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No. 342.

3rd Session, 5th Parliament, 20 Victoria, 1857.

BILL.

An Act further to amend the Municipal and
Road Act of Lower Canada.

Received and read, first time, Monday, 11th
May, 1857.

Second reading, Thursday, 14th May, 1857.

HON. MR. DRUMMOND.

TORONTO:
PRINTED BY JOHN LOVELL,
YONGE STREET.

The Lower Canada Municipal and Road Amendment Act of 1857.

WHEREAS it is desirable that further changes should be made in the Lower Canada Municipal and Road Act of 1855, as amended by the Act of 1856, with a view of rendering its working less expensive, and for other purposes of less weighty importance. Therefore Her Majesty, &c., enacts as follows : Preamble.

INTERPRETATION.

1. For the purposes of this Act the expressions following, wherever they may occur, shall signify respectively as follows, that is to say :

The words " Act of 1855 " shall be deemed to apply to the *Lower Canada Municipal and Road Act of 1855*, the words " Act of 1856 " shall be deemed to apply to the *Lower Canada Municipal and Road Amendment Act of 1856*. The words " the said Acts " shall be deemed to apply to the two Acts cited in this section, and the words " said Act " shall be deemed to apply to the Act which shall have been last referred to in any section in which the words " said Act " shall occur. Interpretation of certain expressions.

2. This Act and the said Acts shall be deemed to form but one and the same Act, with this exception, that whereas certain parts of the Act of 1855 have been repealed by the Act of 1856, and by this Act and certain parts of the Act of 1856 have been repealed by this Act. Said Acts and this to form one and the said Act.

3. The Act of 1856 shall be cited as *The Municipal and Road Amendment Act of 1856*, and this shall be cited and known as "*The Municipal and Road Amendment Act of 1857.*" Title of the Act of 1856 and of this Act.

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

1. Notwithstanding the provisions of paragraph ten of the thirty-third section of the Act of 1855, the Municipalities to which it relates, shall each continue to form a distinct Municipality, unless its limits shall have been or shall hereafter be changed in virtue of any other provision of the said Act. Certain Municipalities to form distinct Municipalities.

2. Notwithstanding the provisions of the said Acts, the following places shall each constitute a distinct and separate Municipality from and after the 1st January, 1858, that is to say ; Certain places to constitute distinct Municipalities.

How parishes shall be designated in certain cases.

3. Notwithstanding the provisions of the third paragraph of the thirty-third section of the Act of 1855, any parish of which a town or village shall form part, shall be designated by the name of the corporation 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 shall exceed 300 persons.

POWERS COMMON TO ALL COUNCILS.

Certain additional powers to Councils.

In addition to the powers conferred upon them by the said Acts, every Council shall have power from time to time to make, amend or repeal one or more By-laws for all or any of the purposes following :

Number of general Sessions.

1st. For limiting the number of its general Sessions to not less than one in each year for County Councils, and to not less than four in each year for local Councils.

Powers with respect to maps and documents in the possession of individuals relating to public property.

2nd. For obliging any persons who may be known to have in their possession any maps, plans, titles, writings or other documents relative to any road, 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.

POWERS OF COUNTY COUNCILS.

Certain parts of the Act of 1856 repealed.

The first, second, third, fourth, fifth, sixth and ninth paragraphs of the ninth section of the Act of 1856 are hereby repealed.

POWERS COMMON TO ALL LOCAL COUNCILS.

In addition to the powers conferred upon them by the Acts aforesaid, every Local Council shall be empowered to accept from the School Commissioners of any School Municipality situated within the limits of the Local Municipality, the collection roll for school rates, 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.

School rates may be collected at the same time as the Municipal assessments.

LOCAL COUNCILS.

SPECIAL POWERS OF TOWN AND VILLAGE COUNCILS.

Every Town or Village Council, in addition to the powers conferred upon such Councils by the Acts aforesaid, shall have power and authority from time to time to make, amend and repeal By-laws for the purposes following, that is to say:

Additional powers to town and village Councils.

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 that may be 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 situated within or without the limits of the Municipality, and whether or not the proprietors consent to such taking possession, and for imposing and raising whatever amount they may deem requisite to ensure the construction and maintenance of such water works, provided that 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 the Act of 1855.

Construction of water works provided.

Proviso.

COUNTY SUPERINTENDENT.—NEW PROCES-VERBAUX POWERS AND DUTIES OF ROAD OFFICERS.

1st Notwithstanding any of the provisions contained in the said Acts, no County Councils hereafter shall have the right to appoint a County Superintendent, which officer is hereby abolished.

Office of County Superintendent abolished.

2nd. Hereafter all the powers and privileges conferred upon the County Superintendent by the Acts aforesaid, shall be exercised in the manner following:—

How powers of County Superintendent shall be exercised.

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 begun, and the said Warden shall summon a meeting of delegates, shall preside thereat, and shall have the casting vote heretofore conferred upon the Superintendent.

