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3rd Session, 6th Parliament, 23rd Victoria, 1860.

(LOCAL BILL.)

BILL.

An Act further to amend the Act incorporating the City of Three Rivers.

Received and read, 1st time, Tuesday, 3rd
3rd April, 1860.

Second reading, Wednesday, 4th April, 1860.

Mr. DESAULNIERS.

An Act further to amend the Act incorporating the City of Three Rivers.

WHEREAS, it is expedient to further amend the Act passed in the twentieth year of Her Majesty's Reign, Chapter one hundred and twenty-nine, intituled "*An Act to make more ample provision for the incorporation of the Town of Three Rivers,*" and also to amend the act twenty-first and twenty-second, Victoria, Chapter ninety-five, intituled "*An Act to amend the Act incorporating the City of Three Rivers.*" Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

I. For all the purposes of the laws and statutes now in force with regard to common schools in Lower Canada, and namely of the acts and statutes Fourth and Fifth Victoria chapter eighteen, Seventh Victoria chapter nine, Ninth Victoria chapter twenty-seven, Ninth Victoria chapter fifty-nine, Twelfth Victoria chapter fifty, Twelfth Victoria chapter two hundred, Fourteenth and Fifteenth Victoria chapter ninety-seven, Sixteenth Victoria chapter seventy-four, Sixteenth Victoria chapter two hundred and eight, Sixteenth Victoria chapter two hundred and nine, and Nineteenth and Twentieth Victoria chapter fourteen, the said City of Three Rivers shall be held to be one Municipality, and for the better management of Common Schools within the said City of Three Rivers, the said Act, Ninth Victoria, chapter twenty-seven, intituled "*An Act to repeal certain enactments therein mentioned, and to make better provision for elementary instruction in Lower Canada,*" and the said Act, Twelfth Victoria chapter fifty, intituled, "*An Act to amend the School Law of Lower Canada,*" and the said school laws now in force in Lower Canada generally are hereby amended with regard to the said City of Three Rivers as hereinafter mentioned.

Certain Acts relating to Schools amended as regards the city of Three Rivers.

II. From and after the day upon which this Act shall come into force there shall not be held nor made any election of school commissioners for the said City of Three Rivers as prescribed by the fourth section of the said Act, Ninth Victoria chapter twenty-seventh, or any other provision of law requiring such election, but the Mayor and the Councillors in office for the time being, of the said City of Three Rivers shall become *ex officio* School Commissioners for the said city, and shall continue so to be as long as they shall hold respectively their said offices of Mayor or Councillors of the said city, and they shall be succeeded and replaced in their said office of School Commissioners by their successors in office in their said charge of Mayor and Councillors of the said city as long as the Corporation of the City of Three Rivers shall exist.

Mayor and Councillors to be *ex-officio* School Commissioners.

III. Notwithstanding anything to the contrary contained in the twenty-third section of the said Act, Ninth Victoria chapter twenty-seventh, the corporate name of the School Commissioners for the Municipality of the said City of Three Rivers, shall be "*The School Commissioners for the City of Three Rivers,*" or in the French language "*Les Commissaires d'Écoles pour la cité des Trois Rivières.*"

Their corporate name as such.

Mayor to be
President.

IV. Whenever the Mayor and Councillors of the said City of Three Rivers shall act as School Commissioners, they shall designate themselves by their corporate name of "The School Commissioners for the City of Three Rivers," and the Mayor shall be *ex officio* the president of the said School Commissioners.

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When power,
&c., of present
School Com-
missioners
shall cease.

V. On the fortieth day after the coming into force of this Act, the power of the School Commissioners, and the Secretary-treasurer, now in office for the Municipality of the said city of Three Rivers, shall cease and become extinct, and the duties of the Mayor and Councillors of the said city as School Commissioners for the said city under the authority of this Act, shall begin and take effect from that moment.

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Sec. Treas. of
Corporation
to act as such
to Commis-
sioners.

