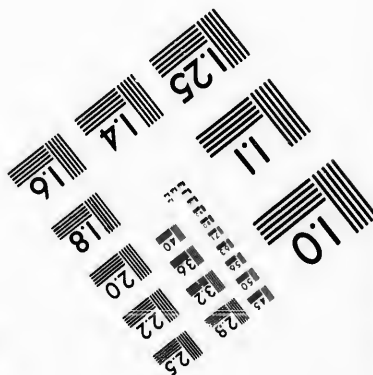
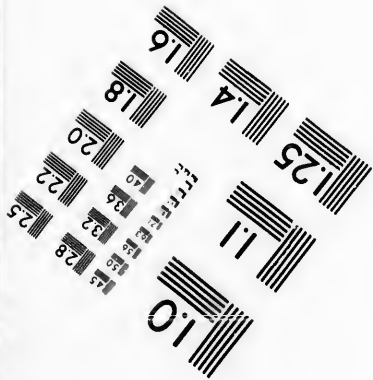
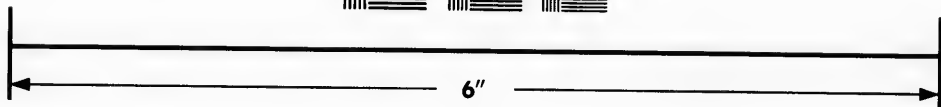
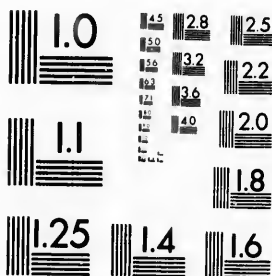


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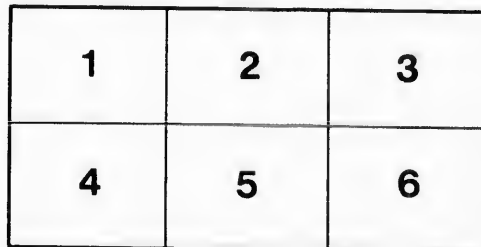
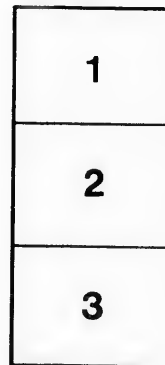
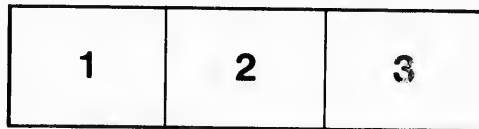
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**RULES, REGULATIONS,
AND BY-LAWS**

—OF THE—

Municipal Council

—OF—

Cumberland County.

1898.





RULES, . . .
REGULATIONS
AND BY-LAWS

OF THE

MUNICIPAL COUNCIL

OF

CUMBERLAND COUNTY.

1898.



In all the proceedings had or taken in the Municipal Council of the County of Cumberland the following By-laws shall be observed, and they shall be the rules and regulations, regulating the order and despatch of business in the Council and the Committees thereof.



By-Laws, Rules & Regulations

MUNICIPAL COUNCIL OF CUMBERLAND.



CHAPTER 1.

I. Meetings of Council.

Sec. 1. There shall be two regular meetings of the Council in each year. The first is hereby designated the "Annual Meeting" and shall be held on the second Tuesday of January in each year, in accordance with the Statute in that behalf; the second is hereby designated the "Half-yearly Meeting" and shall be held on the second Tuesday of April in each year. All meetings of the Council shall be held at the Court House in the Town of Amherst except when some other place shall be specially designated by resolution of the Council.

II. Special Meetings.

Sec. 2. Besides the regular meetings, the Council may meet as often as expedient for the despatch of business, at such time and place as they may appoint; public notice shall be given of the time and place of each meeting of the Council, and all meetings shall be open and public; the Council shall have power to adjourn and to appoint committees to act during the session and recess. If any Council fails to meet at the time appointed by law, they shall not thereby be deemed to be dissolved, but may hold future meetings as if there had been no failure:—Sec. 33, Cap. 3 Acts 1895.