3rd. Every Council shall be empowered by resolution to appoint a suitable person to prepare any *procès verbal*, or fulfil any other duty heretofore devolved upon the Superintendent; any person so appointed for all or any

Person to be appointed by Council to fulfil certain duties.

of the purposes of such resolutions, shall be deemed to be one of the Municipal officers, and shall be bound to fulfil all the formalities heretofore required from the Superintendent in similar cases, and shall be subject to the same penalties in cases of neglect.

Powers of Council in respect of *procès verbaux*. 4th. Every Council shall be empowered to reject and also to homologate and amend any *procès verbal* so executed. 5

To whom petitions shall be addressed. 5th. Every Petition which, in accordance with the provisions of the said Act of 1855, would have been presented to the Superintendent, shall hereafter be addressed to the County Council, if it have reference to a work in which one or more Counties are interested, or to the Local Council, if it relates to any local work, and shall be handed in to the Secretary-Treasurer, whose duty it shall be to present it forthwith to the Council, if it be then sitting, or at the next ensuing meeting if it be not then sitting. 10

Certain duties to be performed by Secretary-Treasurer. 6th. The Secretary-Treasurer of every Council shall perform the duties heretofore devolving upon the Superintendent, in virtue of the sixteenth and seventeenth paragraphs of the twenty-first section of the said Act of 1855, in so far as they concern the officers of the Municipality within the limits of which he exercises his powers. 15

Inconsistent enactments repealed. 7th. All the provisions of the Acts aforesaid, which are inconsistent with those contained in this section are hereby repealed. 20

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

How roads shall be maintained, &c. Notwithstanding the provisions of the 45th section of the Act of 1855, every Road Inspector in his division, may in the absence of any *procès-verbal*, By-law, or valid order to the contrary, cause the necessary works to be performed for the maintenance of the by-roads, and the front roads, to be made as by-roads by the manual labor of the parties bound to keep them in repair, in the proportions indicated in the said section. 25

ESTIMATION AND VALUATION.

Duties of valutors with respect to property of which the owners are unknown. Notwithstanding the provisions contained in the third paragraph of the 65th section of the Act of 1855, the valutors shall designate, in the Valuation Roll, 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 shall have no number generally known, and instead of the name of the proprietor shall insert the word "unknown." 30

Duties of Railway Companies with respect to the statement furnished by them. 2nd. The statement which every Railway Company is bound to furnish in virtue of the provisions contained in the sixth paragraph of the section last referred to, shall be transmitted to the Secretary Treasurer of the Municipality during the month of March in each year, and in default thereof the valutors shall make the valuation of the properties belonging to the Company in the manner prescribed by the said paragraph. 35

What shall be contained in the statement to be made by Sec.-Treasurer. 3rd. The Secretary Treasurer shall insert in the statement annually prepared by him, in virtue of the provisions of the 10th paragraph of the 75th section of the Act of 1855, all the other assessments, taxes and debts, claimed either by the School Commissioners, when these officers shall have handed in the Collection Roll to the Council, in the manner 40

provided by the section of this Act, or by the Inspectors of water-courses, fences and ditches, or by any third person who might have expended moneys for the payment of any such assessment, taxes, or debts, or who might have caused work to be performed for others on any lot described in the said statement.

STATUTE LABOUR.

The first paragraph of the 71st section of the said Act of 1855 shall be construed as though the words "the proprietor or" had been inserted between the words "to which" and "the occupant" in the second line of the said paragraph. 71st section of Act of 1855 amended.

COLLECTION OF ASSESSMENTS, DUTIES OF SECRETARIES AND OTHER OFFICERS IN RESPECT THERETO.

- 10 Notwithstanding the provisions of the third paragraph of the 74th section of the said Act of 1855, any Local Council shall be empowered by resolution, to order the Secretary Treasurer to make the General Collection Roll at any convenient period other than that mentioned in the said paragraph. Powers of Local Council with respect to the General Collection Roll.
- 15 2nd. Notwithstanding the provisions contained in the eleventh paragraph of the 75th section of the said Act of 1855, every sale of lots or blocks of land, made under the authority of the said Act, shall hereafter be advertised to be held and shall be held in the place at which the sittings of the County Council shall then be held. As to sales of lands.
- 20 3rd. The provisions of the third paragraph of the 25th section of the Act of 1856 shall not apply to persons residing without the limits of the Municipality, and the said persons are and they shall be bound to pay their assessments within thirty days after the public notice mentioned in the second paragraph of the same section, without it being necessary Par. 3 of sec. 25 of Act of 1856 not to apply to certain persons.
- 25 that any demand should be made upon them either personally or at their domicile.

RECOVERY OF PENALTIES.

The second paragraph of the 27th section of the Act of 1856 shall hereafter be construed as though the words "sitting in the Municipality" had been inserted after the words "any Justice of the Peace," in the fifth and sixth lines of the said paragraph. Par. 2 of sec. 27 of the Act of 1856 construed.

2nd. No Court of Justice shall hereafter be authorised to issue any writ of *certiorari* for the revision of any judgment or proceeding whatsoever, rendered or adopted by any Justice of the Peace in virtue of the provisions of the said Acts, or of this Act, but an appeal may be had from any such judgment, by *requête libellée* to the Circuit Court for the Circuit in which such judgment shall have been rendered. Appeals.