VI. The Secretary-treasurer of the Corporation of the city of Three Rivers, shall be *ex-officio* the Secretary-treasurer of the Corporation of the School Commissioners for the city of Three Rivers, without giving further security than that by him already given for his charge of Secretary-treasurer of the Corporation of the said city; Provided always, that it shall be lawful for the School Commissioners in office, for the time being, if they deem it expedient to appoint any other qualified person to fulfil that charge, according to the provisions of the School laws hereby amended.

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Present
School Com-
missioners to
hand over
books, pa-
pers, money,
&c.

VII. It shall be the duty of the School Commissioners and Secretary-treasurer now in office for the Municipality of the city of Three Rivers, from the moment when their powers shall cease, as mentioned in the fifth section of this Act, to hand over and deliver to their successors all books, papers, moneys, property and things, whatsoever, held by them in their said quality, together with a correct account certified under oath, of all moneys received and paid by them respectively, and upon their failing so to do, each and every one of them, in default, shall be liable to the penalties and subject to all the provisions contained in the fifteenth section of the said Act, nineteenth and twentieth Victoria, chapter fourteen.

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The city need
not be divided
into school
districts.

VIII. It shall not be necessary to divide the said city of Three Rivers into School districts, but each School established by the School Commissioners thereof, or put under their control, by virtue and in accordance with this Act and the School Acts in force in Lower Canada, shall be considered as a district, and may be attended by children from any part of the city.

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Rights of des-
sentiens pre-
served.

IX. Provided that nothing contained in this Act shall prejudice nor lessen the rights and privileges of dissentients and dissentient Schools within the said city of Three Rivers, but that all such rights and privileges shall remain, to be preserved in like manner as if this Act had never been passed.

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As regards
dissentient
Councillors.

X. No Councillor who is a protestant or dissenter, shall have the right to act as School Commissioner or trustee, in case he should consider it necessary to avail himself of the law which authorizes the holding of separate schools. But in case the majority or all the members of the said corporation were not catholics, this clause shall cease to be in force at the moment of the nomination of the said elected member, and thenceforth, the School Commissioners shall be elected as they have been hitherto: Provided always, that the Mayor being a protest-

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Proviso.

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ant or catholic member, shall be appointed President of the School Commissioners by the other catholic members of the Corporation.

XI. And whereas it is expedient to amend in other respects the said Act Twentieth Victoria, Chapter one hundred and twenty-nine, it is enacted as follows: The Act Twelfth Victoria, Chapter fifty-five, intituled, "*An Act to amend an Act relating to masters and servants in the country parts of Lower Canada,*" is hereby extended, and shall hereafter apply to the said city of Three Rivers.

Recital.

12 Vic., c. 55,
to apply to
City of Three
Rivers.

XII. The jurisdiction of the Corporation of the City of Three Rivers for police and municipal purposes, saving in all cases the rights of the crown, is hereby extended to that part of the River St. Lawrence lying in front of the said city, within the following limits to wit, within two straight lines drawn as follows across the said river, one line taking from the south end of the east boundary line of the said city and extending to the east bank of the Becancour river, and the other line extending from the south end of the west boundary line of the said city a mile above the west bank of the river Godefroy.

Limits of jurisdiction of Corporation.

XIII. The right of granting ferry licenses on the said river St. Lawrence to and from the said City of Three Rivers across the said river, within the above specified limits, shall belong exclusively to the Corporation of the said City of Three Rivers, as being within its jurisdiction.

Right of granting ferry licenses.

XIV. Provided always that the provisions contained in the Lower Canada Municipal and Road Act of 1855, and especially in the forty-fourth section thereof, respecting winter roads on the frozen surface of the said river, shall not be affected by any of the provisions of this Act and shall remain in full force.

Proviso as regards winter roads on the ice.

XV. Whenever the seat of the Mayor or of any of the Councillors in the Council of the said city shall become vacant, such vacancy shall be filled in the following manner, notwithstanding anything to the contrary contained in the eleventh and thirty-third sections of the said Act, Twentieth Victoria, chapter one hundred and twenty-nine, to wit:

Proceedings in case the seat of the Mayor or any Councillor becomes vacant.

