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No. 61.

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2nd Session, 6th Parliament, 22 Victoria, 1859.

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## BILL.

An Act to consolidate the Acts respecting Municipalities and Roads in Lower Canada.

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Received and Read, 1st time, Tuesday, 22nd  
February, 1859.

Second Reading, Tuesday, 1st March, 1859.

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Hon. Mr. Atty. Genl. CARTIER

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S. Derbshire & G. Desbarats, Queen's Printer.

An Act to consolidate the Statutes respecting Municipalities and Roads in Lower Canada.

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

Preamble.

EXTENT OF THIS ACT.

*As to Roads and Bridges constructed by the Province.*

1. This Act shall not apply to roads or bridges under the control of the Commissioners of Public Works, unless and until the same have been relinquished to the municipal authorities; nor to roads in possession of any individual proprietor or company under any act or by-law; 18 V. c. 100, s. 3.

Act not to apply after such works unless ceded to municipalities.

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

But shall apply after such session.

*As to Localities.*

2. The provisions of this Act shall not extend to that portion of the parish of Montreal which forms the city of Montreal as incorporated by law,—nor to those portions of the parishes of Quebec and St. Roch respectively which form the city of Quebec as incorporated by law,—nor to that portion of the parish of St. Hyacinth the Confessor which forms the city of St. Hyacinth as incorporated by law,—nor to that portion of the parish of Three Rivers which forms the city of Three Rivers as incorporated by law,—nor to that portion of the parish of St. Jean, which forms the town of St. John's as incorporated by law; 18 V. c. 100, s. 4, par. 1, as amended by 20 V. c. 129,—and 22 V. c. 106.

Act not to extend to those parts of certain parishes included in cities or towns.

So that—

The municipality of the parish of Montreal shall comprise only that portion of the said parish which is without the limits of the said city of Montreal;

Municipalities of parishes of Montreal, Quebec, St. Roch and St. Hyacinth, defined.

- Quebec. The municipality of the parish of Quebec shall comprise only that portion of the said parish which is without the limits of the said city of Quebec ;
- St. Roch. The municipality of the parish of St. Roch shall comprise only that portion of the said parish which is without the limits of the said city of Quebec ;
- St. Hyacinth. That part of the parish of St. Hyacinth the Confessor which is without the limits of the said city of St. Hyacinth, shall, for the purposes of this chapter, be deemed to be an extra-parochial place, and shall be annexed to the adjoining parish of Notre-Dame de St. Hyacinth ; 18 V. c. 100, s. 4, par. 2.
- Municipality of parish of Three-Rivers, defined. The municipality of the parish of Three Rivers shall comprise only that portion of the said parish which is without the limits of the said city of Three Rivers ; and for the purposes of this chapter, the parish of Three Rivers shall be understood to comprise all that tract of country being *on the first day of July, 1855*, within the ministration of the ecclesiastical authorities (*desserte*) of the parish of Three Rivers, including the several concessions upon the St. Lawrence and in the rear of such concessions, up to the tract comprised within the ministration (*desserte*) of the parish of Pointe-du-Lac, and as far as the fief St. Etienne ; 18 V. c. 100, s. 4, par. 4.
- Municipality of parish of (St. Jean), defined. The municipality of the parish of (*St. Jean*) shall comprise only that portion of the said parish which is without the limits of the town of St. John's ; 25 18 V. c. 100, s. 4, par. 2 and 4, *as amended by* 20 V. c. 129,— *and* 22 V. c. 106.
- Act to extend to the town of Sherbrooke. 2. The provisions of this Act shall also extend to the municipality of the town of Sherbrooke, as it *was on the said first day of July, 1855*, as if the same had been erected into a town municipality under this Act ; and the said municipality of the town of Sherbrooke, and the townships of Ascot and Orford shall be, for the purposes of this Act, included within the county of Compton ; 18 V. c. 100, s. 4, par. 5.
- The said town defined.
- How this Act shall apply to Ste. Anne des Monts and Cape Chat. 12 V. c. 126. 3. The provisions of this Act also extend to the settlements of *Ste. Anne des Monts*, except in so far as they are repugnant to the provisions of the Act 12 V. c. 126, which Act shall remain in force, except that the municipality of *Ste. Anne des Monts* and the municipal Council thereof shall possess all the powers conferred by this Act not only on parish and township corporations and councils, but also on county corporations and councils ;
- Proviso. But the said municipality of *Ste. Anne des Monts* shall not, for the purposes of this Act, form part of the county of Gaspé ; 18 V. c. 100, s. 4, par. 6.

4. The provisions of this Act shall also apply to the Magdalen Islands, which, for the purposes of this Act, shall form separate municipality under the name of the municipality of the Magdalen Islands, and the municipal council thereof shall  
 5 be composed of five members, and shall be presided over by a mayor, as if the said islands formed only one parish or township;—but the said council shall possess all the powers conferred by this Act not only on parish and township corporations and councils, but also on county corporations and  
 10 councils: And the said municipality of the Magdalen Islands shall not, for the purposes of this Act, form part of the county of Gaspé; 18 V. c. 100, s. 4, par. 7.

How this Act shall apply to the Magdalen Islands.

5. To the several localities which have been constituted municipalities, or as to which provision has been made with respect  
 15 to municipal matters, by special acts passed since the said first day of July, one thousand eight hundred and fifty-five, and in force,—the provisions of this Act shall apply in the manner provided by the Acts respectively, and subject to the provisions of the same. (*See the several local acts.*)

To what localities this Act shall apply.

EXISTING PROCÈS VERBAUX, SCHOOL DIVISIONS, &c.,  
 CONTINUED :—CITATION OF THIS ACT.

20 **3.** Notwithstanding the repeal of any enactment by the fifth section of the Lower Canada Municipal and Road Act of 1855, any *procès-verbal* or order lawfully made and in force immediately before the commencement of that Act, shall remain in force, until it be otherwise lawfully ordered under this  
 25 Act, and any penalty or forfeiture incurred, or any assessment due under any such enactment, before the commencement of the said Act, may be recovered as if the said Act had not been passed.

*Procès Verbaux*, orders, &c., to remain in force.

2. And each parish, township, or place which, immediately  
 30 before the time when the said Act came into force and effect, was a municipality for the purposes of the Act 9 V. c. 27, or of the Act 12 V. c. 50, relating to common schools, shall continue be a municipality within the meaning of the said last mentioned Acts, and for all the purposes thereof. 18 V. c. 100, s. 5.

Certain parishes and townships to remain municipalities for the purposes of the Act 9 V. c. 27, and 12 V. c. 50.

35 **4.** In citing the Act 18 V. c. 100, or any of the Acts amending it, in any Act of parliament, or in any instrument, document or proceeding, it shall be sufficient to use the expression “The Lower Canada Municipal and Road Act, (1855, or as the case  
 40 may be, mentioning the year in which it passed)”; and in any process for enforcing the remedies or penalties given or imposed by any such Act, it shall be sufficient, without specifying more particularly the cause of complaint or offence, to refer by number, according to the copies of the Act printed by the Queen’s Printer, to the section or sections under which the  
 45 proceeding is taken. 18 V. c. 100, s. 6,—and the Acts 19, 20 V. c. 10, s. 1,—20 V. c. 41,—22 V. c. 101.

Short Titles of Municipal Acts, and mode of referring to them or any section of them.

Citing this Act.

2. The provisions in the next preceding paragraph apply to this Act, which may be cited as the Consolidated Lower Canada Municipal and Road Act of 1859,—or by its title in full.

INTERPRETATION.

Interpretation clause.

5. The interpretation Act applies to this Act; and the following terms, whenever they occur in this Act, have respectively the following meanings, that is to say:

Parish.

1. The term "parish" means not only any territory erected into a parish either by civil or ecclesiastical authority, but applies, in like manner, to any part of a parish incorporated under this Act, and also includes any extra-parochial place or part of a parish or part of a township annexed to a parish under this Act, and the parish to which such extra-parochial place or part of a parish is annexed, conjointly,—and also includes a township annexed to a parish under this Act, and the parish to which such township is annexed, conjointly,—unless the context is inconsistent with such interpretation;

Township.

2. The term "township" means not only any territory erected into a township, but applies in like manner to any part of a township incorporated under this Act, and also includes any part of a township or parish annexed to a township under this Act, and the township to which such part of a township or parish is or shall be annexed, conjointly,—and applies also to two townships annexed to each other for the purposes of this Act, conjointly,—unless the context is inconsistent with such interpretation;

Municipality.

3. The term "municipality" means any territory incorporated under this Act;

County municipality.

4. The term "county municipality" means a county incorporated under this Act;

Local municipality.

5. The term "local municipality" means any territory incorporated under this Act, except a county, and applies equally to parish, township, town and village municipalities;

County Council.

6. The term "county council" means the municipal council of a county, incorporated under this Act;

Local Council.

7. The term "local council" means the municipal council of a local municipality;

Chief officer.

8. The term "chief officer" applies equally to the warden of a county and to the mayor of a local municipality;

County Councillor.

9. The term "county councillor" means a member of a county council;

10. The term "local councillor" means a member of a local council; Local Councillor.

11. The term "owner" applies not only to an individual proprietor, but also to several co-proprietors and to any corporation or association of persons in whom the right of ownership in any real or personal property mentioned in this chapter is vested; Owner.

12. The term "road" means a public highway, and includes all bridges upon it, and all ditches, fords and other works and things therewith connected, unless it is otherwise expressed or the context is inconsistent with such interpretation; Road.

13. The term "public bridge" means any bridge of more than eight feet in span; Public Bridge.

14. The term "lot" means not only a lot of land in any range or concession in its entirety, but signifies also any subdivision of such lot, and any parcel of land owned or occupied by any one person or by several persons conjointly, and includes all buildings and other improvements thereon, unless the contrary is expressed or the context is inconsistent with such interpretation; Lot.

15. The term "public notice" means a notice given, or to be given, to the inhabitants of the whole, or of any part or parts of any municipality or of several municipalities; Public notice.

16. The term "special notice" means a notice given or to be given to any member or officer of any municipal council, or to any other person under this Act, or in pursuance of any by-law passed by any such council, for the purpose of informing him of any appointment or of any other fact, or of requiring him personally to attend, or be present at any particular place, or for any other object; Special notice.

17. The term "district" means a judicial district as (now) established by law, (*for civil purposes*); District.

18. And the term "county" means each and every county as defined in the Parliamentary representation Acts of 1853 and 1855, (16 V. c. 152, and 18 V. c. 76.)—except that for the purposes of this Act, the Island of Orleans, in the county of Montmorenci, shall form a separate municipal county, by the name of the municipal county of the Island of Orleans;—and all that part of the said county which lies to the north of the River St. Lawrence, shall also form a separate municipal county, by the name of the municipal county of Montmorenci. 18 V. c. 100, s. 7. County.

## NOTICES UNDER THIS ACT.

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

**Mode in which public notices shall be given.** 1. The person required to give such notice shall cause the same to be drawn up in the English and French languages, unless the use of either of the said languages be dispensed with in the manner hereinafter provided, and then in that one of the said languages, the use of which is not so dispensed with ;

**How they shall be published.** After signing it, he shall publish it by causing a true copy thereof, certified by him, to be posted up on the front door of at least one church or chapel, or other place of public worship, if any there be,—and, whether there be or not any place of public worship, at some other place of public resort in the local municipality, or in each of the local municipalities, to the inhabitants of which such notice is addressed ;

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

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

**Publication.** And every such notice shall be published by posting a copy thereof, as aforesaid, at least seven clear days before the day appointed for such public meeting or proceeding. 18 V. c. 100, s. 8.

**Special notice.** 2. Every special notice shall be given in the manner following, that is to say :

**Mode in which special notices shall be given.** The person required to give such notice shall cause it to be drawn up in the language of the person to whom it is addressed, if such language be the English or the French, or if it be any other language, then, in either the English or the French language, and after having signed it, shall serve it on the person to whom it is addressed, by causing a true copy thereof to be delivered to him personally, or left with some grown person at his domicile ;



## PROVISIONS APPLICABLE TO MUNICIPAL COUNCILS GENERALLY.

*Corporate Power and Name.*

- General corporate powers. 8. Every such corporation shall have perpetual succession, and may sue and be sued under its corporate name in all courts of justice ; may acquire by purchase, donation, devise or otherwise, any real or personal property, and may hold or enjoy, or alienate the same ; may enter into all contracts necessary to or 5  
Further general powers. connected with the exercise of its functions, powers and authority ; and shall have all other collective rights and powers necessary for the performance of the duties imposed upon, and for the exercise of the authority vested in it ; 18 V. c. 100, s. 11, as amended by 19, 20 V. c. 101, s. 3. 10
- Corporation to act by a Council. 2. Every such corporation shall be represented by a council, to be composed as hereinafter provided with special reference to county councils and local councils respectively ;—and all the powers, authorities, duties and obligations of every such corporation shall be exercised and performed by such council 15 and its officers ; 18 V. c. 100, s. 11, par. 2.
- Names of Councils of counties. 3. The council of a county municipality shall be called “ The municipal council of the county of ” (*inserting the name of the county*) ; 18 V. c. 100, s. 11, par. 3.
- Of parishes, townships, towns or villages. 4. The council of a local municipality shall be called “ The 20 municipal council of the parish (*or township or townships, or of the part of the parish or township, or town or village, as the case may be*) of ” (*inserting the name of the parish, township, town or village*) ; 18 V. c. 100, s. 11, par. 4. 25
- Composition of County Councils. 5. The county council shall be composed of the mayors of the several local municipalities of the county, in which mayors have been elected or appointed ; 18 V. c. 100, s. 11, par. 5.
- Of Local Councils. 6. Every local council shall be composed of seven councillors, to be elected or appointed in the manner hereinafter pro- 30 vided ; 18 V. c. 100, s. 11, par. 6.
- Councillors not to be paid as such ; nor hold office under Council. 7. No councillor shall in any case receive or be entitled to any wages, allowance, profit or emolument whatever, for his services as such councillor ; nor shall any councillor hold any subordinate office under any municipal council, or become 35 surety for the performance of the duties of any such officer ; 18 V. c. 100, s. 11, par. 7.
- Oath of office to be taken by Councillors. [Form N.] 8. Each member of a council shall, immediately after his election or appointment, take an oath well and faithfully to perform the duties of his office ; 18 V. c. 100, s. 11. 40.

9. Every municipal corporation shall have a common seal ; and every instrument or document in writing which might be signed by the chief officer of any such corporation shall be equally valid without his signature, provided the seal of the corporation and the signature of the secretary-treasurer be affixed thereto. 19, 20 V. c. 101, s. 3. Every municipality to have a common seal.

SESSIONS OF MUNICIPAL COUNCILS.

9. Unless it be otherwise provided by any by-law made as hereinafter provided,—a general quarterly session of each county council shall be held on the second Wednesday in each of the 10 months of March, June, September and December, at the place determined upon by the council, except the first general session, the time and place of holding which shall be appointed in the manner hereinafter provided : 18 V. c. 100, s. 12, par. 1, as amended by 20 V. c. 41, s. 3, par. 1. See s. 15. Quarterly session of County Councils.

15 2. Unless it be otherwise provided by any by-law made as hereinafter provided,—a general monthly session of each local council shall be held on the first Monday in each month, at the place determined upon by the council, except the first general session, the time and place of holding which shall be appointed 20 in the manner hereinafter provided ; 18 V. c. 100, s. 12, par. 2, as amended by 20 V. c. 41, s. 3, par. 1. See s. 15. Monthly session of Local Councils.

3. But if any of the days so fixed be the Queen's Birthday or a holiday (*fête d'obligation*), such general session shall commence and be held on the day next following ; 18 V. c. 100, 25 s. 12, par. 3. Holidays.

4. A special session of any council may also be convened by the chief officer, or any two members of such council, after special notice, given to all the other members, by the person requiring such session. And every session, whether general 30 or special, shall commence at the hour of ten in the forenoon, unless otherwise determined by by-law, notice or adjournment ; 18 V. c. 100, s. 12, par. 4. Special sessions of any Council.  
Hour of meeting.  
[Form L.]

5. The secretary-treasurer of every local council shall give or cause to be given public notice of any special session of the 35 council, orally at the door of the parish church, or if there be no such church, then in the most public place within the municipality, setting forth in such notice the object of such session ; Notice of special meetings of a Local Council.

6. And such special sessions, as well as those appointed by law, shall, as far as possible, be held in the vicinity of such 40 parish church, or of the most public and frequented place if there be no such church ; and the office of the secretary-treasurer shall be established in the place where such sessions are held ; 22 V. c. 101, s. 19. Where such special sessions shall be held.

Who shall  
preside at  
meetings.

7. The chief officer of the council, or in his absence such one of the councillors as shall be chosen by a majority of votes of the councillors present,—or, in case of an equal division of votes, the senior in age of such councillors,—shall preside; 18 V. c. 100, s. 12, par. 5.

5

Questions  
how decided.

8. All disputed questions shall be decided by a majority of the votes of the members present, not including the chairman; and when the votes are equally divided, the chairman shall give the casting vote; 18 V. c. 100, s. 12, par. 6.

As to two  
third votes.

9. But the chief officer of every council has and always had a right to vote upon all disputed questions which can only be decided by the votes of two thirds of the members of such council; 20 V. c. 41, s. 5, par. 10.

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Open doors.

10. The sessions shall be held with open doors; 18 V. c. 100, s. 12, par. 7.

Adjourn-  
ments.

11. Every council, and any two of its members, when there is not a quorum present, may adjourn any general or special session to a subsequent day, but no such adjournment *when there is no quorum*, shall be made until after the expiration of one hour from the failure of the quorum; 18 V. c. 100, s. 12, par. 8.

Further limi-  
tation as to  
adjournments.

12. No adjournment of the session of a county council shall be made to any time less than seven clear days after the day on which such adjournment is made,—and no adjournment of the session of a local council shall be made to any time less than two clear days after the day on which the adjournment is made, unless, in either case a *quorum* of the council is present when such adjournment is made;—And special notice of every adjournment shall be given by the clerk to all the members of the council who were not present at the time it was made, if there was not a *quorum* present at that time; 18 V. c. 100, s. 12, par. 9.

[Form M]

Notice of ad-  
journment.

Failure of ses-  
sions not to  
dissolve Coun-  
cil.

13. No council shall be dissolved by the fact of any session thereof not having taken place. 18 V. c. 100, s. 12, par. 10.

#### CHIEF OFFICER TO BE A JUSTICE OF THE PEACE.

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

10. Every chief officer of a municipal council shall be *ex officio* a justice of the peace within the limits of the municipality wherein he has been elected or appointed, so long as he shall continue to act as such chief officer. 18 V. c. 100, s. 12, par. 11.

#### APPOINTMENT OF OFFICERS—THEIR DUTIES, &C.

Secretary-  
Treasurer.

11. Every council shall at its first general session, or at a special session held within fifteen days from the first day of

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such first general session, appoint an officer who shall be called the "secretary-treasurer" of the "municipal council of the county (or parish or township or townships, or of the part of the parish or township or town, or village, as the case may be,) of \_\_\_\_\_," inserting the name of the municipality: 18 V. c. 100, s. 13, par. 1.

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

Duties of Secretary-Treasurer.

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

To have custody of papers, &c.

3. Every copy or extract of or from any such book, register, valuation roll, collection roll, report, *procès-verbal*, plan, map, record, document or paper, certified by such secretary-treasurer, shall be deemed authentic ; 18 V. c. 100, s. 13, par. 2.

Copies certified by him to be authentic.

4. Every person appointed secretary-treasurer to a council, shall, before acting as such, give the security hereinafter mentioned ; 18 V. c. 100, s. 13, par. 3.

Secretary-Treasurer to give security.

5. He shall furnish two sureties, who shall be approved by a resolution of the council, before they shall be admitted as such ; all such sureties shall be bound jointly and severally with the secretary-treasurer, and their obligation shall extend to the payment of all sums of money for which the secretary-treasurer may at any time be accountable to the corporation, including principal, interest and costs, as well as for all penalties and damages to which he may become liable in the exercise of his office ; 18 V. c. 100, s. 13, par. 4.

How such security shall be given.

Two sureties required.

6. Every such security may be given by a bond executed before notaries, or before a notary and two witnesses, and accepted by the chief officer of the council,—or by bond under private signature in duplicate ;—The secretary-treasurer shall deliver a duplicate of such bond, if executed under private signature, or a copy thereof if executed before notaries or before a notary and two witnesses, to the chief officer who shall be the custodian thereof ; and another copy, or the other duplicate, shall be filed by such secretary-treasurer among the records of the council ; 18 V. c. 100, s. 13, par. 5.

Form of security ; deposit of bond, &c.

[Form O.]

7. Every such security-bond, when duly registered in the registry office for the county or registration division in which the secretary-treasurer resides, shall carry with it a hypothec (*hypothèque*) only on the immoveable property therein desig-

Registration of bond.

Chief officer to have it registered. And it shall be the duty of the chief officer of the council to cause it to be registered immediately on receipt thereof; 18 V. c. 100, s. 13, par. 6.

Duties of Secretary-Treasurer; receipts and payments. 8. The secretary-treasurer of every council shall receive all moneys payable to the municipality;—and he shall, whenever thereunto authorized by the council, pay out of such moneys all orders drawn upon him by any person thereunto authorized by this Act, for the payment of any sum to be expended or due by the municipality;—but no such draft or order shall be paid by the said secretary-treasurer, unless the same shews sufficiently the use to be made of the sum mentioned in such order, or the nature of the debt to be paid thereby; 18 V. c. 100, s. 13, par. 7.

Accounts and books. 9. The secretary-treasurer shall keep in due form books of account, in which he shall enter each item of receipt and expenditure, according to its date, mentioning at the same time the names of the persons who have paid any moneys into his hands, or to whom he has made any payment, respectively; and he shall keep all vouchers for expenditure; 18 V. c. 100, s. 13, par. 8.

Rendering accounts. 10. The secretary-treasurer shall render to the council, on the thirtieth day of June and on the thirty-first day of December in each year, or oftener if required by such council, a detailed account of his receipt and expenditure attested by him on oath; 18 V. c. 100, s. 13, par. 9.

Accounts to be open to members of Council. 11. The secretary-treasurer's books of account and vouchers shall be open for inspection at all reasonable hours, to the council, and to each of the members thereof, to the municipal officers by them appointed, and also to all persons liable to assessment in the municipality; 18 V. c. 100, s. 13, par. 10.

Mode of compelling Treasurer to render accounts, and pay, &c. Judgment. Interest. 12. The secretary-treasurer, or any person who has filled that office, may be sued by the chief officer of the council or by any person thereunto duly authorized by the council, in the name of the corporation of the municipality, before any court of competent jurisdiction, to compel him to render an account; and in any such action he may be condemned to pay damages for having failed to render such account; and if he renders an account, he shall be condemned to pay such balance as he acknowledges to have in his hands, together with such other sums as he ought to have debited himself with, or as the court thinks he ought to be held accountable for;—And every judgment pronounced in any such suit, shall include interest at twelve per cent on the amount thereof, by way of damages, together with costs of suit; 18 V. c. 100, s. 13, par. 11.

Contrainte par corps to enforce. 13. Every such judgment shall carry *contrainte par corps* against the secretary-treasurer, according to the laws in force.

in such cases in Lower Canada, if such *contrainte* be demanded force judgment.  
in the action to compel the rendering of the account; 18 V. c. 100, s. 13, par. 12.

14. Every Council, at its first meeting, after being duly organized, shall appoint one or two Auditors, who shall examine and report annually upon all accounts affecting the Corporation or relating to any matter or thing under its control or within its jurisdiction; 22 V. c. 101, s. 8. Council may appoint auditors.

15. Every council may appoint such other officers as are necessary for carrying into effect the provisions of this Act or of any by-laws or regulations of such council; 18 V. c. 100, s. 13, par. 13. Council may appoint other officers.

16. Every municipal officer, whether elected or appointed, shall, within eight days from the day on which he ceases to hold such office, deliver to his successor in office, if then elected or appointed, or if not, within eight days after the election or appointment of such successor, all moneys, keys, books, papers and *insignia* belonging to such office; 18 V. c. 100, s. 13, par. 14. Delivery of moneys, &c., by an officer to his successor.

17. If any such officer dies or absents himself from Lower Canada, without having delivered up all such moneys, keys, books, papers and *insignia*, it shall be the duty of his heirs or other legal representatives to deliver the same to his successor in office within one month from his death, or from his departure from Lower Canada; 18 V. c. 100, s. 13, par. 15. His representative to deliver the same in case of his death, &c.

18. And in every such case the successor in office of such officer shall, besides all other legal remedies, have a right of action before the circuit court, either by *saisie revendication*, or otherwise, to recover from such officer or from his legal representatives, or any other person in possession of the same, all such moneys, keys, books or *insignia*, with costs and damages, for the benefit of the municipality;—and every judgment rendered in any such action may be enforced by *contrainte par corps* against the person condemned, according to the laws in force, in such cases, in Lower Canada, if by the declaration such *contrainte* is demanded; 18 V. c. 100, s. 13, par. 16. Successor may recover the same if not delivered. *Contrainte par corps.*

19. No appointment of any municipal officer shall be held to be void solely by reason of its having been made after the period hereinbefore fixed for making such appointment; and any act done by any person previous to the appointment of a secretary-treasurer to any council, which might or should have been done by such officer if appointed, shall have the same force and effect as if the same had been done by such secretary-treasurer so duly appointed; 19, 20 V. c. 101, s. 4. Appointments valid though made after the time fixed.

- Mode of appointing officer--notice. [Form F.] 20. Every appointment of an officer by a municipal council shall be made by a resolution of such council; and the secretary-treasurer shall without delay give special notice thereof to the person appointed; 18 V. c. 100, s. 14, par. 1.
- Term of office. 21. Every officer so appointed, except a secretary-treasurer, shall remain in office for a period of two years from the date of his appointment, and no longer, unless re-appointed; 18 V. c. 100, s. 14, par. 2.
- Officer may be removed on certain conditions. 22. Every such council may remove any officer appointed by it, and may also remove any officer appointed by the governor and not being a member of such council, provided another person be appointed in his stead by the same resolution proposing to remove such officer, but not otherwise. 18 V. c. 100, s. 14, par. 3.

POWERS COMMON TO ALL MUNICIPAL COUNCILS.

- All Municipal Councils may make By-laws concerning— [Forms I & J.] 12. Every council may make and may from time to time amend or repeal a by-law or by-laws for all or any of the following purposes, that is to say: 18 V. c. 100, s. 15.
- Order, &c., at sessions. 1. For the maintenance of order and decorum during the sessions of the council, and for compelling the members thereof to attend such sessions and to perform their duties; 18 V. c. 100, s. 15, par. 1.
- Acquiring and disposing of property. 2. For the purchase and acquirement of moveable or immoveable property for the use of the municipality, and for the sale and disposal of the same when no longer required; 18 V. c. 100, s. 15, par. 2.
- Constructing or leasing, &c., building. 3. For the construction, acquirement, leasing, or repairing of any building required by the municipality, either for the sessions of the council or for other municipal purposes within the scope of its functions; 18 V. c. 100, s. 15, par. 3.
- Construction, &c., of fences, ditches, &c. 4. For the erection, construction, widening, altering or repairing of such fences, ditches, drains or watercourses as the interests of the inhabitants require to be so erected, constructed, widened, altered or repaired, at the expence of the municipality; 18 V. c. 100, s. 15, par. 4.
- Regulating ferries. Licenses for ferries. 5. For regulating any ferry under its control,—for fixing the tolls to be charged for crossing the same,—for authorizing any officer to grant a license to keep such ferry,—and for fixing the sum to be paid for such license, and the other conditions on which such license shall be granted, and for imposing penalties on any ferryman or other person contravening such by-laws; 18 V. c. 100, s. 15, par. 5.

But no such license shall be granted for more than one year, and no such by-laws shall make the tolls payable by any of the inhabitants of any local municipality or of any part of a local municipality, on any ferry, less than those payable by other persons, or give any undue advantage to any such inhabitants with respect to such tolls ; 18 V. c. 100, s. 15, par. 5.

Limitation as to period of licenses, &c.

6. For the acquirement from the government, gratuitously or for consideration, of any public road or public bridge made or erected at the expence of the province, or of the late province of Lower Canada, within the limits of the municipality, or of such portion of any such road or bridge as lies within, or partly within and partly beyond the said limits, with the lands and dependencies required for the use or management of the same ; 15 V. c. 100, s. 15, par. 6.

Acquiring roads or bridges from Government.

7. For raising and levying any sums of money necessary for any purpose within the scope of the functions of such council ; such sums to be raised by rates equally assessed upon all the persons liable thereto, in proportion to the value of their assessable property ; 18 V. c. 100, s. 15, par. 7.

Raising and levying money by rates equally imposed.

8. For raising and levying moneys in aid of the construction, maintenance or repair of any road leading to the municipality, or of any bridge or other public work beyond the limits of the municipality, whereby the inhabitants thereof may, in the opinion of the council, be sufficiently benefitted to warrant the granting of such aid ; 18 V. c. 100, s. 15, par. 8.

Aiding in construction of roads benefitting the municipality, though not in it.

9. For borrowing any sum of money necessary for any of the purposes within the scope of the functions of the council,—or for giving assistance to the construction of any railroad under the provisions of the *eighteenth section* of the “ Railway Clauses Consolidation Act,”—or for taking stock in, or leading money to any incorporated railway, road or bridge company in whose railway, road or bridge the inhabitants of the municipality are, in the opinion of the council thereof, sufficiently interested to warrant them in taking such stock or lending such money for the advancement of such work ; (the principal and interest of such sum payable either in this province or elsewhere, and either in the currency of this province or of the country where the same may be payable);—or for issuing debentures or bonds for any of the purposes mentioned in this section, every such debenture or bond being issued for a sum not less than twenty-five pounds currency of this province, and being payable in not less than five and not more than thirty years ;—or for the management of any sinking fund provided by any such by-law ;

Borrowing money and issuing bonds and debentures, &c., for assisting in construction of Railways.

[Form M. M.]

Managing Sinking Fund.

But no by-law made under this section shall have any force or effect—unless it be made for a sum not exceeding twenty per cent on the aggregate valuation [of the property

Total amount limited.

Rate for interest and Sinking Fund. thereby affected according to the valuation-rolls then existing,—nor unless it imposes a yearly rate sufficient, according to such valuation-rolls, to pay the interest on the sum to be borrowed, and two per cent. over as a sinking fund ;—nor unless it has been approved in the manner hereinafter provided ; 18 V. c. 5 100, s. 15, par. 9.

By-laws must be approved under 16 V. c. 22, and 18 V. c. 13. Every such by-law must be approved in the manner provided by the Act passed in the sixteenth year of Her Majesty's reign, *chapter twenty-two*, as amended by the act passed in the eighteenth year of Her Majesty's reign, *chapter thirteen*, and all the provisions of the said Acts shall apply to every such by-law except in so far as they may be inconsistent with any of the provisions contained in this section.

Municipal Loan Fund of Lower Canada to what purpose appropriated. The building of a town hall by a local or county municipality shall be one of the purposes for which the municipal loan fund for Lower Canada may be applied, and the benefit thereof obtained ; 22 V. c. 101, s. 24.