Sec. 3. The warden, on application of at least one third of the Councillors, shall call special meetings; the notice shall specify the object thereof, and be posted up in some public place in each district, and each councillor shall be served with a copy thereof personally or by leaving the same at his residence at least five days before the meeting, or by sending notice post paid to his address at least ten days be-

municipal Council or shall be observed, ting the order and ttees thereof.

ore, the meeting. In case of absence from the Province of the warden, or in case of there being no warden, the Clerk on like application, shall call a special meeting in the same manner and for the like purposes as the warden :—Sec. 34, Cap. 3 Acts 1895.

III. Opening Proceedings.

Sec. 4. The Chair shall be taken precisely at the hour named for meeting.

Sec. 5. When no hour is named the Chair shall be taken at 10 o'clock a. m.

Sec. 6. A majority of the Council shall be a quorum for the transaction of business ; a smaller number may adjourn from time to time.

Sec. 7. On appearance of a quorum the warden shall call the councillors to order, and open the proceedings.

IV. Minutes.

Sec. 8. Upon the opening of each session of every meeting of the Council, regular or special, the minutes of the next preceding session of the same meeting shall be read for correction ; the clerk shall forthwith after the close of such meeting enter in writing the minutes of each session thereof so read and corrected in the Minute Book of the proceedings of the Council, and at every regular meeting, the unapproved minutes of all previous meetings as entered in such book shall be again read and after all mistakes therein have been corrected shall be declared approved.

The warden and clerk shall severally mark with the initials of their respective names all erasures or interlineations rendered necessary by any correction on the final reading of such minutes and then individually sign the name.

V. Duties of Warden or Other Presiding Officer.

Sec. 9. The warden shall preserve order and decorum, and decide questions of order, subject to an appeal to the Council, and in the absence of the warden, the deputy warden shall have the same authority while presiding at the meeting as the warden would have had if present.

Sec. 10. Before it shall be competent for any councillor to make a motion the warden shall have the privilege of bringing such matters

as he may have in charge before the Council. He shall have the same privilege at any time except when a question is actually under debate.

Sec. 11. The warden shall state every question properly presented to the Council; and before putting it to vote shall ask, "Is the Council ready for the question?" Should no councillor offer to speak, he shall proceed with the question, after which no member shall be permitted to speak upon it.

Sec. 12. The warden's decision or points of order shall not be debatable unless, entertaining doubts, he invites discussion. He may speak to points of order in preference to other councillors, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the Council by any two councillors. On such an appeal no councillor shall speak more than once.

Sec. 13. When an appeal is made from his decision he shall put the question, "Shall the decision of the chair be sustained?"

Sec. 14. When a majority of the members of a municipal Council shall signify in writing a request that the warden shall submit to a vote of the Council any proposed resolution, the said warden shall forthwith put such motion or resolution to a vote of the Council, and in any case if said warden refuses or neglects to submit such resolution to a vote of said council any member of said Council may submit such resolution to a vote of said Council, and vote himself thereon, and if a majority of said Council shall vote for said resolution the same shall be recorded by the municipal clerk in the minutes of proceedings of said Council, and shall be in all respects valid and binding:—Sec. 3 Cap. 3, Acts. 1895.

VI Rules of Conduct and Debate.

Sec. 15. It shall be his duty, and the privilege of any councillor, to call a member to order who violates any established rule, order or regulation.

Sec. 16. No councillor shall speak more than twice upon any question, except in explanation, but the Council may give any member special leave to speak oftener, and the originator of the motion shall have the general reply

Sec. 17. No councillor shall speak more than ten minutes upon any question at one time, without leave of Council.

Sec. 18. While the Council is sitting and any councillor is speaking no member shall be allowed to pass between such councillor and the chair nor shall any member speak or whisper so as to interrupt such councillor, unless it be to speak to order, or to ask the warden for leave to explain.

Sec. 19. When any councillor intends to speak he must stand up and respectfully address the chair, and confine himself to the question under debate. He must avoid personalities and unbecoming language, and sit down when he has finished. If more than one member arise at a time the warden shall determine who was up first, and the councillor named by him shall speak.

Sec. 20. No councillor shall be allowed to stand while another member is speaking.

Sec. 21. When any councillor speaks to order, the question of order must be decided before the subject under discussion is proceeded with.

Sec. 22. When any question is called for and a decision demanded the councillors voting in the affirmative shall rise and be counted first.