1. Immediately after such vacancy shall occur, the secretary-treasurer of the said city shall cause to be published in the French and English languages, in one or more newspapers published in the said city, a notice informing the electors of the whole of the said city if it be for the election of a mayor, or of the ward for which a councillor is to be elected, if the election be for a councillor, that fifteen days from the date of such notice, from the hour of ten of the clock in the forenoon till the hour of four of the clock in the afternoon, he will hold a poll at the City Hall of the said city, to take the votes of the electors for such election: Provided always, that if an election is to be held for several wards, a different day shall be fixed for the election of each ward: Provided further, that if the seat of the mayor or any councillor becomes vacant within six months of the expiration of the term of office of such mayor or councillor, in that case such vacancy shall be filled up as provided by the eleventh and thirty-third sections of the said Act, Twentieth Victoria, chapter one hundred and twenty-nine.

Notice of election.

2. On the day appointed by such notice, it shall be the duty of the said secretary-treasurer to hold the required election in the manner to be notified by him as aforesaid.

Sec. Treas. to hold the election.

Registration
of votes.

3. If at the opening of the poll the electors be unanimous in the election to be made, the secretary-treasurer shall immediately proclaim the person or persons unanimously elected to fill a vacancy as aforesaid duly elected, and shall immediately after close the poll; but if there be more than one candidate for any such vacancy, then the said secretary-treasurer shall proceed to take and register the votes in the mode prescribed by the said Act, Twentieth Victoria, chapter one hundred and twenty-nine, for the annual elections of mayor and councillors, and at four of the clock in the afternoon of the same day, he shall close the poll, and as soon thereafter as he shall have ascertained the state of the poll, he shall declare duly elected the person or persons who shall have a majority of votes.

A Councillor
to preside.

4. All such elections held by the said secretary-treasurer shall be presided over by a councillor appointed for that purpose by the city council at any of its meetings, whereat one or more vacancies will be declared to have occurred, and no further proof of the holding of such election, of the appointment of its president, nor of the publication of the notice thereof, shall be required beyond the certificate of the said secretary-treasurer bearing the seal of the said corporation; and it shall not be necessary to prove the said seal, nor the signature of the said secretary-treasurer to such certificate in any proceedings or case whatever, before any Court of Justice or elsewhere, unless such certificate be sworn to be false by some credible person.

Councillors
interested in
any matter
not to vote in
respect thereof.

XVI. No member of the Corporation or Councillor shall have the right to vote on any question, motion, by-law or any other matter whatsoever in which they are, or may be directly interested, whether as debtor of the Corporation or representing the rights of the debtor of the Corporation, who have borrowed from the Corporation moneys issued from the Consolidated Municipal Loan Fund, in virtue of the Act 20th Vic., chap. 130, intituled, "*An Act to afford relief to the sufferers by the late fire at Three Rivers, by authorizing a loan on the credit of the Consolidated Municipal Loan Fund, to enable them to rebuild their houses and other buildings destroyed by the said fire,*" or indirectly engaged as security for the said debtors or otherwise, when the said question, motion, by-law or any matter whatsoever, is brought under the consideration of the members of the Corporation of the City of Three Rivers.

Sec. 41 of 20
Vic. 129 re-
pealed.

XVII. The forty-first section of the said Act, Twentieth Victoria, chapter one hundred and twenty-nine, is hereby repealed, and in lieu thereof the following provisions for the collection of assessments and other dues, on real property whereof the proprietors are unknown or do not reside in the said City of Three Rivers, are substituted:—

Notice to parties whose assessments are unpaid.

1. In the month of September in each year the Secretary-Treasurer of the Corporation of the said City shall prepare and publish, in the French and English languages, twice, in the *Canada Gazette*, and in one or more newspapers published in the said City, a list of all such properties upon which any assessments or other dues shall remain unpaid, stating opposite each property respectively the amounts due, and he shall publish at the same time a notice, informing parties interested in such properties that the said properties will be sold on the first Monday of October then next ensuing, at the City Hall in the said City, for the payment of such assessments and other dues; and if such Monday be a holiday, the sale shall take place on the following day.

