief of the Police.

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

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

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

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

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

No. VI.

SPECIAL CONSTABLES.

SECTION.

7. In case of riot, tumult or disturbances or illegal act of any kind, accompanied with force and violence, within the precinct of the municipality, or a just apprehension thereof, the Mayor, Stipendiary Magistrate, or any one or more of the Coun-

be Chief

les, to be
authority,
composed
members of

ry out all
to him, or
shall serve
within the
lice, shall
al, and in
and good
their juris-
k or some
infraction
linance of
and good
ality that

tered in a
ce matters,
, and shall
ce of the
they shall

ppoint the
men.

ff to serve
hall, before
he Council
and paying
me into his

egal act of
in the pre-
thereof, the
f the Coun-

cllor
of Sp

8.

contr

9.

may

of th

10.

tinue

appo

11.

publi

ary

of th

may

aid in

or as

Stipe

12.

refus

ceedi

13.

ber c

perio

14.

Stipe

disch

Cons

15.

loss

case.

16.

cont

Cons

17.

Com

any

or pe

to de

In

pres

shall

In

shall

cillors, may, by writing under their hands, appoint any number of Special Constables to assist in preserving peace and order.

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

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

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

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

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

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

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

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

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

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

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

In cases of larceny, or alleged larceny, the extra Constables shall have power to act in prevention or otherwise, and in cases

of violent removal of goods, or violence as to property in houses or the possession thereof, shall have power to assist in keeping the peace.

In case any persons are found by the Police or extra Constables in the act of defacing, injuring or destroying any bridge or public property, or trees on any street, lane, or public or open place, or in the front of any house or building which have been growing or placed there for shade, ornament or other purpose, or discovered digging up or removing any of the soil of the common, or defacing or injuring the exterior of any house, building or fence, or the shutters or the appendages thereof, or in writing any obscene or profane words on any fence or building, the Police or extra Constables shall arrest such trespassers if they are unknown persons, and take them to the lock-up or jail, and detain them there in order to ascertain their names, giving immediate notice to the Mayor, Stipendiary Magistrate or Committee of Police, and if the parties so caught are known, shall report the fact, with the names and residences of the parties, to the Mayor, Stipendiary Magistrate or Committee of Police, without making any arrest.

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

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

No. VII.

PROSECUTIONS.

SECTION.

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

n houses
keeping

Constable
bridge or
or open
ave been
urpose, or
the com-
building
n writing
ding, the
es if they
jail, and
iving im-
or Com-
own, shall
parties, to
of Police,

Constables
be pub-
the Town
rn in.

not attend
ed for the
e the oath,
more than
own as a
imprison-
less than

statute con-
nt of or in
bye-law or
rovision of
ce respect-
n the Civil
the Town,

and a
gener

2.

the M
power
hand
the sa
mon c

3.

person
ordina
Act of
it shal
or neg
in the

SECTION

1.

Town,

2.

pound
finis po

3.

bye-lav
owner
such in
after s
animal
reclaim
Mayor
mal, an
forfeitu
applic
applic

4.

bye-lav
for the
keeper,
Town

and all fines and penalties when recovered shall form part of the general fund of the Town.

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

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

No. VIII.

POUND AND POUND KEEPERS.

SECTION.

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

2. The Council shall annually appoint a keeper for each pound, *who shall be responsible for and pay to the Town Clerk all fines payable to the Town on all animals impounded.*

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

4. Before any animal, impounded for the breach of any bye-law, shall be released, the owner thereof or party applying for the release shall pay the following forfeiture *to the Pound-keeper, in addition to the fines imposed under any bye-law of the Town* :—

For notices, when given.....	\$0 25
Keeper unlocking Pound.....	0 20
Keeper releasing the animal.....	0 20
For providing Provender for the animal while in pound, if Horse, Colt, Ox, Cow, Calf or Pig, each day.....	0 50
If Goat or Goose, each day.....	0 15

No. IX.

RELATIVE TO HORSES, COWS, SWINE, OXEN,
COLTS, CALVES AND GEESE.

SECTION.

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

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

3. The owner of any horse, ox, cow, pig, goat or goose going at large, shall forfeit and pay the following amount, viz:— For each and every horse, ox, cow, goat or pig, the sum of one dollar for the first offence, and two dollars for every subsequent offence; and for each and every goose, the sum of twenty-five cents for the first offence, and fifty cents for every subsequent offence. This fine to be recovered in the *Town Court*, in the name of the Town, whether the animal shall have been impounded, or not.

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

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

\$.25
.020
.020
in
g.
.050
.015

OXEN.

geese shall
ro.
y impound
ge in any

t or goose
unt, viz:—
sum of one
subsequent
twenty-five
subsequent
urt, in the
e been im-

iding, shall,
g the party

the fine im-
iding, shall
dd at public
s the owner
with all the
animal; and
oresaid, and
o the owner.
o dogs going
own, and im-
er or owners
e of one dol-
n his or their
the first of
of every dog

shall c
with t
and in
two de
in the

6.

Consta
and to
the Ma

7.

or limi
or goo

SECTION

1.

shall b
Counci
Counci
intende
the Co
exercis
conferr
Revised
Streets

2.

to hold
to be r
tendent
faithful
receive
from ti

3.

directio
Town,
repairs,
ing awa
ing and
nels, pa
to the
encroac

4.

ceeding

shall cause a collar to be placed around the neck of said dog, with the owner's name thereon, and the number of his registry ; and in default of such a collar, so placed, shall forfeit the sum of two dollars ; such tax and penalty to be sued for and recovered in the Municipal Court of said Town.

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

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

No. X.

STREETS.

SECTION.

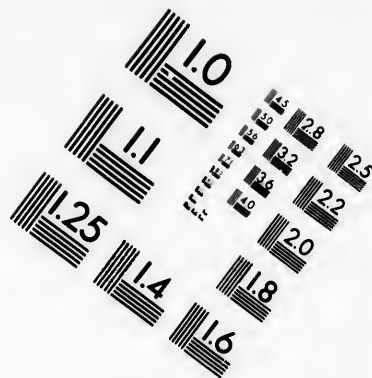
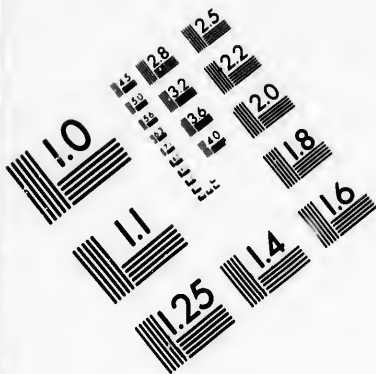
1. The streets of the Town and the expenditure thereon shall be placed under the control of a Committee of three Councillors, one from each Ward, to be annually chosen by the Council, to be called the Committee of Streets, and the Superintendent of Streets shall be under the direction and control of the Committee. The said Committee of Streets shall have and exercise, within the limits of the Town of Truro, all the powers conferred upon the Commissioners of Streets, under Chap. 49 Revised Statutes, 4th series, entitled "Of Commissioners of Streets."

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

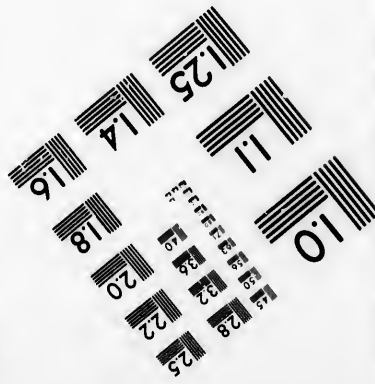
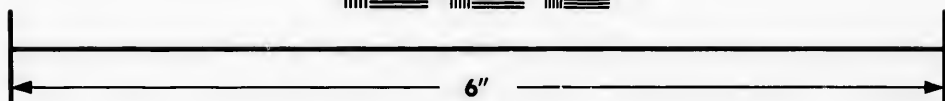
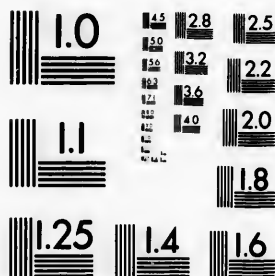
3. It shall be the duty of the Superintendent, under the direction and control of the Committee of Streets within the Town, to attend to the laying out, widening, elevations and repairs, the sweeping, cleaning and watering of the same, clearing away the snow and other like duties, and the making, repairing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

4. The Superintendent shall keep such accounts of his proceedings as shall be ordered by the Council or Committee of



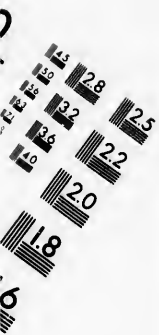


**IMAGE EVALUATION
TEST TARGET (MT-3)**



**Photographic
Sciences
Corporation**

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503



Streets, and furnish accounts, properly vouched, whenever required to do so by the Committee of Streets.

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

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

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

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

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

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

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

whenever re-

er to make
the streets,
required for

under direc-
ate contract
ne Town, or
to put that

riod of over
greement or
nd sufficient
the faithful

ir discretion,
contract price
shall be paid
ne, and that
igned by the
an or two of

in the Town
eral revenues

n the ages of
axe-men, and
y pay a road-
required for
le assessment
he same man-
y assessment,
lized from the
, and become
ided that the
he rates to be
rtment in lieu

ny road, street,
nure, compost.
atsoever, under
every twenty-
ood, lumber or

oth
pla
To

wis
To
Str
vid
or h
occ
cen
erec
bric
othe
such
of t
tia
afor
wall
Pers
port
shal

stor
snov
thei
ceas
five
less

thro
exp
road
ther
age
leav
wall
lar ;
afte
the
is co

buil
to la

other substance or material, shall remain piled, deposited or placed on any road, street, lane or other public place of the Town, shall be held to be, and shall be, a separate offence.

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

13. The occupiers, owners or persons in charge of houses, stores, lots and pieces of land, shall be bound, after every fall of snow, to clear away the snow from the sidewalks and gutters of their respective premises within two hours after it shall have ceased to fall, under penalty of not less than one or more than five dollars on each person who neglects or omits so to do, unless excused by the Superintendent of Streets.

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

15. The Council shall have power to lay out, down and build any new bridge, or to alter the location of any bridge, and to lay out any new street, road, lane or highway ; to improve,

enlarge, make straight and widen any bridge, road, street, lane, passage or public place within the Town, and for that purpose to remove when necessary any building, projection, wall or fences, or portion thereof, to direct a survey to be made, and, unless a satisfactory private arrangement be made, shall appoint one competent person, and the proprietor of the property so sought to be taken *or removed, or his agent, within five days after notice thereto requiring him*, shall appoint one other competent person, *whose name he shall hand in to the Town Clerk within two days thereafter, and in case of default on the part of the said proprietor or his agent so to appoint as aforesaid, then the Mayor shall appoint a second competent person*, and they two, *so chosen*, shall appoint a third *competent person as appraiser*, none of whom shall be interested in said road, street, lane or bridge, or the land to be occupied by any new bridge, but who may be residents of the Town, and who shall be compensated for their labor out of the Town funds to appraise the damages to be paid to those whose lands may be taken to form the road, street, lane or the site of any bridge, or whose building, wall or erections may be removed or destroyed in whole or in part for the improvement of any street, lane or public passage.