Sec. 23. When a councillor is called to order, he shall keep his seat until the point is determined.

Sec. 24. If any councillor in speaking impeach the motives of any other councillor, or treat him with personal disrespect or use unbecoming language, or willfully violate any of the rules or regulations of order, he shall be deemed guilty of a violation of order, and may be censured by the warden.

Sec. 25. If any councillor shall deem himself personally aggrieved by a decision of the chair, he, seconded by any councillor may appeal from such decision to the Council.

Sec. 26. Any conversation by whispering or otherwise, which is calculated to disturb a councillor while speaking, or hinder the transaction of business, shall be deemed a violation of order, and if persistent shall receive censure.

Sec. 27. Every councillor shall be heard in his place touching any charge brought against him, as such, or regarding any motion by which his private interests may be affected; after being so heard he shall withdraw before the Council further proceeds therein.

Sec. 28. All questions arising in the Council shall be decided by a majority of votes; and the warden or temporary chairman shall have

a right to vote on all questions before the Council ; and in the event of a tie, when a vote is taken, the question then put to the Council shall be considered as passing in the negative ;— Sec. 31, Cap. 3, Acts 1895.

VII Motions in General.

Sec. 29. A motion must be seconded and afterwards repeated, from the chair, or read aloud before it is debated. It shall be reduced to writing if any member requires it.

Sec. 30. All resolutions in reference to money shall be submitted in writing.

Sec. 31. After a motion is read by the warden it shall be deemed to be in possession of the Council but may with the permission of the Council be withdrawn at any time before decision or amendment.

Sec. 32. When any question is before the Council, the only motions in order shall be :—

First—To adjourn.

Second—To lay on the table.

Third—To postpone indefinitely.

Fourth—To postpone to a definite period.

Fifth—To amend ; or

Sixth—To refer.

Sec. 33. A motion to adjourn shall always be in order, except in the following cases :—

First—When a member is in possession of the floor.

Second—While the Yays and Nays are being called.

Third—While the members are voting.

Fourth—When adjournment was the last preceding motion.

Sec. 34. The following questions shall be decided without debate :

First—A motion to reconsider.

Second—All motions as to priority of business or as to the suspension of the "General order of the day.

Third—Application to speak more than the prescribed number of times.

Fourth—A motion to allow any person other than members of the Council to address the Council.

Fifth—A motion to adjourn.

Sixth—A motion to postpone to a day certain.

Seventh—A motion to lay on the table.

Eighth - A motion to excuse or withdraw from voting.

Sec. 35. Any motion within the meaning of section 43. Subsection 6 of this chapter may be taken up and moved by any councillor present and such privilege shall not be confined to the councillor giving notice of such motion.

Sec. 36. "The General Order of the Day" shall not be changed without the consent of a majority of the whole council.

Sec. 37. All motions called in pursuance of "The General Order of the Day" and not disposed of shall be placed at the foot of the list unless otherwise ordered by the Council, but when any order, resolution or question shall not be reached by reason of the Council breaking up for want of a quorum or otherwise, the said order, resolution or question shall be the first business proceeded with and disposed of at the next sitting of the Council under that particular head.

VII. Amendments in General.

Sec. 38. Amendments shall be put in the reverse order to that in which they are moved. Every amendment submitted shall be reduced to writing if required by the warden or any councillor, and shall be decided or withdrawn before the main question is put to vote. Only one amendment shall be allowed to an amendment, and any amendment more than one must be to the main question.

Sec. 39. On an amendment to "strike out and insert," the paragraph to be amended shall first be read as it stands, then the words proposed to be struck out; then those to be inserted, and finally the paragraph as it would stand if so amended.

Sec. 40. The yeas and nays may be taken on any question at the discretion of the chair and shall be taken when called for by any councillor. When voting by yeas and nays all councillors present must vote unless excused by the Council, provided that no councillor shall be required to vote who was not present during the debate on the resolution or question.

IX Appointments

Sec. 41. In all motions for the appointment of any person to any office in the gift of the council, the candidates shall, be voted on separately in the order in which they are proposed.