By-law not to be repealed, except, &c. No such by-law shall be repealed or altered until the whole sum borrowed and the interest thereon have been paid off, except by some other by-law approved by the governor in council, the repeal or alteration of which shall be subject to the like conditions ;

Money borrowed by a County for Railway purposes as aforesaid, to be paid by local municipalities within it. Whenever any such by-law is passed by a county council, the principal and interest of the loan shall be payable by all the local municipalities in the county ;—And the secretary-treasurer of the county council shall in each year apportion the amount to be paid by each such local municipality according to the assessment rolls then in force in each respectively ; 18 V. c. 100, s. 15, par. 9.

Nothing in above provisions of this sub-section to affect By-laws made under 16 V. c. 22, and 18 V. c. 13. But nothing contained in the foregoing provisions of this sub-section shall in any way relate to or affect any by-laws made or to be made under the authority of the said Act passed in the sixteenth year of Her Majesty's reign, *chapter twenty-two*, as amended by the said Act passed in the eighteenth year of Her Majesty's reign, *chapter thirteen* ; 19, 20 V. c. 101, s. 5.

Depositing money. 10. For depositing the funds of the municipality or investing the same at interest, in any chartered bank or public security of the province ; 18 V. c. 100, s. 15, par. 10.

Paying damages done by rioters. 11. For indemnifying persons who have lost buildings or other property destroyed either wholly or in part by rioters within the municipality ; 18 V. c. 100, s. 15, par. 11.

Paying officers. 12. For the remuneration of the officers of the corporation in addition to any fees, penalties or per centage which they may be

entitled to under the authority of this Act or of any other law; 18 V. c. 100, s. 15, par. 12.

13. For defining the duties of all the officers appointed by the council or by the governor, and imposing penalties upon the said officers for neglect of duty in cases in which such duties have not been sufficiently defined, or such penalties have not been determined by law;—But no such fine or penalties shall in any case exceed the sum of five pounds for any one offence; 18 V. c. 100, s. 15, par. 13. Defining duties of officers and enforcing performance thereof.
- 10 14. For requiring sufficient security in such manner and to such amount as the council thinks proper, from all persons accountable for the moneys of the municipality, and from all contractors with the council or its officers, whenever such security has not been specially regulated by law; 18 V. c. 100, s. 15, par. 14. Taking securities from officers, contractors, &c.
15. For imposing and collecting, by seizure and sale of the goods and chattels of the offender, any reasonable penalty not exceeding in any case five pounds, and for imposing reasonable punishment by imprisonment, not exceeding thirty days, for the breach of any of the by-laws or regulations of the Council; 18 V. c. 100, s. 15, par. 15. Imposing and collecting penalties.  
Imposing imprisonment.
16. For making such other local regulations, not contrary to law, as the good of the inhabitants of the municipality requires; 18 V. c. 100, s. 15, par. 16. Other local regulations.
- 25 17. For limiting the number of its general sessions to not less than one in each year for a county council, and to not less than four in each year for a local council; 20 V. c. 41, s. 3, par. 1. Number of general sessions.
18. For obliging any person who has in his possession any maps, plans, titles, writings or other documents relative to any road, street, lane, public place or other property in the municipality, to give communication thereof to the said council, or to any of its officers, and to permit such officer, or other person appointed for that purpose by the principal officer of the municipality, to take a copy thereof; 20 V. c. 41, s. 3, par. 2. Maps and documents in the possession of individuals relating to public property.
- 35 19. Every council may, by *resolution*, impose and levy upon the parties interested in any work undertaken for the benefit of the municipality, or of any part of the inhabitants of the municipality, a special tax to provide for the payment for such work, although the performance thereof has not been preceded or followed by the formalities required by law. 20 V. c. 41, s. 3, par. 3. Special tax on parties interested in any public works.

#### PUBLICATION OF BY-LAWS.

13. Every municipal council shall publish each by-law made by it by causing a written copy thereof, certified by the Publication by posting up

Copies of By-laws. secretary-treasurer of the council, to be posted up, within fifteen days from the date thereof, on the front door of at least one church or chapel, or other place of public worship (if any there be), and whether there be or not any place of public worship, at some other place of public resort, in each of the parishes, townships, or parts of parishes or townships, towns and villages, the inhabitants or any portion of the inhabitants of which are interested in such by-laws ; 5

In what language. Such copy shall be in English and in French, unless the use of one of the said languages is dispensed with in the municipality, in which case it shall be in the language not so dispensed with ; 10

In parishes. In parishes, the council shall also cause all by-laws to be published, by causing them to be read at the door of the church of the parish to which they relate, immediately after divine service in the forenoon, on each of the two Sundays next after the passing of such by-laws ; 15

And by insertion in newspapers. And every such council may also cause all or any of such by-laws to be published in any newspaper printed in the district, or in any adjoining district. 18 V. c. 100, s. 16. 20

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

Persons disqualified as members. ~~1.~~ No person in holy orders, or a minister of any religious denomination, nor any member of the executive council, nor any judge of the court of Queen's bench, the superior court, or the court of vice-admiralty, nor any sheriff or clerk of any court of justice (except clerks of commissioners' courts for the trial of small causes),—nor any officer of her Majesty's army or navy on full pay,—shall be elected or appointed as a municipal councillor, nor appointed to any office under any municipal council : 25

As to contractors with the Council. No person receiving any pecuniary allowance from the municipality for his services, nor any person having directly or indirectly, by himself or his partner, any contract, or any share or interest in any contract, with or on behalf of the municipality, shall be qualified to be elected or appointed or to act as a councillor of such local municipality ; 30

What shall be a contract under this section. Provided, firstly, that no person shall be disqualified from acting as municipal councillor, by reason of his being a proprietor or shareholder in any incorporated company which has any contract or agreement with any local council as aforesaid ; And, secondly, that the word "contract" in this section, shall not extend to any lease, sale or purchase of any lands, tenements or hereditaments, or to any contract for such lease, sale or purchase, or for the loan of money, or to any agreement for 35

the loan of money only,—but any municipal councillor having any interest in any matter in this second proviso mentioned, shall not vote at any meeting of the municipal council, or of any committee thereof, of which he is such councillor as aforesaid, upon any question arising upon the matter in which he is so interested as aforesaid; 18 V. c. 100, s. 17,—*amended by* 19, 20 V. c. 101, s. 6, and 22 V. c. 101, s. 6, par. 1.

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

Persons exempted from serving except by their own consent.

And any person having been within the two years next preceding, a member of a municipal council, or an officer under any such council, and any person who has paid a penalty for refusal or neglect to accept of any such office, shall be exempt from serving in the same office during the two years next after such service or payment; 18 V. c. 100, s. 17, par. 2.

Persons having already served.

3. Clerks of commissioners' courts who were elected municipal councillors before the *sixteenth* day of *August*, 1858, and having accepted the office, are hereby declared to have been legally elected; 22 V. c. 101, s. 2.

Past elections of such Clerks of Commissioners' Courts declared valid.

4. If any person disqualified, or exempt and claiming exemption from serving as a councillor, be elected, it shall be the duty of the warden or registrar, immediately on his becoming aware of the fact, to notify the same, through the provincial secretary, to the Governor, who may appoint without delay another councillor in the stead of such person so elected. 18 V. c. 100, s. 17, par. 3.

Appointment in place of Councillor elected and disqualified or claiming exemption.

#### SPECIAL POWERS OF COUNTY COUNCILS.

15. All the powers vested by the Act passed in the twelfth year of her Majesty's reign, chaptered fifty-six, and intituled, *An Act to authorize the formation of Joint Stock Companies in Lower Canada, for the construction of Macadamized Roads, and of Bridges and other works of like nature*, in the municipalities and municipal councils therein mentioned, are transferred to and vested in the county councils constituted under this chapter. 18 V. c. 100, s. 18.

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

16. Every county council may make, and from time to time may amend or repeal, a by-law or by-laws for all or any of the following purposes, that is to say: 18 V. c. 100, s. 19.

They may make By-laws concerning—  
[Form L.]

Place of sitting.

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

1. For appointing the place at which all sessions of the county council, after the first session, shall be held;—and every place so appointed shall thereafter be the county town (*chef-lieu du comté*); But if the first session of such council was held at a place which at the time of the passing of Lower Canada Municipal and Road Act, 1855, was the *place of holding the meeting of the municipal council* of a county or division of a county, the concurrence of two-thirds of the members for the time being of such council shall be necessary for the making of a by-law appointing any other place for holding the subsequent sessions of such council; 18 V. c. 100, s. 19, par. 1.

Place of sitting of any County Council to be permanent when a Registry Office is built at it.

And whenever a registry office has been established, or a public edifice for the use of the county council has been provided, or is in course of construction, at a place appointed by by-law under the said Act for the sittings of such council, such sittings shall continue to be held at the place so appointed, until otherwise determined by the legislature; 19, 20 V. c. 101, s. 7.

Construction, &c., of a Court House and Gaol.

2. For the acquirement or construction and maintenance of a court house and gaol, in the place lawfully appointed for that purpose, and for providing means in aid of the acquirement, construction or maintenance of any such buildings; 18 V. c. 100, s. 19, par. 2—*and see* 20 V. c. 44.

Maintenance of an office for registration of deeds, &c.

3. For the acquirement or construction and maintenance of an office for the registration of deeds, either apart from or forming part of any court house situate within the county, and for the construction and maintenance therein of a fire-proof vault for the preservation of such deeds; and for providing means for the acquirement or construction and maintenance of such office, and also for the transcription of any deeds which the council deems it expedient to transfer and deposit in such office, for the convenience of the inhabitants of the county; 18 V. c. 100, s. 19, par. 3.

Turnpikes.

Limitation.

Tolls to be equal in all.

4. For placing toll-bars, and for levying tolls on persons, animals and vehicles passing over any roads or bridges within the limits of the county; But it shall not be lawful, by any such by-law, to make the tolls payable by any of the inhabitants of any local municipality or of any part of a local municipality, less than those payable by other persons for the use of the road or bridge therein mentioned, or to give any undue advantage to any such inhabitants with respect to such tolls; 18 V. c. 100, s. 19, par. 4.

Fire in the woods, &c.

5. For determining the periods of the year during which fire may be applied to logs, bush and other wood for the purpose of clearing land within the limits of the county, and for compelling persons so applying fire to adopt such precautions as may be deemed requisite to prevent such fire from extending to

adjoining forests, crops and other property ; 18 V. c. 100, s. 19, par. 5.

6. For regulating the fees to be paid for the services rendered by the *proper officer* by the council for that purpose, or by the secretary-treasurer, either in making reports or *procès-verbaux*, or in furnishing copies of documents at the request of any person or number of persons, whenever the county council, or any local council within the county, deems it just that such fees should not be made a charge upon any municipality in the county, but should be paid by the person or persons requiring such services ; 18 V. c. 100, s. 19, par. 6.

Regulating fees to *proper officer* or Treasurer.

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

County Councils to make By-laws, &c.

15 For prohibiting and preventing the sale of all spirituous, vinous, alcoholic, and intoxicating liquors, or to permit such sale subject to such limitations as they shall consider expedient ; 19, 20 V. c. 101, s. 8, par. 1.

Intoxicating liquors.

20 For determining under what restrictions and conditions, and in what manner the revenue inspector of the district shall grant licenses to shop keepers, tavern keepers, or others, to sell such liquors ; 19, 20 V. c. 101, s. 8, par. 2.

Licenses to sell the same.

25 For fixing the sum payable for each such license, but such sum shall in no case be less than the sum payable therefor, on the first day of July, 1856 ; 19, 20 V. c. 101, s. 8, par. 3.

Sum payable for license.

30 For the ordering and governing of all shop keepers, tavern keepers, or other retailers of such liquors, in whatever place they may be sold, in such manner as the council deems proper and expedient for the prevention of drunkenness ; 19, 20 V. c. 101, s. 8, par. 4.

Governing persons so licensed.

35 And no revenue inspector shall grant any license for the sale of any such liquors aforesaid, in any Municipality where such sale has been prohibited by by-law, nor in any Municipality where a by-law determining the restrictions and conditions under which such licenses may be granted has been passed, otherwise than in conformity with the provisions thereof, provided a copy of such by-law has been transmitted by the secretary-treasurer to such revenue inspector. 19, 20 V. c. 101, s. 12.

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

FIRST SESSION OF COUNTY COUNCILS ELECTION OR APPOINTMENT OF WARDEN, &c.

40 17. The first general session of every county council shall be held at the time and place to be fixed for that purpose by

First session.

the Registrar, who shall give notice thereof to each member of the council;—and every subsequent session shall be held at the place appointed for that purpose by the county council, as provided in *the next preceding* section: 18 V. c. 100, s. 20, par. 1.

Quorum of County Councils.

2. Five members of the county council in every county comprising seven or more local Municipalities, and three members of such council in every county comprising any number of local Municipalities less than seven, shall form a *quorum*; 18 V. c. 100, s. 20, par. 2.

Who shall preside at first meeting.

3. The registrar, or in his absence, one of the members of the council present to be chosen for that purpose by a majority of votes,—or if the votes be equally divided, the senior in age of the members present,—shall preside at the first general session; 18 V. c. 100, s. 20, par. 3.

Election of Warden.

4. The members of the county council shall, at the said first session, choose from amongst themselves some fit and proper person, to be the Warden of the county; and if the votes are equally divided, the person presiding at the said session, whether such person be a member of the council or the Registrar, shall give the casting vote;—And the Registrar shall cease to have the right to preside, so soon as the Warden so chosen has taken the oath of office; 18 V. c. 100, s. 20, par. 4.

Warden to preside when chosen.

Governor to appoint Warden if none be elected.

5. If no election of a Warden is so made at the said first session of the council, then the Governor, upon the fact being notified to him by the Registrar, shall appoint without delay one of the members of the council to be Warden of the county; 18 V. c. 100, s. 20, par. 5.

Term of office of Warden.

6. The Warden so elected or appointed shall hold his office until the next general election of councillors, and thereafter until another person is appointed in his stead; unless such Warden, if elected by the county council, be removed before that time (as he may be) by a vote of two thirds of the members of the council, or unless such Warden, if appointed by the Governor, be removed (as he may be) by the Governor. If the Warden be removed by a two-third vote of the county council, the said council shall appoint another at the same session, otherwise the Governor shall appoint one, on being notified of the fact by the Registrar or by the Secretary-treasurer of the county council. If the Warden be removed by the Governor, another shall be appointed by the Governor. 18 V. c. 100, s. 20, par. 6.

Removal of Warden by Council.

His place, how to be filled.

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

18. The office of County Superintendent having been abolished by the Lower Canada Municipal Road Amendment Act of 1857: 20 V. c. 41. Office of County Superintendent abolished.

1. All the powers and privileges theretofore conferred upon the county superintendent, shall be exercised in the manner following: 20 V. c. 41, s. 8, par. 2. Powers of County Superintendent, how exercised hereafter.

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

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

In respect of any work in which several counties are interested, by the Warden of the counties in which the work was originally proposed, and the said Warden shall summon a meeting of delegates, and shall preside thereat; 20 V. c. 41, s. 8, par. 1, 2, as amended by 22 V. c. 101, s. 10. Work in which several Counties are interested.

Every council may, by resolution, appoint a proper person to prepare any *procès-verbal*, or perform any other duty theretofore devolving upon the council in respect of any such work, and the person so appointed shall be understood to be intended by the expression "*the proper officer*" in the following provisions of this Act, and he shall be held to be one of the municipal officers, and shall be bound to fulfil all formalities required with regard to the matters entrusted to him, and subject to the same penalties as other municipal officers for any neglect of duty: 20 V. c. 41, s. 8, par. 3. Appointment of "proper officer," in place of County Superintendent.

Every petition relative to any such work in which one or more counties are interested shall be addressed to the county council,—and every petition relative to any local work, shall be addressed to the local council, and the petition shall be handed into the Secretary-treasurer of the council to which it is addressed, who shall present it forthwith to the council if it is then sitting, or if it is not sitting, then at the next ensuing session; 20 V. c. 41, s. 8, par. 5. Petitions relative to works.

The Secretary-treasurer of each county council, and of each local council shall keep a Repertory in which he shall refer in a summary manner, and as near as may be in the order of their dates, to all registers, reports, *procès-verbaux*, valuation rolls, collection rolls, judgments, resolutions, maps, plans, returns, notices, letters and papers whatsoever which may come into his possession in the exercise of his functions; 18 V. c. 100, s. 21, par. 6, 7, as amended by 20 V. c. 41, s. 8, par. 6. Secretary-Treasurer to keep a repertory.

He shall deliver to any person applying for the same, a copy of any document in his possession or custody, or of record in And deliver copies of documents.

Copies to be evidence, &c. his office, upon payment of such fees as shall be fixed by the (county) council; and every such copy certified by him as correct shall be *prima facie* evidence of the contents thereof; and he shall allow all such documents to be inspected at reasonable hours by all persons interested therein. 18 V. c. 5 100, s. 21, par. 6, 7,—20 V. c. 41, s. 8, par. 6.

## COUNTY DELEGATES.

There shall be three delegates for each County. **19.** In every county there shall be three delegates to represent the interests of the county at every meeting of delegates held under the provisions of this Act, and to exercise and perform, in conjunction with delegates sent from another, or 10 several other counties, as the case may be, the powers and duties hereinafter mentioned: 18 V. c. 100, s. 22, par. 1.

Warden to be one,—other two how appointed. **2.** The Warden shall be *ex officio* one of the said delegates;—the two other delegates shall be such two members of the county council as shall be appointed for that purpose at 15 the first session held after the general election of local councillors, or at a special session held within fifteen days from the first day of such general session;—and the said delegates shall hold their office as such during their tenure of office as county councillors, and no longer; 18 V. c. 100, s. 22, par. 2. 20

Term of office. Vacancies, how filled. **3.** And whenever any one of such delegates dies, or is absent or incapacitated to attend to his duties from sickness or any other cause, the county council shall appoint another delegate or other delegates in the stead of the delegate or delegates deceased, absent or incapacitated. 18 V. c. 100, s. 22, par. 3. 25

## POWERS COMMON TO ALL LOCAL COUNCILS.

Local Councils may make By-laws concerning— **20.** The powers and authority of each local council (in addition to the powers hereinbefore conferred upon all municipal councils) shall extend to the following objects: 18 V. c. 100, s. 23.

Opening, making and repairing roads, bridges, &c. **1.** To the opening, constructing, making, levelling, pitching, 30 raising, planting, improving, preserving and maintaining of any new or existing highway, road, street, side-walk, crossing, alley, lane, bridge, ford or other communication within the municipality, and to the planting of trees along such highway or communication; the stopping up, pulling down, widening, alter- 35 ing, changing, diverting or cleaning of any such highway, road, street, side-walk, crossing, alley, lane, bridge, ford or other public communication within such municipality, in conformity with the provisions of this Act relative to all such matters; the taking possession of any land or real property 40 required for any such purposes, and the making provision for the indemnity to be paid to the owners of such land or real property;

But no town or village council shall levy any assessment from persons not residing or holding assessable property within the limits of such town or village, or shall require from any such persons the performance of any labor, towards the construction or maintenance of public roads within the limits of such town or village;—except only that any such Council may levy an assessment from persons residing or holding assessable property outside of the limits of such Town or Village, or require from any such person the performance of labor, towards the construction or maintenance of any bridge or bridges, within the limits of such Town or Village, in accordance with any *procès-verbal* or By-law, relative to the construction and maintenance of any such bridge or bridges, in force before the *first day of July*, 1855, or before the incorporation of any such town or village subsequently to that day; 18 V. c. 100, s. 23, par. 1, amended by 19, 20 V. c. 101, s. 11, par. 3, and 22 V. c. 101, s. 23.

Rate not to be levied for certain purposes or on certain persons.

2. To the opening, enclosing and maintaining, at the expense of the municipality, such squares, parks or public places, as may be conducive to the health or convenience of the inhabitants;—to ornamenting the same by planting trees therein or otherwise, and causing trees to be planted along any side-walk or footpath, at the expense of the municipality; 18 V. c. 100, s. 23, par. 2.

Opening and adorning public squares, &c.

3. To the prevention or removal of abuses prejudicial to agriculture and not specially provided for by law;—the establishment of public pounds for the safe keeping of animals and poultry, found astray or doing damage on the public roads or bridges, or on the lands of others than the owners of such animals or poultry;—the determination of the periods of the year when such animals and poultry either may be allowed to run or should be prevented from running at large;—the fees to be taken by the keepers of such pounds;—the damages payable by the owners of such impounded animals or poultry;—the manner in which such animals or poultry shall be sold, in the event of their not being claimed within a reasonable time, or in case the damages, penalties and expenses shall not have been paid according to law, or to any by-laws made for the said purpose; 18 V. c. 100, s. 23, par. 3.

Prevention of abuses prejudicial to agriculture.

Pounds, &c.

Animals running at large.

Fees to Pound Keepers.

Damages by animals.

4. To the making of regulations as to pits, precipices and deep waters, or other places dangerous to travellers; 18 V. c. 100, s. 23, par. 4.

Pits and precipices.

5. To the imposition of a tax on the owners or harbourers of dogs; the making of regulations, whenever the public peace and safety may require it, to keep dogs tied up and to prohibit them being at large, and for killing all dogs found at large contrary to such regulations; 18 V. c. 100, s. 23, par. 5.

Dogs and tax on dogs.

- Carters.** 6. To the licensing of carters and common carriers; 18 V. c. 100, s. 23, par. 7.
- Public Exhibitions.** 7. To the regulation of the manner in which any theatrical performance or other public exhibition shall be held, and the imposition of a tax, not exceeding five pounds currency, upon every such performance or exhibition,—which tax, if not paid on demand, may be levied out of the goods and chattels of all or any of the persons connected with such performance or exhibition, under a warrant of distress signed by the mayor of the municipality;—and to the prohibition of any such performance or exhibition tending to endanger public safety or morality; 18 V. c. 100, s. 23, par. 8.
- Levying fines.**
- [Form W.]
- Maps, plans and surveys of the Municipality.** 8. To the making or procuring of maps, plans or surveys of the municipality, whenever the council deems it expedient to make or procure the same;—but no such map or plan shall be procured at the expense of the municipality, unless it be drawn by a provincial surveyor upon a scale of at least four inches to the mile; 18 V. c. 100, s. 23, par. 9.
- Dividing the Municipality for road purposes.** 9. To the dividing of the municipality into inspectors' divisions, and subdividing any such division into overseers' sections; 18 V. c. 100, s. 23, par. 10.
- Local Council may prohibit the sale of intoxicating liquors in certain cases.** 10. Every local council may make by-laws to prevent or prohibit the sale of all spirituous, vinous, alcoholic and intoxicating liquors, in any year when the county council has failed in the month of March to regulate by by-law such sale; 19, 20 V. c. 101, s. 11, par. 5.
- School rates may be collected at the same time as the Municipal assessments.** 11. Every local council may accept from the school commissioners of any school municipality situate within the limits of the local municipality, the collection roll for school rates, or a certified copy thereof, and may by resolution declare that the collection of the rates shall be made at the same time and in the same manner as that of the municipal assessments;—and any secretary-treasurer charged with the collection of such rates, shall hand over the entire amount, so soon as he shall have collected them, to the secretary-treasurer for schools entitled to receive the same; 20 V. c. 41, s. 5, par. 1.
- Licenses to pedlars, &c.** 12. Every local council may from time to time make, alter or repeal by-laws for the granting of licenses to pedlars and other travelling traders and artists, and for preventing them from carrying on their traffic or practising their art without being licensed thereto; 20 V. c. 41, s. 5, par. 2.
- Local Councils may oblige all traders to take and pay for a license.** 13. Every local council may compel all traders, whether wholesale or retail, other than tavern-keepers and retailers of intoxicating liquors, to take out and to pay such council for a license to keep a shop or store, and may regulate the amount to

be paid for such license ; but such amount shall not exceed twenty dollars ; 22 V. c. 101, s. 16.

14. Every local council may make by-laws to prevent parties from driving or riding faster than an ordinary trot, in the streets, or public places comprised within a radius of one mile from the principal church in the local municipality ;—and for preventing gambling and the keeping of gambling houses in the municipality. 22 V. c. 101, s. 17.

Preventing fast driving and gambling.

#### ERECTING UNINCORPORATED VILLAGES.

21. Whenever there are within the limits of a local municipality at least forty inhabited houses erected within a space not exceeding sixty superficial arpents, the council of such local municipality shall have full power and authority to pass a by-law defining the limits of such tract and recognizing its existence as an unincorporated village, under such name as they may please to assign thereto ; and from and after the date of the publication of any such by-law, the local council shall have the same power and authority to make by-laws for such unincorporated village as the council of any *incorporated* town or village erected under this Act. 19, 20 V. c. 101, s. 11, par. 1.

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

#### SPECIAL POWERS OF TOWN AND VILLAGE COUNCILS

22. In addition to the powers hereinbefore conferred upon all local councils, the municipal council of every town and village municipality may make by-laws for all or any of the following purposes, that is to say : 18 V. c. 100, s. 24.

Town and village Councils may make By-laws concerning—

1. For establishing markets or market places ;—for abolishing any market or market place within any such municipality, or for appropriating the whole or any part of the site of any market or market place for any other public use whatsoever ; reserving nevertheless to any person aggrieved by any act of such council respecting any such market or market place, any recourse which he lawfully has against the municipality for any damage suffered by him by reason of such act ; 18 V. c. 100, s. 24, par. 1.

Markets.

Proviso.

2. For regulating and defining the duties and powers of the clerks of the markets within the municipality, and of all other officers employed on the said markets ; and for leasing stalls and stands for the sale, and offering for sale, of every description of articles or goods whatsoever upon the said markets ;—and for imposing duties or taxes on all persons vending upon such markets any provisions, vegetables, butchers' meat, grain, fowls, hay, straw, coal, salt, cord-wood, shingles, or any thing else whatsoever ;—for prohibiting the sale, or exposure for sale, by any person not resident within the municipality, of any such

Appointment, &c., of Clerks of Markets, and other Market officers, stalls, duties, sales of certain articles, &c.

provisions or other thing elsewhere than upon such markets and in such other places as may be appointed for that purpose by any such by-law;—and for regulating the conduct of all persons vending or purchasing upon the said markets; 18 V. c. 100, s. 24, par. 2.

Duties on vehicles in which articles are brought to Market.

3. For imposing duties upon wagons, carts, sleighs, boats, canoes and vehicles of all descriptions, in which articles are exposed for sale upon any such market, or in any street or upon any beach within the municipality, and for regulating the manner in which such vehicles shall be placed when used for any such purpose; 18 V. c. 100, s. 24, par. 3.

Weighing and measuring certain articles.

4. For regulating the weighing or measuring of cord-wood, lumber, shingles, coal, salt, hay, straw and grain, brought within the municipality for sale;—for regulating and determining whether any other articles purchased or sold within the municipality shall be weighed or measured, or both;—and for appointing persons to weigh and measure any or all such things, and for fixing and determining the remuneration to be paid to such officers and the duties to be performed by them; 18 V. c. 100, s. 24, par. 4.

Weight of bread.

Marking Bakers' names &c.

5. For regulating, fixing and determining the weight of bread, sold or offered for sale within the municipality, and for compelling bakers to mark with the initials of their respective names the bread made by them, and for confiscating bread of insufficient weight or unwholesome quality; 18 V. c. 100, s. 24, par. 5.

Commutation of statute labour.

6. For increasing the personal commutation to be paid in each year by each person subject to perform statute labour on the roads and streets within the municipality, to an amount not exceeding five shillings currency for each person;—and for obliging every such person to pay the amount of such personal commutation so determined upon, without allowing any such person to offer his personal labour in lieu of such commutation;—and for exempting from the payment of such commutation persons or any class of persons whom the council deems it expedient to exempt by reason of their want of means; 18 V. c. 100, s. 24, par. 6.

Assessing for making sewers.

7. For assessing the proprietors of real property for such sums as are at any time necessary to defray the expenses of making or repairing any common sewer under any public street or road within the municipality, and for regulating the manner in which such assessments shall be collected and paid; 18 V. c. 100, s. 24, par. 7,—as amended by 19, 20 V. c. 101, s. 13.

Fencing real property.

8. For obliging the proprietors of real property situate within the limits of the municipality to fence in and enclose such real property; 18 V. c. 100, s. 24, par. 8.

9. For directing and requiring, at any time, the removal of any door-steps, stairs, porches, railing or other projections into, or obstructions in, any public street or road within the municipality, by and at the expense of the proprietors of the real property in or connected with which such projection or obstruction is found ; 18 V. c. 100, s. 24, par. 9.

Removing encroachments on streets, &c.

10. For establishing or altering the level of the foot-paths or side-walks in any street or road within the municipality, in such manner as the council shall deem conducive to the convenience, safety and interest of the inhabitants ; provided always, that the council may make compensation out of the funds of the municipality, to any person whose property shall be injuriously affected by any such alteration of the level of any foot-path in front thereof ; 18 V. c. 100, s. 24, par. 10.

Altering level of side-paths, &c.

Compensation in certain cases.

11. For pulling down and removing, when deemed necessary, all old walls, chimnies or buildings in a state of dilapidation or decay ; and for fixing at what time, by what means, and at whose expense, the same shall be so pulled down and removed ; 18 V. c. 100, s. 24, par. 11.

Pulling down decayed buildings.

12. For preventing accidents from fires,—and for regulating the conduct of persons present at any fire within the municipality ;—and (among other by-laws for the same purpose) for regulating the mode of placing stoves or stove-pipes, flues, furnaces or ovens, or the mode of keeping ashes ;—for obliging proprietors or occupiers of houses to provide themselves with proper fire-buckets, and to have ladders from the ground to the roofs of their houses, and from such roofs to the tops of the chimnies ;—for preventing any person from entering any stable, barn, shed or out-house, with a light not enclosed in a lantern, or from entering any such building with a lighted cigar or pipe, or from carrying into the same any fire not properly secured ;—for preventing any person from lighting or having any fire in any wooden shed or out-house or other wooden building, unless such fire be placed in a chimney or in a stove of iron or metal, or from carrying fire in or through any street or public place, garden or yard, unless such fire be confined in some metal vessel ;—and for compelling the proprietors or occupants of barns, lofts or other buildings containing combustible or inflammable materials, to keep the doors thereof closed when not necessarily required to be open ; 18 V. c. 100, s. 24, par. 12.

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

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

Obliging certain tradesmen to construct furnaces in a certain manner.

nexion with which such oven or furnace is placed ; 18 V. c. 100, s. 24, par. 13.

Keeping and sale of gun-powder.

14. For providing that gunpowder be safely kept in boxes of copper, tin or lead ; for regulating the quantity which may be kept in each house or building not being a powder magazine, and for prohibiting the sale thereof after sun-set ; 18 V. c. 100, s. 24, par. 14.

Furnaces for lime and charcoal.

15. For preventing the erection of furnaces for making charcoal, and for regulating the manner in which quick lime may be kept or deposited ; 18 V. c. 100, s. 24, par. 15.

Discharging fire-works.