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

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

18. The Council shall not accept the dedication of any road,

7
street, lane.
at purpose
on, wall or
made, and,
shall appoint
property so
the days after
competent
Clerk within
of the said
the Mayor
so chosen,
one of whom
, or the land
residents of
labor out of
aid to those
, lane or the
ions may be
improvement

ding Section
required, and
s or any two
hose land is
le or in part,
g of Council
ve any party
being heard
the expense
re when com-
end or aban-
for any dam-

nd shall open
oad or street
wide, and the
retion, wholly
street, lane or
may be here-
o laid out and
tion, the line of
ets Committee.
n of any road,

stre
shar
any
the
exc
corp
or p

a st
buil
stre
of a
dati
son
mak
shal
eigh
othe
the s
of n

2

dent
the a
shall
mitt
shall
Shen
freel
to v
adm
truly
their
by t
requ
or h
hims
ther
the
prov
proc
prec
direc
be p
not

street or lane to the Town of a less width than sixty feet, nor shall any public monies or revenues be paid out or expended on any road, street or lane, of less width than sixty feet, *nor unless the line thereof has been so approved by the Streets Committee* except the roads, streets or lanes in which, at the time of incorporation of the Town, statute labor has actually been done or public monies expended.

19. Persons intending to build upon or close to the line of a street shall, before digging the foundation or commencing the building, apply to the Committee of Streets to cause the line of street to be defined and laid out, and shall defray the expenses of a survey, if necessary to employ one, and shall dig the foundation and erect the building within the line. And if any person shall erect a building on the line of said street, or without making such application and having the line so ascertained, he shall forfeit a sum of not less than forty dollars or more than eighty dollars, and shall also remove the encroachment, or otherwise the Council or their Committee of Streets may cause the same to be removed or take the steps allowed by law in case of nuisances.

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

21. Any person who shall designedly and unnecessarily drive any carriage or cart, sleigh or sled, or ride on a sidepath, or obstruct any sidewalk, or leave standing thereon any carriage, cart, sleigh, sled or horse, or roll or place heavy articles on the same, to the injury or obstruction of the sidewalk, shall for every offence forfeit not less than one dollar nor more than ten.

No. XI.

PUBLIC PROPERTY.

SECTION.

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

2. All leases and deeds shall be under the Town Seal, signed by the Mayor and countersigned by the Town Clerk.

No. XII.

AUCTIONEERS' LICENSE.

SECTION.

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

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

No. XIII.

OF SLAUGHTERING.

SECTION.

1. No person exercising the trade of a Butcher shall, in

necessarily
a sidepath,
y carriage,
cles on the
, shall for
e than ten.

ge the real
me, and to
rs, and on
od exceed-
governor-in-

Town Seal,
a Clerk.

exercise the
real estate,
thereto by
ation to the
the Appen-
k.

ars, subject
y determine,
and if any
e, goods or
sum not ex-
r and recov-
f the Town.
o Sheriffs or
by direction

her shall, in

futur
of T
Aug
not r
the I
on th
ing, a
ter o
said
the C
alties
Nuis

SECT
1
ers, t
2
limit
War
unde
3
powe
sions
4
chap
Tow
cipal
5
Tow
carry

SECT
1
gran
meet
requ
prov
2
Lice

future, slaughter or dress for food any animal within the Town of Truro, in any year, during the months of May, June, July, August or September, within the following limits, that is to say, not nearer than a quarter of a mile east of Reading's corner on the Intervale Road, and Watson's Brook on the Harmony Road, on the east, the Town line on the south, except at Miller's Crossing, and no butchering to be done there nearer than one quarter of a mile south of the Railway track; a line drawn from the said Truro line, through a point one quarter of a mile west from the Court House to Salmon River on the north, under the penalties imposed by Chap. 30, Revised Statutes, fourth series, "Of Nuisances."

No. XIV.

OF HEALTH WARDENS.

SECTION.

1. The Town Council shall annually appoint six rate-payers, two out of each Ward, to be Health Wardens or Inspectors.
2. The said Health Wardens or Inspectors shall, within the limits of Town of Truro, have all the powers given to Health Wardens and Inspectors in the City of Halifax and elsewhere, under Chapters 29 and 30 of the Revised Statutes, fourth series.
3. The Town Council shall have and exercise all the powers conferred upon the County, General and Special Sessions under said chapters.
4. All penalties for breach of any of the provisions of said chapters shall be sued, enforced and collected in the name of the Town of Truro, by said Town for its own benefit, in the Municipal Court of said Town.
5. The Town Council shall pay out of the funds of the Town all expenses incurred by their directions or authority in carrying out the objects expressed in said chapters.

No. XV.

LIQUOR LICENSE.

SECTION.

1. *No license for the sale of intoxicating liquors shall be granted by the Town Council, except at the regular quarterly meetings of the Council, and then only in accordance with the requirements of the laws of the Province in such case made and provided.
2. *The Town Clerk, for the time being, shall be Clerk of License for the Town of Truro.

3. *All penalties collected within the Town of Truro, under Chapter 75, Revised Statutes, fourth series, or any act in amendment thereto, payable under the said acts into the County Treasury, shall be paid over to the Treasurer of the Town for Town purposes.

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

5. *The form of License, Bond, Summons, &c., &c., shall be the same as now in use under said Chapter 75, Revised Statutes, and the acts in amendment thereof, with such alterations in the wording of said forms as to render them applicable to the Town, and the carrying out and enforcing the provisions of said laws within the precincts of the Town, such forms of summons to be made as provided in the act regulating the Town Court.

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

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

8. The Mayor, Councillor, Recorder, or Police Constable, shall have full power to enter at all times, by day or by night, all places within the Town where intoxicating liquors are licensed to be sold, for the purpose of seeing that the provisions of the act regarding the sale of intoxicating liquors, or any acts in

ruro, under
in amend-
unty Trea-
n for Town

a majority
uch license,
e Town re-

., &c., shall
vised Sta-
alterations
eable to the
ons of said
f summons
wn Court.
unted, shall.
fees to the
h two sure-
bond shall.

r shall have
plaint made
y tavern or
r, or issue a
ake them to
hall enquire
hall investi-
s, to be paid
such inn or
are sold, of
all abrogate
ne benefit of
with or with-
l during the
n, tavern, or
lose all the
se have been

e Constable,
or by night.
s are licensed
isions of the
any acts in

ame
is co
ous,
arre
law,
four

o
othe
or w
or a
publ
ther
Mag
mer
orde

plac
into
have
iary
agai
said
tain
out

liqu
ing
May
quin
so in
date
liqu
shal
fifty
lock

shal
dire

* F

SECT

amendment thereof, and any bye-law or ordinance of the Town is complied with, and for the purpose of putting down any riotous, disorderly, gambling, indecent conduct, and, if necessary, to arrest the party or parties so guilty of violating the law, or bye-law, or ordinance of the Town, and all minors or apprentices found therein, and to take them to the jail for examination.

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

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

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

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

No. XVI.

* HACKNEY CARRIAGES AND LIVERY STABLES.

SECTION.

1. *No person shall keep or drive for hire any carriage,

wagon, sleigh, cab, omnibus, coach or other conveyance, for the conveyance or carriage of passengers or to ply as a hackney carriage, cab or omnibus in the streets or lanes of the Town, unless under a license for that purpose previously obtained from the Mayor and License Committee.

2. * Carriages so licensed for carrying persons from place to place within the Town shall be numbered.

3. * The License Committee shall have the supervision of the owners and drivers of such carriages and their conduct.

4. * The number of each carriage shall be painted or fixed in some conspicuous part or parts thereof, and the said number, together with the owner's name, shall be registered in a book to be kept at the Town Clerk's Office for that purpose.

5. * All applications for such licenses shall be made in writing to the Mayor and License Committee for the time being, and no such application shall be received but from the *bona fide* owner of the horse or horses, carriages and harness to be used, and unless the applicant shall be recommended by at least three respectable householders, and shall execute a bond to the Town with two sufficient sureties, in the sum of one hundred dollars for the faithful performance of his or their duty, and for the safe conveyance of property placed in his or their charge.

6. * The fee for such license shall be the sum of Two Dollars and fifty cents to keep and drive for hire, as aforesaid, one horse, Five Dollars for two horses, and for each additional horse over and above two, one dollar, such fees to be paid at the time of taking out the license.

7. * The carriages employed, the horses, with their fitting-up and harness, shall be such as the Mayor and License Committee approve, and shall be subject to the inspection and approval of the Mayor and Committee, and the Committee may suspend or revoke the license of any person who shall keep in use any driver, carriage or horse objected to by the Committee, or decline to obey their order in respect to the carriages, harness, fittings or conditions of any such carriage.

8. * Every hackney carriage, when driven or used in the night time within the Town, shall have fixed upon some conspicuous part of the outside thereof two lighted lamps, with plain glass fronts and sides, with the number of the license of such carriage conspicuous thereon, under penalty upon the owner of not less than one dollar or more than two dollars for each omission or breach of this rule.

9. * Licenses shall continue in force for no longer than one year, and shall expire on the first day of March in each year,

ce, for the
a hackney
Town, un-
ined from

rom place

ervision of
nduct.
ed or fixed
d number,
a book to

de in writ-
ime being,
e *bona fide*
o be used,
least three
the Town
red dollars
or the safe

Two Dol-
resaid, one
ional horse
at the time

ir fitting-up
Committee
approval of
suspend or
n use any
ittee, or de-
es, harness,

used in the
o some con-
s, with plain
ense of such
ne owner of
each omis-

er than one
n each year,

but n
Maye
propo
genc
empl
guag
neces

10
who
Town
costs,
a term

11
for th
of the
with,
bye-la
therec

SECTION

1.
for th
things
unless
Five I
receiv
tion,
granted
such h
ensuin

2.
shall
Eighty
Forty
ity and
to tran
ordina
Clerk.

3.
or suc
force.

4.

but may be renewed on payment of the license fee. And the Mayor and Committee of License may, at any time they think proper, suspend or revoke any such license, whether for negligence or misbehavior of the person in charge in refusing to be employed, or in driving the same, or for abusive or insulting language, or for letting horses to hire on Sunday except in cases of necessity, or for any other transgression of this ordinance.

10. * All persons, whether owners or drivers of carriages, who offend against this ordinance, shall, on conviction in the Town Court, be subject to a fine not exceeding ten dollars and costs, and in default of payment to imprisonment in the jail for a term not to exceed thirty days.