X Reconsideration

Sec. 42. After any question has been decided either in the affirma-

tive or negative any member may at the same time or at the first sitting thereafter during the same meeting move for a reconsideration thereof; but no discussion of the main question shall be allowed unless reconsidered, and there shall be no reconsideration at any subsequent sitting unless notice of such reconsideration be given at the sitting at which the main motion is carried; and after such notice is given no action shall be taken by the council on the main motion unless such reconsideration is disposed of. If the motion for reconsideration be not made until the next sitting, or if at the same sitting, and any member of the Council shall have left before such reconsideration is moved the question shall not be reconsidered unless a majority of the whole Council vote in favor. No question shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.

XI General Order of the Day.

Sec. 43. The following shall be "The general order of the Day" as near as may be, subject however to alteration by the Council at any meeting as the exigency of the business may require.

- 1 Calling the roll;
- 2 At the first sitting of each meeting, reading, correcting and finally approving of the unapproved minutes of all previous meetings; at each subsequent sitting reading for correction the minutes of the next preceding sitting.
- 3 Reconsideration of motions or resolutions, due notice of such having been given.
- 4 Reading and consideration of petitions and memorials.
- 5 Presentation and consideration of reports of Committees;
- 6 Consideration of motions or resolutions of which notice has been given on a previous day.
- 7 Miscellaneous business.

Sec. 44 The clerk shall have prepared for the use of the members at each sitting of the general meetings of the Council all matters that are to come before the Council in the sequence in which such matters should appear in the "general order of the day."

Sec. 45 The business shall subject to the provisions of Section 43 of this Chapter be taken up in the order in which it stands upon "the general order of the day."

Sec. 46 For all special meetings of the Council the clerk shall prepare for the use of the members of the Council under the direction of the warden a memorandum of the particular business to be transacted at such meeting.

XII Petitions And Correspondence.

Sec. 47 Every petition, remonstrance or other written application intended to be presented to the Council must be plainly written or printed on paper and signed by the requisite persons both as to number and status with the circumstances required certified by some member of the Council and no letters or other documents shall be attached to the same.

Sec. 48 Every such petition, remonstrance or other written application must be presented to the Council by some member thereof who shall examine the same and be answerable that it does not contain any impertinent or improper matter and that the same is respectful and temperate in its language.

Sec. 49 Every petition, memorial or other written application intended to be presented to the Council shall have endorsed thereon the names of one or more of the petitioners or applicants and the substance of the matter therein contained.

Sec. 50 The Council may by resolution dispense with the reading of the whole of any such petition, memorial or other written application and accept in lieu thereof the reading of such endorsement.

Sec. 51 All accounts and petitions or applications involving expenditure of money for the payment of which it may be necessary to amerce the County, shall be filed with a councillor for the district in which the party or parties presenting the same reside or with the Clerk of the municipality at least one week previous to the annual or half yearly meeting of the Council in which each year together with the necessary vouchers and explanations, and each councillor shall deliver all such accounts, petitions and applications that may be committed into his charge to the clerk immediately after the opening of the Council and the consideration of all such accounts, petitions and applications not so presented shall be deferred until the following year.

Sec. 52 No person except members and officers of the Council shall be allowed within the bar during the sitting of the Council without the permission of the warden.

Sec. 53 In all unprovided cases in the proceedings of the Council the laws of Parliament shall be followed.

XIII Committees.

Sec. 54 Standing Committees of the Council shall be appointed annually on the first day of the January meeting or as soon thereafter possible as follows :—

- First—On Nominations.
- Second—On Finance.
- Third—On Roads and Bridges.
- Fourth—On Public Property.
- Fifth—On Remittals.
- Sixth—On Licenses.
- Seventh—On Poor.

Sec. 55 All Standing Committees shall consist of three councillors each, excepting the Committees on Finance and on Roads and Bridges, which shall consist of Five members each.

Sec. 56 The Committee on Nominations shall be appointed by the Warden, subject to the concurrence of the Council; and the members of all other Committees shall be named by the Committee on Nominations, subject to the approval of the Council.

Sec. 57 The warden shall be a member ex-officio of all standing Committees.

Sec. 58 The first person named in the appointment of a Committee shall be the convener thereof; and the clerk shall notify him of his appointment by furnishing him with a copy of the resolution appointing the Committee; but each Committee at its organization shall appoint its own chairman.