2. At the place, day and hour appointed for the sale of the said properties, the Secretary-Treasurer shall sell each of the said properties to the highest bidder ; and if after such sale, any surplus shall remain over and above the sum due to the said Council for assessment or other dues and costs and expenses, the Secretary-Treasurer aforesaid shall pay over such surplus to the said Council, and the said surplus shall be deposited in the funds of the said City as a loan at the rate of three per cent. until called for and claimed by the party to whom it shall belong and to whom it shall be paid : Provided always, that if such surplus be not claimed within two years, no interest shall thereafter accrue thereon.

Sale of properties on which assessments have not been paid.

3. If any purchaser fail to pay on the day of sale the amount of the said purchase, the Secretary-Treasurer shall adjourn the sale to any day not more than eight days distant, by giving all persons present notice of such adjourned sale, in an audible and intelligible voice, in both the English and French languages ; 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 unless the first purchaser shall, in the meantime, have paid the amount of his said purchase ; and if the second sale do not bring as much as the first, the first purchaser shall be liable for the difference, and the Corporation of the said City shall have a right of action against such purchaser before any Court of competent jurisdiction for the recovery thereof.

One failure to pay purchase money by adjudicators.

4. On payment by the purchaser of the said amount of purchase, the Secretary-Treasurer shall give a certificate under his signature, bearing the seal of the said Corporation to the said purchaser, specifying the particulars of the said sale, and the said purchaser may forthwith enter upon and take possession of such property.

Upon payment of purchase money purchaser may take possession.

5. If within twelve calendar months from the time of such sale, the original proprietor, or any one on his behalf, pay to the Secretary-Treasurer the amount of the assessment and other dues on the said property, with twenty per cent. in addition to the same, and the arrears of any other assessments or dues which may, in the meantime, have become due thereon, then he shall be entitled to recover possession of the property so sold ; and the Secretary-Treasurer shall, on demand, pay to the purchaser thereof, his heirs, assigns or representatives, the amount by him paid for the said property ; and the right acquired by such purchase in such property shall thenceforth wholly cease and determine.

Original proprietor may recover possession on certain conditions.

6. If, at the expiration of twelve months from the time of such adjudication, the property so adjudged be not so 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 or other dues which may, in the meantime, have become due thereon, shall execute a deed of such sale, in due form of law, conveying in the name of said Corporation, the property so adjudged, to such purchaser, his heirs, assigns or legal representatives ; And such deed of sale shall be a legal conveyance of the said property, and shall not only transfer to the purchaser all rights of property which the original holder had therein, but shall also purge and disincumber such property from all privileges and hypothecs due thereon.

After twelve months the purchaser may obtain a deed of sale.

XVIII. Whenever any person is convicted before any competent fore tribunal, under any of the By-laws of the Corporation of

Carrying of offensive weapons.

the said City of Three Rivers or any of the provisions or its Incorporation Acts, of having disturbed the peace or infringed good order within the said City of Three Rivers, and any offensive weapon be found on him or in his possession, it shall be lawful for the said tribunal, if it deem it proper from the circumstances of the case, to order such weapon to be taken from such person, and declare the same forfeited in favor of the Corporation of the said city. 5

Proof of By-laws in Courts of Justice.

XIX. It shall not be necessary in any case whatever, either before a Court of Justice or elsewhere, where a By-law of the Corporation of the said City of Three Rivers now existing or to be made hereafter, shall be cited or come in question in any manner whatever, to prove the publication or existence of any such By-law, unless the existence of such By-law or its publication (when required to be made) be positively denied upon oath by some credible person. 10

How the Section of this Act shall be construed, &c.

XX. The several sections of this Act amending the school laws of Lower Canada with regard to the said City of Three Rivers, shall be held as forming part and portion of the said school laws, and be construed as if they had been embodied therein; and in like manner the several sections of this Act amending the Incorporation Acts of the said city, shall be held as forming part and portion of the said Incorporation Acts, and be construed as if they had been embodied therein. 15 20

Public Act.

XXI. This Act shall be deemed a public Act, and the Interpretation Act shall apply thereto.