11. *The Council may fix the scale of prices to be charged for the conveyance of passengers and luggage within the limits of the Town, and any regulation required in connexion therewith, and the same when made shall be considered part of this bye-law and subject to the same penalty as regards any breach thereof.

No. XVII.

TRUCKMENS' REGULATIONS.

SECTION.

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

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

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

4. The sum of Two Dollars and fifty cents shall be the

license fee for the first horse, and One Dollar for each additional horse, and shall be paid annually. Licenses shall expire on the first day of March in each year.

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

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

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

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

9. No person under the age of sixteen years shall be permitted to drive a truck, cart or sled for hire, and the licenseholder of every cart, truck or sled shall be answerable and accountable for the good conduct and behavior of such driver as he may employ, and of the observance of all the regulations made or to be made relative to truckmen; and any driver of such cart, truck or sled who may be guilty of drunkenness shall be dismissed by order of the Mayor or any one of the Committee, and also forfeit and pay the sum of One Dollar, and the license of such truck, cart or sled shall be suspended or forfeited by the Mayor or any one of the Committee, according to the nature of the offence of such driver.

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

11. No truckman shall refuse or neglect immediately to obey any call for any public duty to be made on him by the

ditional
e on the

shall be
without
s at the
ty, viz.,

letter of
also the
characters
inue the
he shall
nd num-

anting of
he stand
not em-
nours at
ctors in
ruckman
ll be ap-
be con-

refuse or
k or sled
ested.
l be per-
e license-
e and ac-
driver as
gulations
driver of
ness shall
Commit-
, and the
r forfeited
ng to the

his horse
art of the

diately to
im by the

Mayo
Police
licens
cillor

12
stand
consi
there
dent,

13
sled v
nose-
Town

14
or sus
for hi

15
ness w
four g
used

16
the co

17
pass
in the
right
is abo

18
whetl
same
eight

19
settle
per lo

20
from
presc
forfe
or mo

21
cart o
all oc
is cap

22

Mayor or any of the Councillors, Stipendiary Magistrate or Police Constable, and upon his refusal or neglect so to obey, his license shall be suspended for such time as the Mayor or Councillors shall think proper for such offence.

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

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

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

15. Every licensed truckman shall have affixed to the harness used for the purpose of drawing his sled or sleigh at least four good open bells or six round bells, such as are continually used on sleighs.

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

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

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

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

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

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

22. Every licensed truckman shall be furnished by the

Clerk of License with copies of this ordinance and with cards containing the rates and table of distances, to be made out and fixed by the Mayor and Council, and the persons in charge of any licensed truck, cart or sled shall be bound, on request of any person employing the same, to produce and exhibit to him such card of rates, distances and loads, under the penalty of fifty cents for such refusal, and such refusal shall justify the employers in withholding payment until properly satisfied as to the rate charged.

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

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

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

No. XVIII.

COMMERCIAL TRAVELLERS.

SECTION.

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

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

with cards
out and
charge of
st of any
him such
of fifty
employ-
s to the

issue all
th.
ay be re-

time, six
full and
truck or
Clerk.

ot a rate-
the said
rchandize,
a license
ed by the
d for the
e Town of
Treasurer,
ordinance
e, bringing
son bring-

subject to
dollars, in
ecuted for
e Town of
mprisoned
ach offence
the Town

SECTI

1
which
offer
withi
licen
or su
the a
licen
conti
dema
licen
conti
by th

2.
of el
set u
other
hibiti
obtai
obtai
feit a
sixty
impri
ing th

3.
shall
scribe
dollar
Coun
fifteen

4.
hibiti
mora

SECTIO

1.
the C
the fi

No. XIX.

EXHIBITIONS.

SECTION.

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

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

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

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

No. XX.

ANNUAL MEETING.

SECTION.

1. The annual meeting shall, unless otherwise ordered by the Council, be held in the Court House on the Tuesday before the first Tuesday of May, at the hour of three in the afternoon,

of which meeting five days' notice shall be given by bills posted in three conspicuous places in each Ward.

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

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

4. The finding of the names of the rate-payers on the same sheet, or the production of his receipt for the taxes of the preceding year, shall determine the right of any person to vote at such meeting.

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

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

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

No. XXI.

TO SUPPLY VACANCIES.

SECTION.

1. Upon any vacancy occurring within the year of the office of Mayor or Councillor, the Mayor, or if it be a vacancy in the

s posted

o recom-
service or
mmence-
shall be
s shall be
the sus-
iness en-
l at such
section of

et for any
he head-
t recom-
of which
surnames
o vote at
ly "Aye"
Schedule

the same
f the pre-
o vote at

ll out the
e-payer, if
the Town
respective

n omitted
ed on the
ax-receipt

be recom-
each sepa-
ry meeting
records.

of the office
ancy in the

office
to be
person

2.
nomi
ordin
of T

3.
the o
the v

4.
elect
make
his de
his de
tion a
electi
afore

5.
mont
Town
the T
of tax
withi
lars t
cillor
vice a
such

6.
in wr

7.
poun
shall
shall

8.
the T
unles
obtai
of tw
lect l
Town

9.
of th
office

office of Mayor, the Presiding Councillor shall declare the office to be vacant, and the voters shall thereupon elect a qualified person to fill the vacant office.

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

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

4. If at any election of Councillor any person shall be elected for more than one Ward, he shall, within one week after, make his election for which Ward he will sit, and communicate his decision to the Mayor or Presiding Officer, and in default of his doing so, the Mayor or Presiding Officer shall make the election and declare the other Ward or Wards vacant, and another election shall be had in the vacant Ward or Wards in manner aforesaid.

5. *The Mayor of the Town may resign office by giving a month's written notice of such resignation, to be filed with the Town Clerk, on payment of a fine of Forty Dollars for the use of the Town. The payment of said fine may be excused by the vote of two-thirds of the Council. A Councillor may resign office, if, within one year from his election, by the payment of forty dollars to the Town, or at any time by a vote of four of the Councillors concurring in such resignation; after twelve months' service any Councillor may resign on giving two months' notice of such being his intention to the Mayor or Presiding Councillor.*

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

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

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

9. * The Mayor or any Councillor removing from the limits of the Town and permanently becoming a non-resident, the office held by him shall become vacated, and the Mayor or

Presiding Officer shall thereupon declare the office vacant. This section not to refer to any Mayor or Councillor taking office before the passing of this bye-law.

No. XXII.

OF WATER WORKS.

SECTION.

1. That the Water Department of the Town of Truro shall be under the direction of the Water Works Committee of the Town Council, and all paid officers employed in the working and management of the Water Works of the said Town of Truro shall be under the direction of the said Committee; Provided always that all matters involving an expenditure of money shall require to be submitted to the Council for ratification and approval; and that under no circumstances shall the expenditure of the Water Works Committee exceed the amount granted or appropriated by the Council for their use, except in cases of urgent or immediate necessity; that the officers now engaged in the working and management of the Water Works are hereby confirmed in their appointment for all purposes of the bye-law.

2. That the rates and charges enumerated in Schedule A, annexed to this bye-law, shall be imposed and levied annually for water supplied to persons in said Town of Truro from the Water Works of the said Corporation.

3. That said rates and charges shall be due and payable at the office of the Town Clerk, Truro, in two equal instalments, on the first days of January and July in each year.

4. That said rates and charges shall be levied and assessed upon the houses, stores, buildings or parts of buildings supplied with water by said Corporation, and shall be chargeable against the owner and also the occupier of said building or buildings, either of whom, in default of payment when due, may be sued by the Corporation therefor, or the same may be collected by warrant of distraint, as provided for the collection of any other rates, assessed and levied by the Town Council of said Corporation.

5. That, if said rates and charges are not paid within thirty days from the time the same shall be due and payable, the said Water Works Committee of said Town may shut off the supply of water from any premises upon which the said rates shall not have been paid, as aforesaid, until the said rates and charges, and any costs connected therewith, are fully paid, and also a fine of one dollar for turning off and on the water.

t. This
office be-

ro shall
e of the
working
Town of
ee; Pro-
f money
tion and
expendi-
granted
cases of
gaged in
e hereby
bye-law.
edule A,
annually
from the

ayable at
talments,

assessed
supplied
e against
buildings,
be sued
lected by
any other
d Corpo-

aid within
l payable,
y shut off
n the said
said rates
fully paid,
e water.

6.
premi
the pr
the w
tion t
conne
thoriz
made
case o
its ple

7.
suppl
the W
of the
emple

8.
of Ne
recom
prove

9.
ing or
ner, w
of the
Com
any s
and s
turn o

10
butin
or a c
mitte
lead
what
weigl

1a
1a
1a
1a

Al
fect,
must

1
provi
be pr

6. That the expense of introducing the water into all premises must be borne by the owners or occupants thereof, and the premises of any person adjacent to any street through which the water-pipes are laid may be supplied with water by application to the Chairman of the Water Works Committee. All the connections thereto shall be made only by a plumber duly authorized by the Committee. All such connections must be made in conformity with the regulations of this bye-law. In case of the violation of this provision, the Committee may, at its pleasure, withhold the supply of water from the premises.

7. That, before receiving a permit to connect the service or supply-pipe with the iron pipes, there must be paid such sum as the Water Works Committee may require to cover the expense of the service-cock, and none will be inserted but by persons employed by the Committee for that purpose.

8. That no connections shall be made between the first day of November and the first day of May next ensuing, unless recommended by the engineer in charge of the works and approved by the Committee.

9. That all plumbers' work, in any house, store, office, building or part of building, must be done in a workman-like manner, with good materials, sufficiently strong to resist the pressure of the water; such work and materials to be approved by the Committee or its duly authorized agents or officers; and should any such work or materials be not approved as aforesaid, it may and shall be lawful for the Committee to turn off, or refuse to turn on, the supply of water.

10. That, in all cases, the service-pipe between the distributing-pipes in the streets and the stop-cock must be lead pipe, or a composition of lead or tin, or such other pipe as the Committee may approve and consider fully equal in strength to the lead pipe hereafter described. All lead pipe so used shall be what is called "strong pipe," and of the following standard weight:—

Lead pipe, $\frac{1}{2}$ inch bore, 5 lbs. per lineal yard.

Lead pipe, $\frac{3}{8}$ inch bore, 7 lbs. 8 oz. per lineal yard.

Lead pipe, $\frac{3}{4}$ inch bore, 9 lbs. 12 oz. per lineal yard.

Lead pipe, 1 inch bore, 12 lbs. 14 oz. per lineal yard.

All stop or hydrant faucets connected therewith shall be perfect, and made of good materials; and all such service-pipe must be laid at least four feet below the surface of the earth.