16. For preventing persons from throwing up fire-works, firing off crackers (*pétards*), discharging fire-arms, or lighting fire in the open air, in any of the streets or roads, or in the neighborhood of any buildings, groves, hedges or fences within the municipality ; 18 V. c. 100, s. 24, par. 16.

Purchasing fire-engines, &c.

17. For defraying, out of the funds of the municipality, all such expenses as the council deems just to incur, for the purchase of engines, or any other kind of apparatus, or any article whatsoever necessary for the prevention of accidents by fire, and for facilitating the means of arresting the progress of fires ; 18 V. c. 100, s. 24, par. 17.

Preventing thefts, &c., at fires.

18. For preventing thefts and depredations at fires, and for punishing any person who resists, opposes or ill-treats any member or officer of the council while in the execution of the duty assigned to him, or in the exercise of any power or authority with which he is invested in virtue of any by-law made under the authority of this section ; 18 V. c. 100, s. 24, par. 18.

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

19. For defraying out of the funds of the municipality any expense incurred by the council for assisting any person employed by such council, who has received any wound or contracted any sickness or disease while attending at any fire, or for assisting or for providing for the wants of the family of any person who has lost his life at any fire while so employed ;— and for granting rewards in money, medals or otherwise, to persons who have performed any meritorious action at any fire, or in saving persons from drowning or from other serious accidents ; 18 V. c. 100, s. 24, par. 19.

Authorizing the destruction of houses to stop fires, &c.

20. For investing the members of the council and such officers as shall be designated in such by-laws, with the power to cause to be blown up, pulled down, or otherwise destroyed, any building or fence which any such member, or any such officer, deems it necessary to direct to be pulled down or destroyed for the purpose of arresting the progress of any fire, and for providing and paying an indemnity, when justly due, to the owners of any building or fence so blown up, pulled

Compensation.

down or destroyed, or to any person sustaining any damage or injury from any such act ; 18 V. c. 100, s. 24, par. 20.

21. For regulating the conduct of apprentices, servants, labourers and hired persons and the conduct of masters and 5 mistresses towards their said apprentices, servants, labourers or hired persons, in the municipality. 18 V. c. 100, s. 24, par. 21. Regulating masters, servants, &c.
22. For preventing gambling and the keeping of gambling 10 houses in the municipality ; 18 V. c. 100, s. 24, par. 22. Preventing gambling.
23. For establishing a board or boards of health in the muni- 15 c. 100, s. 24, par. 23. Preserving public health.
24. For compelling the proprietors or occupants of houses to clean all stables, outhouses, privies and yards connected there- with, at such times and in such manner as the council deems expedient ; 18 V. c. 100, s. 24, par. 24. Compelling cleanliness in yards, &c.
25. For preventing the throwing, into any public street or 20 road, of any sweepings, filth, dirt, rubbish or ordure, and for enforcing the removal thereof ; and for preventing and removing all encroachments and nuisances in or upon any street or road ; 18 V. c. 100, s. 24, par. 25. Preventing the deposit of filth in streets, &c.
26. For authorizing such officers as may be appointed by the 25 council for that purpose, to visit and examine at suitable times and hours to be fixed in and by such by-laws, as well the inside as the outside of all houses, buildings and real property of any description in the municipality, for the purpose of ascer- 30 taining whether the by-laws, to be made as aforesaid, have been duly observed,—and for obliging all proprietors, posses- sors or occupants of such houses, buildings or real property, to admit such officers and persons into and upon the same at the times and hours, and for the purposes aforesaid ; 18 V. c. 100, 35 s. 24, par. 26. Authorizing officers to inspect property to see that By-laws are complied with.
27. For preventing persons from passing along the public streets or roads in any vehicle or on horseback at any faster pace than an ordinary trot ; 18 V. c. 100, s. 24, par. 27. Preventing violent riding or driving.
28. For providing within the municipality, if there be no 40 district gaol therein, a lock-up-house or other place for the safe keeping of persons sentenced to any term of imprisonment not exceeding thirty days under any of the provisions of this chapter, or of the Ordinance mentioned in the next following section : 18 V. c. 100, s. 24, par. 28. Providing lock-up house in default of Gaol.

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

Certain Ordinances of Lower Canada 2 V. c. 2, as amended by 7 V. c. 21, and 9 V. c. 23, extended to towns and villages.

The eighth, ninth, tenth and eleventh sections of the Police Ordinance of the legislature of Lower Canada, passed in the second year of Her Majesty's reign, intituled : *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, as amended by an Act passed in the seventh year of Her Majesty's reign, intituled : *An Act to alter and amend certain provisions of the Ordinance of the Governor and Council of Lower Canada of the second year of Her Majesty's reign*, intituled, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, and by an Act passed in the ninth year of Her Majesty's reign, intituled : *An Act to amend the Act amending certain provisions of the Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, does and shall extend to and have force of law in every town and village municipality erected or existing under the provisions of this Act, of which the said sections shall be held to form part. And in every case where under any of the provisions contained in the said section of the said Ordinance so as aforesaid amended, a justice of the peace may commit any person brought before him, in either of the cities mentioned in the said ordinance, to the common gaol or house of correction, any justice of the peace may commit any person brought before him in any such municipality to imprisonment for any term not exceeding thirty days, either in the common gaol of the district, or in any lock-up-house or other place provided by the municipal council for that purpose ; 18 V. c. 100, s. 25,—20 V. c. 41, s. 7.

To what place offenders may be committed.

Construction of water works provided for.

Power to take property, and impose taxes.

20. For the establishment, construction and maintenance of water works, for the purpose of providing wholesome water for the inhabitants of the municipality ;—for taking possession of any lands necessary for the purposes of such water works, or for the passage of the canals through which the water is to flow, whether such land be situate within or without the limits of the municipality, and whether or not the proprietors consent to such taking possession ;—and for imposing and raising tax whatever amount the council deems requisite to ensure the construction and maintenance of such water works ;—But the amount of any indemnification for expropriation and for any damages caused by the construction or maintenance of any such water works, shall be determined in the manner provided for similar cases by this Act. 20 V. c. 41, s. 6, par. 2.

WHO MAY VOTE AT ELECTIONS OF MEMBERS OF LOCAL COUNCILS.

Qualification of voters at municipal elections : as to property.

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

Every person of the male sex, of the full age of twenty-one years, and a natural born or naturalized subject of her Majesty, who, at the time of giving his vote at such election, is possessed as proprietor, either in his own right or in the right of his wife, and for his own proper use and benefit, or for the use and benefit of his wife, of a real estate in the local municipality in which the election is held, in *fief*, in *censive*, in *franc-aleu*, or in free and common soccage, of the yearly value of at least forty shillings, or who holds, as a tenant or lessee, in such local municipality, an estate of the yearly value of at least five pounds, and who (in either case) has resided in such local municipality during at least the year next preceding the day of the opening of such election, and has paid all rates or local taxes due by him at any time before the election, whether the same were imposed for municipal or educational purposes. 18 V. c. 100, s. 26,—*as amended by 22 V. c. 101, s. 3.*

Residence.

Not being in arrear for taxes.

## ELECTIONS OF COUNCILLORS.

25. 1. A public meeting of the inhabitants qualified to vote shall be held in each local municipality on the second Monday in January, in one thousand eight hundred and sixty, and on the same day in every second year thereafter, for the general election of local councillors; and such meeting in any local municipalities in which a village municipality is situate, may be held within the limits of the village municipality; 18 V. c. 100, s. 27,—*as amended by 22 V. c. 101, s. 6.*

Meeting of qualified electors every second year.

2. The term "registrar," in any of the following provisions, shall include the deputy registrar; 18 V. c. 100, s. 27.

The term "Registrar" to include "Deputy Registrar."

3. Public notice of every such meeting shall be given by the warden of the county, or, in his absence or default, by the registrar;—and the said councillors may be chosen from among the inhabitants of the local municipality,—or, if the same be a parish or township municipality, from among the inhabitants of any town or village municipality within the limits of such parish or township—or partly from one class and partly from the other,—whether they be or be not qualified to vote at such election; But no person shall be so elected unless at the time of his election he is possessed as proprietor, either in his own right or in the right of his wife, of a real estate held in *fief*, in *censive*, in *franc-aleu*, or in free and common soccage, in the municipality for which the election is held, of the value of one hundred pounds currency; 18 V. c. 100, s. 27,—*as amended by 19, 20 V. c. 101, s. 14.*

Notice of meeting and by whom given in first instance.

Who may be elected.

[Form A.] Qualification of Councillor.

4. The registrar or the warden, as the case may be, shall appoint a fit and proper person to preside at each of such meetings, and shall give to such person special notice of his appointment, and of the time and place at which the first session

Appointment of a person to preside at such meetings.

[Form C.] of the councillors elected at the meeting to be presided over by him, will be held ; 18 V. c. 100, s. 27, par. 2.

**Who shall preside in default of the person so appointed.** 5. If on the day appointed for the general election of local councillors, the person named by the registrar or warden to preside at the meeting, is absent therefrom, then the senior justice of the peace there present, or in the absence of a justice of the peace, any person chosen from amongst themselves by a majority of the persons constituting such meeting, shall preside thereat, and shall perform, in so far as regards the said election and the proceedings consequent thereupon, the duties required to be performed by the person appointed by the registrar or warden ; 18 V. c. 100, s. 27, par. 3.

**Person presiding not disqualified.** 6. No person shall be disqualified for election as a councillor because he presides at the election ; 18 V. c. 100, s. 27, par. 4.

**Powers of person presiding for preserving the peace.** 7. The person presiding shall, during the election, be a conservator of the peace, and shall be invested with the same powers for the preservation of the peace, and the apprehension, imprisonment, holding to bail, trying or convicting violators of the law, as are vested in the justices of the peace, whether he does or does not possess the legal property qualification of a justice of the peace ; 18 V. c. 100, s. 27, par. 5.

**Such person may command assistance, swear in special constables, &c.** 8. In order to maintain the peace and preserve order at every such election,—the person presiding thereat may command the assistance of all justices of the peace, constables and other persons residing in the county, and may also swear in as many special constables as he deems necessary ; he may also commit to the charge and custody of any constable or other person, on view, for any period not exceeding forty-eight hours, any person whom he finds breaking the peace or disturbing public order at any such election, or he may, by a warrant under his hand, commit the offender to the common gaol of the district in which the municipality is situate, or to any lock-up house or other place established for the safe keeping of prisoners in any municipality within the county, for any period not exceeding ten days ; 18 V. c. 100, s. 27, par. 6.

**Poll-book to be kept if more than seven candidates.** 9. If there be more than seven candidates at any election, the person presiding shall take down, or cause to be taken down, the votes of the electors present, in a poll book kept for that purpose, and shall declare the seven candidates who have the largest number of votes in their favor, to be duly elected.

**Casting vote.**—and if an equal number of votes be polled for any two or more of the candidates, the person presiding may vote, but he shall vote in such case only ; and he shall give his casting vote in favor of such candidate or candidates as he thinks fit ; and he may give such casting vote, whether he is otherwise qualified to vote or not ;—and whenever the election is not opposed by more than three persons qualified to vote thereat,

the person presiding shall declare the candidates duly elected ;  
18 V. c. 100, s. 27, par. 7.

10. If the votes of all the electors present have not been  
5 polled by the hour of five in the afternoon of the first day of the  
said meeting, the person presiding shall adjourn the proceed-  
ings thereof to the hour of ten in the forenoon of the following  
day, when he shall continue to take down the votes; and he  
shall close the election at the hour of five in the afternoon of the  
said second day (whether any more votes remain to be polled  
10 or not), and shall then declare duly elected councillors such of  
the candidates as are entitled to be so declared elected; 18  
V. c. 100, s. 27, par. 8.

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

11. If at any time after the votes have commenced to be  
15 polled, either on the first or on the second day of the said elec-  
tion, one hour elapses without any vote being polled, it shall be  
the duty of the person presiding, after the expiration of the said  
hour, to close the said election and declare duly elected as  
councillors such candidates as are entitled to be so declared  
elected, provided no person has been within the last hour pre-  
20 vented from approaching the poll by violence, and notice of his  
being so prevented has been given to the person presiding; 18  
V. c. 100, s. 21, par. 9.

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

Provided persons have not been prevented from voting by violence.

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

Voter may be required to take an oath

30 " I swear (or affirm) that I am entitled to take part in the  
" proceedings of this meeting, that I am twenty-one years of  
" age, that I am duly qualified to vote at this election, that I  
" have paid all local rates or taxes due by me, and that I have  
" not already voted at this election. So help me God ;" 18  
V. c. 100, s. 27, par. 10.

Oath.

35 13. The person presiding at any such election shall, within  
two days from the close of the election, give special notice of  
his election to each of the councillors so elected, and of the  
place, day and hour determined upon by the Registrar or  
Warden, and at which such councillor will be required to  
40 attend, for the holding of the first session of the council after  
such election ;—the councillors so elected shall enter upon  
the duties of their office, as such, respectively, on the day of  
their election, and remain in office, until the day of the next  
general election, and thereafter until their successors are elected  
45 or appointed; 18 V. c. 100, s. 28, par. 1.

Notice to be given to Councillors elected.

[Form E.]

Entry into office.

- Notice to Warden or Registrar. [Form F.] Delivering of Poll-books. &c.
14. The person presiding at every such meeting shall, within eight days after the day appointed for such meeting by a letter under his hand, inform the Warden, or, if there be no such officer, the Registrar, of the result of such meeting, and (if an election took place,) of the names, occupation and residence of each of the councillors elected thereat; and shall deliver up the poll book kept at such election, and certified by him, to the Warden or Registrar. And the warden or registrar, (as the case may be,) shall deliver to the secretary-treasurer of the county council, without delay, if there be then any such officer, and, if not immediately after his appointment, all such letters and poll books, together with a certificate or certificates of the public notice of all such meetings held in the county having been duly given; 18 V. c. 100, s. 28, par. 2.
- Appointment of Councillors by the Governor, if they are not elected.
15. If any such meeting does not take place at the time appointed in the public notice, or if it take place and no election of councillors be made, or less than seven councillors be elected thereat, the registrar or warden, so soon as the fact comes to his knowledge, shall notify the same to the provincial secretary, for the information of the Governor, who, if no election has taken place at such meeting, shall select and appoint seven councillors duly qualified as aforesaid, and who, if any number less than seven councillors have been elected at such meeting, shall appoint a sufficient number of councillors to complete the required number; and the councillor or councillors so appointed, shall have the same powers, perform the same duties, and be subject to the same penalties as if they had been elected; 18 V. c. 100, s. 29, par. 1, *as amended by* 19, 20 V. c. 101, s. 15.
- Their powers.
- Entry into office.
16. The councillors so appointed shall enter upon the duties of their office as such, respectively, on the day on which special notice of their appointment is given to them by the registrar or warden, and remain in office until the day of the next general election, and thereafter until their successors are elected or appointed; 18 V. c. 100, s. 29, par. 2.
- Term of office.
- Place and time of first session to be notified to them.
17. The registrar or warden, in giving such special notice, shall also notify the councillors so appointed of the place, day and hour at which the first session of the council after such appointment is to be held; and the said day shall be some day between the first and second Sundays after such notice. 18 V. c. 100, s. 29, par. 3.

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

- First meeting, &c.
26. The seven councillors elected or appointed as aforesaid, shall meet at the place, on the day, and at the hour determined upon by the Registrar or Warden for holding the first session of the council after their election or appointment; and at all

other subsequent sessions of the council : 18 V. c. 100, s. 30, par. 1.

2. Four members of the council shall form a *quorum* ; 18 Quorum.  
V. c. 100, s. 30, par. 2.

5 3. On the first day of every such first session of the council, the councillors then present, after having appointed a secretary-treasurer, shall elect one of their number to be the Mayor of the local municipality ; and every such officer shall be designated as “ the Mayor of the parish (or township or townships, 10 or of the part of the parish or township, or town or village, as the case may be) of (inserting the name of local municipality) ; 18 V. c. 100, s. 30, par. 3.

Appointment of Secretary-Treasurer and Mayor.

15 4. If no election of a Mayor takes place as aforesaid on the first day of the said session of the council, then the person who was elected councillor by the greatest number of votes, or the senior in age of any two of such councillors who have been elected by an equal number of votes (such number being greater than the number recorded in favor of any other of such coun- 20 cillors,) shall be the Mayor ;—and if any one or more of such councillors have been elected, and the others appointed by the Governor, that one of the persons so elected by the greatest number of votes shall be the Mayor ;—and if all the said coun- 25 cillors have been appointed by the Governor, then the councillor first named in the letter making their appointment known, shall be the Mayor ; 18 V. c. 100, s. 30, par. 4.

Who shall be Mayor if no election is made on first day of session.

If all the Councillors are appointed by the Governor.

5. The secretary-treasurer of the local council shall, immediately after the election or appointment of the Mayor, sig- 30 nify such election or appointment to the Warden of the county, or to the Registrar if there be no Warden at the time of such election or appointment. 18 V. c. 100, s. 30, par. 5.

Notice of election signified to Warden, &c.  
[Form Q.]

#### VACANCIES IN LOCAL COUNCILS.

27. Whenever any councillor dies, or has been absent from the local municipality, or has been incapable to act as such through infirmity, illness or otherwise, for three calendar 35 months, the remaining councillors, shall at the next meeting of the council after such decease or after the expiration of the said three months, choose from among the inhabitants of the municipality another councillor in the stead of the councillor so deceased, absent or incapacitated ;

Vacancies in the Council, how filled up.

40 1. But notwithstanding the decease, absence or incapacity to act of any such councillors, the remaining councillors shall continue to exercise the same powers and perform the same duties as they would have been required to exercise or perform, if the decease, absence or incapacity to act of such councillor, 45 had not occurred ; 18 V. c. 100, s. 31, par. 1.

Vacancy not to affect acts of others.

If the person occasioning the vacancy be the Mayor. 2. If the councillor in whose stead another has been elected as aforesaid, is the Mayor, then the members of the council shall, on the first day of the first session of the council next after the election of his successor to the office of councillor, elect another Mayor in the manner above prescribed; 18 V. c. 100, s. 31, par. 2.

Term of office of new Councillor. 3. Every councillor so elected or appointed in the stead of another, shall remain in office for the remainder of the period for which his predecessor had been elected or appointed, and no longer; 18 V. c. 100, s. 31, par. 3.

Retirement of Members of Council. 4. Every council may authorize any one of its members to retire from office and choose another in his stead, in the manner above mentioned; 20 V. c. 41, s. 4, par. 1.

Certain Councillors enabled to retire. 5. Any person, who, not being obliged to accept the office of municipal councillor, has nevertheless accepted it, may retire at any time from the said office, upon giving public notice in writing to the secretary-treasurer of the local council of which he was a member; and he shall be replaced in the manner prescribed in cases of decease; 20 V. c. 41, s. 4, par. 2.

When the Councillor retiring is the Warden of the County. 6. When the person who has thus retired from office is at the same time the Warden of the county, the secretary-treasurer of the local council shall, within eight days after the receipt of the said notice, transmit a copy thereof to the secretary-treasurer of the county council, and so soon as a Mayor has been elected to replace the person retiring from office, the county council shall proceed to the election of a new Warden. 20 V. c. 41, s. 4, par. 3.

#### APPOINTMENT OF CERTAIN OFFICERS BY LOCAL COUNCILS.

Certain other officers to be appointed. 28. In addition to the officers which every municipal council is hereinbefore required to appoint, every local council, at its first general session, or at a special session to be held within fifteen days from the first day of such general session, shall also appoint,—

Road officers, fence viewers and pound-keepers. 1. As many inspectors and overseers of roads and bridges, inspectors of fences and ditches and pound keepers as the council deems expedient; 18 V. c. 100, s. 32.

Each local council shall also appoint,—

Valuators; their qualification and oath of office. 2. Three valuers; each of whom shall be possessed of a property qualification equal to that required of municipal councillors by this chapter; and the appointment of any person not so qualified shall be null and void; Each valuator shall immediately after his appointment take an oath well and faithfully to fulfil the duties of his office;

3. Every valuator appointed after the first day of July, one thousand eight hundred and fifty-six, shall remain in office until the next triennial appointment of valuers, to make the valuation roll for the municipality as hereinafter prescribed ; 19, 20 V. c. 101, s. 24, par. 2. Term of office  
of Valuers.

4. The appointment of valuers shall be made at the time and in the manner prescribed by the above sub-section, as to road officers, if such appointment takes place in the year fixed for the general election of councillors, and if in any other year, then, at the general monthly session in the month of January, or at a special session held within fifteen days after such general session. 19, 20 V. c. 101, s. 24, par. 3. Period for the  
appointment  
of Valuers.

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

29. For the purposes of this Act, subject to the exceptions hereinafter mentioned, the following territorial arrangements shall be made :

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

2. Every parish shall of itself form a separate municipality, unless such parish be comprised and included in a tract of land erected into a township, in which case it shall not of itself form a separate municipality, but shall form a part of the municipality of such township ; 18 V. c. 100, s. 33, par. 1. Parishes in  
townships.

3. Whenever a parish or a township lies partly in one county and partly in another, each part shall be annexed to some adjoining parish or township in the county within which it lies, unless there are at least three hundred souls therein, in which case the said part of such parish or township shall of itself form a municipality, under the name of " The corporation of the " north," " south," " east" or " west" part (as the case may be) of the parish or township of " (inserting the name of the parish or township) ; 18 V. c. 100, s. 33, par. 2. Parishes, &c.,  
partly in one  
County and  
partly in  
another.

4. But whenever a township or part of a township in one county is annexed to a tract of land in another county to form a parish, then,—unless the population of such township or part of a township amounts to three hundred souls, in which case such township or part of a township shall form a separate municipality,—such parish shall be a separate municipality, and shall for all municipal purposes be held and considered as forming part of the county in which the remaining portion of the parish is situate ; 19, 20 V. c. 101, s. 9, par. 9. Case of a pa-  
rish extend-  
ing into a  
township in  
another Coun-  
ty provided  
for.

Every township to be a Municipality.

Exception.

5. Every territory erected into a township beyond the limits of lands comprised and included in fiefs and seignories, and wholly situate in one and the same county, (whether such township is or is not wholly or in part erected into a parish) shall, except in the cases hereinafter provided for, form a municipality under the name of the "corporation of the township of \_\_\_\_\_" (*insert here the name of the township*); 18 V. c. 100, s. 33, par. 3,—22 V. c. 101, s. 29.

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

6. When the population of a township does not amount to three hundred souls, such township shall not of itself form a municipality, but shall be annexed to some adjoining parish or township in the same county, and shall form part of the township or parish to which it is thus annexed; 18 V. c. 100, s. 33, par. 4.

Parishes including town, village or townships.

Exception if it has less than 300 souls.

7. When a parish wholly situated in one and the same county includes any town, village or township, no councillors shall be elected in that part which lies beyond the limits of such town, village or township, but such part of such parish shall be annexed to some adjoining parish or township, except when there is in such part a population of, at least, three hundred souls, in which case, the said part of the said parish shall form by itself a municipality, under the name of "The Corporation for the "North" "South" "East" or "West" "Part of the parish of \_\_\_\_\_" (*here insert the name of the parish*); 18 V. c. 100, s. 33, par. 5.

How parishes shall be designated in certain cases.

8. But any parish of which an incorporated town or village forms part, shall be designated by the name of the municipality of the parish of \_\_\_\_\_ (*insert the name of the parish*) provided that the population of the said parish, not included within the limits of such town or village, exceeds three hundred persons; 20 V. c. 41, s. 2, par. 3.

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

9. Whenever it is represented to a county council that the residents of any two or more townships, no one of which contains a population sufficient to constitute a municipality, are desirous of being united for the purpose of forming jointly a municipality, such county council may unite for that purpose so many of such townships, under the joint names thereof, as are necessary to make the joint population of such united townships amount to three hundred souls;—and from and after the first day of January next after the publication of the resolution declaring such annexation, the townships so united, shall form a local municipality, and an election of councillors for such municipality shall take place in such month of January, in the manner prescribed by this Act, *notwithstanding that such time be not the year and month fixed by this Act for holding an election*; and the councillors so elected shall remain in office until the next general election of councillors; 19, 20 V. c. 101, s. 9, par. 8.

10. Every such annexation of an extra-parochial place, or of a parish or township, or part of a parish or township, to another parish or township, shall be made by a resolution of the county council;—and the secretary-treasurer of the council shall, immediately after the passing of every such resolution, give public notice of such annexation, not only by publishing a copy of such resolution in the manner provided by this Act with respect to public notices generally, but also by causing the same to be inserted in at least one newspaper published in the district or in an adjoining district, if there be no newspaper published in the district where such annexation has taken place; 18 V. c. 100, s. 33, par. 6.

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

[Form K]

11. But whenever it appears by a general census, or by a special enumeration of the inhabitants, that any locality so annexed contains a population exceeding three hundred souls, the county council shall by another resolution declare that the resolution under which such locality was so annexed, shall be revoked from the first day of January then next;—and from and after the day so appointed for the revocation of the former resolution, the locality therein mentioned shall cease to be so annexed, and shall thenceforward form a separate municipality; 18 V. c. 100, s. 33, par. 7.

Separation when such place contains more than 300 souls.

12. And the county council may at any time, and shall, whenever required by any two or more persons resident in any locality so annexed, cause a special enumeration of the inhabitants thereof to be made by some municipal officer, or other person appointed by the council for the purpose; 18 V. c. 100, s. 33, par. 8, as amended by 20 V. c. 41, s. 8.

Enumeration to be made in certain cases.

13. But if it appear from such enumeration that the locality so annexed does not contain a population of three hundred souls, the persons requiring such enumeration shall reimburse to the council the costs thereof, for the payment of which costs the county council shall require security from such persons before causing the enumeration to be made; 18 V. c. 100, s. 33, par. 9.

Costs of enumeration; how paid:

14. But notwithstanding the provisions of the next preceding paragraph, every parish, township, or part or parts of a parish or township, the inhabitants whereof were on the first day of July, one thousand eight hundred and fifty-five, entitled to elect two members of the county council, shall each continue to form a distinct municipality, unless and until its limits have been changed by virtue of some other provision of this chapter; 18 V. c. 100, s. 33, pars. 6, 7, 8, 9, 10,—20 V. c. 41, s. 2, par. 1.

Certain places to continue to form distinct municipalities.

15. And whereas the local councils of certain territories erected into townships and also into parishes, and which, under the thirty-third section of 18 V. c. 100, respectively form municipalities, shall be vitiated by certain error.

By-laws not to be vitiated by certain error.

in designating  
the Municipa-  
lity.

palities by the name of the corporation of such township, have by error passed by-laws under the name of the corporation of such parish,—no by-law heretofore passed by any such local council shall be null by reason of such erroneous designation therein assumed, but on the contrary every such by-law shall be judged of in respect of its validity, and shall be interpreted and acted on in all other respects, as though it had been passed in the name of such township and not of such parish; 22 V. c. 101, s. 29.

#### SPECIAL LOCAL PROVISIONS.

Certain pa-  
rishes and  
parts of town-  
ships or pa-  
rishes to be  
Municipali-  
ties, &c.

16. The following places, that is to say: the parishes of *St. Anicet*, *Ste. Julienne de Rawdon*, and *St. Alphonse de Li-guori*, in the district of Montreal,—the parishes of *St. Norbert d'Arthabaska* and *St. Christophe d'Arthabaska*, in the district of Three Rivers,—all that portion of the township of Shipton, in the district of St. Francis, comprising the first eight ranges thereof, to be designated hereafter as the *Township of Shipton*, and all the remaining ranges of the same township to be designated hereafter as the *Township of Cleveland*,—and the place known as *Mont Carmel*, and forming part of the parish of *La Rivière Ouelle*, in the district of Kamouraska,—shall each form a separate municipality;—all that part of Upton which comprises the eighth, ninth, tenth, eleventh, twelfth and thirteenth ranges of Upton shall, for the purposes of this chapter, be annexed to and form part of the parish of St. Hugues, and all the ranges of the said township which now constitute the parish of St. Ephrém d'Upton, shall form a separate municipality; 18 V. c. 100, s. 33, par. 11.

Certain places  
to constitute  
distinct muni-  
cipalities.

The following places shall each constitute a distinct and separate municipality as they have done since the first day of January, one thousand eight hundred and fifty-eight, that is to say:

Parish of St.  
Germain.

The parish of St. Germain, in the county of Drummond, including the sixth, seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth ranges of the township of Grantham, under the name of the municipality of the *parish of St. Ger-  
main*;—the remainder of the township of Grantham with the townships of Wendover and Simpson under the name of the *Municipality of Grantham, Wendover and Simpson*;—the north part of the township of Winslow, in the county of Compton, under the name of the *Municipality of North Winslow*, the south part of the said township under the name of the *Municipality of South Winslow*; and the limits of the two Municipalities last mentioned shall be fixed and determined by a by-law of the county council; and the extent of ground designated in a proclamation inserted in the number of the *Canada Gazette*, published by authority under date of the seventh day of February, one thousand eight hundred and fifty-seven; as

Grantham,  
Wendover,  
&c,

North and  
South Win-  
slow.

being intended to form a separate municipality after the first day of January then next, under the name of the Corporation of the *Village of St. Césaire*, shall be detached from the municipality of the parish of St. Césaire, and shall form a distinct and separate municipality under the name aforesaid. 20 V. c. 41, s. 2, par. 2. Village of St. Césaire.

#### ERECTION OF TOWNS AND VILLAGES.

**30.** The erection of any tract of land into a town or village municipality, shall take place in the manner hereinafter provided, that is to say : 18 V. c. 100, s. 34. Erection of town and village—how effected.

10 1. Whenever a petition is presented to any county council by thirty or more inhabitants qualified to vote at the election of local councillors, praying for the erection into a town or village municipality of any tract of land lying within the limits of the local municipality in which the petitioners reside, and clearly defined in such petition, the county council shall refer such 15 petition to the person appointed as the *proper officer* for the purpose, with an order to visit the said tract of land and to report on the said petition ; 18 V. c. 100, s. 34, par. 1,—*as amended by 19, 20 V. c. 101, s. 16.* Petition by forty electors. [Form B.]  
Reference to proper officer.

20 2. The said officer shall give public notice of the day and hour at which he will visit such tract of land and commence his examination thereof, and shall hear all parties ; 18 V. c. 100, s. 34, par. 2. His report. [Form S.]

25 3. If there be not at least forty inhabited houses erected upon some part of such tract, within a space not exceeding sixty superficial arpents, the said officer shall report the fact to the county council, whose duty it will be in such case to reject the petition ; 18 V. c. 100, s. 34, par. 3,—*as amended by 19, 20 V. c. 101, s. 16.* If the number of houses be too few.

30 4. But if forty inhabited houses are erected on such tract within the said space of sixty superficial arpents, the said officer shall define in his report, and describe in a plan accompanying the same, the limits which, in his opinion, should be assigned to the said tract of land when erected into a separate 35 municipality ;—and if the limits so defined and described are different from the limits mentioned in the said petition, he shall specify in his report the motives of such deviation ; 18 V. c. 100, s. 34, par. 4,—*as amended by 19, 20 V. c. 101, s. 16.* And if the number be sufficient.  
Limits to be assigned.