Sec. 59 It shall be the duty of all Committees to report on matters referred to them by the Council. The report shall be in writing signed by the chairman or a majority thereof. If the Committee be not unanimous the minority may submit a separate report. On each page of every report a blank margin two inches wide shall be left on which may be entered by the warden or clerk the orders of the Council respecting the report and the matters therein submitted; and such report shall be filed in convenient form and preserved as part of the records of the proceedings of the Council.

Sec. 60. It shall be the duty of the Committee on Nominations to nominate other committees and to submit for the consideration of the Council a list of the names of suitable persons to fill the office of such committees.

Sec. 61. It shall be the duty of the committee on Finance to examine all accounts referred to them by the Council ; and to make recommendations respecting the payments of salaries and accounts ; and also to prepare estimates and submit proposals for the raising of money by assessment, loans, bonds or other-wise.

Sec. 62. It shall be the duty of the Committee on Roads and Bridges to examine the returns of surveyors of highways and petitions relating to roads and bridges and matters connected therewith and the requirements of the several Road Districts : and also to report from time to time upon the condition of the roads and bridges and the character of the work performed thereon and to deal with the petitions presented to the Council regarding statue labor upon private roads

Sec. 63. It shall be the duty of the Committee on Public Property to examine and report on the condition of any public property, and to make recommendations for the purchase, sale, leasing and management thereof.

Sec. 64. It shall be the duty of the Committee on Remittals to examine the collectors' returns from every District and report on the deficiencies therein, and generally to examine matters relating to assessments and rates.

Sec. 65. It shall be the duty of the Committee on Licenses to examine the report and accounts of the Canada Temperance Act Inspector and also examine and report on the reports of the clerks of license regarding auctioneer, peddler's hawker's and other licenses, and generally enquire as to all matters connected therewith.

Sec. 66. The Committee on Poor shall make recommendations with regard to the management of the poor, and report on matters connected with their support. They shall also at the first annual meeting, in each year lay before the Council a correct statement of the number and condition of the poor in the several districts and the sum required for their support.

XIV Special Committees

Sec. 67. Special or Select Committees may be appointed on motion at any time.

Sec. 68. The mover or proposer of any question which shall be referred to a Special Committee shall always be named as a member of such Committee, unless he be personally interested or excused by a majority of the Councillors present at his own request.

Sec. 69. All reports of Committees, written resolutions, petitions and other original communications to the Council shall be numbered and initialed by the clerk and marked with the date of the meeting of the Council at which they are presented and shall be referred to in the minutes in addition to any other designation by such numbering and all such reports, resolutions, petitions and other communications shall be filed in convenient form by the clerk and remain as part of the records of the Council.



The following rules, regulations and by-laws shall govern and be obeyed by the under-mentioned officers of the Municipality of Cumberland.



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CHAPTER II.

1 The Council And County Officers.

Sec. 1 At the first meeting of every Municipal Council after a general election of Councillors the person holding the office of clerk shall preside until the Warden be elected, unless a chairman be appointed by the Councillors elect; and it shall not be necessary for the outgoing Councillors to attend. Sec. 6 Chapter 3, Acts 1895.

Sec. 2 The Council elect and sworn shall at the first meeting next after their return choose from among themselves a Warden who shall hold office until the next election of Councillors; should a vacancy occur in the office of Warden the Council at the first meeting thereafter shall elect a Warden; but during his temporary absence they may choose a chairman from the members present and should a majority of the Councillors not agree upon the choice of a Warden then the Governor in Council shall appoint one of the Councillors Warden. Sec. 4, Cap. 3, Acts 1895.

Sec. 3 The Council shall from time to time as occasion shall require select one of its members as a deputy Warden to act in the absence, illness or death of the Warden and such member when notified in writing by the clerk of the Municipality and any three Councillors that the Warden is absent or unable to fulfill his duties or that a vacancy by death of the Warden is not filled, shall have all the power and authority of the Warden. Sec. 5, Cap. 3, Acts 1895.

Sec. 4 It shall be the duty of the Warden to be vigilant at all times in protecting the interests of the Municipality. He shall so far as may be in his power communicate to the Council from time to time such information and recommend such measure as may tend to the improvement of the finances and the good government of the municipality. He shall perform such acts as may be required of him by law of the by-laws of the Council and on vacating his office shall hand over to his successor all of the official papers and documents in his charge.