11. That all connections made with these works shall be provided with good and sufficient stop-cocks therein, which shall be protected by a box leading from the same to the surface of

the earth, and covered with a cast-iron cover, with the letters "Water" thereon, and be so exposed as to be easily found; and the same shall be placed outside the lot, within one foot of the line of the same, or close to the outside of the sidewalk and level with it.

12. That, in all cases, where one connection is intended to supply more than one tenement, shop, store, or building, it shall be the duty of the person making such connection, or causing the same to be made, to lay down a branch, with stop-cock for each, outside the line of the premises so to be supplied, to be covered and marked as provided by the preceding section.

13. That, if the connection of branch-pipe, stop or hydrant-cock through which the premises of any person are supplied with water, shall be out of repair in any manner, it shall be the duty of such person to have the same repaired.

14. That, in removing pavements, sidewalks, and opening trenches for inserting stops or plugs, laying service-pipe, and making repairs and extensions, the materials must be removed and replaced in a workman-like manner, depositing the excavated materials in such manner on the streets, alleys or sidewalks, so as to obstruct them as little as possible, and admit of its being replaced in the same position in which it was found, as nearly as practicable; and such work shall be done and completed with all possible dispatch; no trench or hole in any street, alley, sidewalks or public place, shall, on any account, be left unguarded. The drilling of distributing-pipes, the insertion of connections, and manipulating the stop-gates, shall, in all cases, be done by the persons in the employment of the Committee.

15. That no proprietor, tenant, or occupant of any office, building or part of building, be allowed to supply water to other persons or families without the consent of the Committee.

16. That no addition or alteration whatever, in or about any tap or water-cock, shall be made by any person without permission of the said Committee.

17. That no person shall use a hose or jet to wash carriages or horses, or water gardens or streets, unless the same be approved by the Committee or its officers.

18. That no person, except firemen for fire purposes, shall at any time let off or use any water from any public hydrant without the special permission of the said Committee or its officers.

19. No person shall open any fire-hydrant, except as in Section 18, or remove or obstruct the stop-cock cover, private stop-cock; place or deposit any dirt or any materials in such stop-

letters
d; and
of the
alk and

ded to
it shall
causing
cock for
ed, to be
n.

hydrant-
supplied
l be the

opening
pipe, and
removed
the exca-
or side-
admit of
found, as
and com-
any street,
be left un-
sertion of
all cases,
nmittee.

any office,
er to other
ttee.

about any
thout per-

h carriages
me be ap-

oses, shall
ic hydrant
ttee or its

t as in Sec-
rivate stop-
such stop-

cock
any
man
tures

2

ment
and i
for t
wate

2

withi
prote
liabl

2

waste
which

2

office
of th
shall
hereu

2

Com
prop
bath,
of w

2

shall

2

their
with
tor, t
floor

2

nal v
pipe

2

the
and
as to

2

no h
lodg
tran

cock boxes, or turn any private or public stop-cock, or commit any act tending to obstruct the use thereof, or injure in any manner any building, machinery, pipe or apparatus, tools or fixtures of the Water Works of said Town.

20. That the duly appointed officers of the Water Department shall be allowed at all reasonable times and hours to enter and inspect the service-taps, baths, water-closets and apparatus for the supply of water in the houses, stores, etc., where the water shall have been introduced.

21. That all persons taking water shall keep the service-pipes within their premises, including any area beneath the sidewalk protected from frost, at their own expense, and they will be held liable for all damage which may result from their failure to do so.

22. That all persons taking water shall prevent unnecessary waste, and there shall be no concealment of the purpose for which it is used.

23. That water shall be introduced into houses, stores, offices, buildings or parts of buildings, only upon the signature of the proprietors or occupants, or duly authorized agents, who shall sign an application for that purpose according to form B hereunto annexed, at the office of the Town Clerk.

24. That notice in writing be given to the Water-works Committee, and that their consent be first obtained before any proprietor or occupant desiring to use the water supplied for any bath, water-closet, or other use, requiring an additional supply of water, be allowed such additional supply.

25. Where any pipe passes through an external wall, it shall be encased in a suitable wooden box.

26. All pipes under basement floors to be laid throughout their whole extent in a perfectly tight wooden box, to be stuffed with wool, sawdust, or dry ashes, or as directed by the Inspector, the top of the box to be easily removable, as well as the floor immediately above the pipe.

27. No pipe to be laid or continued in use along an external wall without being suitably encased, and in no case shall any pipe be laid near any outer draft or door.

28. All stop-cocks at the entrance of buildings must be on the stop and waste principle, and must be properly boxed in, and thoroughly protected from frost, and must also be so placed as to be at all times easily accessible.

29. All pipes shall be laid so as to drain toward a tap; and no heads or sags will be permitted which will allow the water to lodge and remain in any part of a pipe when the tap at the entrance is turned off and the other taps are left open.

30. That any person or persons injuring or destroying any hydrants or property belonging to the Water-works of the Corporation of Truro, or guilty of any infraction of the provisions of this bye-law, shall, on conviction thereof before the Mayor, Stipendiary Magistrate, or any Town Councillor, forfeit and pay, at the discretion of the Mayor, Stipendiary Magistrate, or Councillor convicting, a sum not exceeding Twenty Dollars, exclusive of costs. In default of payment thereof, it shall and may be lawful for the Mayor, Stipendiary Magistrate or Councillor convicting, as aforesaid, to issue his or their warrant to levy the amount of fine and costs on the goods and chattels of the offender; and in case no sufficient distress be found to satisfy such fine and costs, then it shall and may be lawful for the Mayor, Stipendiary Magistrate or Councillor convicting, as aforesaid, to commit the offender to the common jail of the County of Colchester, with or without hard labor, for a period not exceeding two calendar months, unless the costs be sooner paid—the fine to be applied for Water-works purposes.

SCHEDULE A.

SCALE OF RATES PER ANNUM.

For families, by special agreement with the Water Works Commissioners, not to exceed ten dollars.

Extra rates for taverns, shops, saloons, manufactories, horses, cows, steam engines, &c., by agreement with Commissioners, not to exceed, for the first year, rates charged in the City of Halifax.

SCHEDULE B.

(Form of Application.)

TRURO WATER WORKS.

TO THE CORPORATION OF THE TOWN OF TRURO:—

The undersigned hereby makes application for the introduction of the water into the premises situated and described as follows, in conformity to the established rules and regulations of the Corporation of the Town of Truro, and do agree to abide by the said rules; and hereby certify that the following is a true description of the premises to be supplied:—

Ward.	Street.	Kind of Building.	No. of Stories	Water Closets.	Baths.	No. persons in family.	No. of horses	Extras not specified.

.....Proprietor or Occupant.

ring any
the Cor-
visions
Mayor,
and pay,
or Coun-
, exclu-
and may
ouncillor
levy the
s of the
o satisfy
l for the
cting, as
il of the
a period
oe sooner

ssioners, not
s, steam en-
st year, rates

of the water
e established
l do agree to
t true descrip-

of gs	Extras not specified.

Occupant.

RU

REU

Tue

thre

it is

shal

his

Cle

a st

and

are

a co

sha

seve

sha

cau

on

a s

any

Fri

tur

his

sur

tur

de

Co

PART III.

MISCELLANEOUS RULES.

ARTICLE I.

RULES FOR GOVERNMENT OF SUITORS IN THE
TOWN COURT, TRURO.

RULE

1. Writs shall only be made returnable on some one of the Tuesdays of each month.

2. Writs are not to be issued out of the Court, later than three o'clock on the Monday week preceding the Tuesday in which it is intended to try the cause; any writs issued after that time, shall be made returnable to the next succeeding Tuesday.

3. That every Plaintiff, when he attends or applies to issue his writ, and before the same is issued, shall deliver to the Town Clerk one copy of his account, or particulars of his demand, or a statement of his cause of action, on which the writ shall issue and the cause be tried, with as many copies of the same as there are defendants to be served with copies of the writ, in order that a copy of such particulars, or statement of the cause of action shall be attached to every copy of the writ to be served on the several defendants.

4. That the copy of every writ served on any defendant, shall contain the particulars of demand, or statement of the cause for which the action is brought, and shall have endorsed on it a notice requiring the defendant to file with the Town Clerk, a statement of the grounds of his defence, and his particulars of any set off he may have to the Plaintiff's claim, on or before the Friday before the meeting of the Court on which the writ is returnable, and in default thereof, the Plaintiff shall on proof of his claim, sign final judgment for any sum not exceeding the sum claimed in his particulars of demand, with costs, on the return day of the writ.

5. That in order that Plaintiff may know the defences which defendants intend to set up to actions brought in the Town Court, each defendant shall file, on or before the Friday before

the term of trial, with the Town Clerk, a statement showing the grounds of defence, or any particulars of set off to the Plaintiff's claim, and if this rule be not complied with by a defendant, he shall lose the benefit of his defence or set off, unless reasonable cause be shown to the Court by affidavit for the neglect.

6. On writs which shall hereafter be issued out of the Town Court, which have the particulars of the Plaintiff's demand attached thereto, and which have been duly served on the Defendants where defences have not been filed by, or on behalf of the defendants, each plaintiff on the day when the writ is returnable may mark default, and upon proof of his claim, judgment will be entered against the defendant for the amount of the particulars attached to the writ.

7. That the civil docket of causes for trial in the Town Court, shall be called only once in each term, and in causes where grounds of defence are filed, if the Plaintiff do not answer on his cause being called, and proceed to try the same, he shall be subject to a non-suit, and if the defendant do not answer, he shall be defaulted, and have a judgment entered against him by default, upon proof of Plaintiff's claim.

8. That a continuance of a cause to another term shall not be granted either to the Plaintiff or to the defendant, unless upon an affidavit stating some reasonable and substantial ground for a continuance, and the affidavit, on the part of the Plaintiff, shall aver a good cause of action, and that on the part of the defendant, shall aver a good and substantial defence upon the merits, and the Court shall be at liberty to impose such terms in the rule for a continuance, as it may deem just. A rule shall be prepared by the party seeking the continuance, which must state the grounds upon which the continuance has been granted, and the rule must be read to the Court and filed.

9. That every defendant shall in all cases be entitled to a continuance, where process has not been served upon him at least five full days before it is returnable.