40 5. After having made and signed such report, the said officer shall deposit a copy thereof and of the plan accompanying the same in the office of the county council ; 18 V. c. 100, s. 34, par. 5. Deposit of report, &c.

Homologation of amendment of report by County Council.

[Form T.]

6. The county council may homologate every such report, with or without amendment, after having caused public notice to be given to the inhabitants of the local municipality from which it is proposed to detach such tract of land, of the day and hour at which they will proceed to the examination thereof, and after having heard their said proper officer and the parties interested (if required to do so) upon the merits thereof; 18 V. c. 100, s. 34, par. 6.

Presumed homologation, if no amendment.

7. If after the lapse of two months from the day of the deposit of a copy thereof in the office of the county council, no amendment has been made to the said report, it shall be considered as having been homologated by the county council; 18 V. c. 100, s. 34, par. 7.

If amendment be made.

8. But if before the expiration of that time the said report be amended by the county council, the county council shall cause to be entered upon the original, or on a paper annexed thereto, all such amendments as they have made upon or annexed to the copy thereof; 18 V. c. 100, s. 34, par. 8.

Copy to Provincial Secretary.

9. In either case the *secretary-treasurer or proper officer* shall, after the expiration of the said period of two months, transmit to the provincial secretary a true copy of the said report and of any amendments which may have been made thereto, and of all plans and other documents connected therewith; 18 V. c. 100, s. 34, par. 9.

Governor in Council may approve, reject or amend.

10. The Governor may thereupon, by an order in council, approve or reject the said report, whether the same be amended or not by the said municipal council, or modify or amend the same in such manner as he deems expedient; 18 V. c. 100, s. 34, par. 10.

Proclamation, if approved, with or without amendments.

11. If, by the said order in council, the said report be approved, with or without amendments, then the Governor may issue a proclamation under his hand and seal, declaring the name to be given and defining the limits to be ascribed to such tract of land as a separate municipality; 18 V. c. 100, s. 34, par. 11.

Effect of Proclamation and when it shall take effect.

12. From the first day of January next after the expiration of the two months immediately following the date of the said proclamation, the tract of land the limits whereof have been so defined, shall be detached from the local municipality whereof it theretofore formed part, and its inhabitants shall be a corporation or body politic, to all intents and purposes whatsoever, by the name of "The Corporation of the Town or Village of (as the case may be) \_\_\_\_\_," (insert the name of the town or village); 18 V. c. 100, s. 34, par. 12.

13. The said proclamation shall be published in the *Canada Gazette*, and at least two copies of such proclamation, duly certified by the provincial secretary, shall be by him sent to the county council, whose duty it shall be to give public notice thereof; 18 V. c. 100, s. 34, par. 13. Publication of Proclamation.
14. No tract of land shall be erected into a town municipality unless it be shewn by the report of the proper officer that there are at least three thousand inhabitants within such tract; 19, 20 V. c. 101, s. 16, par. 1. Towns must contain 3,000 souls.
15. The Governor may, upon due proof that the number of inhabitants in any village, previously incorporated as such, amounts to three thousand souls, to issue a proclamation creating such village a town municipality; 19, 20 V. c. 101, s. 16, par 2. Village containing 3,000 souls may be made a town.
16. The municipal council of any parish or township municipality may hold their sessions in any town or village within the limits of such parish or township after the erection of such town or village into a separate municipality, as well as before; 18 V. c. 100, s. 34, par. 14. Council of the parish, &c., may still be held in town or village.
17. Every town, borough or village, forming a separate municipality immediately before the first day of July, one thousand eight hundred and fifty-five, shall continue to exist as a separate municipality within the limits it then had, until the same are changed under the foregoing provisions; 18 V. c. 100, s. 34, par. 15. Towns and villages being Municipalities when the Act 18 V. c. 101 was passed to continue such.
18. But upon a petition presented by at least two thirds of the assessable inhabitants of any town, borough or village, being on the day last aforesaid, or having been thereafter erected into a separate municipality, the Governor may issue a proclamation uniting such town, borough or village to some adjoining local municipality, if he is satisfied that such union will promote the interests of such town, borough or village; 18 V. c. 100, s. 34, par. 15. Union with another Municipality, if necessary.
19. But no proclamation for uniting a town or village municipality to some adjoining local municipality shall have any force or effect until the first day of January next after the expiration of the two months immediately following the date of such proclamation; 19, 20 V. c. 101, s. 16, par. 4. When the Proclamation under sub-section 18 of section 30 shall take effect.
20. The warden of the county in which any newly erected town or village municipality is situate, shall cause an election of councillors to be had, and shall organize the council thereof so soon as the proclamation erecting the same takes effect, notwithstanding that such time be not the year and month fixed by this Act for holding the general elections of local councillors; but the councillors so elected shall remain in office Warden to cause Councillors to be elected, and Council organized.

until the next general election of councillors, and no longer.  
19, 20 V. c. 101, s. 16, par. 3.

CONTESTED ELECTIONS.

Circuit Court  
to decide  
them.

31. If the election of all, or of one or more, of the councillors of any local municipality be contested, such contestation shall be decided by the circuit court sitting in the circuit within the limits of which the place of election is situate: 18 V. c. 100, s. 35.

Who may con-  
test:

2. Every such election may be so contested by one or more of the candidates or by any ten at least of the inhabitants qualified to vote at such election; 18 V. c. 100, s. 35, par. 2. 10

To be brought  
before Court  
by petition.

3. The said contestation shall be brought before the court, by a petition signed by the petitioner or petitioners, or by an attorney duly authorized, setting forth in a clear manner the grounds of such contestation; 18 V. c. 100, s. 35, par. 3.

Service of  
copy of peti-  
tion.

4. A true copy of the petition, with a notice stating the day on which the petition will be presented to the court, shall be first duly served upon the councillor or councillors whose election is contested, at least eight days before the day on which the petition is presented to the court; and a return of the service shall be drawn up and signed in due form upon the original of the petition by the person who made the service;— But no such petition shall be received after the term next following the election thereby contested, unless such election took place within the fifteen days next preceding the first day of such term, in which case the petition may be presented on the first day of the second term, but not later;—nor shall any such petition be received unless security for costs be given by the petitioners; 18 V. c. 100, s. 35, par. 4.

Time within  
which petition  
must be pre-  
sented.

5. If the court is of opinion that the grounds set forth in the petition are sufficient in law to avoid the election, it shall order proof to be adduced, and the parties interested to be heard on the nearest day which it deems expedient, and shall proceed in a summary manner to hear and try the said contestation;— The evidence may be taken down in writing or given orally in whole or in part, as the court shall order; and if the trial of such contestation is not concluded at the close of the term of the court during which it began, the judge shall continue the same in vacation, and shall adjourn from day to day until he has pronounced his final judgment upon the merits of the same; and every such judgment so pronounced and all proceedings had in any such case in vacation, shall have the same effect as if the same had been pronounced or had in term: 18 V. c. 100, s. 35, par. 5.

Adduction of  
evidence and  
hearing.

Trial may be  
continued in  
vacation, and  
judgment  
given.

6. The court may on such contestation confirm the election, or declare the same to be null and void, or declare another person to have been duly elected, and may in either case award costs to or against either party, which costs shall be taxed and recovered in the same manner, and by the same means, as costs are taxed and recovered in actions of the first class brought in such circuit court; and the court may order its judgment to be served upon the warden, or if there be no such officer, then upon the registrar of the county, by such person as it shall appoint for that purpose, at the expense of the party condemned to payment of costs as aforesaid; 18 V. c. 100, s. 35, par. 6.

What may be ordered and regulated by judgment.

Service of judgment on Warden.

7. If any defect or irregularity in the formalities prescribed for the election are set forth in any such petition, as a ground of contestation, the court may admit or reject the objection, according as such defect or irregularity may or may not have materially affected the election; 18 V. c. 100, s. 35, par. 7.

Irregularities in election, how to be considered.

8. The court or judge declaring the election of any councillor or councillors to be void, shall in and by the judgment in that behalf, name the day, not being sooner than ten days nor later than twenty days from the date thereof, for which a public meeting of the inhabitants of the local municipality shall be called in order to make another election, and the warden, or if there be no such officer, the registrar, so soon as he hath cognizance of the judgment, shall call a meeting of the inhabitants of the local municipality for the day so named in the judgment, shall proceed to the election of another councillor or councillors in the stead of the councillor or councillors whose election has been so declared null and void; and the same formalities shall be observed at such election as are required to be observed at every general election of councillors; 18 V. c. 100, s. 35, par. 8, as amended by 22 V. c. 101, s. 7.

Proceedings if the election be declared void.

New election.

[Form A. 2.]

9. The election of the Mayor of any local municipality or of the Warden of any county, may also be objected to and contested, and such contestation may be proceeded upon and decided in the same manner, and by the same means, as the contestation of the election of a councillor or councillors; but no such election of a Mayor or Warden shall be so objected to or contested by any other than a member of the council who elected him; 18 V. c. 100, s. 35, par. 9.

Election of Mayor or Warden may be contested.

Proviso.

10. If by the judgment of the court the election of a Mayor or of a Warden be declared null and void, then the council shall proceed to the election of a person to serve in his stead as such Mayor or Warden, within one month from the date of such judgment. 18 V. c. 100, s. 35, par. 10.

If election of Mayor be declared void.

## APPOINTMENTS BY THE GOVERNOR.

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

**32.** Whenever a calendar month has elapsed after the time when any chief officer of a municipal council, or any municipal councillor or councillors should have been elected either by the inhabitants of a municipality, or by a municipal council, or when any officer should have been appointed by any municipal council, under any of the provisions of this Act, *which precede this section*;—the chief officer of such municipal council, or in his absence, or upon his default, the Registrar of the county, shall, by letter under his hand, addressed to the provincial secretary, inform the Governor of the fact, and the Governor shall thereupon appoint such councillor or officer;—  
And every such appointment shall be made known by a letter under the hand of the provincial secretary addressed to such chief officer or registrar, who upon receipt thereof shall give special notice of such appointment to the person so appointed, and also to the secretary-treasurer of the council of the municipality for which such person is appointed: 18 V. c. 100. s. 36, par. 1.

Appointment, how made  
[Form X.]

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

2. After the expiration of forty-five clear days from the time when such election or appointment should have taken place under any of the provisions of this Act *which precede this section*, the chief officer of the council (if there be any such officer) and the registrar shall be held to be in default of giving such information, if neither of them has in the interval addressed and transmitted to the provincial secretary the letter required by the last paragraph;—And in such case the Governor shall make such appointment upon being informed of the vacancy required to be filled up, by any two persons qualified to vote in the municipality; 18 V. c. 100, s. 36, par. 2.

Appointment by Governor.

Appointment by Governor may be revoked.

3. The Governor may revoke any appointment by him made. 19, 20 V. c. 101, s. 17.

## PROPERTY AND DEBTS OF MUNICIPALITIES ABOLISHED.

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

**33.** All moneys which on the first day of July, 1855, were or ought to have been in the hands of the secretary-treasurer of any municipality, and which belonged to any municipality which then ceased to exist, shall be paid into the hands of the secretary-treasurer of the county in which the place where the sittings of the council of such municipality were held is situate, and shall be at the disposal of the council of the said county, to be applied first to the discharge of the debts and expenses of the municipality which so ceased to exist, and afterwards to the discharge of those which the said county council may have itself contracted;—saving the recourse of any other county of which any part may have been within the municipality so ceasing to exist, for a share of such moneys proportionate to the population of such part as compared with that of the whole municipality so ceasing to exist: 18 V. c. 100, s. 37, par. 1.

Recourse of any other County, saved.

2. The county council shall have a right of action, for the recovery and payment of all such moneys as aforesaid; and the said moneys shall be afterwards employed or paid by the secretary-treasurer according to the order which he receives from the county council, in pursuance of the provisions aforesaid; 18 V. c. 100, s. 37, par. 2.

Recovery of such money if not paid over.

3. All assessments or rates of any kind whatsoever, which on the day last aforesaid were due to any such municipality ceasing to exist, shall belong respectively and shall be paid to the local municipality within the limits of which they were imposed, in the same manner as if the said assessments or rates had been imposed in the said local municipality by and in virtue of this chapter; 18 V. c. 100, s. 37, par. 3.

Assessments, &c., due, &c.

4. From and after the first day of July, 1855, all the property, moveable as well as immoveable, which then belonged to any municipality ceasing to exist, has belonged to the County municipal and road act, 1855, within which the place where the sittings of the council of the municipality ceasing to exist were held is situate, in the same manner as if the said property had been acquired by the last mentioned county municipality; saving the recourse of any other county of which any part may have been within the municipality so ceasing to exist, for a share of the value of such property proportionate to the population of such part as compared with that of the whole municipality so ceasing to exist; 18 V. c. 100, s. 37, par. 4.

Transfer of property of old Municipalities to those under this Act and the Acts consolidated.

Recourse of other Municipalities, saved.

5. The debts, contracts and agreements of any municipality which ceased to exist by the coming into force of the Lower Canada municipal and road Act of 1855, (18 V. c. 100,) became thereafter the debts, contracts and agreements of and shall be recoverable or enforceable by or from the county in which the place where the sittings of the council of the municipality so ceasing to exist were held, is situate, in the same manner as if the said debts had been contracted by and the said contracts and agreements had been entered into by the latter municipality, saving the recourse of such county to recover from any other county within the limits of which any part of the municipality ceasing to exist was situate, a share of any sum paid in discharge of any such debt, proportionate to the population of such part of such municipality as compared with the whole population thereof;—And it shall be lawful for any county council to cause a rate or rates to be levied on the assessable properties in any locality within such county forming a separate municipality, or part of a municipality, or parts of several municipalities, for the payment of any debt or debts contracted or work or works done for the advantage of any such locality by any county or parish municipality heretofore existing, or upon the whole county if the debt or debts was or were contracted or such work or works performed for the

Debts, contracts, &c., of Municipalities ceasing under the Act 18 V. c. 100, by what Municipality to be paid or enforced.

Recourse against other Municipalities.

Rates to be levied for discharging such debts.

benefit of the whole county;—and every such rate may be levied for the satisfaction of any equitable claim, whether such debts were contracted or such works performed according to the formalities required by law or not; 18 V. c. 100, s. 37, par. 5.

Population, how determined.

6. The population referred to in this section shall be that established by the new census taken in the year 1852. 18 V. c. 100, s. 37, par. 6.

#### DELIVERY OF PAPERS, &c.

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

34. Every person who formerly held the office of *grand voyer*, or any municipal officer under any Act or law relating to the municipal or road system, and the heirs, testamentary executors or curators of any such officer who is dead or absent from Lower Canada, was bound to deliver to the secretary-treasurer of the municipal council of the county to which they relate, within fifteen days after the 1st July, 1855,—or if such secretary-treasurer was not then appointed, within eight days of his appointment,—all books, registers, *procès-verbaux*, assessment rolls, resolutions, copies of judgment, maps, plans, returns and other documents and papers in his or their possession, or under his or their control, relating to such office, to remain deposited and of record in the office of the council and in the custody of the secretary-treasurer: 18 V. c. 100, s. 38, par. 1.

Action to compel such delivery.

2. The secretary-treasurer of each county council has had and shall have a right to take possession of all and every such books, papers and other things wherever he can find the same, in the event of their not being delivered to him by the proper officer or person within the delay hereinbefore allowed, and has also had and shall have a right of action to recover the same with damages, as indemnity to the county council and costs, before any circuit court, by *saisie revendication* or otherwise from such officer or from his heirs, executors or curators, or from any other person having possession thereof:—And judgment in every such action by which delivery or the payment of damages or both has been ordered, may be enforced by *contrainte par corps* against the person condemned, according to the laws in force in such cases in Lower Canada, if by the declaration such *contrainte* is demanded; 18 V. c. 100, s. 38, par. 2.

Enforcing judgment in such action.

Certain documents to be furnished to a new town or village.

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

town municipality, and shall allow the secretary-treasurer of such village or town municipality, or other officer appointed for that purpose, to take copies of such parts of all other documents as relate to such territory, without any further fee than for the certificate of the authenticity of such copies. 19, 20 V. c. 101, s. 16, par. 5.

#### ROADS, BRIDGES AND OTHER PUBLIC WORKS.

##### *Classification and general provisions applicable to them.*

**35.** Roads, bridges and other public works, shall, for the purposes of this Act, be divided into three classes: 18 V. c. 100, s. 39. Roads, &c., to be classified.

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

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

3. Local works,—comprising all roads, bridges and other public works made or maintained at the expense of any one local municipality, or of the inhabitants of any portion thereof; 18 V. c. 100, s. 39, pars. 1, 2, 3. Local works.

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

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

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

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

- Front roads of any lot. Width of. S. That part of the front road of any range or concession, which is upon, or in front of, any lot, is the front road of such lot ; 18 V. c. 100, s. 40, pars. 1, 2, 3, 4.
- Front road. 9. No front road opened after the first day of July, one thousand eight hundred and fifty-five, shall be less than thirty-six feet French measure, in width ; 5
- Of by-roads. 10. No by-road and no road leading to a banal mill opened after the day last aforesaid, shall be less than twenty-six feet French measure, in width ;
- Different width made by order, by-law, &c. 11. Nothing herein contained shall be construed to prevent any road from being made wider than is above provided, if it 10 is so ordered by *procès-verbal*, or by-law ;
- Ditches in ordinary cases. 12. Except where it is otherwise provided by some *procès-verbal* or by-law, there shall be on each side of every road, a ditch three feet in width, properly constructed and having sufficient fall in the direction of its length, to carry off the water ; and 15 there shall be small drains across the road at all places where the same are necessary for the free passage of the water from one ditch to the other ; these ditches and drains shall be held to be part of the road. 18 V. c. 100, s. 41, pars. 1, 2, 3, 4.
- May be dispensed with. 13. Ditches may be dispensed with or made of less width 20 than is above provided, if the nature of the ground renders it advisable, and if it is so ordered by any *procès-verbal* or by-law ; 18 V. c. 100, s. 41, par. 5.
- Water-courses conveying water from roads through lands of any person. 14. If, in order to convey the water from off any road, it is deemed necessary to make any water course upon or through 25 the lands of any person, such necessity shall be declared by the *procès-verbal* or by-law which regulates the making and maintaining such water course, as part of the work belonging to the road ;—And if any *procès-verbal* or by-law touching any such water course, was in force on the first day of July, one 30 thousand eight hundred and fifty-five, it shall remain in force unless and until annulled or altered by a *procès-verbal* or by-law under this Act or the Acts consolidated by it ; 18 V. c. 100, s. 41, par. 6.
- Water-course allowed to be made. Compensation. 15. Every person upon whose lands such water course has 35 been directed to be made, shall allow the same, and shall also allow free access thereto for the purpose of making and maintaining it ; being first compensated (if he has not before received compensation) in the manner hereinafter provided : 18 V. c. 100, s. 41, par. 7. 40
- Councils may not order the demolition of dams. 16. No council shall direct the demolition of any mill-dam, on the ground that the same is an obstruction to a water course, but the right to erect any dam and the rights and liabilities of all parties in respect thereof, whether for damage or

otherwise, shall be adjudicated on and determined according to the ordinary rules of law: 22 V. c. 101, s. 22.

17. Every road declared a public highway by any *procès-verbal*, by-law or order of any grand voyer, warden, commissioner or municipal council, legally made and in force on the first day of July, one thousand eight hundred and fifty-five, shall be held to be a road within the meaning of this Act, until it is otherwise ordered by competent authority; 18 V. c. 100, s. 41, par. 8.

Certain ways declared roads under this Act.

18. And any road left open to and used as such by the public, without contestation of their right, during a period of ten years or upwards, shall be held to have been legally declared a public highway by some competent authority as aforesaid, and to be a road within the meaning of this Act; 18 V. c. 100, s. 41, par. 9.

Roads used as such for a certain time.

19. The ground occupied by any road shall be vested in the local municipality in which it lies, and such road may be discontinued, or its position in any part may be altered by *procès-verbal*, but shall not otherwise be alienated;—and whenever a road is discontinued, if the land on each side belongs to the same person, the said ground shall *pleno jure* become the property of such person,—or if the land on each side belongs to two different owners, then half the breadth of the road shall become the property of each of them, unless one of them has furnished land for a road in the place of that so discontinued, in which case the whole shall become his property; 18 V. c. 100, s. 41, par. 10.

Ground occupied by road, in whom vested.

And if the road be discontinued.

20. No person shall drive at any pace faster than a walk over any bridge exceeding twenty feet in length, unless such bridge is wholly of brick or stone,—nor shall any person cut, deface or injure any part of any bridge, rail or post, or any mile stone or mile post, or any inscription thereon, or any work or thing forming part of or serving to the use of any road, or any trees lawfully planted on any side-walk, or in any way to obstruct or render inconvenient or dangerous the use of any road;—and for every such offence the offender shall incur a penalty not exceeding twenty shillings, nor less than five shillings. 18 V. c. 100, s. 41, par. 11.

Punishment for certain offences touching roads.

## FERRIES.

36. Ferries in cases where both sides of the river or water to be crossed lie within the same local municipality, shall be under the control of the municipal council thereof; 18 V. c. 100, s. 42, par. 1.

Where both sides are in one locality.

1. Ferries, in cases where both sides of the river or water to be crossed lie within the same county, but not within the

In the same County but

not in the same locality. same local municipality, shall be under the control of the county council ; 18 V. c. 100, s. 42, par. 2.

Money arising from ferries, to whom to belong. 2. The moneys arising from any license for a ferry shall, if the ferry be under the control of a local municipality, belong to such municipality,—and if it be under the control of the county council, they shall belong one moiety to each of the local municipalities between which the ferry lies ;—and such moneys shall be applied to road purposes ; 18 V. c. 100, s. 42, par. 3. 5

Ferries between County and County. Except at Quebec and Montreal. 3. Ferries over any river, stream or water, the two banks of which are not situate in the same county, (excepting the ferry between the city of Quebec and the parish of Notre-Dame de la Pointe-Lévi, and the ferries between the city of Montreal and the parish of Longueuil,) shall be under the control of the local municipalities situated upon such river, stream or water ;—and each council upon each shore, shall, with respect to the regulation of any such ferry as far as the middle of such river, stream or water, have the same power as is conferred upon it by *section twelve* of this Act, with respect to all other ferries under its control ; 20 V. c. 41, s. 5, par. 3. 10 20

Exclusive privileges saved. 4. Nothing herein contained shall enable any municipal council to authorize any person to keep a ferry within the limits for which an exclusive privilege has been granted by law to the proprietor of any toll-bridge ; 18 V. c. 100, s. 42, par. 5. 25

Penalty for acting without license. 5. Any person acting as a ferryman at any ferry under the control of any municipal council without a license from such council or beyond the limits assigned to him by such license, shall incur a penalty of twenty shillings, for each person or thing so ferried over by him. 18 V. c. 100, s. 42, par. 6. 30

#### FORDS OVER RIVERS.

To be kept even at bottom. 37. Fords over rivers shall be kept free from loose stones, and impediments, and the bottom shall be kept as smooth and even as practicable, and such fords shall be properly marked out with poles or *balises*. 18 V. c. 100, s. 43.

#### WINTER ROADS.

Fences to be taken down at certain seasons. Exception ; villages, hedges, &c. 38. From the first day of December in each year, until the first day of April in the next following year, all fences by the sides of roads,—and all line fences or fences making an angle with a road, to the distance of at least twenty-five feet from it,—shall be taken down to within twenty-four inches from the ground, leaving only the upright posts or pickets standing above that height, except only within the limits of villages, and in places where the fences stand at least twenty-five feet 35 40

from the side of the highway, or where, in consequence of hedges, or fences not removeable without great expense having been erected, the proper council or officer may permit them to remain, on such conditions as he thinks proper; 18 V. c. 100, s. 44, par. 1.

2. Winter roads *upon the snow* shall be made in such places as the inspectors shall from time to time determine; 18 V. c. 100, s. 44, par. 2. Site of road.

3. They may be carried upon or through any field or inclosed ground, except such as are used as orchards, gardens or yards, or are fenced with quick hedges or with fences which cannot without great difficulty or expense be removed or replaced, through which they shall not be carried without the consent of the occupant; 18 V. c. 100, s. 44, par. 3. Through what property to be carried.

4. They shall be kept in order by the persons who are bound to keep the same roads (or the roads for which they are substituted) in repair in summer, including the municipality when it is so bound; 18 V. c. 100, s. 44, par. 4. By whom to be kept up.

5. For the purpose of making and maintaining winter roads on the frozen surface of rivers, lakes and other waters flowing or lying between two or more municipalities, the powers, duties and authority of the councils of the several municipalities lying on each shore and of their officers respectively, shall extend beyond the ordinary limits of such municipalities, as far as the centre of every such river, lake or other water; 18 V. c. 100, s. 44, par. 5. Jurisdiction on rivers, &c., between two Municipalities.

6. Every such road shall be maintained by the local municipality through whose limits as defined by this section, it passes, unless it has been substituted for a summer road, in which case, if parties other than the municipality were bound to keep the summer road in repair, the same parties shall maintain the winter road; 18 V. c. 100, c. 44, par. 6. By what Municipalities to be kept up.

7. Every such road leading from one local municipality to another (when such local municipalities are not situate fronting on the river St. Lawrence) shall be traced out and maintained at the joint expense of both municipalities, and under the joint direction of the inspectors of both municipalities; 18 V. c. 100, s. 44, par. 7. Joint expense in certain cases.

8. Every such road across the St. Lawrence shall be traced out and maintained at the joint expense of the two county municipalities immediately connected by such road, and under the joint direction of the Councils of both Counties; 18 V. c. 100, s. 44, par. 7. Roads across the St. Lawrence.

When the road leads to a city, &c.

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

As to Municipalities on the north shore of the St. Lawrence having roads leading to the Island of Montreal.

And the county municipalities on the north shore of the St. Lawrence having roads leading to the island of Montreal,—with the exception of the corporation of the city of Montreal,—shall be exempt from contributing towards the tracing out or maintaining of any such road leading to the island of Montreal; but all such roads, except those terminating at, or within two miles of the city of Montreal, shall be traced out and maintained by the county municipalities respectively on the south shore of the said river from which they lead ;—and the winter roads leading to the island of Montreal from the county of L'Assomption, shall be traced out and maintained by that county ; 18 V. c. 100, s. 44, par. 8.

Double track may be ordered.

9. The proper council may, by resolution, order that any winter road may be made double, having a row of *balises* in the middle, and a track on one side thereof for vehicles going in one direction, and on the other for those going in the opposite direction ;—And the said council may, from time to time, make such other general or special orders concerning the mode of keeping the said roads as it may deem expedient, and such orders shall be binding on the road officers and on all parties concerned ; 18 V. c. 100, s. 44, par. 9.

*Balises*, how placed, and what kind.

10. All winter roads shall be marked by *balises* of spruce, cedar, hemlock, pine or other wood, of at least eight feet in length, fixed at a distance of not more than thirty-six feet one from the other, on each side of the road, if the road be single, and in the middle of the road, if it be double. 18 V. c. 100, s. 44, par. 10.

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

By whom roads shall be made, &c.

39. If there be no valid *procès-verbal*, by-law or order, providing otherwise, then— 18 V. c. 100, s. 45.

Front roads.

1. The front road of each lot shall be made and kept in repair by the owner or occupant of such lot ;—and if there be two or more owners or occupants, then by them jointly and severally, saving their recourse against each other ;—but the owner or occupant of any lot shall not be bound to make or repair more than one front road on the breadth of such lot, unless such lot be more than thirty arpents in depth ; and if there be more than one front road on any lot not exceeding that

If more than one within a certain distance.

depth, and it be not regulated as aforesaid which of them shall be made and maintained by the owner or occupant thereof, then the inspector of roads for the division shall, on the application of such owner or occupant, declare which of such front roads shall be made and maintained by him, and the other or others shall be made and maintained as a by-road; 18 V. c. 100, s. 45, par. 1.

2. The front of any lot shall be that {designated or intended as such in the original title,—or which appears to be such front by the roads laid down on the original plan, if the lot is in a township,—although the owner of the lot has placed his dwelling-house on some other part of the lot, and even although the concession line should form the boundary between two municipalities or parishes; 22 V. c. 101, s. 9.

What shall be understood to be the front of a lot.

3. Every ford and every public bridge shall be made and maintained by all the owners or occupants of lots in the parish or township, on the front road upon which such ford or bridge is situate; 18 V. c. 100, s. 45, par. 2.

Fords and public bridges.

4. Every by-road shall be made and maintained by the owners or occupants of the lots in the concession to which it leads from a front or older concession, in proportion to the frontage of the lots so occupied by them; 18 V. c. 100, s. 45, par. 3.

By-roads.

5. Every by-road leading to a mill, ferry or toll-bridge, shall be made and maintained by the occupant of such mill, ferry or toll-bridge; 18 V. c. 100, s. 45, par. 4.

To mills, ferries, &c.

6. Front roads on ungranted lands of the crown shall be made and maintained as by-roads; 18 V. c. 100, s. 45, par. 5.

Front roads on Crown Lands.

7. Subject to the exception hereinafter made,—the work necessary for keeping in repair by-roads (or roads to be made as such) and public bridges, shall not be done by the labour of the parties bound to maintain the same, but by contribution in money;—And the inspector of roads for the division shall, after public notice, give out such work in the month of October for the ensuing winter, and in the month of March for the ensuing summer, to the lowest bidder, who shall give satisfactory security for the proper performance of the work;—and the sum required to pay for such work shall be paid by the persons liable therefor, in the proportion above mentioned, when they are not liable for the whole amount of the expenses; 18 V. c. 100, s. 45, par. 6.

Work on By-roads, and public bridges how to be done.

Tender and contract.

8. Except that any road inspector in his division may, in the absence of any *procès-verbal*, by-law or valid order to the contrary, cause the necessary work for the maintenance of the by-roads, and of front roads to be made as by-roads, in such

Power of Road Inspector in absence of *procès-verbal*, &c.

division, to be performed by the manual labor of the parties bound to keep them in repair, in the proportions indicated in the said section. 20 V. c. 41, s. 9.

Streets in towns, &c.

9. Streets in towns and villages shall be deemed roads, and made and maintained accordingly, unless the municipal authorities thereof provide for their being made and maintained in some other way; 18 V. c. 100, s. 45, par. 7. 5

Exemption claimed, by whom to be proved.

10. The burden of proving that any road is not subject to the foregoing provisions, shall always be upon the party claiming exemption from them. 18 V. c. 100, s. 45, par. 8. 10

CERTAIN PROCÈS-VERBAUX AND BY-LAWS CONTINUED UNTIL REPEALED.

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

40. Every *procès-verbal*, by-law or order touching any road or bridge, in force on the first day of July, one thousand eight hundred and fifty-five, shall remain in full force until it be repealed or altered by competent authority: 18 V. c. 100, s. 46, par. 1. 15

Also existing apportionments.

2. Any apportionment of any work among the persons jointly bound to perform the same, legally made and in force on the day last mentioned, shall remain in force until the expiration of the time for which it was made, or until it be altered under this Act; 18 V. c. 100, s. 46, par. 2. 20

But may be altered.