10. That all continued cases shall be placed first on the Docket, and be tried before the new causes.

11. That parties to suits either Plaintiffs or defendants shall be at liberty to apply any time up to twelve of the clock of the Saturday, before the term of trial of any cause (and not after) upon affidavit to his Honor the Stipendiary Magistrate for an order calling on the opposite party to furnish amended or better particulars than those on file, and upon the order being granted, it shall be served by three of the clock of the said Saturday, and if not then served, it shall not take effect. That the party called

ing the
aintiff's
ant, he
onable

Town
and at-
Defend-
of the
urnable
ent will
particu-

e Town
causes
not an-
ame, he
answer,
nst him

hall not
, unless
ground
Plaintiff,
t of the
pon the
terms in
shall be
ust state
ted, and

tled to a
n at least

t on the

ants shall
ek of the
(not after)
te for an
or better
granted,
rday, and
rty called

upon
shall
ed pa
the a

I
the s
ceed
for a
negle
all re
his se
bette
the a
Cour
with
termi

I
paper
give t
notie
dispu
the b
the c

I
and h
or th
libert
and j
previ
of co

I
file, s
such
ledge

I
be an

I
adop
the
claim

I
posit

upon and served with the order, if within the time herein limited, shall file and serve on the parties requiring the same, the amended particulars, on or before the next Monday at three o'clock in the afternoon.

12. That when a Plaintiff neglects to comply with the order, the same being regular in all respects, he shall not further proceed with his cause, or with that part thereof to which the order for amended or better particulars refers, and that if a defendant neglects to comply with the orders, (the same being regular in all respects,) then he shall not be at liberty to give evidence of his set off, or of such parts thereof as the order for amended or better particulars refers to; but the party neglecting to furnish the amended or better particulars, may however show to the Court any reasonable excuse upon affidavit, for non-compliance with the order, and the Court will consider the reasons, and determine as justice may require.

13. That any party in a suit, if he requires the books or papers on the trial of a cause, of or from the opposite party must give to that party, or his agent or attorney twenty-four hours notice before trial to produce the same, and if he does not, when disputed verify the service of such notice, the party requiring the books, shall not be at liberty to give secondary evidence of the contents of the books or papers.

14. That when a writ has issued out of the Town Court, and has not been served, and shall be returned either not served, or that the defendant cannot be found, the Plaintiff shall be at liberty to issue an alias or Pluries writs, and if service be made and judgment be obtained against the defendant, the cost of all previous writs shall be allowed against the defendant on taxation of costs.

15. That the particulars of demand which the Plaintiff shall file, shall be a statement showing the balance due to him, and such particulars as will convey to the defendant a clear knowledge of the claim for which the action is brought.

16. That the Plaintiffs particulars shall give credits, if there be any.

17. Neither Plaintiff nor defendant shall be at liberty to adopt the credit side of his adversary's particulars, without at the same time admitting the adverse side of the account or claim.

18. Parties applying for writs to the Town Clerk shall deposit with him all the Court Fees payable then on the same.

19. The fees and costs to be taxed in the Town Court shall be those contained in the Schedule annexed to chapter 49, Acts of 1876, intituled "An Act to amend the Act to incorporate the Town of Truro."

Dated Truro, Sept. 4th, 1876.

GEORGE CAMPBELL,

Recorder and Stipendiary Magistrate.

ARTICLE II.

POLICE REGULATIONS.

RULE

1. Policemen when two are employed will serve week about, or alternate weeks, as day and night Constables, and shall be called respectively, the day and the night Policeman.

2. On the mornings when the Civil Court meets, or there is any criminal business, the day Policeman, shall be in attendance on the Court.

3. The day Policeman shall report himself at the Clerk's office, each day, at nine o'clock, to receive and carry out any orders, and every two hours throughout the day, thereafter until four o'clock, P. M., and shall remain on duty, until ten o'clock, P. M., or as much longer as may be necessary.

4. The night Policeman shall report himself at the Clerk's office, every day at one o'clock and three o'clock, P. M., and remain on duty until one o'clock, A. M., and as much longer as may be necessary.

5. They shall arrange between themselves, subject to the approval of the Police Committee, their beats within the limits of the Town, but each Policeman shall know where the other is to be found at any time, in case the aid of one should be required by the other in any emergency.

6. Each Policeman, each day shall enter in a book, to be kept for the purpose, and to be called the Police book, any matter that it may be necessary for the Police Committee to be apprised of, together with the state and condition of his beat, and the names of any persons he has reason to believe, are selling liquor without License, or violating any of the bye-laws of the Town.

7. The Policeman shall order the removal of any nuisance on the Streets or Sidewalks, together with any obstruction placed on the same, and in the event of the neglect or refusal of the proper person to remove the same, shall enter a complaint against the said party in the Police book.

t shall
, Acts
te the

l.,
istrate.

about,
hall be

or there
attend-

Clerk's
any or-
er until
o'clock,

e Clerk's
and re-
onger as

t to the
limits of
her is to
required

bk, to be
any mat-
ce to be
his beat,
, are sell-
e-laws of

any nuis-
obstruc-
neglect or
ll enter a

8
he s
in so
nor
form
the
shall
nece

9
purp
of ca
any
fire,
mitte
with
his le
his r

1
pigs
nuisa
and t
bye-l
mark
and
and
prese

1
discr
orde
Polic
be u
Com

on d

here
be p

busi

know
Rul
forc
may

8. The Policeman shall not loiter on his beat, nor shall he speak to, or engage in any conversation with any one, except in so far as it may be necessary in the performance of his duty, nor shall he enter any shop, tavern or house, except in the performance of his duty or when ordered to do so by the Mayor, the Police Committee, a Councillor or the Recorder. And he shall remain in such Tavern or house no longer than is absolutely necessary for the performance of his duty.

9. The Policeman when obliged to leave his beat for any purpose, such as conveying a prisoner to the Jail, the impounding of cattle found at large, to put down any disturbance or riot, in any other part of his beat, or in consequence of any alarm of fire, or in obedience to any order of the Mayor, the Police Committee or Councillor, or the Recorder, shall return to his beat with all dispatch, and shall enter in the Police book, the cause of his leaving his beat, and the time when he left it, and the time of his return to it.

10. The Policeman shall impound all cows, horses, goats, pigs or geese going at large, shall report all disorderly houses, nuisances in the Streets or yards, breaches of the License law and the bye-laws of the Town, violations of the regulations and bye-laws made for Truckmen, all trucks, sleds and carts not marked as required by the bye-laws, trucking without License, and use any other means in their power to enforce the bye-laws and ordinances now in force, for the government of, and for the preservation of the quiet and good order of the municipality.

11. The Police Committee may from time to time in their discretion change the duties of the Policemen, and make such orders from time to time, as they deem necessary, which the Policemen shall be bound to carry out, and shall in all matters be under the orders and control of, and responsible to the Police Committee.

12. Any Policeman found guilty of being intoxicated when on duty shall be dismissed.

13. No violation of these regulations or any others, to be hereafter made, or of any orders of the Police Committee shall be passed over.

14. No policeman shall be permitted to engage in any business, or any duty unconnected with his office.

15. When only one policeman is employed he shall be known as the day policeman, and shall perform duty under Rule 3, and shall also attend to the requirements of the other foregoing Rules, until ten o'clock, p. m., or as much longer as may be necessary.

APPENDIX A.

FORMS.

ASSESSMENTS.

SCHEDULE A.

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

SCHEDULE B.

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

SCHEDULE C.

SIR,—Take notice that you are requested to attend the Court of
 Appeal and revision on the _____ day of _____ in
 the matter of the following appeal : _____ Appellant
 Subject.

To.....
, Town Clerk.

SCHEDULE D.

TRURO,, 18

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

To.....
, Town Treasurer.

erty lies.
, &c.

assessed.
ed.

ained of.
a land.
l.
on land.
on per-
erty, &c.

e Court of
in
Appellant

Clerk.

...., 18
sed for the
cents for
paid at the
hereof, ten
s of collect-

Treasurer.

the
pay
good
per
need

ed b
the e
you
same

DO

and
succ
Can
heir
seal

of c

lice
key
this
res
ting
be

SCHEDULE E.

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

Truro,, 18..

To

.....Town Treasurer.

SCHEDULE F.

DOMINION OF CANADA,

PROVINCE OF NOVA SCOTIA.

TOWN OF TRURO,

COLCHESTER, N. S.

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

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

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

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

LICENSES.

 AUCTIONEER'S LICENSE.

LICENSE OFFICE,

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

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

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

License duty paid this \$ _____
Town ClerkMayor.

 TRUCKMEN'S LICENSE.

(FORM OF LICENSÉS.)

OFFICE OF CLERK OF LICENSE,

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

License is hereby granted to _____ to drive a cart, truck or sled, (number as per margin) and to keep _____ horses for trucking, for hire in this town of Truro until the first day of March 18 _____ he complying with the Laws of the Province, bye-laws of the Town and regulations of the Council and Committee of Licenses made or to be made, and having paid to the Town Treasury the License duty, said _____ to occupy stands.

....., Mayor.
, Clerk of License., Councillor.

. 18..

the busi-
the date
e Town,
ne Town

nd Eight

Mayor.

.., 18..

rive a cart,
horses for
of March
aws of the
enses made
cense duty,

, Mayor.

Councillor.

Trust
are H
the p
in the
paid,
two o
of us,

Se
the ye

TH

the law
guidan
vey an
for tha
owners
the ab
truly p
adjudg
any of
good g
wise to

Signed
in

FORM OF TRUCKMEN'S BOND.

Know all men by these presents that we _____ of the Town of
 Truro, _____ of the same place and _____ of the same place
 are held, and firmly bound unto the Town of Truro the said _____ in
 the penal sum of eighty dollars and the said _____ and
 in the sum of forty dollars each, for which payment well and truly to be
 paid, we jointly and severally bind ourselves and each of us, and any
 two of us, and the heirs, executors, and administrators of us, and each
 of us, firmly by these presents.

Sealed with our seals, dated the _____ day of _____ in
 the year of our Lord One Thousand Eight Hundred and _____

The condition of this obligation is such that if the above bounden
 _____ shall well and truly abide by, observe, perform, and keep
 the laws, bye-laws, and ordinances which are or may be in force for the
 guidance and government of truckmen, and shall carefully receive, con-
 vey and deliver as required, all such articles as he may take in charge
 for that purpose, so that no injury come to the same or damage to the
 owners thereof, by or through his neglect or misconduct, and also if
 the above bounden _____ and _____ shall well and
 truly pay, or cause to be paid, all such fines and penalties as may be
 adjudged against the said _____ for the violation of
 any of the said laws, bye-laws or ordinances made for the guidance and
 good government of truckmen, then this obligation to be void, other-
 wise to remain in full force and virtue.

Signed, sealed and delivered }
 in presence of }

L. S.
 L. S.
 L. S.

APPENDIX B.

Judgment of County Court Judge, His Honor George A. Blanchard, in *Certiorari* Liquor Suits, delivered at Truro, February Term 1879.

CAUSE { ED. S. BLANCHARD, Clerk of License,
75.
{ JEREMIAH MURPHY.

This action was brought in the Town Court of Truro to recover a penalty for the alleged sale by the Defendant of intoxicating liquors contrary to law.

Before trial a *certiorari* was granted therein by George Reading Esq., a commissioner of the County Court, upon affidavit made by the defendant, by which the proceedings were removed into this Court. A rule *nisi* was granted by me for setting aside the *certiorari* upon the several grounds set forth in said rule of which there were a great number but most of them of a formal character. There were two other similar causes brought by the same plaintiff in the Town Court against Charles Schroeder and Alexander Carter respectively, removed before judgment by *certiorari* into this court in which similar rules were obtained. Upon my suggestion the present was argued as a test case, as the same principles are involved in all, and the decision in this will apply to the others also.

The seventh ground mentioned in the rule *nisi* for setting aside the *certiorari*, is that the said writ was without sufficient cause allowed and was improvidently issued. This will cover the whole ground intended to be discussed by me at present, as I think it unnecessary to deal with any of the formal and technical objections raised, the most of which I consider of little value. The main question is, under the affidavits now before me, had the defendant sufficient reasons or grounds for suing out his *certiorari* and such as would commend themselves to the sound discretion of the court to sustain it?

These grounds as set forth in Defendant's affidavit so far as they have any bearing on the case are substantially as follows :

I group and epitomise them and do not give them in the order in which they appear in the affidavit.

1st. The writ in the Court below is not conformable to the requirements of the Statute, "Of Licences for the sale of intoxicating liquors" ch. 75 Rev. Stat. (4th series) and amendment thereof Ch. 1 (acts of 1876), and has not the seal and signature of any magistrate thereto.

2nd. The Clerk of Licence, who is plaintiff in the suit, and the Town Clerk, who issued the writ, are one and the same person.

3rd. The alleged interest and presumed bias of George Campbell, Esq., the Stipendiary Magistrate, who presides in the Town Court, from the relation which he bears to the incorporated body that appointed him, and the source from which his salary is paid, which Incorporated body the Defendant alleges to be the real plaintiff, represented by their agent the Clerk of the Licenses and the Plaintiff herein.

4th. That the said Stipendiary Magistrate had expressed an opinion that the defendant would be compelled to testify against himself and convict himself, if subpoenaed and produced at the trial; and that he, the said magistrate, would not allow him lawful protection against criminating himself, asserting that such protection does not exist.

erge A.
Febru-

alty for the

a commis-
ch the pro-
for setting
there were
two other
nst Charles
y *certiorari*
the present
the decision

certiorari, is
ently issued.
resent, as I
tions raised,
er the affida-
ucing out his
n of the court

ve any hear-

hich they ap-

ements of the
ev. Stat. (4th
eal and signa-

Town Clerk,

ell, Esq., the
ation which he
rom which his
e real plaintiff.
herein.

opinion that the
himself, if sub-
ould not allow
protection does

caus

affid
the
Regu
foun
quest
volve
nation
these
fully
(Act
Trur

dealin
Town

2
of Re
right
tion o
case, o

3
" the
" of F
" exer

T
of cas
suffici
Law.
or mor
it may
matter

W
covery
vided,

The
name
person
were p
dorsed
convic
civil s
trials
victori

T
of the
by the
Action

N
civil n
sessed
recovery
Justice
it not
Jurisd

5th. That difficult question of law and fact would arise on the trial of this cause.

In addition to the above, S. E. Gourley, Esq., the attorney of defendant, in an affidavit made by him, states that on applying for the writ of *certiorari* he brought to the notice of the commissioner the want of jurisdiction in the said Town Court. Regularly this should have been stated in the affidavit on which the *certiorari* was founded, if relied upon as a ground for removing the cause to this Court; but as the question of jurisdiction lies at the very root of the proceedings and is necessarily involved in some of the grounds set out in Defendant's affidavit; and, as its determination is of great consequence to the Court below, where a considerable number of these suits have been instituted. I thought it desirable that this question should be fully argued and I have since given it much thoughtful consideration. By Ch. 40 (Act of 1876) Sec. 5 (being "an act to amend the act to incorporate the Town of Truro") the jurisdiction of the Town Court is defined.

That section gives to the Court, power.

1st. To try and determine in a summary way without a jury all civil actions or dealings *ex contractu*, in which the whole cause of action shall have arisen in the Town of Truro in which the cause of action does not exceed eighty dollars, &c. &c.

2nd. To try in a summary way without a Jury Actions *ex delicto* in the nature of Replevin, trespass to land or buildings or other real estate, in which the title or right of possession is not the object of controversy, provided the cause of such Action originated within the limits of the Town, and the damages claimed in any such case, do not exceed sixty dollars.

3rd. "Such Court shall have and possess all the powers in *civil matters within the Municipality*, conferred upon one or more Justices of the Peace, or Stipendiary, or Police Magistrate by any Act of the Province of Nova Scotia, or hitherto "exercisable or held by them or him."

The Jurisdiction of the Court then, under this Section, extends to three classes of cases. Let us examine the last of these and ascertain whether the language is sufficiently comprehensive to include suits for penalties for breach of the License Law. What is the meaning of the expression "*power in matters conferred upon one or more Justices of the Peace!*" Can there be any doubt that, however much more it may mean, it, at the least, means their powers, conferred by Statute, to deal with matters within their Jurisdiction by way of civil suits?

What then is the nature and character of the proceedings required for the recovery of penalties under Chapter 75, Rev. Stat., 4th series? Is the remedy provided, a civil remedy?

The 23rd Sec. provides that "penalties under this chapter may be recovered in the name of any of the Clerks of Licenses in their respective districts, or of any other person who will sue therefor in the same manner and with the like costs as if they were private debts." And though the Statute gives a form of conviction to be endorsed upon, or annexed to the original summons, when the offense is proved, this conviction is in the nature of a Judgment to be followed by an execution, as in a civil suit. The appeal is to be granted in the same manner as in case of summary trials before Justices of the Peace. In different parts of the Chapter also, the Conviction itself is designated a Judgment.

The whole process is civil in its character, issued and carried on before Justices of the Peace as a civil Court, the penalty being regarded as a debt to be recovered by the person who sues therefor. It is, in fact, in the nature of an ordinary *qui tam* Action which is purely a civil process used for the recovery of penalties.

Now if the Municipal Court of the Town of Truro possesses all the powers in civil matters, within the Municipality, which one or more Justices of the Peace possessed under any Act of the Province, as it clearly does, and if the suits for the recovery of Penalties under Ch. 75, Rev. Stat., are civil suits prosecuted before two Justices of the Peace—as a civil Court, which appears to me to be indisputable, does it not follow conclusively that the Municipal Court within the Town of Truro has Jurisdiction to try these suits and to issue the necessary process therein?

The question of Jurisdiction is however settled in another way. By Sec. 13, Ch. 49, (Acts of 1876) the bye-laws and ordinances of the Town of Truro, approved by the Governor in Council on the 3rd day of August, 1875, except so far as the same are amended by this Act, are confirmed as the bye-laws of such town, and may be acted upon and enforced as if the same were enacted and published with, and as part of the Act of Incorporation of such town."

One of these bye-laws (Sec. title "Prosecutions") among other things, provides "that all fines and penalties for any breach of any provision of any Act of the Province, now or hereafter to be in force respecting the sale of intoxicating liquors, may be enforced in the Civil or Police Court of the town."

This bye-law, it will be seen, gives either Court Jurisdiction—but after the Act of 1876, a bye-law was passed, duly approved by the Governor in Council, under which forms of process were provided for carrying on these prosecutions in the Civil or Town Court only assimilating the mode of proceeding as nearly as possible to that pursued under Ch. 75, Rev. Stat., and the Acts in amendment thereof, by two Justices of the Peace.

I have no hesitation, therefore, in saying, after having deliberately considered this question and the principles to be observed in the Construction of Statutes, that I consider the Town Court of Truro to have ample Jurisdiction to try these causes.

Now, as regards the first ground for *certiorari* mentioned in Defendant's affidavit, viz:—"That the writ in the Court below is not conformable to the requirements of the Statute of Licences for the sale of intoxicating liquors, Ch. 75, Rev. Stat. (4th series) and amendment thereof, Ch. 1st (Acts of 1876), and has not the seal and signature of any Magistrate thereto," it may be remarked:

1st. That such form in its integrity, with the signature and seals of two Justices of the Peace, would not be suited to the new condition of things.

2nd. By Ch. 49, (Acts of 1876) sec. 6, it is provided that "The Recorder and Stipendiary Magistrate shall, until otherwise directed by the Council, frame and make all rules, orders and regulations, respecting the practice in the Town Court for the trials of Civil Causes, and shall make, order, and declare, adopt, and from time to time vary and alter the various writs, processes and forms to be used by the Municipal Courts."

3rd. Sec. 3 of said Act provides that "such Court shall have a seal of such form and design as the Recorder shall adopt, and all writs, process and other proceedings shall be signed, sealed and issued by the Town Clerk, and shall be directed to the police constable or to any constable of the County of Colchester."

4th. By one of the bye-laws of the Town of Truro under the title of "Liquor License" approved by the Governor in Council, 5th March, 1878, and made under the authority of the last mentioned Act, it is provided that "The form of License, Bond, Summons, etc., shall be the same as now in use under Ch. 75 Rev. Stat., and the Acts in amendment thereof, with such alterations in the wording of such forms as to render them applicable to the Town, and the carrying out and enforcing the provisions of the said laws within the precincts of the Town—such form of Summons to be made as provided in the Act regulating the Town Court.

5th. In pursuance of the authority thus given, a form of Summons was provided containing in substance all that is contained in the form used in prosecutions before two Justices of the Peace.

Now the writ in this Cause is sworn to be in the form provided under the law. It is sealed with the proper seal of the Court by the Town Clerk and signed and issued by him, as the law requires, so that (with the Jurisdiction of the Court undisturbed) I must pronounce the objections to the writ entirely groundless.

The second ground for *certiorari* mentioned in Defendant's affidavit is "That the Clerk of License, who is plaintiff in the suit, and the Town Clerk, who issued the writ, are one and the same person," I will dismiss this objection with a very few observations. By the laws of the Incorporation the Town Clerk and the Clerk of License must be the same person. The plaintiff in the present case was legally appointed to both offices. All writs issuing out of the Town Court, as I have already shown, must be signed, sealed, and issued by the Town Clerk. Under Ch. 75 Rev. Stat., the only party recognized as the proper party to sue for penalties for breach of

. 13, Ch.
proved by
the same
l may be
nd as part

provides
the Pro-
g liquors.

er the Act
cil, under
n the Civil
ble to that
y two Jus-

considered
ates, that I
causes.