3. Every such *procès-verbal*, by-law or order as aforesaid, may be annulled, repealed or altered by a *procès-verbal* or by-law made under the authority of this Act; 18 V. c. 100, s. 46, par. 3.

Repartitions calculated on breadth of lots only, to be valid.

4. No *répartition* or apportionment of labor made under any *procès-verbal* or by-law, shall be set aside or declared void solely by reason of its having been made or calculated upon the superficial contents or the breadth of the lots to which it relates, although the law required it to be made according to the value of such lots;—but every such apportionment shall be considered legal, and shall have full force and effect until it be set aside or altered by some *procès-verbal* or by-law homologated or passed under this Act. 18 V. c. 100, s. 46, par. 5. 25 30

NEW PROCÈS-VERBAUX.

Councils may reject, or homologate or amend.

41. 1. Every council may reject or homologate and amend any *procès-verbal* executed by any officer appointed by such council, and when any *procès-verbal* or report shall have been rejected, the council may order that the costs incurred be paid by the persons who applied for such *procès-verbal* or report, and may determine the amount of such costs; 20 V. c. 41, s. 8, par. 4. 35

2. Whenever a representation is made to any county or local council, by a petition addressed to it, by not less than five persons interested in the matter and qualified to vote for the election of local councillors within the county or in the local municipality represented by such council, or a resolution has been passed by any county or local council, to the effect that provision should be made for the opening, constructing, widening or maintaining of any road, or for any other public work within such county or local municipality, or partly within and partly beyond the limits thereof, it shall be the duty of such county or local council (according as such contemplated work is a county or a local work,) forthwith to appoint by resolution a proper person to visit the place or places where such work is to be done ; 18 V. c. 100, s. 47,—20 V. c. 41, s. 3.

Application  
by petition.

Suitable per-  
son to visit the  
spot.

3. Before proceeding to make such visit, the officer so appointed shall give public notice to the inhabitants interested in such public work, of the day, hour and place at which he will meet such inhabitants, or such of them as may attend to be heard for or against the performance of such work, or with the view of communicating to him any information relating thereto ; 18 V. c. 100, s. 47, par. 2.

Notice by Offi-  
cer of his  
visit.

4. After having made such visit and heard such of the said inhabitants as have required to be heard in relation to such work, the said officer, if he considers that the work in question should not be done, shall make a report thereon, stating the ground of his opinion ; but if he is of opinion that the work should be performed, he shall draw up a *procès-verbal* or report, shewing the nature of the work, the manner in which, the means by which, and the persons by whom, it is to be done ; 18 V. c. 100, s. 47, par. 3.

His report,  
and *procès-  
verbal*, if re-  
quired.

5. Every such *procès-verbal* shall determine—the position and description of the road, bridge or thing to which it relates,—the work to be done and (if requisite) the time within which it is to be completed,—the lands by the owners or occupants of which it is to be done, and if the owners or occupants of any of such lands are more interested than the owners or occupants of others of them, then the proportion of the work to be done by each,—distinguishing also what part of the contributions shall be in money and what part in work or materials, and to what officers, and where any such contribution in money must be paid or the materials delivered, and (in the last case) when they are to be paid or delivered,—and under the superintendence of what officers the work or any portion thereof is to be done,—and all other particulars necessary for indicating fully and clearly what is to be done, by whom, when and in what manner ; 18 V. c. 100, s. 47, par. 4.

What the *pro-  
cès-verbal*  
shall deter-  
mine.

6. In fixing the share of work, materials or money to be contributed by the owners or occupants of the several lots in any

How the share  
of money, ma-

terials, or work to be furnished by the several parties shall be determined.

local division, regard shall be had to the value of such lots, and the buildings and improvements thereon, and not to their mere extent, such value being taken from the valuation roll, if any is in force when the *procès-verbal* is made, or if there is none, then according to the estimate of the said officer; but the share so fixed shall not be affected by any subsequent valuation, unless the *procès-verbal* is altered; 18 V. c. 100, s. 47, par. 5.

Portion of road to be made by each party to be defined, when practicable.

7. When the nature of the work allows it, the portion of the road which is to be made by the owner or occupant of each lot respectively, shall be defined and described in the *procès-verbal*, that it may be afterwards marked out on the ground, by the proper road officer;—and whenever it shall appear to the said officer that, by reason of the nature of the ground over which the front road of any lot passes, or by reason of the oblique direction in which it passes in crossing the breadth thereof, or from other circumstances, the quantity of work to be done by the owner or occupant of such lot would exceed by more than one half the average quantity of work on the front roads of other lots of like value in the same concession, the said officer may, by any such *procès-verbal* relieve the owner or occupant of such lot from making or maintaining a certain described portion of such front road, and may order that the same be made by joint labour and contribution, as in the case of a by-road or public bridge. 18 V. c. 100, s. 47, par. 6,—19, 20 V. c. 101, s. 19,—20 V. c. 41, s. 8.

Relief may be granted to persons whose share of work would otherwise be excessive.

What *procès-verbal* may order.

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

Construction of bridges.

1. That any public bridge be constructed of stone or brick, or other material, or partly of one and partly of another, and of certain dimensions, and according to plans and specifications attached to the *procès-verbal* and therein referred to, and which may be amended by the proper council or by a board of delegates, as forming part thereof; 18 V. c. 100, s. 48, par. 1.

Fences, hand-rails, &c.

2. That proper fences, hand-rails, and other like defences, be placed at the side of any road where it passes near or borders upon any precipice, ravine or dangerous place; 18 V. c. 100, s. 48, par. 2.

Paving, &c., roads through swamps.

3. That any part of a road through a swamp, or wet ground, be made with fascines of brushwood, or paved with square timber,—describing the mode of construction; 18 V. c. 100, s. 48, par. 3.

Form and materials of road.

4. That any road be or be not raised in the middle, and that any specified kinds of materials shall or shall not be used in making or repairing it; 18 V. c. 100, s. 48, par. 4.

Clearing timber from

5. That the timber where the road passes through uncleared lands shall be cut down for the space of twenty feet on each

side of it, except such trees as form part of a maple grove along side of  
 destined for the manufacture of sugar, or as may be reserved road.  
 for ornament to the property ; 18 V. c. 100, s. 48, par. 5.

6. And generally, the mode of constructing and repairing Generally as  
 5 the road and the work may be ordained by any such *procès-verbal* to mode of  
*verbal*, due regard being had to the situation of the road, the construction.  
 travel over it, the more or less advanced state of the settle-  
 ments to and from which it leads, and the circumstances of the  
 parties by whom it is to be made and maintained. 18 V. c.  
 10 100, s. 48, par. 6.

13. The said officer shall, after the expiration of thirty Deposit of  
 days after the time when he visited the place where the work *procès-verbal*  
 is to be done as aforesaid, deposit his *procès-verbal* in the for revision.  
 office of the council of the local municipality, the inhabitants  
 15 or any portion of the inhabitants of which such work may  
 concern, if the inhabitants of no more than one local municipi-  
 pality are interested therein,—or, in the office of the county  
 council, if the inhabitants of more than one local municipality  
 in such county are interested therein ;—and the council in  
 20 whose office such *procès-verbal* is deposited shall examine and  
 revise the same : 18 V. c. 100, s. 49, par. 1, as amended by  
 19, 20 V. c. 101, s. 20, par. 2. What Council  
 shall revise it.

2. But every such council, before proceeding to any such Notice of time  
 examination or revision, shall cause public notice to be given, and place of  
 25 through their secretary-treasurer, to the inhabitants of the revision.  
 municipality or municipalities interested in the work to which  
 such *procès-verbal* relates, of the day, hour and place at which  
 the council will proceed to the examination or revision of such  
 30 *procès-verbal* ; 18 V. c. 100, s. 49, par. 2. [Form A. A.]

3. And whenever the work to which any such *procès-verbal* Notice to dele-  
 relates concerns, or is to be made or maintained by the inha- gates when  
 bitants of more than one county, the warden of the County in the P. V. con-  
 which the work was originally proposed, shall, within thirty cern inhabi-  
 35 days after the day appointed for such visit, give special notice tants of more  
 to the delegates appointed under this chapter, in each of the than one  
 counties interested in such work, of the day, hour and place County.  
 at which they shall meet, to examine and revise such *procès- And publica-  
 verbal* ;—and he shall also give public notice of such intended tion in loca-  
 40 meeting to the inhabitants of the several local municipalities. lity.  
 interested in such work ; 18 V. c. 100, s. 49, par. 3;—20 V.  
 c. 44, s. 8, par. 2.

4. The delegates so notified and the warden by whom such Delegates to  
 notice is given, shall attend at the time and place so ap- attend, &c.  
 pointed ;—and the said delegates, when assembled, shall form,  
 45 and be designated as the board of delegates from the several  
 counties interested in the work to which such *procès-verbal*  
 relates ; 18 V. c. 100, s. 49, par. 4.

Quorum for such revision. 5. Any number above the one half of the delegates so notified to attend any such meeting of delegates, shall form a *quorum*; and some disinterested person from among such delegates previously appointed by the county council for that purpose, shall preside at the meeting; 18 V. c. 100, s. 49, par. 5,—22 V. c. 101, s. 10.

Who shall act as clerk of the delegates. He shall keep a minute of proceedings. 6. The secretary-treasurer of the county council of the county in which the work was originally proposed, shall act as the clerk of such delegates during their meeting; and it shall be the duty of such secretary-treasurer to make a minute of their proceedings and to deposit the same in the office of the council of which he is secretary-treasurer, to form part of the records thereof; 18 V. c. 100, s. 49, par. 6.

Parties to be heard. 7. Every such local council, county council or board of delegates, before deciding upon the merits of any *procès-verbal* so submitted for their examination or revision, shall hear the persons interested in the work to which such *procès-verbal* relates, and any person who may be in attendance at the time and place appointed for such examination and revision, may require to be heard; 18 V. c. 100, s. 49, par. 7.

*Procès-verbal* may be homologated with or without amendments. When to be in force. 8. Every such council or board of delegates may homologate without alteration, or with such amendments as they may deem just and expedient, any *procès-verbal* so submitted to their examination or revision; and every such *procès-verbal* shall remain in force as so homologated or amended from the day of the date of such homologation or amendment; 18 V. c. 100, s. 49, par. 8.

To be deemed homologated after remaining a certain time without amendment or homologation. 9. No *procès-verbal* shall be considered duly homologated unless it has been homologated with or without amendment by the council charged with the examination or revision thereof, or has remained deposited in the office of such council, without having been homologated or amended, during a period of ten days after the time when the first general meeting of such council should have been, by law, held, subsequently to the date of the deposit of such *procès-verbal*; 19, 20 V. c. 101, s. 20, par. 1.

Or if the delegates fail to meet or adjourn *sine die*. 10. And if the delegates whose duty it is to examine or revise any such *procès-verbal* fail to meet at the time appointed for such meeting, or having met, close such meeting, either formally or by adjourning *sine die*, without having amended or homologated the same, such *procès-verbal* shall be deposited in the office of the county council of the county in which the work was originally proposed; and shall be considered as having been duly homologated, and shall be in force from the day of the date of such deposit; 18 V. c. 100, s. 49, par. 10.

11. The secretary-treasurer having the custody of every *procès-verbal* homologated as aforesaid, and concerning more than one county, shall deliver a copy thereof duly certified by him, to the secretary-treasurer of every other county interested therein; 18 V. c. 100, s. 49, par. 11.

A copy to be delivered for each County interested.

12. Every *procès-verbal* made under the authority of this chapter shall be in duplicate. One duplicate shall be deposited of record in the office of the county council of the county in which the work was originally proposed, if the work to which such *procès-verbal* relates be a county work; or in the office of the council of the local municipality which it concerns, if it be a local work;—and the other duplicate shall be deposited of record in the office of the secretary-treasurer of the proper council, who shall make upon or annex to the last mentioned duplicate, a true copy or copies of all amendments made to such *procès-verbal* by any competent authority; 18 V. c. 100, s. 49, par. 12.

*Procès-verbaux* to be in duplicate.

How deposited of record.

13. Any *procès-verbal* made under this Act, may be repealed, altered, amended or explained at any time by another subsequently made in like manner; 18 V. c. 100, s. 49, par. 13,—19, 20 V. c. 101, s. 20,—20 V. c. 41, s. 8.

They may be repealed, &c., by others.

14. Any local council may order, by resolution, that there be kept a register of all the *procès-verbaux* and by-laws relating to roads and bridges in the municipality; And whenever any such resolution has been adopted, the secretary-treasurer shall, with all diligence, collect all the *procès-verbaux* and by-laws in force in the municipality,—shall copy them into a register to be kept by him for that purpose,—shall certify the correctness of the register,—shall deposit it in his office amongst the records of the council,—and shall give public notice of the deposit of the said register as soon as it shall be made; 20 V. c. 41, s. 5, par. 5.

Register of *procès-verbaux*.

Duty of Secretary-Treasurer.

15. All new *procès-verbaux* and by-laws relating to roads or bridges, made after the deposit of the register, shall also be inserted therein; 20 V. c. 41, s. 5, par. 6.

Insertions of new *procès-verbaux*.

16. Any ratepayer in the municipality may have access to the said register and examine the same during office hours; 20 V. c. 41, s. 5, par. 7.

To be open to rate-payers.

17. And after the expiration of one month from the deposit of any such register, the publicity thereby given to the said *procès-verbaux* and by-laws shall be held to be sufficient notice to the persons bound to perform any work or to pay any money by virtue of such *procès-verbaux* and by-laws; and it shall not be necessary to give any further notice to such persons in order to compel them to fulfil their said duties; 20 V. c. 41, s. 5, par. 8.

Register to be sufficient notice.

Effect of Register as evidence.

18. Every such register certified by the secretary-treasurer shall be authentic;—any certified copy or extract from any such register shall also be authentic;—and the tenor of any such *procès-verbal* or by-law so registered, may be proved by production of the register by the secretary-treasurer, or a copy or extract therefrom duly certified by him. 20 V. c. 41, s. 5, par. 9.

COUNCILS MAY RAISE MONEY FOR MAKING ROADS AND BRIDGES BY ASSESSMENT.

Money may be raised by assessment for roads and bridges.

14. 1. The council of any municipality may raise by assessment any sum of money for making or maintaining the roads and bridges therein, or any of them, and may apply the sum so raised to that purpose in such manner as they think proper, notwithstanding any thing to the contrary in any *procès-verbal* contained; 18 V. c. 100, s. 50.

No more than 2½ per cent on the assessed value to be collected as taxes for any cause in any one year on townships lands.

2. But no municipal council shall, for the purpose of raising any sum or sums of money for making and maintaining the roads and bridges therein, impose, in any one year, on any land in any township therein, any assessment or assessments exceeding in the whole the rate of two and a half per cent. on the actual value of such land according to the valuation thereof in the valuation-roll then in force in which the same is mentioned and described. 22 V. c. 101, s. 36.

Council of local municipality may order that roads, &c., be made not by the parties but by assessment and statute labour.

Effect of By-law containing such order.

45. The council of any local municipality may, by any by-law to come into force on the first day of January next after the expiration of three months from the time of its passing,—enact that the roads in such local municipality, or which the inhabitants of such local municipality, or any of them, are bound to make and maintain, shall thereafter be made and maintained solely by moneys to be raised for that purpose by assessment and by statute labour;—And from the time such by-law takes effect, and while it is in force, so much of any *procès-verbal* as determined by the owners or occupants of what lands in such local municipality any road shall be made or maintained, shall cease to have effect, nor shall the owner or occupant of any land therein mentioned be bound to make or maintain the front road of such land;—but that part of any *procès-verbal* which describes the work to be done and its nature and quality shall remain in full force, and be binding on the municipality; nor shall any power of the county council, of any road officer, or any provision of this Act, be affected by such by-law, except only as by this section expressly provided: 18 V. c. 100, s. 51, par. 1.

Further effect. During the time such by-law shall be in force—

Increase of Statute labour.

2. The amount of statute labour to which any party would otherwise be liable, shall be doubled by virtue of this Act,

and may, in the discretion of the council, be further increased ;  
18 V. c. 100, s. 51, par. 2.

3. The Municipality shall make and maintain all roads and  
bridges within the same, and also those beyond the limits  
5 thereof, which, without such by-law, any of the owners or  
occupants of lands within the municipality would have been  
bound to make or maintain, and generally shall perform all  
road work for which any such owner or occupant would other-  
wise have been liable ;—And it shall be the duty of the road  
10 officers to see that the roads are made and maintained by the  
municipality in the manner required by law and by the *procès-  
verbal* regulating the same respectively, and to require the mu-  
nicipality so to make and maintain them, and to prosecute the  
municipality for any default so to do ; 18 V. c. 100, s. 51,  
15 par. 3.

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

Duty of road officers.

4. The municipality shall also make or cause to be made,  
under the superintendence of the inspectors, *sous-voyers*, or  
any other officer they think proper to appoint, by any persons  
obliged by *procès-verbaux*, by-laws or otherwise, any other  
20 road in the municipality, whether it be a front road or a by-road  
or a street or other road, in conformity with the *procès-verbaux* or  
by-laws relating to such roads and with the law, and may be  
proceeded against by any person whatsoever of the age of  
twenty-one years, if the said roads are not made and kept in  
25 repair as aforesaid, for all damages and fines, as provided in the  
next following sub-section, as though the municipality had as-  
sumed by by-law the charge of all the roads therein, saving  
however the recourse of such municipality against its officers  
or any other person having charge of such roads, in case of  
30 negligence, for the reimbursement to them of all damages,  
fines and costs incurred ; 22 V. c. 101, s. 12.

Liability of the municipality if the roads are not properly made and kept in repair.

Saving its recourse against its officers.

5. The municipality shall be liable for all damages arising  
to any party from the non-performance of any obligation im-  
posed on it by this section ; and shall be liable to the same  
35 penalty for neglect or refusal to perform such obligation, or to  
comply with any of the requirements of this Act, as any  
private person would be in the like case ; 18 V. c. 100, s. 51,  
par. 4.

Municipality liable for damages arising from non-repair.

6. Any local council may make such by-laws and regula-  
40 tions as it deems necessary (not being inconsistent with any  
provision of this Act) for defining the manner in which the  
money raised for road purposes, and statute labour, shall be  
expended and applied for the purpose of making and maintain-  
ing the roads which are to be made and maintained by the  
45 local municipality, and may enter into all contracts which they  
think necessary touching any work to be done to or upon the  
same ; 18 V. c. 100, s. 51, par. 5.

Local Council may regulate manner of applying money and labour.

Roads may be divided into convenient portions as regards Statute labour.

7. While any such by-law shall be in force, the council or such of the inspectors of roads as shall be duly authorized by it, may divide the roads in the municipality, or which the inhabitants of any municipality are bound to make and maintain, into convenient portions, and may assign the amount of statute labour to be performed on every such portion, and the persons liable to such labour and by whom it is to be performed; 18 V. c. 100, s. 1, par.

By-law containing such order may be repealed;—  
Effect of such repeals.

8. Any such by-law may be repealed by another to come into force on the first day of January next after the expiration of three months from its passing, and passed by a majority of two thirds of the members of the council; and thenceforth all the provisions of any *procès-verbal*, by-law or order, or of this Act, which were suspended while the repealed by-law was in force, shall again revive and have effect. 18 V. c. 100, s. 51, par. 7.

#### COMPENSATION FOR LANDS TAKEN FOR ROADS AND OTHER PUBLIC WORKS.

Compensation to be made.

16. Whenever any land is taken for a road or bridge, or for the site of any building required for municipal purposes or for any other public work, the owner thereof shall receive fair compensation for the same from the parties who by the *procès-verbal* or by-law are bound to pay the same, or from the municipality if such work has been or is to be performed at the expense of the municipality, unless it be decided that such owner is not entitled to compensation; 18 V. c. 100, s. 52, par. 1.

Exception.

Mode of estimating amount of compensation.

2. In estimating the compensation, or deciding whether the owner of the land taken for a road is entitled to any, the advantages which he derives from the road, or from the change in the position thereof, or from his receiving any land no longer to be used as a road, as well as his liability to furnish land for road purposes or his exemption therefrom (as the fact is,) shall always be taken into consideration, and if they are equal to the damage sustained by the taking of the new land, then he shall be entitled to no compensation;—nor shall he be entitled to any *prix d'affection* or damage arising from his supposed affection for the land so taken;—but in no case shall he be called upon to pay compensation; 18 V. c. 100, s. 52, par. 2.

No *prix d'affection*.

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

3. No compensation shall be allowed for the land itself taken for the first front road made upon it, nor for any road unless the quantity so taken exceeds the allowance for roads, made in the original grant or concession of such land from the crown; 18 V. c. 100, s. 52, par. 3.

Valuators to ascertain com-

4. The valuers of the local municipality in which the land is situate, or any two of them, shall ascertain the com-

5    pensation (if any) to be paid, after public notice has been previously given of the day and hour when they will attend upon the ground to hear the parties and estimate the compensation, which time shall be appointed by the proper council ; 18 V. c. 100, s. 52, par. 4. pensation after notice to parties interested.

10    5. Any two of the valuator's may act in the absence of the third ; and if any one or more of them be absent at the time appointed as aforesaid, or be disqualified by direct interest or by relationship to the party whose land is taken, or otherwise, or refuse or be unable to act, then the proper council shall appoint another person or other persons to act in his or their stead, and may for like cause and in like manner appoint a person to act instead of any person so appointed ; 18 V. c. 100, s. 52, s. 5. Two valuator's may act.  
Provision if any of them be disqualified.

15    6. It shall not be an objection to any such valuator or person acting as aforesaid, that he is related to some one or more of the parties by whom the compensation is payable ;—and every objection to the competence of any such valuator or person, must be made before the delivery of the certificate hereinafter mentioned, otherwise it shall not avail ; 18 V. c. 100, s. 52, par. 6. As to objection to valuator's.

25    7. The valuator's or persons acting in their stead, or any two of them, after examining the land and hearing the parties attending as aforesaid, shall, by one or more certificates under their hands, ascertain whether any compensation, and if any, then what compensation shall be paid for the land taken, and shall transmit such certificates to the secretary-treasurer of the proper council, and the award made by such certificate shall be final and conclusive ; 18 V. c. 100, s. 52, par. 7. Certificate to be granted after hearing parties.  
Award to be final.

30    8. It shall suffice in any such certificate to mention the lot of which the land forms part, referring to the *procès-verbal* or by-law under which it is to be taken, and to state what compensation, if any, is to be paid for it ;—but any lot may be described as being supposed to belong to, or as being in the possession of any person ; 18 V. c. 100, s. 52, par. 8. What descriptions shall suffice in such certificate.

40    9. On delivery of any such certificate, to the secretary-treasurer, if no compensation be awarded thereby, or on the payment of the compensation, if any, into the hands of the secretary-treasurer of the local municipality in which the land is situate for the benefit of the person entitled thereto, the land in question shall be vested in such local municipality as part of the roads thereof, if taken for a road or bridge ; or in the municipality by whom the work is to be performed as part of its property, if taken for any other purpose ; and the said certificate and the secretary-treasurer's receipt for the compensation (if any) shall be a sufficient title thereto, and shall not require registration to preserve it ; 18 V. c. 100, s. 52, par. 9. Land vested in Municipality on payment of compensation, if any.  
Registration not required.

Compensation to be paid clear of all deduction

10. The compensation shall be paid by the secretary-treasurer, free of all deduction, to the person entitled to receive the same, at the expiration of three months from the time of its being paid to such secretary-treasurer, and the person in possession of the land as proprietor thereof at the time it was taken, shall be held to be entitled to receive the compensation from the secretary-treasurer, saving the recourse of any other person to recover the same from the person so receiving it; but if within the said three months there are contending claims, the secretary-treasurer shall keep the money in his hands, subject to the decision of the proper court; 18 V. c. 100, s. 52, par. 10.

Proceedings if it be claimed by more than one party.

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

11. Nothing contained in this Act shall give authority to mark out any new road, or turn or widen an old one, in such manner as that the same shall pass through any garden, orchard or farm yard, enclosed with a wall, board or standing picket-fence or hedge,—or to demolish or injure any house, barn, mill or other building whatsoever,—or to prejudice any canal or mill dam, or to turn the course of the water thereof,—without the consent of the proprietor of the same. 18 V. c. 100, s. 52, par. 11.

#### POWERS AND DUTIES OF ROAD OFFICERS, &c.

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

17. All municipal works, of which a *procès-verbal* has been homologated as aforesaid, shall be executed, maintained and repaired under the direction of the *proper council*, or of the road inspector, or other municipal officers in the manner prescribed by this Act: 18 V. c. 100, s. 53, par. 1.

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

2. The officer appointed for that purpose, by the proper council, or the inspector of roads, or overseer of roads, or any surveyor or person accompanying him, or authorized in writing by him, may enter, in the day time, upon the lands of any person, whether occupied or unoccupied, inclosed or uninclosed, for the purpose of making a survey for any road,—and may also enter upon any unoccupied land for the purpose of searching for timber, stone or other materials for making or repairing any road, or any bridge or work therewith connected, doing no wilful and unnecessary damage, and making compensation only for actual damage done; and such officer or person need not give any notice whatever before entering upon any land for any of the purposes above specified; 18 V. c. 100, s. 53, par. 2,—*as amended by* 19, 20 V. c. 101, s. 21.

[Form B. B.]

Compensation for actual damage only.

Overseers may take materials off unoccupied lands.

3. The overseer of roads superintending the making or repairing of any road or bridge or work therewith connected, may enter in the day time upon any unoccupied land to the distance of one arpent of such road, bridge or work, and take from off the same any stone, gravel, earth or materials requisite for making or repairing the road:—but such overseer shall, as

soon thereafter as may be, declare on oath before some justice of the peace, what he believes to be the damage done to such land by the taking of such materials, and the overseer shall deliver such affidavit to the inspector of roads for his division;—And  
 5 the amount so sworn to shall be set off against any road contribution, statute labour, or penalty due in respect of such land, or by the owner thereof, or if such amount exceeds the sum so due, the balance shall be paid to such owner by the inspector, out of any moneys in his hands for defraying the cost of making  
 10 or repairing such road, bridge or work, and if he has not sufficient, the money shall be raised by assessment as other moneys required for such purpose ;

Compensation, and how set off, or paid.

Provided, that if the amount of such damages exceed five pounds, the same shall be assessed by the valuers of the  
 15 municipality or any two of them, in like manner as the value of ground taken for a road or other public work, and their award, or the award of any two of such persons as may be appointed in their stead, as hereinbefore provided, shall be final. 18 V. c. 100, s. 53, par. 3.

Proviso, if damages exceed £5.

20 **48.** It shall be the duty of each inspector of roads, at least once in every month, to pass over and examine every road in his division or over which he has any authority or superintendence, and to make notes of the state in which he finds each road or any work thereon, or therewith connected,—and to call  
 25 upon the several Overseers of roads in his division to accompany him in the inspection of the roads in their respective sections, and to give to each of them such orders and instructions as may be necessary to ensure the faithful execution of this chapter,—to note any case in which he finds any Overseer or  
 30 other person to have neglected to perform any duty imposed on him by this Act, and to prosecute any such officer or person for such neglect : 18 V. c. 100, s. 55, par. 1.

Inspectors to examine roads in their divisions and call upon overseers to accompany them.

To prosecute offenders.

2. The notes so made by the Inspector on such visit shall be signed by him and kept for the inspection of the council by  
 35 which he was appointed; 18 V. c. 100, s. 55, par. 2.

Inspectors to keep notes, &c.

3. Each Inspector of roads shall give verbal notice to every Overseer of roads in his division of the time when he intends  
 to visit the section of such Overseer; 18 V. c. 100, s. 55, [Form D. D.]  
 par. 3, as amended by 19, 20 V. c. 101, s. 27.

To give notice of visits.

40 **4.** It shall be the duty of each Overseer of roads to accompany the Inspector during his visit to the roads in the section of such Overseer, to give him all proper information on the subject of the roads under the charge of such Overseer, and to note and obey his instructions and orders; 18 V. c. 100, s.  
 45 55, par. 4.

Overseers to accompany them.

Inspectors to report to proper Council.

5. Each Inspector of roads shall once in every three months, or oftener if required by the proper council, make a report in writing to the proper council, containing the substance of the notes he has made, and all the information he has obtained since his last report. 18 V. c. 100, s. 55, par. 5, *as amended* by 19, 20 V. c. 101, s. 22. 5

#### OBSTRUCTION OF PUBLIC ROADS.

Inspectors to cause obstructions to be removed.

49. Each Inspector of roads shall cause all obstructions or nuisances to be removed from off the roads under his superintendence respectively, and shall report all encroachments thereupon to the proper council, to the end that such council may compel their removal, if the person making any such encroachment does not, on being thereunto required by the Inspector, desist from such encroachment: 18 V. c. 100, s. 56, par. 1.

What shall be deemed an obstruction.

2. It shall be deemed an obstruction to leave or place any thing upon the road or in any ditch or water-course therewith connected, or to make any trench or opening in the road, or to do any other act whereby, in either case, the free passage of vehicles or foot passengers over any part of the road, may be obstructed, impeded or rendered inconvenient, or the free passage of the water prevented, unless the act be done in the course of some duly authorized work upon the road, or by the command or with the permission of some road officer, under the authority of some by-law of the proper municipal council; 18 V. c. 100, s. 56, par. 2. 25

Penalty for causing an obstruction.

3. Whosoever makes, causes or creates any such obstruction or nuisance shall thereby incur a penalty of not more than fifty nor less than ten shillings, and an additional penalty of not more than ten shillings for every day during which the same continues, with all costs including the expense of removing such obstruction or nuisance; and such penalty shall be recoverable by a suit or proceeding separate from the action hereinafter mentioned for recovering the land encroached upon, and may be sued for after such action is determined; 18 V. c. 100, s. 56, par. 3. 35

Justice of the Peace may order removal of obstruction.

4. Any justice of the peace resident in the county may hear and determine any complaint of such obstruction or nuisance, and order the removal thereof at the expense of the offender, by such person as he shall by his warrant authorize to remove the same, and may tax the costs of such removal and cause the same to be levied with the penalty and costs of prosecution and by the same process; 18 V. c. 100, s. 56, par. 4. 40

Encroachments defended to be tried by action.

5. If any road be encroached upon and the encroachment be denied, the local municipality may bring an action against the person so encroaching, for the recovery of the land taken from the road; 18 V. c. 100, s. 56, par. 5. 45

6. Such action shall be brought in the circuit court in the circuit wherein the local municipality or any part thereof lies which shall have jurisdiction in all such cases, and with power if the encroachment be proved, to adjudge that the land taken by such encroachment be restored to the municipality ;— And if such judgement is not complied with within fifteen days after service of a copy thereof on the defendant, then any judge of the said court may, in term or out of term, on the application of the municipality, direct a writ of possession to any bailiff, commanding him to remove from the land in question all buildings or fences erected thereon, and give possession of such land to the said municipality, which such bailiff, taking with him sufficient assistance, shall accordingly do ; 18 V. c. 100, s. 56, par. 6.

Where such action shall be brought.

Enforcing execution of judgment.

Writ of possession.

7. The costs in every such action shall be those allowed in actions of the first class in the said court, and the costs on the writ of possession and proceedings thereupon shall be taxed by a judge of the said court at such sum as in his descretion he thinks right, until they be regulated by a tariff of the court, under which the clerk of the court shall thereafter tax such costs. 18 V. c. 100, s. 56, par. 7.

Costs in such action.

#### ROAD WORKS.

50. It shall be the duty of each Inspector of roads, subject to the provisions of this Act, and to the orders of the council by which they were appointed, and by which they shall be furnished the necessary copies of, or extracts from, *procès-verbaux*, valuation-rolls, collection-rolls and other documents,—to direct the Overseers of roads in his division, as to the time when, and the manner in which, all road work is to be done,—to furnish them with statements in writing setting forth the names of all persons subject to statute labour, the share of joint labour and materials to be furnished by each person, or in respect of each lot of land in their sections respectively, and informing them upon what work or works the same is to be employed, and in what proportions,—to receive all sums paid for commutation of statute or joint labour, and to notify such commutation to the proper Overseer,—to instruct him to engage other labour in the place of that so commuted,—and to pay for such labour out of such commutation money, on the certificate of the Overseer that the same has been duly performed: 18 V. c. 100, s. 57, par. 1.

Duties of Inspectors of roads as to work to be done thereon.

Statement in writing to be furnished to overseers.

Engaging other labour.

2. It shall be the duty of each overseer of roads, pursuant to the provisions of this Act, the order of the proper council, and the directions of the Inspectors of roads,—to give notice to the inhabitants of his section, respectively, of the time and place where and when any statute labour or joint labour is to be performed or materials to be furnished, and the amount of labour, quantity and description of materials to be then and

Duties of overseers of roads as to work to be done thereon.

- [Form Y.] there furnished by each,—which notice may be given verbally to each of such inhabitants in person or left in writing at his residence, and shall specify the tools and implements (being those ordinarily used by farmers) which each person is required to bring with him ; 5
- Tools to be brought by persons bound to work.
- Horses or oxen. And if the nature of the work requires it, the Overseer may command any person having the same and being bound to furnish at least three days' labour, and not having commuted the same, to bring with him or to send with a man to work them, a horse or horses, an ox or oxen, with proper harness 10 and a cart, wagon or plough ;—And every day's labour of a horse or ox, with such harness and vehicle or plough as aforesaid, shall be credited to the person furnishing the same as one day's work ;
- Overseer to superintend and certify performance of work. Each Overseer shall also superintend and direct the per- 15 formance of statute labour and joint labour on the roads, and give certificates of the due performance thereof,—he shall appoint the hour of commencing and leaving off, and the time to be taken for rest or meals, the day's work being ten clear hours of labour on the spot where the work is to be done,—he shall 20 dismiss any man who shall not attend during the hours appointed for labour, or who is idle or refuses to obey the orders of the Overseer, or does not work faithfully, or hinders others from working ;—and any man so dismissed shall, for the offence occasioning his dismissal, incur a penalty of ten shillings ; 25
- Penalty.
- Prosecuting offenders. The Overseer shall also prosecute for all such penalties as last aforesaid, and for all penalties incurred for disobedience to his orders,—he shall report to the Inspector of roads for his division, the number of days' work performed and the quantity of materials furnished under his superintendence, with the 30 names of the parties performing or furnishing the same, and the names of those who have been fined. 18 V. c. 100, s. 57, par. 2.
- Penalty on persons not obeying orders of overseers, as to labor on road. **51.** Every person liable to perform labour on the roads and not having commuted the same, who being so required as 35 aforesaid by any overseer to attend and perform the same, refuses or neglects so to attend, shall, for each day on which he shall so refuse or neglect, incur a penalty of ten shillings, and he shall incur one half of such penalty if he was required to bring with him any tool or implement, and appears without the 40 same ;—and if he was required to bring with him any plough, horse, ox, wagon, cart or other vehicle and harness, the penalty shall be doubled, that is, he shall incur a penalty of twenty shillings, if he wholly fails to attend, and of ten shillings, if he attends without such horse, or wagon, cart, 45 vehicle or harness : 18 V. c. 100, s. 58, par. 1.

2. No notice shall be required to compel any person to make or repair any front road which ought to be made or repaired by him alone ; but if it is not made or repaired in the manner required by the *procès-verbal* regulating it and by this Act, such person shall incur a penalty of five shillings ; and if he neglects to make or repair such road for a period of twenty-four hours after having been notified to make or repair the same, he shall incur a penalty of not more than twenty nor less than five shillings, for each day on which it remains unmade or out of repair ; 18 V. c. 100, s. 58, par. 2.

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

Penalty for not repairing.

3. Every such penalty shall be paid to the inspector for the division, and applied to the same purpose for which the labour for the due performance of which it was incurred would have been applicable ;—and the payment of the penalty shall be set off in favor of the offender against the road labour for which he is liable, at the rate of one day's labour for each five shillings of the penalty paid ; 18 V. 100, c. 58, par. 3.

Penalties to whom payable and how applied.

4. The penalty may be paid to the inspector before any suit for it is commenced, and in that case it shall be payable without costs ; 18 V. c. 100, s. 58, par. 4.

May be paid before suit.

5. Every inspector of roads and every overseer of roads shall be liable for all damages occasioned by the non-performance of any work which ought to have been performed within his division or section, unless he can shew that he used all legal means in his power by notice, prosecution and otherwise to compel the performance of such work ; saving always the recourse of the inspector against the overseer, and of both against the person bound to perform such work. 18 V. c. 100, s. 58, par. 5.

Inspectors and overseers liable for damages occasioned by their neglect.

52. The proper council may from time to time cause portions of roads to be made by the persons liable to statute labour, to serve as models for the remainder of such roads or for roads in their neighbourhood ;—and in superintending the making of roads the road officers and others shall govern themselves by such models, as far as the foundation and position of such roads and other circumstances will permit. 18 V. c. 100, s. 59.

Portions of road may be made as models.

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

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

of suit, as a debt due to such overseer, and in any way in which debts of like amount are recoverable,—or such amount may be levied as arrears of taxes due to the municipality, in the manner hereinafter provided, and paid to such overseer by the secretary-treasurer ; 18 V. 100, s. 60, par. 1.

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

2. Or, the overseer of roads may report to the inspector of roads of his division, that any such work remains unperformed or any such materials unfurnished, and that the person who ought to perform or furnish the same has been by him required so to do, or that such person has no residence in the division;— And on such report the inspector may, if he thinks proper, authorize such overseer to cause the work to be done or the materials to be furnished by some person or persons to be employed by him for that purpose, and the sum expended shall be recoverable by the municipality from the person in default with twenty per cent in addition thereto, as a penalty for such default and costs ;—and the sum actually expended shall be paid by the secretary-treasurer of the municipality to the order of the inspector, out of any moneys in his hands applicable to road purposes, or to the general purposes of the municipality : 18 V. c. 100, s. 60, par. 2.

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

3. The affidavit of the overseer sworn before a justice of the peace that the formalities of the law were complied with, and that the work was done or the materials furnished, that the sum charged is the true value thereof, and that the defendant is the person liable for the same by law, and the certificate of the inspector that to the best of his knowledge and belief the facts stated in such affidavit are true, shall be *prima facie* evidence of such facts, and if not controverted, shall be sufficient to maintain the claim and demand of the municipality or of such Overseer ; 18 V. c. 100, s. 60, par. 3.

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

4. In either of the cases last above mentioned, the person in default shall not be liable to a penalty, but the twenty per cent above mentioned shall stand in stead thereof. 18 V. c. 100, s. 60, par. 4.

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

54. The actual occupant of any lot shall always be liable for the work or contribution assigned to such lot, and for one year's arrears thereof, saving his recourse (if any) against any previous occupant, or against the owner of the lot, or any other party ;—And if any lot be divided after the making of the *procès-verbal*, or there be from any other cause more than one occupant thereof, they shall be jointly and severally liable, saving to each his recourse against the others : 18 V. c. 100, s. 61, par. 1.

Liability for damages for non-performance of work.

2. Every person shall be liable for all damages arising from the non-performance of work he is bound to perform, and if any persons are jointly and severally so bound, they shall be jointly and severally liable. 18 V. c. 100, s. 61, par. 2.

55. Each overseer shall from time to time report to the inspector of his division, the arrears of labour and materials remaining unperformed, and undelivered in his section, and of penalties remaining unpaid, specifying the lands in respect of which the same are due, the owners or occupants of such lands, if known, and the value in money of such materials delivered at the place where they ought to have been delivered by the persons in default ;—And it shall be the duty of the inspector to sue for and recover the same from the persons liable if they have any goods or chattels whereupon the same can be levied. 18 V. c. 100, s. 62.

Overseer to report arrears and Inspector to sue for the same.

56. The county council may cause mile-posts or mile-stones to be set up on the main road in the county, shewing the distance from the principal towns to which such roads lead, and may cause guide-posts to be set up at the intersections of roads ; and the expenses incurred for those purposes shall be paid by the secretary-treasurer of the local municipalities respectively, in which such mile-stones or mile-posts, or guide-posts shall be set up, out of any moneys in the hands of the secretary-treasurer applicable to road purposes or to the general purposes of the municipality : 18 V. c. 100, s. 63, par. 1.

Mile-posts and guide-posts may be set up ; expenses how paid.

3. The proper council may, under the authority of a resolution, direct any inspector of roads to procure a snow plough, a roller and an iron or steel shod scraper, or either, to be used on the roads in his division, and to be carefully kept by such inspector, and by him handed over to his successor in office for the like purposes ;—and when the same are so procured, the inspector shall command each overseer of roads in his division, to use and work such snow plough, roller or scraper at the expense of the municipality, and shall command every such overseer to require the persons bound to perform road work in his section to use and work such snow plough, roller or scraper (when necessary) as a part of the work they are so bound to perform ;—And the cost of such snow ploughs, rollers and scrapers, and of using and working the same, (when so used and worked at the expense of the municipality) and of all necessary repairs thereto, shall be paid by the secretary-treasurer of the municipality. 18 V. c. 100, s. 63, par. 2.

Inspectors may be required to procure snow-plough, rollers and scrapers ; how the same shall be used.

How the cost shall be paid.

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

Provision in case of disagreement between parishes or townships.

council, in addition to the other powers conferred by this Act. 22 V. c. 101, s. 11.

EXECUTION OF COUNTY WORKS.

- Proceedings where the work is to be done by the job or contract.** **58.** When the work to be performed is the construction or partial reconstruction of a bridge or the opening or widening of a road, concerning the inhabitants or any number of the inhabitants of more than one county municipality, or of more than one local municipality in one or more county municipalities, if the said work is to be undertaken by the job, by agreement or contract, for a price in money, or partly for money and partly by means of materials and days' labour, to be contributed by the assessable inhabitants, the council, who shall cause a *procès-verbal* of such work to be drawn up, shall submit such work to public competition: 18 V. c. 100, s. 64,— *as amended by* 19, 20 V. c. 101, s. 23.
- Public competition.** 2. For the purpose of obtaining tenders, the proper council shall cause public notice to be given, specifying clearly the work to be so given out, and the day on or until which tenders for the performance thereof will be received; and such notice shall be given in one or more newspapers published in the county or the district in which it is situate, or if there is no newspaper published therein, in an adjoining county or district; 18 V. c. 100, s. 64, par. 2.
- Advertisement for tenders.** 3. The contract for the said work shall be adjudged to the person tendering for the lowest price and on the most favorable terms, provided he fulfil the conditions and gives the security required for the execution thereof; 18 V. c. 100, s. 64, par. 3.
- Work to be adjudged to the most favorable bidder giving security.** 4. Every contract or agreement relative to any such work shall be entered into, or considered as having been entered into with the said *proper Council in the name of the corporation of the County*; it may be accepted by the *proper officer* of such County or by the mayor, or by any road inspector of a local municipality interested in the said work, being thereunto specially authorized by the *proper Council* or the *proper officer thereof*; and every such contract or agreement shall be binding on each municipality interested; and every such municipality may sue in its own name, to enforce the performance thereof in any court of competent jurisdiction; but no such municipality shall be authorized to bring any such action until the expiration of fifteen days' notice given by the council thereof to the *County Council* or *proper officer thereof* requiring it or him to bring such action; 18 V. c. 100, s. 64, par. 4.
- In whose name the contract shall be made.** 5. The person with whom any such contract for work is made shall furnish good and sufficient security, to the satisfaction of the council, for the performance of the said work, and
- Enforcing the contract.**
- Good security to be given by contractor.**

the payment of all damages, costs and interest in the event of his not fulfilling his contract ; 18 V. c. 100, s. 64, par. 5.

6. The *proper County Council* may require any inspector of roads in the local municipality in which the said work is to be executed to superintend the performance thereof ; and every such inspector shall obey all orders of the said council or of their *proper officer* for that purpose ; and for every refusal or neglect so to do, every such inspector shall incur a penalty of two pounds ; 18 V. c. 100, s. 64, par. 6.

Inspectors to superintend performance of contract when required.

7. The *proper County Council* shall make an apportionment among the different local municipalities interested of the contributions required for the performance of the said work, establishing the proportion of the said contribution to be borne by each local municipality, or by such of the inhabitants thereof as are bound to bear the same, either in money, materials or days' labour ; and a certified copy of such apportionment shall be deposited in the office of the municipal council of each county or local municipality interested. 18 V. c. 100, s. 64, par. 7.

Apportionment of the cost.

#### VALUATORS AND VALUATION.

59. The valuers shall make the valuation of all the real and other assessable property in the local municipality for which they have been appointed, within two months after the date of their appointment, including in the said valuation the value of the houses and other buildings erected on such property ;

Valuation of property to be made by the valuers ;

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

Or a majority of them, and how.

But when any lot occupied by a tenant or lessee is situated partly within the limits of any city corporation and partly within any village or parish municipality, the capital of the rent received by virtue of the said lease shall be deemed to be the value of the said lot during the existence of the said lease, and the amount of the assessment shall be paid to such city corporation and village or parish municipality in proportion to the extent of ground lying in their respective limits, notwithstanding any thing in this Act to the contrary ; 18 V. c. 100, s. 65.

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

2. In making the valuation, the valuers may require the services of the secretary-treasurer of the council, or employ any clerk whom they may appoint ;—And every clerk so employed shall be entitled to receive for his services, on the certificate of two of the valuers, a sum not exceeding five shillings for

They may require assistance of the Secretary-Treasurer of Municipality.

- or employ a Clerk. every day during which he has been necessarily employed, and such remuneration shall be paid out of the general funds of the local municipality; 18 V. c. 100, s. 65, par. 2.
- Valuation-Roll to be made: 3. A valuation-roll, setting forth such valuation, shall be drawn up and signed by the said valuator, or by such of them as have assisted in making the valuation, and shall be by them delivered to the mayor of the municipality within eight days from the making thereof;—and every such valuation-roll shall remain of record in the office of the council of such municipality;
- [Form E. E.] And recorded. 10
- What it shall contain. The valuator shall specify in the valuation-roll, not only the names and designation of all owners or occupants of real or other assessable property, but shall also designate the real property, the proprietors of which are unknown, by the number and concession, or by the limits and boundaries, in case such real property has no number generally known, and instead of the name of the proprietor shall insert the word “unknown”;
- Names. And they shall specify the names and designation of all persons, not being owners or occupants of real property, who are liable to statute labor under the provisions of this Act; 20
- Its effect and use. And the said valuation shall, so soon as the valuation-roll is delivered to the mayor, be binding on all parties concerned, and be considered as the basis of any apportionment, assessment or collection which may from time to time be made, of any sum to be levied, or of the quantity and kind of materials to be furnished, or of the number of days’ work to be performed in the municipality, under this Act; subject however to such amendments as may be made thereto in the manner hereinafter provided; 18 V. c. 100, s. 65, par. 3,—*as amended by* 20 V. c. 41, s. 10, par. 1. 30
- Subject to amendment.
- Railway Companies to transmit annual statements of value of their real property to Secretary-Treasurer of Municipality—amount at which they are to be assessed. 4. Every railway company shall annually transmit to the secretary-treasurer of every local municipality in which any part of the road or other real property of the company is situate, a statement describing the value of all the real property of the company other than the roadway, and also the actual value of the land occupied by the road in such local municipality, according to the average value of land in the locality; the secretary-treasurer shall communicate the same to the valuator, and the valuator shall enter the same in their valuation-roll; and the said secretary-treasurer shall, immediately after the deposit of the said valuation-roll, deliver at or transmit by post to any station or office of the company, a notice of the total amount at which the valuator have assessed the real property of the company in their municipality, distinguishing the value of the land occupied by the road, and the value of all other real property of the company within the municipality; 18 V. c. 100, s. 65, par. 4. 45

5. Such statement shall be transmitted by every railway company to the secretary-treasurer of the municipality, during the month of March in each year, and in default thereof the valuers shall make the valuation of the properties belonging to the company. 20 V. c. 41, s. 10, par. 2.

Duties of Railway Companies: with respect to the statement furnished by them.

60. If the valuers appointed by the council have not made the said valuation, and transmitted the valuation-roll to the mayor within two months from the date of their appointment, the secretary-treasurer of the local council shall inform the governor, by letter addressed to the provincial secretary, of the failure of the said valuers in that respect, and the governor shall thereupon appoint three other valuers. 18 V. c. 100, s. 66, par. 1.—*But see 22 V. c. 101, s. 14, par. 1, giving three months from 16th August, for the delivery of rolls then made.*

Governor to appoint Valuers if Valuation-Roll be not made within a certain time.

2. The valuers so appointed by the governor shall make the said valuation in the same manner as the valuers who ought to have made the same in the first place, and shall exercise the same powers and authority, perform the same duties, and be subject to the same penalties in the event of any failure or neglect on their part. 18 V. c. 100, s. 66, par. 2.

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

3. The valuation which the three last mentioned valuers, or the majority of them, shall make as aforesaid, shall be made at the expense of the former valuers who should have made the same; an allowance at the rate of fifteen shillings shall accordingly be made to each of the said three last valuers, for each and every day during which he is employed in making the said valuation; the amount of the said allowance shall be determined and taxed by the mayor, whose certificate to that effect, stating the amount of the said allowance, shall be deemed an authentic document; 18 V. c. 100, s. 66, par. 3.

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

Taxing such costs.

4. Each valuator so appointed by the governor, shall have a right of action in any court of competent jurisdiction against the valuers who failed to make the valuation and transmit the valuation-roll as aforesaid, jointly and severally, for the recovery of the amount of the allowance so determined and taxed as aforesaid. 18 V. c. 100, s. 66, par. 4.

Recovery of such cost.

61. The owners of assessable property mentioned or described in the valuation-roll, shall respectively pay such sum or furnish such quantity and kind of materials, or such number of days' work as they may be from time to time required to pay in proportion to the assessed value of such property, for their share of any apportionment or assessment authorized by this Act: 18 V. c. 100, s. 67.

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

2. And whenever any such sum of money, quantity or kind of materials, or number of days' labour are so apportioned or assessed, the said sum of money, or the price of the said

Assessments to be a special and preferable charge on the

property not requiring registration. materials, or the value of the said number of days' labour, shall from the day of their being so apportioned or assessed, be a special charge on the real property so assessed, which shall not require to be registered in any registry office established for the registering of privileges and hypothecs, and shall have, nevertheless, a preference over all other charges, excepting debts due to the Crown. 18 V. c. 100, s. 67, par. 2.

Council may revise and amend the Valuation-Roll. **62.** The council of the local municipality in respect of which such valuation-roll was made, may at any time within thirty days next after the day on which it was delivered to the mayor, amend the valuation therein made in the cases herein-after mentioned, and in the manner hereinafter provided; and any such council may also in like manner amend the valuation-roll yearly, or in any year after that in which it was made: 18 V. c. 100, s. 68, par. 1, *as amended by* 22 V. c. 101, s. 15. 15

How such amendments may be made. 2. If the council are of opinion that the valuation of any real property has been made under its true value so as to prejudice the owners of other property, or above its value so as to prejudice the owner thereof, then the said council may amend the valuation-roll by fixing such sum as they shall think just and reasonable, as the value of such property; 20

Entry thereof. 3. All such amendments shall be entered upon the said valuation-roll or on a paper annexed thereto; the date thereof shall be mentioned, and they shall be certified by the secretary-treasurer of the council;—and every such valuation-roll so amended, shall continue to be binding to all intents and purposes, but only as amended, and as such, only from the date of the certificate of the said amendments; 18 V. c. 100, s. 68, par. 2. 25

Notice to be given before revision. 4. Before any council proceeds to the examination or revision of any such valuation-roll, the secretary-treasurer of such council shall give public notice to the inhabitants of the local municipality, of the day on which the council will commence such examination or revision; 18 V. c. 100, s. 68, par. 3. 30

[Form F. F.]

To be open to inspection. 5. The secretary-treasurer shall at all reasonable hours of the day, allow any person interested to take communication of the said copy of the valuation-roll; 18 V. c. 100, s. 68, par. 4. 35

Parties to be heard. 6. The council, in proceeding as aforesaid, to the examination or revision of the said valuation-roll, shall hear the parties interested therein, as well as the valuers who have made the valuation, if required so to do; 18 V. c. 100, s. 68, par. 5. 40

Valuation-Roll not amended within a certain period, to be binding. 7. If the period of thirty days during which the said valuation-roll may be so amended, is allowed to elapse without the council amending the same, then the said valuation-roll shall remain in force as originally made by the valuers; 18 V. c. 45 100, s. 68 par. 6.

8. It shall be the duty of the mayor to cause a true copy of such valuation roll, with such amendments as may have been made thereto by the council, to be delivered to the warden of the county, on or before the seventh day next after the expiration of the said thirty days. 18 V. c. 100, s. 68, par. 7.

Copy to be delivered to Warden.

63. Until the year 1860, every such valuation-roll shall remain in force during five years next after the date of the appointment of the valuers who made the same, and further after the expiration of the said five years until the day on which a new valuation-roll has been duly homologated. 18 V. c. 100, s. 69.

Valuation-Roll to remain in force 5 years, and until a new one is homologated.

But a valuation-roll for every local municipality in Lower Canada shall be made in the year one thousand eight hundred and sixty, and thenceforward triennially, notwithstanding a valuation-roll may have been made in any local municipality within the period of three years immediately preceding the time so fixed for making such triennial valuation-roll. 19, 20 V. c. 101, s. 24.

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

61. Every merchant, manufacturer, trader and master artificer (*maitre ouvrier*), carrying on his trade, business or calling in a local municipality, whether resident therein or not, and whether he does or does not possess therein any real property, shall, by reason of such trade, business or calling, be liable for all the purposes of this chapter, to assessment;—and the value of his business shall be estimated by the valuers of the municipality as a distinct property, according to the average annual profits thereof, based upon the proceeds of the next two preceding years; 18 V. c. 100, s. 70, s. 1.

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

How calculated.

2. Every judge or other civil functionary, and every advocate, notary, physician, surgeon, civil engineer, or surveyor, residing in a local municipality, and performing the duties of his office, or practising his profession therein, shall be liable to assessment in like manner; the value of such office or practice shall also be estimated by the valuers, for the same purposes and in the same manner, as a distinct property; 18 V. c. 100, s. 70, par. 2.

The same of practice of professional men and office holders.

3. The power vested in the council of each local municipality to amend the valuation-roll thereof, shall extend to the revision and amendment of such valuation with reference to the assessment of the business of merchants and other persons and the incomes of professional men. 19, 20 V. c. 101, s. 11, par. 2.

Power to amend Valuation-Roll extended.

## STATUTE LABOUR.

Owners of as  
sessed prop-  
erty to be liable  
to statute  
labour. **65.** In addition to the road work and other contributions to which the proprietor or occupant of any lot of land or other property may be otherwise liable, he shall, in proportion to the value at which such property shall be assessed, be liable yearly to a certain number of days' statute labour on the roads, that is to say : if such property be assessed : 18 V. c. 100, s. 71, par. 1,—*as amended by* 20 V. c. 41, s. 11. 5

And in what  
proportion. 1. At not over one hundred pounds, to one day's labour,—and to one additional day's labour for every one hundred pounds of additional value, reckoning any fraction of a hundred pounds as a hundred pounds ; 18 V. c. 100, s. 71, par. 1. 10

Persons not  
otherwise  
liable. 2. Every male inhabitant between the age of eighteen and sixty years, and not otherwise liable to statute labour, shall be liable to one day's labour ; 18 V. c. 100, s. 71, par. 2. 15

Exemption 3. But no officer on full pay, nor any soldier on actual service, shall be liable to statute labour, except in respect of some land owned or occupied by him otherwise than for Her Majesty's service ; 18 V. c. 100, s. 71, par. 3. 15

How and  
where such  
labor shall be  
performed,  
and under  
whose orders. 4. Labour performed under this section, shall be performed at such places as the proper municipal council may from time to time order,—or in default of such order, at such places in the division as the road inspector shall appoint by order in writing;—or in default of such order, then at such places in the division as the overseer shall think proper,—in aid of such persons as in the opinion of such council, inspector or overseer, have more than their proportionate share of work to perform in making and maintaining the front road on their lots, by reason of some difficulty arising out of the nature of the ground or other circumstances of such front road, or at such other places as such council or officer thinks proper, or as may be determined by any *procès-verbal*, by-law or order ; 18 V. c. 100, s. 71, par. 4. 20 25 30 35

Commutation  
for statute  
labour. 5. The commutation money for statute or joint labour shall be four shillings for each day ; and any person may commute his statute labour at that rate instead of performing the same ; but the commutation money must be paid before the person commuting has been notified by the overseer to perform such labour, otherwise the penalty shall be payable instead of the commutation money, if the labour is not performed according to the notice. 18 V. c. 100, s. 71, par. 5. 40

When to be  
paid.

## PROPERTIES AND PERSONS EXEMPTED FROM ASSESSMENT.

Public pro-  
perty or pro-  
perty used for **66.** All public buildings intended for the use of the civil government, for military purposes, for the purposes of educa-

tion or religious worship, all parsonage houses, burying grounds, charitable institutions, and hospitals duly incorporated and the lands upon which such buildings are erected, shall be exempt from all assessments or rates imposable under this chapter: 18 V. c. 100, s. 72, par. 1. public purposes.

2. All persons who by reason of their poverty or the scantiness of their means, are in any year, by a by-law of the municipality in which they reside, declared exempt from the payment of the said assessments or rates imposed during and for the said year, shall be thereby exempted from the payment thereof. 18 V. c. 100, s. 72, par. 2. Indigent persons.

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

67. All assessments imposed under this chapter shall be due and payable not only by the owner of the property upon which they are imposed, but also by the possessor or occupant of the said property as owner, and by the tenant or lessee of such property;—but the payment in full of any such assessment by any such person shall discharge all others concerned: 18 V. c. 100, s. 73, par. 1. Assessments to be payable either by owner or occupant.

2. In the event of the payment or contribution of any assessment by the tenant or lessee of any such property, he shall have a right of personal action against the owner of the property assessed, or the lessor, holder or occupier of the same as owner, as aforesaid, for the recovery, with interest and costs, of the amount of such assessment, or of the price or value thereof, paid or contributed by him; 18 V. c. 100, s. 73, par. 2. Recovery of payment by occupant paying against owner.

3. In such case, such tenant shall be fully subrogated, without any formality whatsoever, in the rights and privileges of the municipality upon the property in question; 18 V. c. 100, s. 73, par. 3. He shall be subrogated to Municipality.

4. Nevertheless, when the said assessments are imposed in labour, no more than one year's arrears thereof shall be recoverable. 18 V. c. 100, s. 73, par. 4. As to assessments imposed in labour.

68. The secretary-treasurer of the local council shall be the collector of all the assessments imposed within the limits of each local municipality and of all penalties imposed under this chapter, except in any case in which the said assessments or penalties are required to be collected by any other officer or in any other manner: 18 V. c. 100, s. 74. Secretary-Treasurers to be Collectors in their localities of assessments and penalties.

2. Every such secretary-treasurer, as assessment collector, may be sued by the mayor, in the name of the local municipality, before any court of competent jurisdiction, to compel him to render an account of the assessments levied by him; Treasurers, &c., may be sued for accounts, &c.

Judgment in such cases.

The said secretary-treasurer shall in every such suit be condemned to pay to the municipality interested, the amount of the assessments in money, and the price and value of the assessments in materials and days' labour then due, unless he shews to the satisfaction of the court, proof of sufficient diligence having been used by him for recovering the said assessments; 5

If he renders an account.

And if he renders an account of such assessments, he shall be condemned to pay such sum as he acknowledges or as are declared to be in his hands, and such further sums as he ought to have received, or as the court thinks he ought to be held 10 accountable for, for want of proof of sufficient diligence on his part for the recovery thereof;

Interest to be recovered at 12 per cent.

Every judgment pronounced in any such action shall include interest at twelve per cent on the amount thereof, by way of damages, together with costs of suit; and in every such action 15 a certified copy of the collection-roll of the division, shall to all intents and purposes be *prima facie* evidence against the

Evidence.

said secretary-treasurer; 18 V. c. 100, s. 74, par. 2.

Secretary-Treasurer to make general Collection-Roll.

[Form —.]

It shall shew the amount payable by such person.

3. The secretary-treasurer of every local council shall, on or before the fifteenth day of May in each year, make out the ge- 20 neral collection-roll for the municipality, and set down therein the name of each person assessed, whose name appears on the valuation-roll, the value of the real property of each such person, as specified in such valuation-roll, and the amount of personal property for which such person is assessable; and he 25 shall also calculate and set down the various assessments payable by such person under any by-law or otherwise, and the total amount with which each person is chargeable;

As to year when a new valuation is made.

But in any year when a new valuation-roll is to be made, and such roll is not finally revised and homologated at least 30 fifteen days before the said fifteenth day of May, the delay for completing the general collection-roll shall be extended to a period of fifteen days next after the date of such final revision or homologation, and any local council may by resolution, order the secretary-treasurer to make the general collection-roll at 35 any convenient period other than that mentioned in this section; 18 V. c. 100, s. 74, par. 3,—20 V. c. 41, s. 12, par. 1.

Special Collection-Rolls in certain cases.

4. Whenever any special rate is imposed in the same year after the said fifteenth day of May, or after the day appointed for making the general collection-roll, he shall make out a spe- 40 cial collection-roll in the manner prescribed by the next preceding section; 18 V. c. 100, s. 74, par. 4,—as amended by 20 V. c. 41, s. 12, par. 1.

The new provisions.

5. The secretary-treasurer upon completing his collection- 45 roll, shall proceed to collect the assessments therein mentioned, and for that purpose shall, on the next following Sunday, give

or cause to be given public notice that the collection-roll is completed and deposited in his office, and that all persons whose names appear therein as liable for the payment of any assessment, are required to pay the amount thereof to him at his office within twenty days of the publication of such notice ; 19, 20 V. c. 101, s. 25, par. 2.

Collection and general notice to rate-payers.

[Form No. 1.]

6. If at the expiration of the said twenty days any assessment remains unpaid, the secretary-treasurer shall leave at the usual place of residence or domicile of such person in arrear, or with him personally, a statement in detail of the various sums and the total amount of assessments due by such person, and shall at the same time, in and by a notice annexed to such statement, demand payment of the assessments therein mentioned, together with the costs of the service of such notice according to such tariff as the council has established ; 19, 20 V. c. 101, s. 25, par. 3.