's affidavit,
rements of
Stat. (4th
al and sig-

wo Justices

ecorder and
e and make
ourt for the
om time to
the Munici-

seal of such
d other pro-
be directed

of "Liquor
made under
of License,
v. Stat., and
such forms
nforcing the
orm of Sum-

ons was pro-
prosecutions

der the law.
igned and is-
Court undis-

is "That the
ho issued the
very few ob-
the Clerk of
e was legally
I have already
Ch. 75 Rev.
for breach of

Lie
Sta
tha
ing
info
par
law
is in
time
othe
pers
the
and,
inter
hims
noth

of th
affid
ment
unde
point
pend

making
the C
which
the s
he on
requi
the K
dimin

trate
infor
by th
matte
town
the p
suit,
these
corde
relat
tryin
evid
proof
as res
On t
tton,
Tru
of L
upon
Com
again
no d
are l
any

License Law, is the Clerk of the License, within his proper district, and though the Statute also provides that a private person may sue therefor, yet it absolutely requires that the Clerk of the License, on information being given to him in writing, on having his costs guaranteed by two or more respectable parties, shall prosecute the person informed against, under penalty of the same amount as would be imposed upon the party informed against if convicted. It follows, as a matter of necessity, under the law, that if the Clerk of the License sue for penalties under Ch. 75 Rev. Stat., as he is in some cases compelled to do, the person who holds that office and at the same time holds the office of Town Clerk, must in the one capacity be plaintiff, and in the other issuer of the writ. Let it be remembered that he is acting, not as a private person, but as a public officer throughout—that he is merely an instrument for putting the law in operation, in his double capacity of Clerk of License and Town Clerk, and, so far as I can ascertain under the laws of the corporation, he has no pecuniary interest in the result. Indeed this is quite clear from the affidavit of the defendant himself and from reference to Sec 4 Chap. 49 (Acts of 1876). I can therefore, see nothing in principle, really objectionable to this mode of proceeding.

As to the third ground for *certiorari* viz: the alleged interest and presumed bias of the Stipendiary Magistrate who presides in the Town Court, having compared the affidavits on both sides in reference to this point and carefully considered the arguments and cases cited by the counsel of defendant, as well as the relation which under the law the Stipendiary Magistrate bears to the Incorporated body that appointed him, I may at once remark that I fail to see any interest or bias in the Stipendiary Magistrate to disqualify him from trying the cause.

He has no *pecuniary* interest. The Defendant in his affidavit with a view of making it appear that the Stipendiary Magistrate had such interest states "that by the Constitution and bye-laws of the Corporation, the fines, costs, and penalties which arise from prosecutions, and suits of this nature go to form a fund out of which the salary of the said Stipendiary Magistrate is paid; but it seems disingenuous that he omitted to state the further fact, that any deficiency in payment of the salary, is required by the law to be paid out of the general funds of the town. The salary of the Recorder and Stipendiary Magistrate is fixed and can neither be increased nor diminished by the result of the suit.

Again, there is no satisfactory reason shown to me why the Stipendiary Magistrate should be considered as having any *bias*. The Defendant asserts that (as he is informed and believes) the Town of Truro is the real plaintiff in this case, represented by their servant and paid agent, the Clerk of License. This is evidently merely a matter of inference, from the fact that the penalties recovered are appropriated to town purposes. The Defendant also states that if judgment should be given against the plaintiff, the incorporation would be compelled to pay all the costs of the said suit, as he is informed and believes. Now the defendant wishes me to infer from these statements, and from the fact that the Stipendiary Magistrate, who is also Recorder and appointed and paid by the Incorporation, must, from his very position in relation to the town, be under such influence and bias as would disqualify him from trying this cause. I am not disposed to draw any such inference. There is no evidence to show that such influence was ever attempted to be exerted—there is no proof that the Stipendiary Magistrate, as Recorder of the town, ever gave any advice as regards these prosecutions or performed any act which would indicate partiality. On the contrary, there is evidence to show that he has always, in trials of this description, acted with the utmost impartiality. There is nothing to show that the Town of Truro in its Corporate capacity or the Council representing it, ever directed the Clerk of License to institute these suits. But even were this the case am I to be called upon to say that they were exceeding their duty? The Corporation or the Town Council is bound to look after the welfare of the town, and to see that offenders against the law are duly prosecuted. If the law had so provided, I should have seen no difficulty in the suits being instituted in the name of the Town of Truro, as they are by law authorized to be for the recovery of fines and penalties, for violation of any bye-law of the Town, and before the same Stipendiary Magistrate. The objec-

tion to such a course if it prevailed, would strike at the Administration of law in other Municipalities as well as this—and in my judgment it cannot be entertained for a moment.

The original Act incorporating the city of Halifax provided “that penalties for breach of any part of the License Laws or of the bye-laws and ordinances of the city, made in reference thereto, shall be recovered before the Mayor’s Court, in the name of the city as plaintiff;” yet I never heard of any exception having been taken to the trial of these causes before the Mayor, because his appointment emanated from the city, and his salary was paid out of the city funds, or that the Recorder, who was also a paid official of the city, allowed or assisted him in the administration of the law.

The fourth ground for *certiorari* mentioned, is “That the Stipendiary Magistrate had expressed an opinion that the defendant would be compelled to testify against himself and convict himself if subpoenaed and produced at the trial; and that he, the said magistrate, would not allow him lawful protection against criminating himself, asserting that such protection does not exist.”

By the expression “Criminating himself” in this connection, is no doubt meant, answering questions which would tend to his conviction.

I will not enter into the discussion of the question, whether the opinion alleged to be given by the Magistrate is right or wrong; because I consider it unnecessary to do so. It is sufficient for me here to say, that the expression of such an opinion, whether right or wrong, is not a sufficient reason for defendant obtaining this writ. It is time enough for the defendant to seek a remedy when aggrieved. He is not aggrieved by the expression of the legal opinion of the magistrate on the question of evidence which might not arise, or with regard to which before it should actually arise, the opinion if wrong, might be rectified. In arguing this ground, moreover, the defendant is in effect saying to me that if he is compelled to be a witness, and the protection desired is not granted to him, the evidence that he would be obliged to give would be injurious to himself by tending to his conviction. If, otherwise, why should he fear, or seek to be exempt from examination? In connection with this let it be remembered that if he were convicted, whether on his own or independent testimony, he could not have an appeal without making an affidavit that he was not guilty of the offence alleged; and we thus see more clearly the position he occupied in regard to merit in applying for the *certiorari*. Should he be allowed this writ, if he cannot take the oath required in order to entitle him to an appeal? Is he to be permitted to evade the stringent provisions of the law by resorting to a *certiorari* before judgment, because he fears that he will be called upon to testify that which would, after judgment prevent him from getting an appeal. This would seem to me to be such an evasion of the law as ought not to be tolerated.

The only remaining ground of the defendant for obtaining his *certiorari* was “that difficult questions of law and of fact would arise on the trial of this cause.”

The defendant has not pointed out, and I have not been able to see any difficult questions of law or of fact, as likely to arise in this case, other than is likely to arise in all such prosecutions, and if this ground were to prevail, all causes of this description might be removed into this court before trial and the occupation of the courts below be gone.

This and some of the other grounds mentioned in Defendant’s affidavits are based on the assumption that when these causes are brought up by *certiorari* before trial, this court will proceed to try them. Indeed, the object of removing this cause is stated in the affidavit to be that it might be tried before an impartial and disinterested tribunal. In other words the defendant for the reasons set out in his affidavit is asking this Court to try a cause which has not been adjudicated upon by the Court below. So far as I have been able to ascertain, whatever may be the practice in England, it has not been the practice of the Supreme Court of this Province to deal with such cases in this way. I am not acquainted with a single instance of the kind, and I have reason to believe that it does not exist.

The County Court now holds the same position with regard to the administration of the law in these cases as the Supreme Court did before the County Courts were established; and I am to be governed by the practice in existence so far as I can ascertain it.

of law in
ained for

alties for
es of the
t, in the
een taken
ated from
who was
f the law.
Magistrate
y against
at he, the
g himself,

bt meant,

on alleged
ecessary to
n opinion,
this writ.
He is not
question of
ld actually
moreover,
itness, and
be obliged
otherwise,
ction with
or indepen-
that he was
on he occu-
llowed this
eal? Is he
a *certiorari*
that which
seem to me

rtiorari was
is cause."
any difficult
kely to arise
this descrip-
of the courts

affidavits are
iorari before
ng this cause
and disinter-
n his affidavit
by the Court
e practice in
ovince to deal
e of the kind,

Administration
y Courts were
ar as I can as-

Its p
its m
exist

more
whic
whic
the C
caus
Cour
strin
appe
Then
by a
proc
shall

only
brou

Legi
the C
thes
Cour
their

want
woul
ceed

solut

The law respecting the sale of intoxicating liquors is in some respects *sui generis*. Its provisions are peculiar to itself. The restrictions and penalties it imposes, with its modes of redress, are intended to secure the community from great evils or, when existing, by vigorous prosecutions to exterminate them.

From time to time the law has been amended with a view, if possible, of striking more effectually at the illicit sale of intoxicating drink. It indicates the courts in which suits for the violation of its provisions are to be commenced and the mode in which these suits are to be carried on and tried. With regard to such prosecutions, the County Court has no original jurisdiction. If the plaintiff were to initiate his cause here, he would inevitably be nonsuited. The only jurisdiction which the Court possesses in these matters is by way of appeal or *certiorari* around which stringent checks and guards are thrown to prevent defeat of the ends of justice. The appeal is necessarily after judgment and the trial in the Court above is *de novo*. There is a *statutory* provision also for trying *de novo* if need be, causes brought up by *certiorari*. By Ch 94 Rev. Stat. Sec 58 it is enacted that "in all causes and proceedings brought up by *certiorari* this court may inquire into all facts *anew* if it shall seem to them to be necessary."

The use of the word *anew* in this clause evidently shows that it has reference only to causes in which a trial has been had in the Court below. If the cause is brought up by *certiorari* before judgment, there is no *statutory* law for trying it.

For all infractions of the License Law, I am satisfied that the policy of the Legislature is to give not only a summary but a speedy remedy. This can be had in the Courts in which the law contemplates that the process should be conducted. If these courts are properly constituted and are proceeding regularly in this matter, this Court should not interpose and defeat the ends of justice by taking the trial out of their hands.

In the present case if I had found sufficient reasons for sustaining the *certiorari* from want of jurisdiction or legal incompetency or gross irregularity in the Court below, it would have been my duty, not to try the cause, but to set aside or quash the proceedings in the inferior Court. These reasons I am satisfied do not exist.

I think therefore that the rule *nisi* to set aside the *certiorari* should be made absolute with costs on the ground that the writ was improvidently issued.

APPENDIX C.

An Act to further Alter and Amend the Act to Incorporate the Town of Truro.

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

1. The Town Court for the trial of Civil causes, may be holden, when business in the Court requires it, on every Tuesday in each month, beginning at ten o'clock in the forenoon, and may sit by adjournment from day to day until all the causes for trial are called.

2. So much of the existing laws, or bye-law or regulation of the Town of Truro, as may be inconsistent with this Act is repealed.

OFFICE OF THE CLERK OF ASSEMBLY,
23rd April, 1879.