Special notice to rate-payers in default.

[Form No. 2.]

Costs of such notice.

7. The provisions of the next preceding paragraph shall not apply to persons residing without the limits of the municipality ; the said persons shall be bound to pay their assessments within thirty days after the public notice mentioned in the paragraph *five of this* section, without it being necessary that any demand should be made upon them either personally or at their domicile ; 20 V. c. 41, s. 12, par. 3.

Preceding paragraph not to apply to certain cases.

8. If any person, residing in the municipality, neglects to pay the amount of assessments imposed upon him, for the space of fifteen days after such demand made as aforesaid, the secretary-treasurer shall levy the same with costs, by warrant under the hand of the mayor of the municipality authorizing the seizure and sale of the goods and chattels of the person who ought to pay the same, or of any goods or chattels in his possession, wherever the same can be found with the local municipality ; and no claim of property, or privilege thereon or thereto shall be available to prevent the sale thereof for the payment of the assessments and costs out of the proceeds thereof ; 19, 20 V. c. 101, s. 25, par. 4,—20 V. c. 41, s. 12, par. 3.

In case of default for 15 days, assessments to be levied by seizure and sale.

9. If the goods and chattels seized are sold for more than the whole amount of assessments levied for, and the costs attending the seizure and sale, the surplus shall be returned to the person in whose possession such goods and chattels were when the seizure was made ;—but if any claim for such surplus is previously made by any other person, by reason of any alleged right of property or privilege upon such surplus, and such claim is admitted by the person for whose assessments the seizure was made, such surplus shall be paid to such claimant ;—and if such claim be contested, the surplus money shall be retained by the secretary-treasurer, until the respective rights of the parties be determined by a competent tribunal ; 18 V. c. 100, s. 7-4, par. 7.

Surplus of proceeds under distress to be returned to owner.

As to claim to the same by contesting parties.

Notice of sale. 10. The Secretary-Treasurer shall give public notice of the day and place of sale, and of the name of the person whose goods and chattels are to be sold; 18 V. c. 100, s. 74, par. 8.  
[Form I. I.]

When sums are to be raised for County purposes, Council to fix the sum to be raised in each locality. 11. In every case in which any sum is to be levied for county purposes, the county council shall, by by-law, direct what portions of such sum shall be levied in each local municipality;—and it shall be the duty of the secretary-treasurer of the county council, before the first day of May in each and every year, or at such other time as may be fixed by a resolution of the said council to that effect, to certify to the secretary-treasurer of each local municipality, the total amount which has been so directed to be levied therein in the then current year for county purposes;—And for the guidance of such county council, the secretary-treasurer of every local municipality therein, shall, immediately after the final revision of the valuation-roll for the same, transmit to the secretary-treasurer of the county council, a statement of the aggregate yearly value of all real property and of all assessable personal property appearing on such rolls as finally revised; 18 V. c. 100, s. 74, par. 9, *as amended by* 22 V. c. 101, s. 13.  
[Form J. J.]  
To be guided by Collection-Rolls.  
[Form K K.]

Return of doings on Collection-Rolls to Secretary-Treasurer of County: paying over moneys to him. 12. On or before the fifteenth day of November in each year, the secretary-treasurer of each local municipality shall prepare a statement of all the assessments remaining due on the collection-rolls for the twelve preceding months, and of all the arrears due to the municipality, with the particulars thereof, including the amount of, or balance due, on all judgments pronounced against any of the inhabitants or owners of land, and other persons within the municipality, for contributions or penalties due or incurred under this chapter, and in such statement he shall shew opposite to each separate debt, the reasons why he could not collect the same, by inserting the words “non resident” or “no personal property to seize,” as the fact is, and a designation of the lots or parcels of land in respect of which such assessments or other debts are due, and he shall transmit a copy of such statement, duly certified, to the secretary-treasurer of the county; 18 V. c. 100, s. 74, par. 10.  
Certain particulars to be shewn in each return.

School rates, &c., may be inserted in Secretary-Treasurer's statement, and collected as taxes. 13. The secretary-treasurer shall insert in the statement annually prepared by him, all the other assessments, taxes and debts claimed either by the school commissioners, or by the Inspectors of water-courses, fences and ditches, or by any other person who has lawfully expended moneys for the payment of any such assessment, taxes or debts, or who has lawfully caused work to be performed for others on any lot described in the said statement; 20 V. c. 41, s. 12, par. 4.

Secretary-Treasurer of County to prepare list of lands on which 14. And on or before the first day of December in each year, the secretary-treasurer of the county council shall prepare a list of all lands in the county municipality upon which any assessments or other dues remain unpaid, stating opposite the lots or

parcels of land respectively, the amounts due,—and shall cause to be inserted at least three times during the said month of December, in the *Canada Gazette*, and in at least one newspaper published within the district, or in the adjoining district, if there be none published therein, a notice in the English and French languages, containing a list of all lots or parcels of land respectively, on which any such assessments or other dues remain unpaid, shewing opposite or after the number or description thereof, the amount to be raised for the discharge of such assessments or other dues, including all costs and expenses, and announcing that all such lots or parcels of land (or the right of cutting timber thereon as hereinafter mentioned) will be sold on the first Monday of the month of February then next ensuing, at the place where the sittings of the county council are then held, for the payment of such assessments and other dues; and he shall also give public notice of every such sale in the manner provided by this chapter; 18 V. c. 100, s. 74, par. 11, as amended by 20 V. c. 41, s. 12, par. 2.

taxes, &c., are not paid.

[Form L. L.]

Notice to be published containing certain particulars.

Further notice of sale.

15. The secretary-treasurer may give notice of and cause to be sold the right of cutting timber for one or more years, on any lot of land whatever, instead of the land itself; 20 V. c. 41, s. 12, par. 2.

Right of cutting timber may be sold.

16. Every such sale may take place before or after suit for the recovery of the payment of the said assessments; but it shall not take place if, at any time before the two days next preceding such sale, the person liable pays to the secretary-treasurer of the local council the full amount due by him for such assessments, as well as for any contributions or penalties imposed upon him, together with his just proportion of the costs and expenses incurred for effecting the said sale, which said share shall be fixed by the secretary-treasurer of the local council, whose duty it shall be to inform the secretary-treasurer of the county council of every payment so made after the transmission to the latter of the statement hereinbefore mentioned; 18 V. c. 100, s. 74, par. 12.

Sale: unless the taxes are paid, with costs, and penalty.

Return to Secretary-Treasurer of County.

17. Every such notice shall specify the place, day and hour at which such sale will commence; each lot or parcel of land, if the same be situate in a township, shall be designated therein by its range and number, and if it be within the limits of a fief or seignior, by its metes and boundaries; 18 V. c. 100, s. 74, par. 13.

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

18. All the lots thus for sale in the municipality may be included in the same statement and in the same notice; 18 V. c. 100, s. 74, par. 14.

One notice may include all lots.

19. Every secretary-treasurer of a local council may, under the authority of such council, and at the expense of the municipality, employ one or more persons to assist him as collector

Secretary-Treasurer of locality may

employ assis- of assessments and of other debts due to the municipality, but  
tants. he shall be responsible for the acts and omissions of all persons  
so employed. 18 V. c. 100, c. 74, par. 15.

## SALES OF PROPERTY.

Sales to be by public auction. No duty, &c. **69.** All lands, goods and chattels to be sold under the au-  
thority of this chapter for the payment of taxes or other dues, 5  
shall be offered to public competition; but such lands, goods  
or chattels so publicly sold, shall be exempt from auction duty,  
and need not be sold by a licensed auctioneer: 18 V. c. 100,  
s. 75, par. 1.

Mode of sale. In sales of real property so much only to be sold as will pay taxes and costs. **2.** At the place, day and hour appointed for the sale of lands, 10  
the secretary-treasurer of the county council shall make known  
the amount of the sum to be raised as aforesaid upon each such  
property, to which amount he shall add the just proportion of  
the costs and expenses to be borne by each such property;  
the person who then and there offers to pay to the secretary- 15  
treasurer the amount of the said sum thus to be raised, with  
costs and expenses, for the smallest part, quantity or portion of  
the said property, shall be considered the purchaser, and such  
said part, quantity or portion of the said property shall be ad-  
judged to him by the secretary-treasurer, who shall sell such 20  
portion of the property as appears to him best for the interest of  
the proprietor thereof; 18 V. c. 100, s. 75, par. 2.

What part shall be sold first.

If the purchaser fails to pay, another sale to be had in 8 days. **3.** If any purchaser fails to pay on the day of sale the  
amount of his purchase, the secretary-treasurer shall adjourn  
the sale to any day not more than eight days distant, by giving 25  
all persons present notice of such adjourned sale, in an audible  
and intelligible voice, in both the English and French lan-  
guages;—and on the day of such adjourned sale the secretary-  
treasurer shall again put up the said property for sale, and shall  
sell the same, or any portion thereof, unless the first purchaser 30  
has in the meantime paid the full amount of assessments and  
charges due thereon; 18 V. c. 100, s. 75, par. 3.

Certificate to purchaser. **4.** On payment by the purchaser of the amount of his pur-  
chase money, the secretary-treasurer shall give a certificate  
under his signature to such purchaser, specifying the particulars 35  
of such sale, and the purchaser may forthwith enter upon and  
take possession of such lot or parcel of land; 18 V. c. 100,  
s. 75, par. 4.

Owner may redeem within the year, paying price and 20 per cent. more. **5.** If within twelve calendar months from the time of such  
sale, the original proprietor of the lot, or any one on his behalf, 40  
pays to the secretary-treasurer the amount levied, together with  
twenty per cent. in addition to the same, then he shall be enti-  
tled to recover possession of the lot or parcel of land so sold,  
and the secretary-treasurer shall on demand pay to the pur-  
chaser thereof, his heirs, assigns or representatives, the amount 45

so received by him, after deducting therefrom two and a half per cent. as his own fees ; and thereupon (subject to the condition in the next following paragraph) the right acquired by the purchaser in the land shall thenceforth wholly cease and determine ; 18 V. c. 100, s. 75, par. 5.

6. No such purchaser of any lot of land shall carry away any timber therefrom during the first year he is in possession thereof ; and it shall be the duty of the former proprietor, before he can recover possession of his lot of land so sold, in addition to what he is bound to pay, to repay to the said purchaser all the taxes and the value of all public or vicinal work which he has paid or performed during the time the land was in his possession ; 20 V. c. 41, s. 13, par. 1.

Powers of purchaser restrained during the year for redemption.

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

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

Such deed of sale shall be a legal conveyance of the said land, and shall not only transfer to the purchaser all rights of property which the original holder had therein, but shall also purge and disencumber such land from all privileges and hypothecs due thereon ;

Deed of sale to be a legal conveyance.

But whenever any lot of land situate in any Township is sold before the issuing of Letters Patent from the Crown granting the same, such sale shall in no wise affect the rights of Her Majesty in such land, but shall solely have the effect of transferring to the purchaser such rights of pre-emption or other claims, as the holder of such land or any other person had acquired in respect of the same ; 18 V. c. 100, s. 75, par. 6.

As to lands sold before issue of Patent for them.

8. Any such deed of sale of land held in free and common soccage, may be made, sealed and delivered before two witnesses, or made and executed before one notary and two witnesses, or before two notaries, and may be in the following form, or in any other form or words to the same effect, that is to say :

Form of deed of soccage lands sold by a Municipality.

Province of Canada, }  
County of                    }

These are to witness, that in consideration of the sum of \_\_\_\_\_, paid to the secretary-treasurer of the municipal council of the county of \_\_\_\_\_, by \_\_\_\_\_, being

the purchaser at public auction of the parcel or tract of land hereinafter mentioned, sold by such secretary-treasurer to pay assessments, on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord, one thousand eight hundred and \_\_\_\_\_, according to the law in that behalf, the said \_\_\_\_\_ corporation of the county of \_\_\_\_\_, doth grant, bargain and sell, confirm and convey unto the said \_\_\_\_\_, his heirs and assigns for ever, all and singular that parcel or tract of land situate in the \_\_\_\_\_ of \_\_\_\_\_, in the said county of \_\_\_\_\_, (*insert here a description of the property*); To have and to hold the premises hereby sold and conveyed, with their and every of their appurtenances, unto and to the use of the said \_\_\_\_\_, his heirs and assigns for ever.

In witness whereof, I, \_\_\_\_\_, secretary-treasurer of \_\_\_\_\_ the municipal council of the said county of \_\_\_\_\_ have hereunto set my hand and affixed the seal of the said corporation, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord, one thousand eight hundred and \_\_\_\_\_ Signed, sealed and delivered }  
in the presence of

A. B. }  
C. D. }

22 V. c. 101, s. 35.

Secretary-Treasurer. 20

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

9. Every deed of sale to a lot or parcel of land sold under the provisions of this chapter, or of the municipal laws in force prior to one thousand eight hundred and fifty-five, which, during the interval between the sale thereof and the execution of such deed, has been detached from one county and attached to another, shall be executed by the secretary-treasurer of the council of the county in which such lot or parcel of land lies at the time when the purchaser becomes entitled to receive such deed, and exhibits to such secretary-treasurer the certificate specifying the particulars of his purchase. 20 V. c. 41. s. 30 13, par. 2.

PENALTIES.

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

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

The office of Warden of a county, ten pounds ;

The office of Mayor of a local municipality, seven pounds 40 ten shillings ;

The office of councillor of any municipal council, five pounds ;  
18 V. c. 100, s. 76.

2. Whenever the valuers of a local municipality neglect to make the valuation which they are required to make under this chapter,—or neglect to draw up, sign and deliver the valuation-roll containing such valuation to the secretary-treasurer of the local council, within *two months* from the date of their appointment,—every such valuator shall incur a penalty of ten shillings, for each day which elapses between the expiration of the said period of two months, and the day upon which such valuator's roll is so delivered, or upon which their successors in office are appointed ; 18 V. c. 100, s. 76, par. 2.

On valuers failing to perform certain duties.

3. Every member of any municipal council, every officer appointed by such council, every justice of the peace, and every other person, who refuses or neglects to do any act, or perform any duty required of, or imposed upon him by this Act, shall incur a penalty not exceeding five pounds and not less than one pound ; 18 V. c. 100, s. 76, par. 3.

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

4. Any person appointed by the warden of a county, under the *twenty-fifth* section of this Act, to preside at a public meeting of the inhabitants of any local municipality, who refuses or neglects to be present at such meeting, or to preside thereat, or to do any act or thing required by law to be done by him in consequence of such appointment, or who is guilty of any misfeasance, malfeasance or nonfeasance, in the official capacity conferred on him by such appointment, shall incur a penalty of eighty dollars ; 22 V. c. 101, s. 4.

Penalties in case of failure on the part of the Warden in performance of certain duties under sec. 25 of this Act.

5. Any warden of a county who refuses or neglects to give the notice of the public meeting of the inhabitants of any local municipality in such county, required to be given by him under the said *twenty-fifth* section, shall incur a penalty of eighty dollars ; 22 V. c. 101, s. 5.

Penalty on a Warden of a County failing to notify a meeting under sec. 25 of this Act.

6. Every person who votes at any election of municipal councillors without having at the time of giving his vote at such election, the qualification by law required to entitle him to vote at such election, shall thereby incur a penalty of five pounds ; 18 V. c. 100, s. 76, par. 4.

Unqualified persons voting.

7. Every Inspector of roads who refuses or neglects to perform any duty assigned to him by this Act, or to obey any lawful order of any municipal council, or of the *proper officer thereof*, shall for each day on which such offence is committed or continues, incur a penalty of one pound, unless some other and heavier penalty is by law imposed on him for such offence ; 18 V. c. 100, s. 76, par. 5.

On Inspectors of Roads failing to perform their duty.

On Overseers of Roads failing to perform any duty. 8. Every Overseer of roads who refuses or neglects to perform any duty assigned to him by this Act, or to obey any lawful order of the *proper Officer appointed by the Council*, or of the Inspector of roads for his division, shall, for each day on which such offence is committed or continues, incur a penalty of one pound, unless some other and heavier penalty be by law imposed on him for such offence; 18 V. c. 100, s. 76, par. 6. 5

On persons hindering the execution of this chapter. 9. Every person who hinders or prevents or attempts to hinder or prevent any municipal officer in the exercise of any of the powers or in the performance of any of the duties conferred or imposed upon him by this Act, shall incur a penalty of five pounds for every such offence, over and above any damages for which he is liable; 18 V. c. 100, s. 76, par. 7. 10

On persons wilfully taking down notices, &c. 10. Every person who wilfully tears down, injures or defaces any advertisement, notice, or other document, required by this Act to be posted up at any public place for the information of persons interested, shall incur a penalty of two pounds for every such offence; 18 V. c. 100, s. 76, par. 8. 15

Punishment of persons resisting officers of a Municipal Council, &c. 11. Every person who refuses permission to enter his house to any officer authorized by the council of any municipality to seize and sell the goods and chattels of such person, is guilty of *rebellion à justice*, and shall be punished therefor by the mayor or justice of the peace who signed the warrant, by imprisonment for any period not exceeding one calendar month, and such mayor or justice of the peace may moreover give an order to cause the doors to be opened, entrance through which has been refused, and the officer charged with such order may by virtue thereof cause any such doors to be opened in the presence of one or more witnesses, and may for that purpose avail himself of the assistance of such workmen or others as he deems advisable, at the cost of the parties who have refused such entrance, which said costs, the said officer shall levy by virtue of the same warrant. 22 V. c. 101, s. 13. 20 25 30

#### RECOVERY OF PENALTIES, TAXES, &C.

How penalties shall be recoverable. 71. All penalties imposed by this chapter or by any by-law lawfully made under it, shall be recoverable before the circuit court in the circuit in which the local municipality or the major part thereof is situated, or before any justice of the peace sitting in the municipality;—All the fines and penalties incurred by any one person may be included in the same suit;—and the costs in any such suit before a justice of the peace shall be taxed according to the tariff of the court of commissioners for the trial of small causes: 19, 20 V. c. 101, s. 27, par. 2, as amended by 20 V. c. 41, s. 14, par. 1. 35 40

2. Every judgment rendered in any such suit shall be so rendered with costs, and execution may issue thereon at the expiration of eight days from the date of the judgment ; 18 V. c. 100, s. 77, par. 2. Costs and execution.
3. The secretary-treasurer of the local municipality in which such suit is brought, shall *ex officio* be clerk to the justice of the peace, in such suit, unless the justice appoints another clerk under the next following paragraph, and shall keep, in a faithful and correct manner, a separate register in which he shall enter the judgments of the justices of the peace in all such suits ;—and the summons and every other proceeding relating to such suit shall remain of record in his office ; 18 V. c. 100, s. 77, par. 3. Secretary-Treasurer of Local Municipality to be Clerk of such Justice.
4. Any justice of the peace may appoint his own clerk in any such suit, but every clerk so appointed shall, within three days after the date of the judgment rendered in any such suit, transmit to the secretary-treasurer of the local municipality, a duly certified copy of the proceedings therein ;—and every such clerk shall be deemed to be a municipal officer in so far as relates to the duties imposed upon him by this Act ; 20 V. c. 41, s. 14, par. 3. Justice of the Peace may appoint his own Clerk.
5. On the day of the return of the summons, and at every other stage of the proceedings thereon, the justice of the peace who signed the summons shall have the right to sit in the case, in preference to, and to the exclusion of, any other justice of the peace present ; 18 V. c. 100, s. 77, par. 4. Right of Justice issuing the summons to sit in preference to others.
6. There shall be an interval of at least three clear days between the day of the service of the summons and the day of the return thereof ; 18 V. c. 100, s. 77, par. 5. Delay between service and summons.
7. Every such suit shall be decided upon the oath of any municipal councillor, or of any inspector or other municipal officer, or of any other credible witness ; 18 V. c. 100, s. 77, par. 6. Evidence.
8. Every suit brought for the recovery of penalties under this chapter must be commenced within six months of the date on which such penalty was incurred ; and all penalties paid either before or after such suit as aforesaid shall belong, one half to the municipality with reference to which, or to the infraction of the by-laws of which, such suit is brought, and the other half to the prosecutor, unless such suit is instituted by the order of any municipal council or by any of its officers, in which case the whole of the penalty shall belong to such municipality. 18 V. c. 100, s. 77, par. 8. Limitation of suit for penalties  
Application of penalties.

#### SUITS UNDER THIS CHAPTER.

72. And in order to remove all doubts with regard to what persons may sue and be sued by virtue of this Act, Be it declared and enacted as follows : 20 V. c. 41, s. 14, par. 4.

Who may prosecute under this Act.

1. Every person of the age of twenty-one years, has and shall have a right to prosecute any municipal officer or other person, in virtue of the provisions of this Act; 20 V. c. 41, s. 14, par. 5.

Right of party doing any public work to recover the cost.

2. Any person who, on the requisition or with the sanction of any municipal authority, road officer or court of justice, has performed or caused to be performed or paid for the performance of any work performed for the advantage of a municipality, or a portion of the inhabitants of the same, shall have a right to sue the parties interested or the municipality, before any court having competent jurisdiction, for the recovery of his claim, even though the said work was not preceded or followed by the formalities required by law; 20 V. c. 41, s. 14, par. 6.

Municipality may sue in the Circuit Court.

3. Any municipality may sue for the recovery of any debt to them due before the circuit court of the *circuit* in which the said municipality is situate; 20 V. c. 41, s. 14, par. 7.

Electors may be witnesses.

4. In any case in which the rights of any municipal corporation are involved, no witness shall be inadmissible from the fact of his being an elector entitled to vote in such municipal corporation. 12 V. c. 41, s. 15.

## APPEALS.

### FROM LOCAL TO COUNTY COUNCILS.

Power to County Council to revise, &c., By-laws of Local Councils, appealed against.

73. Every county council may revise, amend or annul all by-laws, reports or *procès-verbaux*, made, passed, approved or homologated by any local council within the county,—except those made by town or village councils,—whenever the same are appealed from in the manner hereinafter provided: 19, 20 V. c. 101, s. 9, par. 1.

Special Session of County Council to revise By-law, &c., appealed from.

2. Whenever a majority of the persons interested, if they be less than ten in number, and whenever any number not less than five, of the assessable inhabitants of a local municipality, do, within fifteen days after the homologation of any valuation-roll or *procès-verbal*,—or after the expiration of the period within which such valuation-roll or *procès-verbal* is allowed to be revised and homologated by a local council,—or within fifteen days after the first publication of any by-law passed by the council of such local municipality, file in the office of any county council, a petition in appeal, praying for the revision or amendment of such valuation-roll or *procès-verbal*, or for the amendment or disallowance of such by-law, and setting forth the grounds or reasons for which such revision, amendment or disallowance is prayed for, the warden of the county shall convene a special session of the county council, and give public notice of such special session; and every such special session shall be held within twenty days from the date of the filing of such petition; 19, 20 V. c. 101, s. 9, par. 2.

3. The county council at any such special session shall, after hearing the petitioners and the mayor, councillors or clerk of the local council, or any of such parties who require to be heard,—homologate without amendment, or amend and  
 5 homologate as so amended, such *procès-verbal* or valuation-roll,—and shall confirm, amend or disallow such by-law as they deem expedient ; And every *procès-verbal*, valuation-roll or by-law so amended, shall come into force as so amended from the day of the date of such amendment, and every by-law  
 10 so disallowed shall become null and void to all intents and purposes, as if the same had never been passed ; 19, 20 V. c. 101, s. 9, par. 3.

Decision of County Council, and its effect.

4. But whenever any such county council closes such special session, or adjourns the same *sine die*, or for any period  
 15 beyond ten days from the first day thereof without having decided upon the merits of the petition in appeal, the *procès-verbal*, valuation-roll or by-law, to which such petition relates, shall be considered as having been homologated by such council ; 19, 20 V. c. 101, s. 9, par. 4.

Adjournment *sine die* without decision to operate confirmation.

20 5. Every by-law of a local council when amended by the county council shall be published as so amended in the manner *hereinbefore* provided, and every judgment of a county council disallowing any by-law passed by a local council shall be published in like manner ; 19, 20 V. c. 101, s. 9,  
 25 par. 5.

Publication of decision.

6. No county council shall disallow or amend any by-law passed by the council of a town or village municipality ;—nor shall the mayor of any town or village municipality vote or take any part in the proceedings before a county council on  
 30 appeals from other local councils ; 19, 20 V. c. 101, s. 9, par. 6.

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

7. No mayor of a local municipality shall sit or vote at any special session of the county council for hearing or deciding upon any petition of appeal praying for the revision or amendment of any valuation-roll or *procès-verbal*, or for the amend-  
 35 ment or disallowance of any by-law in the matter of which he has any direct personal interest ;—and the county council shall decide whether such Mayor has or has not such direct personal interest ; but such mayor shall not have a right to vote on the question of his having or not having such interest ; 22 V. c.  
 40 101, s. 21.

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

8. Every county council shall, at a special session to be holden for that purpose, at some period not later than the first day of June, in every year during which new valuation-rolls are made, examine the valuation-rolls of the different local  
 45 municipalities in the county, and ascertain whether the valuation made in each bears a just relation to the valuation made in the others ;—And thereupon the county council may in-

County Council to equalize valuations throughout the County.

Principle of such equalization.

crease or decrease the valuations of all assessable property in any one or more of such local municipalities by adding or deducting such sums upon the hundred as are in their opinion necessary to produce a just relation between all the valuations in the county;—but no such council shall reduce the aggregate amount of the valuations made by the valuator in the whole county. 19, 20 V. c. 101, s. 9, par. 7.

#### APPEALS TO THE CIRCUIT COURT.

How appeal may be made.

74. 1. Any person who deems himself aggrieved by any judgment rendered by virtue of this Act, (unless such judgment has been rendered in the first instance by the circuit or 10 superior court), may appeal therefrom to the circuit court sitting at one of the places adjacent to that at which such judgment was rendered, and such appeal shall be made in the following manner: 22 V. c. 101, s. 20, par. 1.

Security in appeal.

2. Within ten juridical days after the judgment is rendered, 15 the appellant shall give good and sufficient security; (by a surety who shall justify his sufficiency to the satisfaction of the clerk of the circuit court at the place at which the appeal is to be heard,) that the appellant will effectively prosecute the said appeal and will satisfy the judgment and pay 20 the damages and costs which may be adjudged by the circuit court, if the judgment appealed from be confirmed;—And the said clerk may administer to any person presenting himself as surety, the oaths required in similar cases, and put such questions as may be necessary to satisfy himself of his sufficiency; 25 and the said surety shall justify his sufficiency to the amount of at least one hundred dollars; 22 V. c. 101, s. 20, par. 2.

Clerk may administer oath to surety.

Surety to justify.

Copies of security bond.

3. The said clerk shall deliver to any person applying therefor a copy of the said security, and such copy, certified by the clerk to be a true copy, shall be deemed authentic; 30 22 V. c. 101, s. 20, par. 3.

Suspension of execution.

4. If such security is furnished as above mentioned within the delay prescribed, execution of the judgment shall be suspended until the appeal has been decided; in default thereof the judgment rendered shall be carried into effect; 35 22 V. c. 101, s. 20, par. 4.

How appeal shall be commenced.

5. The appeal shall be commenced by a petition in which it shall not be necessary to set out all the facts and proceedings in the cause, but it shall be sufficient, after stating the title of the cause, the date of the judgment, and that the security 40 required by law has been duly furnished, to state in a summary manner, as though the proceedings in the cause had already been before the court in which the appeal is to be heard, and in the ordinary form of pleadings or complaints in appeal, the motives or reasons of the appeal, with conclusions

analogous thereto, and to pray that the judgment appealed from be set aside, and that such judgment be rendered as the court or judge below ought to have rendered ; 22 V. c. 101, s. 20, par. 5.

5 6. A copy of the said petition certified by the appellant or his attorney, and a copy of the security in appeal certified by the clerk who shall have received the same, shall be served upon the respondent or his attorney within twenty juridical days after the rendering of the judgment, together with a notice  
10 of the day on which the said petition will be presented to the circuit court, and the said petition shall be presented to the circuit court (in term) on the first juridical day of the said court immediately following the expiration of the twenty juridical days after the judgment has been rendered ; 22 V. c. 101, s. 20, par. 6.

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

7. The appellant shall file with his petition a certified copy of the security given by him, and also the notice of appeal, together with the return of a bailiff, setting forth the necessary services, and thereupon the appeal shall be heard, and decided  
20 in a summary manner ; 22 V. c. 101, s. 20, par. 7.

Papers to be filed by appellant.

8. After a copy of the security so given has been served upon the judge, or one of the judges, or upon the clerk to the judge or judges, or of the court, who rendered or pronounced the judgment or conviction, the said judge  
25 or judges, before the day fixed for the presenting of the petition in appeal, shall transmit the record to the clerk of the circuit court, with a certificate signed and sealed certifying that the documents transmitted are all the papers, documents and evidence relating to the cause : The above  
30 service must be made within fifteen days after the day on which the judgment was rendered ; 22 V. c. 101, s. 20, par. 8.

Transmission of record from Court below.

9. In any such appeal, no new evidence shall be adduced, and no judgment shall be set aside by reason of any trifling variance or informality, but only when any real injustice has  
35 been committed ;—and when objections are raised which do not affect the merits of the cause, the circuit court may, if necessary, order the clerk of the court to make any amendment to the procedure, which, as amended, shall be executed as though it had been regular in the first instance ; 22 V. c. 101,  
40 s. 20, par. 9.

Variance or informality not grounds for setting aside judgment.

10. The circuit court may adjudge the costs on such appeal, and if the judgment appealed from is fully confirmed, it may order that the record be transmitted to the judge or judges, or court who pronounced the judgment or conviction, and such transmission shall be effected by the clerk  
45 of the circuit court who shall annex to the record a copy of the judgment of the said court and a certificate of the costs al-

Costs of appeal, how awarded and levied.

lowed on the said appeal, and the said costs shall be levied by the same means, and in the same manner in which the judgment of the judge or judges below, or of the court below, is carried into effect according to law :

Provision if the judgment be modified or set aside.

But if, on the other hand, the said judgment be modified or set aside, in whole or in part, the record and procedure on the judgment appealed from, and any procedure upon the appeal, shall remain to form part of the records of the circuit court, by which and under the authority of which, whatever shall have been adjudged, ordered, confirmed, modified or amended by the judgment of the said court shall be carried into effect, and this by the same means and in the same manner as the judgment appealed from would itself have been carried into effect ; 22 V. c. 101, s. 20, par. 10.

Provision in case of failure to prosecute appeal.

11. Any appellant who neglects to cause a copy of the said petition to be served as aforesaid, or who, having caused it to be served, fails effectually to prosecute the said appeal, shall be deemed to have abandoned the said appeal,—and upon application of the respondent, the circuit court shall declare forfeited all the rights and claims founded on the said appeal, and shall allow costs to the respondent, and shall order that the record, (if it has been transmitted,) be sent back to the court or judge below ;—and if the record has not been transmitted, then, upon production of the copy of the petition served upon the respondent, the said respondent shall obtain such costs as the court may adjudge ; 22 V. c. 101, s. 20, par. 11.

Recourse against sureties.

12. The execution of the judgment against the party condemned shall not deprive the party who has succeeded, of his recourse against the sureties for the whole or any part of the costs of the appeal remaining unpaid, to the payment of which every surety shall be bound, under the penalty of seizure and execution, in the same manner and to the same degree as the principal party ; 22 V. c. 101, s. 20, par. 12.

No *certiorari* to be issued in cases appealable under this Act.

13. No judgment rendered in virtue of this chapter, shall be set aside by any other means than the appeal above prescribed, and no writ of *certiorari* shall be issued and no judgment set aside upon a writ of *certiorari* ; 22 V. c. 101, s. 20 par. 16.

#### OATHS.

By whom to be administered.

75. Any oath required by this Act may be made before any warden or mayor, or justice of the peace : 18 V. c. 100, s. 78, par. 1.

Persons administering it to give certificate of its

2. Any person before whom any oath may be made under this Act, is empowered and required to administer such oath, without payment, whenever called upon to do so, and to

deliver to the person taking the same a certificate thereof;— having been  
 and the person taking such oath shall, without delay, deliver taken.  
 such certificate to the secretary-treasurer of the council in rela-  
 tion to the affairs of which such oath was made. 18 V. c. 100,  
 5 s. 78, par. 2.

#### LANGUAGE OF PUBLICATION.

**76.** The governor may, by order in council, declare that the Governor in  
 publication to be made under this Act of any notice, by- Council may  
 law or resolution, shall be made in one language only, in any allow publica-  
 municipality the council whereof have shewn that such publi- tion in one  
 cation may be so made without detriment to any of the inha- language only  
 10 bitants thereof. The provincial Secretary shall cause a copy in certain  
 of every such order in council to be inserted in "The Canada cases.  
 Gazette," and from the date of such insertion the publication of Publication of  
 all such notices, by-laws and resolutions may be legally made such order.  
 15 in the municipality referred to in such order in council, in that language only  
 language only which is thereby prescribed. 18 V. c. 100,  
 s. 79.

#### FORMS.

**77.** The forms given in the schedule to this Act shall Forms in  
 suffice for the purposes for which they are given; but any other Schedule to  
 20 form to the like effect shall be sufficient, and any form shall be be sufficient.  
 sufficient for such purposes or any other under this Act, if ac-  
 cording to the ordinary construction of the language, the purport  
 and intent thereof can be *bonâ fide* understood from the words  
 used;—and no unnecessary or irrelevant allegations or expres-  
 25 sions, in any such form, shall affect the validity thereof, if by  
 passing them over as mere surplusage the remainder can be  
 made to bear the sense required;—the rules of construction em-  
 bodied in the Interpretation Act, and in this Act, shall apply  
 as well to the forms here given and to any other such form as  
 30 aforsaid, as to the allegations, statements, orders or directions  
 therein contained; and no objections of mere form or founded on  
 the omission of any formality shall be allowed to prevail in any  
 action, suit or proceeding under this Act, unless substantial in-  
 justice would be done by not allowing such objection. 18 V.  
 35 c. 100, s. 80.

Interpretation of forms and proceedings under this Act.

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

#### REPEAL—AND EXCEPTIONS FROM REPEAL.

**78.** So much of the said Lower Canada Municipal and So much of  
 Road Act of 1855, or of any of the Acts amending the same, or 18 V. c. 100,  
 of any other Act or Law,—as is inconsistent with this Act,— and other Acts  
 or makes any provision in any matter provided for by this Act, as is inconsis-  
 40 other than such as is hereby made,—shall be repealed from and tent with this  
 after the passing of this Act,—except as to penalties or liabili- Act, repealed.  
 ties incurred, or rights acquired before the passing of this Act.

## SCHEDULE OF FORMS.

(Those not otherwise marked being from the Schedule to 18 V.  
c. 100.)

( No. 1. )

PUBLIC NOTICE TO BE GIVEN BY A SECRETARY-TREASURER OF  
THE COMPLETION OF HIS COLLECTION-ROLL.

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

A. B.  
Secretary-Treasurer of the Municipality of

(Place.)  
(Date.)

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( No. 2. )

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

MUNICIPALITY OF THE (parish, township, &c.)  
township, &c.)

Mr.

(Copy of Account.)

£

Notice served.

(here insert date of notice.)

Costs

Notice.....£

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

Dr.

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

|  | £ | s. | d. |
|--|---|----|----|
| Assessment on your (here mention the property, as house, land, &c.) valued at £ , at (1d.) in the £..... |   |    |    |
| (Here add the various other items of taxation).....  |   |    |    |
| Total.....   |   |    |    |

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

A. B.

Secretary-Treasurer.

Costs.

Notice.....£

19, 20 V. c. 101, Schedule. See Section 68, pars. 5, 6 of this Act.

( A . )

NOTICE OF PUBLIC MEETING FOR THE ELECTION OF LOCAL  
COUNCILLORS.

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

Public notice is hereby given that a public meeting of the inhabitants of the local municipality of the (parish, township, &c., *here insert name of municipality*) qualified to vote for municipal councillors, will be held at *(here describe the place, public room, house, &c.,)* in the said municipality, on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_ instant, at \_\_\_\_\_ of the clock in the \_\_\_\_\_ noon, for the purpose of then and there electing seven councillors for the said municipality, pursuant to the provisions of "The Consolidated Lower Canada Municipal and Road Act, 1859."

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_

A. B.

Registrar, deputy registrar (*or* warden).  
of the county of \_\_\_\_\_, *or* of the  
registration division number \_\_\_\_\_  
of the county of \_\_\_\_\_, *as the case  
may be.*)

( A 2 . )

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

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

Public notice is hereby given that a public meeting of the inhabitants of the local municipality of the (parish, township, &c., *here insert name of municipality*) qualified to vote for municipal councillors, will be held at *(here describe the place, public room, house, &c.,)* in the said municipality, on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_ instant (*or* next), at \_\_\_\_\_ of the clock in the \_\_\_\_\_ noon, for the purpose of then and there electing \_\_\_\_\_ councillor for the said municipality, in stead of (A. B. and C. D. *as the case may be*) whose election has been declared null and void, pursuant to the provisions of "The Consolidated Lower Canada Municipal and Road Act, 1859."

Dated at                    this                    day of                    , one  
thousand eight hundred and

A. B.

Registrar, (deputy registrar or warden)  
of the county of                    , or of the  
registration division number  
of the county of                    , as the  
case may be.)

( B. )

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

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

Dated at                    this                    day of  
one thousand eight hundred and

Sworn before the undersigned, warden of  
the municipal council of the county  
of (*here insert name of county*), or  
mayor of the municipal council of the  
(parish, &c., *here insert name of  
municipality*.) or one of her Majesty's  
justices of the peace for the district  
of (*here insert name of district, as the  
case may be.*)

B. C.

C D.

( C. )

SPECIAL NOTICE TO THE PERSON APPOINTED TO PRESIDE AT A  
PUBLIC MEETING FOR THE GENERAL ELECTION OF LOCAL  
MUNICIPAL COUNCILLORS.

Office of the municipal council of the county of \_\_\_\_\_,  
(or registry office of the county of \_\_\_\_\_, as the  
case may be.)

(Place.) (Date.) 185

Sir,

Hereby take notice, that pursuant to the provisions of  
"The Consolidated Lower Canada Municipal and Road Act,  
1859," in that behalf made, I have this day appointed you to  
preside at a public meeting of the inhabitants of the local muni-  
cipality of the (parish, township, &c., *here insert name of muni-*  
*cipality*.) to be held at \_\_\_\_\_ in the said municipality, on  
day, the \_\_\_\_\_ day of \_\_\_\_\_ instant, at \_\_\_\_\_ of  
the clock in the \_\_\_\_\_ noon, for the election of municipal  
councillors for the same ; And that I do hereby fix (*here describe*  
*the house and place*.) as the place at which, and \_\_\_\_\_ day,  
the \_\_\_\_\_ day of \_\_\_\_\_ (instant or next,) as the  
day and hour on and at which the first session of the council  
of the said municipality of \_\_\_\_\_ shall be held.  
And I do hereby require you to make known the said place  
and time of such session, to each of the persons who shall be  
elected councillors as aforesaid.

D. E.

Warden (or registrar or deputy registrar)  
of the county of \_\_\_\_\_, or of the  
registration division number \_\_\_\_\_  
of the county of \_\_\_\_\_, as the  
case may be.)

( D. )

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

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

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

person of his family,) and then and there exhibiting to him (or her) the said original special notice.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_,

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

E. F.

F. G.

( E. )

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

(Place.) (Date.) 185

Sir,

I hereby notify you that at a public meeting of the electors of the municipality of (here insert name of municipality,) convened and held in conformity to the provisions of "The Consolidated Lower Canada Municipal and Road Act, 1859" at the said (parish &c.,) on the \_\_\_\_\_ day of \_\_\_\_\_ (instant or last past,) you were then and there duly elected a municipal councillor for the said municipality of (here insert name of municipality,) and you are hereby required to attend the first session of the said council which will be held at (here describe place of first meeting,) on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_ (instant or next,) at the hour of \_\_\_\_\_ of the clock in the \_\_\_\_\_ noon

G. H.

President of election.

To H. I.

Municipal councillor.

( F. )

NOTICE FROM PRESIDENT OF ELECTION TO WARDEN OR REGISTRAR, WHEN AN ELECTION HAS TAKEN PLACE.

(Place.) (Date.) 185

Sir,

I hereby inform you that at the public meeting of the inhabitants of the municipality of the (parish, township, &c.,) of

(*here insert name of municipality,*) held at \_\_\_\_\_ on  
 day, the \_\_\_\_\_ day of \_\_\_\_\_ (instant  
 or last past) :

| NAME. | RESIDENCE. | OCCUPATION. |
|-------|------------|-------------|
| A. B. | Quebec,    | Carpenter,  |
| C. D. | do.        | do.         |
| E. F. | do.        | do.         |
| G. H. | do.        | do.         |
| J. K. | do.        | do.         |

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

I. J.  
 President of election.

To J. K., Esquire,  
 Warden or Registrar of  
 the county of \_\_\_\_\_

## BY-LAWS AND RESOLUTIONS.

( I. )

### COUNTY COUNCIL BY-LAW.

Corporation of the }  
 County of \_\_\_\_\_ }

At a general quarterly session of the municipal council of the county of (*here insert the name of county*)\* held at \_\_\_\_\_, in the said county, on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord, one thousand eight hundred and \_\_\_\_\_, in conformity to the provisions of "The Consolidated Lower Canada Municipal and Road Act 1859,"† at which meeting are present, A. B., mayor of the corporation of the (*parish, &c.,*) C. D., mayor of the corporation of (*parish, &c.,*) E. F., mayor of the corporation of (*parish, &c.,*) the said (three mayors, *or more, as the case may be,*) forming a *quorum* of the said council, the said A. B. presiding (as warden of the said council, *if such be the case,*) ‡ the said council doth hereby ordain and make the following by-law, to wit :

## A BY-LAW.

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

I. That, &c., &c.

(Seal)

A. B.

Warden (or chairman, as the case may be.)

Attested, C. D.,

Secretary-treasurer of said Council.

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

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

( J. )

## LOCAL COUNCIL BY-LAW.

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

At a general monthly session of the municipal council of the (parish, &c.,) here insert the name of municipality \* held in the said (parish, &c.,) on            day, the            day of            , in the year of our Lord, one thousand eight hundred and            , in conformity to the provisions of "The Consolidated Lower Canada Municipal and Road Act, 1859," † at which meeting are present A. B., C. D., E. F., &c., (here insert the names of the councillors present) members of the said council, and forming a quorum thereof, the said A. B. presiding (as mayor, if such be the case,) ‡ the said council doth hereby ordain and make the following by-law, to wit:

## A BY-LAW.

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

I. That, &c., &c.

(Seal.)

A. B.

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

Attested, C. D.,

Secretary-treasurer of said council.

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

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

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

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

( K. )

PUBLICATION OF A RESOLUTION OF A MUNICIPAL COUNCIL.

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

( L. )

NOTICE FOR SPECIAL MEETING OF A MUNICIPAL COUNCIL.

Office of the municipal council of the (county, parish, &c.)  
(Place.) (Date.) 185

Sir,

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

P. Q.

Warden, *or* mayor, *or* members of the  
municipal council of the (county,  
parish, &c.)

To Q. R.

( M. )

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

Office of the municipal council of the (county, parish, &c.)  
(Place.) (Date.) 185

Sir,

You are hereby notified that the session of the municipal council of the (county, parish, &c.,) stands adjourned from            day, the            day of            instant, to

day, the                      day of                      instant  
 (or next), on which latter day the said council will meet at the  
 usual place and at the hour of                      of the clock, in the  
 noon.

R. S.

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

To Q. R.

( N. )

OATH OF OFFICE.

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

Sworn before the undersigned, warden of  
 the municipal council of the county  
 of (*here insert name of county*), mayor  
 of the municipal council of the  
 (Parish, &c., *here insert name of mu-*  
*nicipality*), or one of Her Majesty's  
 Justices of the Peace of the district  
 of (*here insert name of district, as the*  
*case may be*).

S. T.

T. U.

( O. )

SECRETARY-TREASURER'S SURETY BOND, WHEN GIVEN UNDER  
 PRIVATE SEAL.

PROVINCE OF }  
 CANADA. }

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



( P. )

## SPECIAL NOTICE OF APPOINTMENT OF A MUNICIPAL OFFICER.

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

Sir,

You are hereby notified, that at a session of the  
municipal council of the (county, parish, &c., *as the case may*  
*be*), of held on the day of  
instant (*or last past*), you were, by a resolution of the said  
council, duly appointed to the office of (*here insert name of*  
*office*).

U. V.

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

To V. W.

(Address.)

( Q. )

## NOTIFICATION OF ELECTION OR APPOINTMENT OF MAJOR.

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

Sir,

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

W. X.

Secretary-treasurer of the said council.

To X. Y.

Registrar of the county  
of *or* secretary-  
treasurer of the council  
of the county of

( R. )

## PETITION FOR ERECTION OF A VILLAGE.

To the municipal council of the county of

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

Respectfully sheweth :

That they are desirous that the hereinafter described tract  
of land be erected into a separate town (*or village*) muni-

cipality, under such name as may be given thereto by His Excellency the Governor General, under the provision of "The Consolidated Lower Canada Municipal and Road Act, 1859."

That the said tract of land lies within the limits of the municipality of the said county of \_\_\_\_\_ and is bounded as follows, to wit : (*here give boundaries and description of said tract*), and contains at least sixty inhabited houses within the space of thirty superficial arpents.

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

(Place.) (Date.)

(Signatures.)  
(*not less than forty.*)

( S. )

**PUBLIC NOTICE TO BE GIVEN IN RELATION TO THE ERECTION OF A TOWN OR VILLAGE.**

(Place.) (Date.)

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

Y. Z.

( T. )

**PUBLIC NOTICE TO BE GIVEN BY A COUNTY COUNCIL BEFORE THE HOMOLOGATION OF A REPORT IN RELATION TO THE ERECTION OF A TOWN OR VILLAGE.**

Office of the municipal council of the county of \_\_\_\_\_

(Date.)

Public Notice is hereby given, that on \_\_\_\_\_ day, the \_\_\_\_\_ day instant, (*or next*) at the hour of \_\_\_\_\_

of the clock in the \_\_\_\_\_ noon, the municipal council of  
the county of \_\_\_\_\_ after having heard the parties interested,  
will proceed to the examination of the report on the petition of  
certain Inhabitants of the municipality of the (parish, township,  
&c.,) of \_\_\_\_\_ praying for the erection into  
a separate town (or village) municipality of a certain tract of  
land therein mentioned.

V. U.  
Secretary-treasurer of the municipal  
council of the county of \_\_\_\_\_

( U. )

OATH TO BE ADMINISTERED TO SPECIAL CONSTABLES.

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

( V. )

WARRANT OF COMMITMENT ON VIEW.

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

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

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

These are therefore to command you the said constables or  
peace officers, or any one of you, in Her Majesty's name, forth-  
with to convey the said A. B. to the (house of correction,  
S

lock-up house, &c.) at \_\_\_\_\_, and there deliver him into the custody of the keeper thereof, together with this precept; And I hereby requiré you, the said keeper, to receive the said A. B. into your custody in the said (house of correction, lock-up house, &c.) and there safely keep him until the expiration of the said period of imprisonment.

Given under my hand and seal, }  
 this \_\_\_\_\_ day of \_\_\_\_\_, one }  
 thousand eight hundred and \_\_\_\_\_, }  
 at \_\_\_\_\_ in the municipality }  
 aforesaid. } Z. Y.

( W. )

DISTRESS WARRANT in virtue of any by-law made under  
*section XX, par. 7.*

PROVINCE OF )  
 CANADA. )

The corporation of the (parish, township, &c., *as the case may be,*) to wit:

To all or any constables and peace officers in the district  
 of \_\_\_\_\_

WHEREAS in and by a certain by-law made and passed by the municipal council of the (parish, township, &c., *as the case may be,*) at a (general monthly) session of the said council of the (parish, township, &c., *as the case may be,*) held at \_\_\_\_\_, on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord, one thousand eight hundred and \_\_\_\_\_ in conformity to the provisions of an Act of the legislature of the province of Canada, passed in the \_\_\_\_\_ year of Her Majesty's reign, intituled, an Act (*here insert title of this Act.*) it was provided (*here insert part of by-law made in virtue of the seventh paragraph of the twentieth section of this Act.*)

And whereas \_\_\_\_\_ certain person \_\_\_\_\_ did lately, to wit: on the \_\_\_\_\_ day of \_\_\_\_\_ (instant or now last past,) hold (*here state the nature of performance or exhibition,*) and whereas A. B. being (the proprietor, &c., *as the case may be,*) (*here insert the connection such person may have with the performance or exhibition,*) hath been required by the secretary-treasurer of the said municipal council, to pay into his hands for and on behalf of the said municipal council, the sum of \_\_\_\_\_, being the amount of duty imposed on every such (performance or exhibition) under and in virtue of the said law and of the said by-law; And whereas the said A. B. hath neglected and refused to pay unto the said secretary-treasurer, on his said demand, the said sum of \_\_\_\_\_, so as aforesaid, lawfully imposed on the said (performance or exhibition).

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

|  |  |
|--|--|
| Given under my hand and the seal }<br>of the said corporation, this }<br>day of _____, in the year of our }<br>Lord _____, at _____, in }<br>the district aforesaid. } | Y. X.<br>Mayor of the said<br>Corporation. |
|--|--|

( X. )

**SPECIAL NOTICE TO BE GIVEN TO ANY PERSON APPOINTED BY THE GOVERNOR GENERAL, AND TO THE SECRETARY-TREASURER OF THE MUNICIPALITY IN WHICH SUCH PERSON HAS BEEN APPOINTED.**

Office of the registrar or of the municipal council of the county of

(Place.) (Date.)

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

W. U.  
 Registrar or warden of  
 the County of \_\_\_\_\_

To A. B., warden, or

D. H. secretary-treasurer of the municipal council of \_\_\_\_\_

( Y. )

## NOTICE TO PERFORM STATUTE LABOUR.

(Date.)

To Mr.

You are required to attend (*here insert place*) on the (*insert days of month*) days of (*instant or next*) at of the clock in the noon, bringing with you an axe and a hoe, (*or a horse, ox, wagon, car or other vehicle and harness,*) for the purpose of performing statute labour on the (*here describe road, bridge, &c.*)

K. L.

Inspector or overseer of roads,  
*as the case may be.*

( AA. )

## PUBLIC NOTICE OF THE EXAMINATION OF ANY PROCES-VERBAL.

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

(Place.)

(Date.)

Public notice is hereby given to all parties interested, that pursuant to the provisions of "The Consolidated Lower Canada Municipal and Road Act, 1859," on day, the day of instant (*or next,*) at the hour of of the clock in the noon, at (*here describe the place*) the municipal council of the (county, parish, township, &c.) of will proceed to the examination or revision of the (*proper Officer's*) *procès-verbal* relative to the (*here give the nature of the work, &c.*)

B. F.

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

( BB. )

## SPECIAL NOTICE BEFORE ENTERING ON OCCUPIED LAND FOR THE PURPOSE OF SURVEY.

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

C. F. (*the proper officer.*)

(CC.)

## PUBLIC NOTICE OF INTENTION TO EXAMINE ROADS IN LOCAL MUNICIPALITY.

(Place.) (Date.)

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

G. H. (*the proper officer.*)

( DD. )

SPECIAL NOTICE OF THE INTENTION OF INSPECTOR OF ROADS  
TO VISIT AN OVERSEER'S SECTION.

(Place.) (Date.)

SIR,—Hereby take notice that on \_\_\_\_\_ day next, the  
 \_\_\_\_\_ day of \_\_\_\_\_ instant (*or next*) I shall visit  
 the roads in that portion of my division of the municipality of  
 the (*name of local municipality*) embraced within the section  
 thereof for which you are overseer ; and you are hereby required  
 to meet me at the hour of \_\_\_\_\_ of the \_\_\_\_\_ noon of that  
 day at (*place of meeting*) and to accompany me in my visit of  
 that section, conformably to the provisions of "The Lower  
 Canada Municipal and Road Act, 1855."

E. F.  
Inspector of Roads.To S. T.  
Overseer.(But see 19, 20 V. c. 101, *dispensing with written notice.*)

(EE.)

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

| TAXABLE PERSONS.        |              |                            |              | ASSESSABLE PROPERTY.      |              |                 |                    |                  |                         |   |
|-------------------------|--------------|----------------------------|--------------|---------------------------|--------------|-----------------|--------------------|------------------|-------------------------|---|
| Owner of Real Property. |              | Occupant of Real Property. |              | Liable to Statute Labour. |              | Real.           |                    |                  | Profession or business. | Other items according to By-law, &c. of Municipality. |
| Name.                   | Designation. | Name.                      | Designation. | Name.                     | Designation. | If in Village.  | Value of Property. | Annual Value of. |                         |   |
|                         |              |                            |              |                           |              | Name of street. | No. of Houses.     | £. s. d.         | £. s. d.                |   |
| John Brown.             | Notary.      | John Brown.                | Notary.      |                           |              |                 |                    | 150 0 0          | 200 0 0                 |   |
| Isaac Smith.            | Physician.   | Wm. Jones.                 | Advocate.    |                           |              |                 |                    | 200 0 0          | 300 0 0                 |   |
|                         |              |                            |              | Robert Lee                | Farm servant | St. James       | 4                  |                  |                         |   |
|                         |              |                            |              |                           |              |                 |                    |                  |                         |   |

Sect. lxx par. 3.

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

( FF. )

## PUBLIC NOTICE OF THE REVISION OF A VALUATION-ROLL.

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

(Place.) (Date.)

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

F. G.

Secretary-treasurer of the said council.

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

ASSESSABLE PROPERTY.

| TAXABLE PERSONS.     |              | ASSESSABLE PROPERTY. |                     |                 |                                |                    |            |           |       |                                     |   | Total amount of Tax payable. |  |      |     |      |                    |
|----------------------|--------------|----------------------|---------------------|-----------------|--------------------------------|--------------------|------------|-----------|-------|-------------------------------------|---|------------------------------|--|------|-----|------|--------------------|
| Name.                | Designation. | Concession.          |                     |                 | Real.                          |                    |            | Personal. |       | Total value of assessable Property. | Amount of tax $\frac{1}{4}$ in the $\frac{1}{4}$ f. |                              | Other items according to By-law, &c., of Municipality. |      |     |      |                    |
|                      |              | Range.               | Lot or part.        | Name of Street. | If in a Village. No. of House. | Value of Property. | Nature of. | Value of. |       |                                     |   |                              |  |      |     |      |                    |
| John Brown...        | Notary.      | 1                    | 2 E <sub>1</sub> 10 |                 |                                | £ 150              | s. 0       | d. 0      | £ 200 | s. 0                                | d. 0  | £ 350                        | s. 0   | d. 0 | £ 0 | s. 7 | d. 3 $\frac{1}{2}$ |
| Isaac Smith...       | Physician.   | 4                    | 3 12                |                 |                                | 200                | 0          | 0         | 300   | 0                                   | 0   | 500                          | 0  | 0    | 0   | 10   | 5                  |
| Wm. Roe...           | Merchant.    |                      |                     |                 | Main.                          | 300                | 0          | 0         | 500   | 0                                   | 0   | 800                          | 0  | 0    | 0   | 16   | 8                  |
| John Jones...        | Printer.     | 5                    | 4 18                |                 |                                | 100                | 0          | 0         | 100   | 0                                   | 0   | 200                          | 0  | 0    | 0   | 4    | 2                  |
| Robt. Snow...        | Farmer.      | 5                    | 5 19                |                 |                                | 200                | 0          | 0         | ..... | .....                               | .....   | 200                          | 0  | 0    | 0   | 4    | 2                  |
| Thos. Silk...        | Carter.      |                      |                     |                 | St. John.                      | 600                | 0          | 1         | ..... | .....                               | .....   | 60                           | 0  | 0    | 0   | 1    | 3                  |
| Sect. lxxiv. par. 3. |              |                      |                     |                 |                                |                    |            |           |       |                                     |   |                              |  |      |     |      |                    |

(Here insert columns according to circumstances.)

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

( H H . )

## DISTRESS WARRANT FOR ASSESSMENTS DUE.

PROVINCE OF }  
CANADA. }

The corporation of the (parish, township, &c., as the case may be,) to wit :

To all or any of the constables and peace officers in the district of

WHEREAS A. B., (*name and designation of debtor*,) hath been required by the secretary-treasurer of the municipal council of the (*name of municipality*,) to pay into his hands for and on behalf of the said municipal council, the sum of being the amount due by him to the said municipality, as appears by the collection-roll of the said municipality for the year 18 ; And whereas the said A. B., hath neglected and refused to pay unto the said secretary-treasurer, within the period prescribed by law, the said sum of ; these are therefore to command you forthwith to make distress of the goods and chattels of the said A. B. ; and if within the space of eight days after the making of such distress, the said mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do on such day as shall be indicated to you by the said secretary-treasurer, sell the said goods and chattels so by you detained, and do pay the money arising from such sale unto the secretary-treasurer of the said municipal council, that he may apply the same as by law directed, and may render the over-plus, if any, on demand, to the said A. B., or others whom it may concern, and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein, as to law doth appertain.

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

Y. X.  
Mayor of the said  
corporation.

( II . )

## NOTICE OF THE DAY AND PLACE OF SALE OF GOODS AND CHATTELS SEIZED FOR TAXES.

PUBLIC NOTICE is hereby given that on day, the day of instant (*or next*) at the hour of of the clock in the noon, at (*here describe the place*), the goods and chattels of A. B. (*name of person*) now under seizure for

non-payment of municipal assessments (*or other dues, as the case may be*), will be sold by public auction at (*here name place*)  
 on                    day, the                    day of                    instant (*or next*.)

(*Place.*)      (*Date.*)

D. B.  
 Secretary-Treasurer of the municipal  
 council of the

( JJ. )

**CERTIFICATE OF A SECRETARY-TREASURER OF COUNTY COUNCIL  
 OF AMOUNT REQUIRED FROM A LOCAL MUNICIPALITY.**

Office of the municipal council of the county of

(*Place.*)      (*Date.*)

SIR,—I hereby certify to you that under and by virtue of a  
 by-law passed by the municipal council of the county of (*here  
 insert name of county*), on the                    day of  
 instant (*or last past*), intituled, a by-law (*insert title of by-law*)  
 the sum of (*insert sum*) is therein directed to be levied in the  
 municipality of the (parish, township, &c., *insert name of local  
 municipality*) for the county purposes mentioned in the said  
 by-law.

G. F.  
 Secretary-Treasurer of the municipal council  
 of the county of

( KK. )

**STATEMENT OF VALUE OF ASSESSABLE PROPERTY.**

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

(*Place.*)      (*Date.*)

SIR,—In conformity to the provisions of "The Consolidated  
 Lower Canada Municipal and Road Act, 1859," I transmit you  
 the following statement of the value of the assessable property  
 in the municipality of the (township, parish, &c.) according  
 to the last assessment-roll as finally revised.

| NATURE OF PROPERTY.    | VALUE (OR ANNUAL VALUE.) |
|------------------------|--------------------------|
| Real Property.....     | £25,222 0 0              |
| Personal Property..... | 20,106 0 0               |

K. M.  
Secretary-treasurer of municipal  
council of

To Z. H.  
Secretary-treasurer of the council  
of the county of

( LL. )

STATEMENT OF LANDS TO BE SOLD FOR TAXES, AND NOTICE  
OF SALE.

Office of the municipal council of the county of

I do hereby give Public Notice, that the lands hereinafter mentioned will be sold by Public Auction, at the (*here insert name of place*), on Monday, the \_\_\_\_\_ day of February next, at \_\_\_\_\_ of the clock in the \_\_\_\_\_ noon, for the assessments and charges due to the municipalities hereinafter mentioned upon the several lots hereinafter described, unless the same be paid with costs at least two days before the above day.

| DESCRIPTION OF LAND.                        |             |        |      |            | AMOUNT DUE |
|---|-------------|--------|------|------------|------------|
| Name of Municipality.                       | Concession. | Range. | Lot. | Extent.    | ON         |
|   |             |        |      |            | EACH LOT.  |
|   | 1           | 2      | 7    | 100 acres. | £0 18 9    |
|   | 3           | 1      | 6    | 175 do.    | 0 17 6     |
|   | 5           | 3      | 8    | 200 do.    | 1 1 3      |
|   | 6           | 4      | 11   | 200 do.    | 1 0 9      |
| <i>(If in a Seignior, give Boundaries.)</i> |             |        |      |            |            |

P. Q.  
Secretary-treasurer of municipality of  
the county of

(MM.)

## FORM OF DEBENTURE.

Municipality of the (*as the case may be.*)

No. £ Cy. or Stg.

This debenture witnesseth, that the municipality of the (*name of municipality*), under the authority of a by-law passed by the council of the said municipality in conformity to the provisions of "the consolidated Lower Canada municipal and road act, 1859," intituled, a by-law, &c., (*insert title of by-law.*) have received from (*name*) of (*domicile, profession, or occupation.*) the sum of (*insert sum at full length*), as a loan, to bear interest from the date hereof at the rate of \_\_\_\_\_ per centum per annum, payable half yearly on the \_\_\_\_\_ day of \_\_\_\_\_ and \_\_\_\_\_, at \_\_\_\_\_, which sum of (*insert sum at full length*) the said municipality, as a municipal corporation, hereby binds and obliges itself to pay on the day of \_\_\_\_\_, at \_\_\_\_\_, to the said \_\_\_\_\_ or to the bearer hereof, and to pay the interest thereon half yearly, as aforesaid, according to the *coupons* or interest warrants hereto attached.

In testimony whereof I, \_\_\_\_\_, Mayor of the said municipality, being hereunto duly authorized, have signed these presents, and have hereunto affixed the common seal of the said municipality, at \_\_\_\_\_, in the county of \_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord, one thousand eight hundred and \_\_\_\_\_

(Signature of Mayor.)

Countersigned by  
(Secretary-treasurer.)

[Seal.]