I do hereby certify the foregoing to be a true copy of an Act, which having received the sanction of both Branches of the Local Legislature, was assented to by His Honor the Lieutenant Governor on the 17th day of April instant.

HENRY C. D. TWINING,
Clerk of Assembly.

rate the

mbly as

may be
Tuesday
and may
for trial

egulation
s Act is

BLY,
1, 1879.

opy of an
hes of the
icutenant

ING,
sembly.

OF

ED

TITLE
I.—
II.—
III.—
IV.—

NUMB

I
II
III
IV
V
VI
VII
VIII
IX
X
XI
XII
XIII
XIV
XV
XVI
XVII
XVIII
XIX
XX
XXI

ARTI
I.—
II.—

Appe
Appe
Appe

INDEX

OF THE SEVERAL PARTS, TITLES, DIVISIONS, ORDINANCES
AND ENACTMENTS CONTAINED IN THIS VOLUME.

PART I.

ENACTMENTS OF THE LEGISLATURE OF NOVA SCOTIA,
ESPECIALLY AFFECTING THE TOWN OF TRURO.

TITLE	PAGE
I.—Act of Incorporation.....	5
II.—Act to Borrow Money for Schools.....	20
III.—Act to Amend Incorporation Act.....	22
IV.—Act to Assess Teachers.....	27

PART II.

ORDINANCES OF THE TOWN OF TRURO.

NUMBER	PAGE
I.—The Town Seal.....	28
II.—The Town Council.....	29
Committees.....	31
III.—Assessment.....	32
IV.—Municipal Court.....	39
V.—Police Force.....	41
VI.—Special Constables.....	42
VII.—Prosecutions.....	44
VIII.—Pound and Pound Keepers.....	45
IX.—Horses, Cattle and Geese.....	46
X.—Streets.....	47
XI.—Public Property.....	52
XII.—Auctioneers' Licenses.....	52
XIII.—Of Slaughtering.....	52
XIV.—Health Wardens.....	53
XV.—Liquor License.....	53
XVI.—Hackney Carriages and Livery Stables.....	55
XVII.—Truckman's Regulations.....	57
XVIII.—Commercial Travellers.....	60
XIX.—Exhibitions.....	61
XX.—Annual Meeting.....	61
XXI.—To Supply Vacancies.....	62
XXII.—Of Water Works.....	64

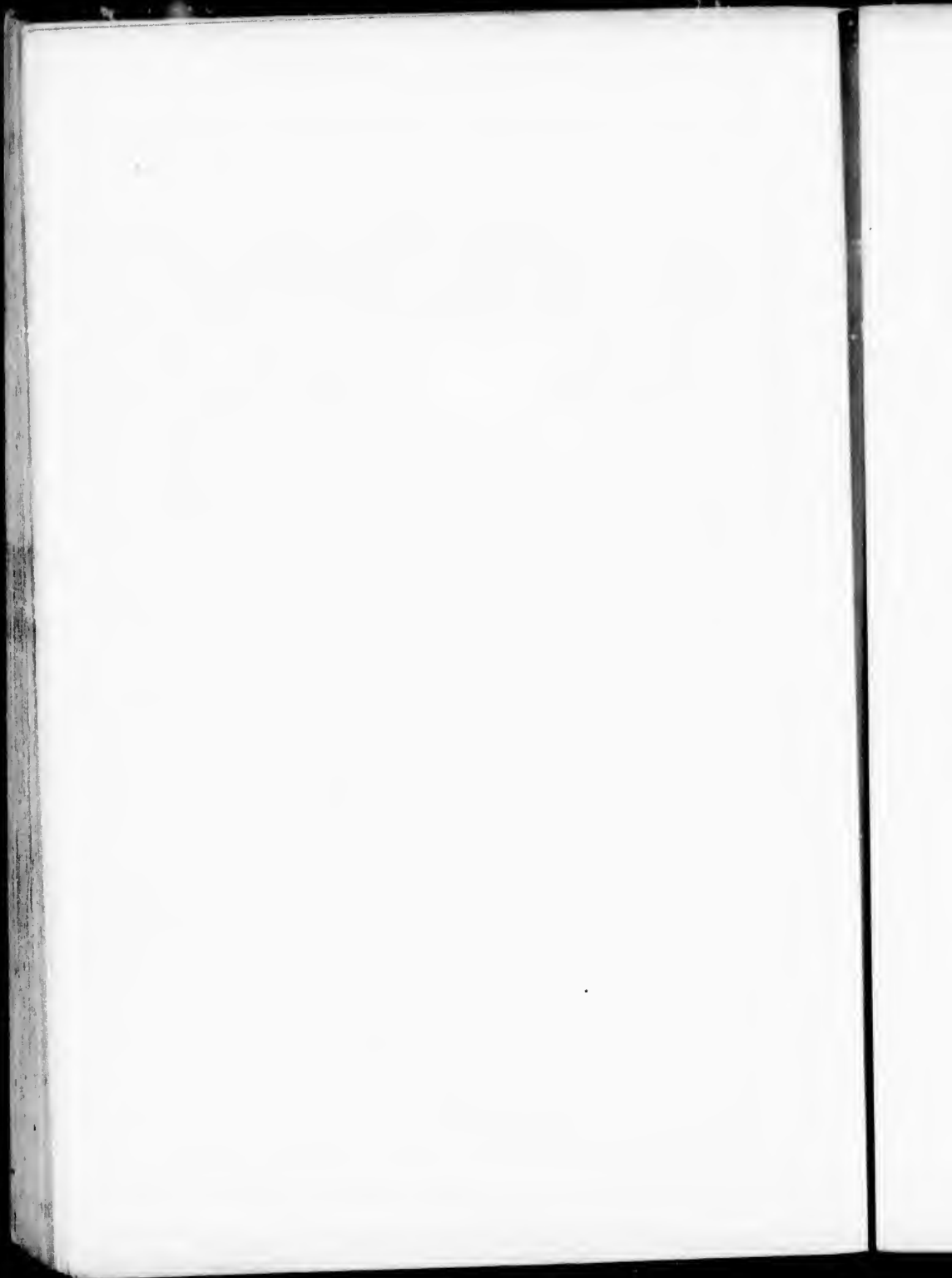
PART III.

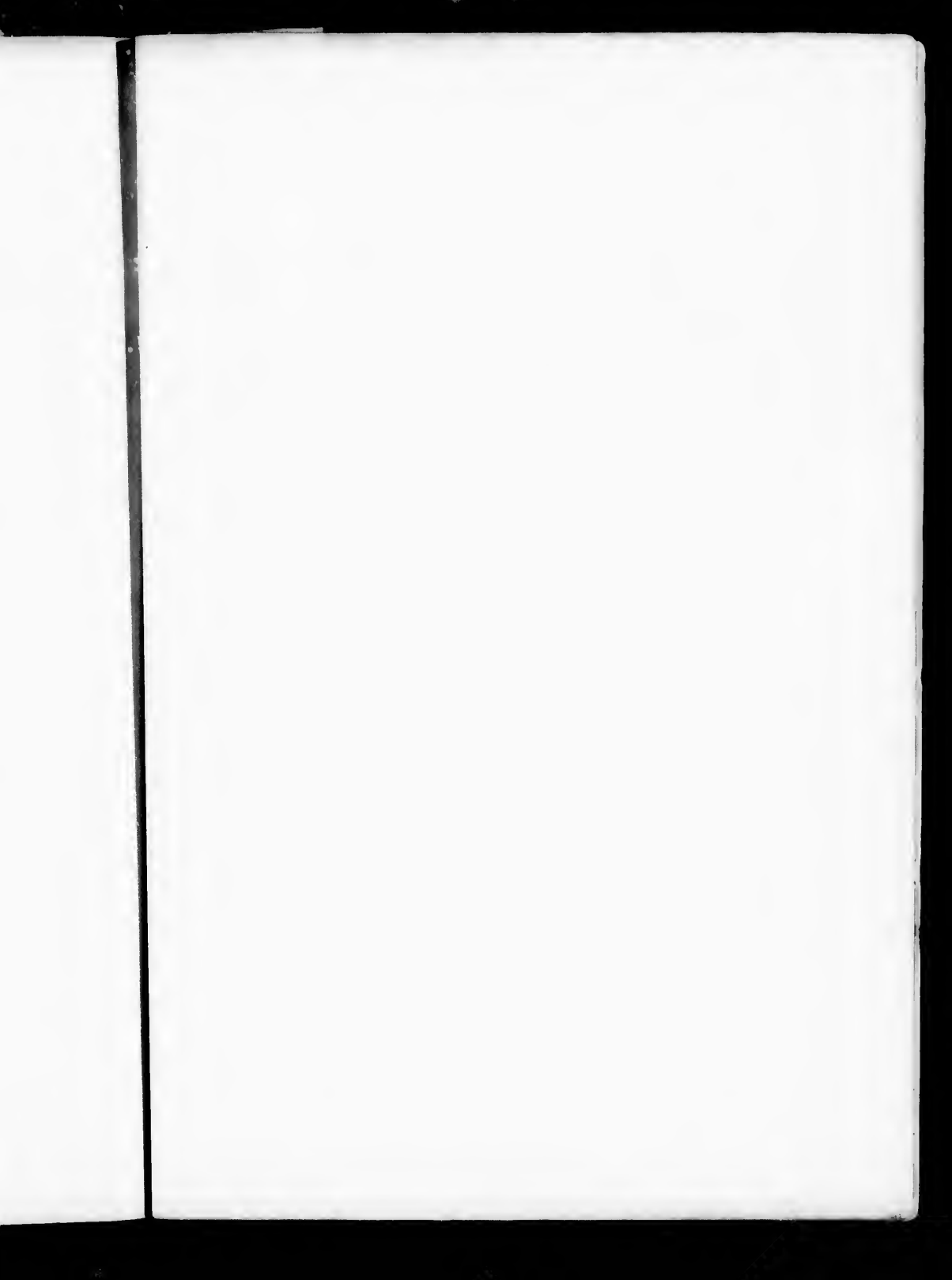
MISCELLANEOUS RULES.

ARTICLE	PAGE
I.—Rules of Town Court.....	69
II.—Police Regulations.....	72

APPENDIXES.

Appendix A.—Forms.....	74
Appendix B.—Judge Blanchard's Judgment in Certiorari Liquor Suits.....	78
Appendix C.—Act to further amend Incorporation Act.....	84





the t
the l
84, l
it wi
tents

7

POST-SCRIPT.

An important Act, under which the Town Court for the trial of civil causes can be held every Tuesday, having passed the Legislature since this work went to press, Schedule C, page 84, has been appended for its reception. And, supposing that it will prove serviceable, an index furnishing a summary of contents, has also been added.

I. L.

TRURO, May 17th, 1879.