11 Councillors.

Sec. 5 Every Councillor shall attend punctually at the hour of meeting and report his name to the clerk forthwith.

Sec. 6 No person who may be elected Councillor shall act in that capacity until he shall have taken and subscribed before the Warden or Municipal Clerk, the Oath of Allegiance to Her Majesty and also the Oath of office and qualification. Sec. 23 Cap. 3, Acts 1895.

Sec. 7 A Warden or Councillor may resign his office at any time by declaration to that effect under his hand and on payment of a fine of \$20.00. Sec. 27, Cap. 3, Acts 1895.

Sec. 8 The Warden or Councillor elected to fill the occasional vacancy shall hold office for the residue of the term of the person whom he succeeds, but no longer; but he shall be eligible for re-election. Sec. 28, Cap. 3, Acts 1895.

Sec. 9 The Warden and every Councillor shall forfeit and pay as a penalty for each day he may be absent from the meetings of the Council without being previously excused the following sums that is to say:— The Warden the sum of \$4.00 and every Councillor the sum of \$2.00. The Council may however relieve such Warden or Councillor from such penalty upon his submitting in writing reasons satisfactory to the Council for such non attendance. Sec. 36, Cap. 3, Acts, 1895.

III. Clerk.

Sec 10 The general duty of the clerk shall be to record in a book all the proceedings of the corporation, and state an exact account of the attendance of each Councillor at each meeting, make regular entries of all resolutions and decisions, and if required by any member present, to enter the votes as given, and to preserve and file all accounts, and to keep the books records and accounts of the corporation which shall be open, without fee or reward, to the inspection of all persons being ratepayers of the Municipality at all reasonable times and hours. Sec. 39, Cap. 3, Acts 1895.

Sec. 11 The clerk of the municipality shall cause lists of all officers appointed by the Council for the several townships or districts to be posted in at least three of the most public places therein within three weeks from the meeting of such Councils. Sec. 53, Cap. 3, Acts 1895,

Sec. 12 He shall attend at his office daily, Sundays and public holidays excepted from 10 o'clock a. m. to four o'clock p.m. except when attending the session of the Council; he shall furnish the treasurer with a true copy of every order of the Council authorizing the payment of money out of the County funds; he shall prepare and see to the proper execution of all leases, bonds, deeds, contracts, agreements, debentures or other securities entered into or issued by the municipality. He

shall give proper notice to all persons appointed to any office or place by the Council and shall furnish copies of all orders or resolutions made by the Council to the persons who may be affected thereby or whose duty it may be to execute such order and he shall generally perform such acts as may be required of him by law or by the by-laws or orders of the Council. He shall annually give a bond with sureties to be approved by the Council and warden in the sum of two thousand dollars for the due and faithful discharge of the duties of his office. The bond shall be kept by the warden.

IV Treasurer.

Sec. 13 It shall be the duty of the treasurer to receive and safely keep all moneys belonging to the Municipality, or which he shall be appointed to receive, and keep and pay out the same to such persons and in such manner as he shall be directed to do by any lawful order of the municipal corporation, or by any law of the Province, and strictly to conform and obey any such law or any by-law lawfully made by any such municipal corporation, and faithfully do and perform all such duties as may be assigned to him by any such law or by-law. Sec. 40 Cap. 3, Acts, 1895.

Sec. 14 He shall attend at his office daily, Sunday's and public holidays excepted from ten o'clock a. m. until four o'clock p. m. He shall lay before the Council on the first day of the annual meeting in each year a report of the receipts and expenditures of the municipality for the preceding year and also a statement of the collector's accounts and of the liabilities and assets of the municipality as of the 31st day of December of the said preceding year. He shall at the same time furnish the warden with an abstract of the County receipts and expenditures for the previous year to be laid before the Legislature. The books and accounts kept by him as such treasurer shall be kept in a clear and intelligible manner and according to the best recognized methods of book-keeping. These books shall be the property of the municipality and shall be open to the inspection of the warden or any member of the Council at any time.

Sec. 15 The treasurer shall also lay before the Council on the first day of the half-yearly meeting in each year an abstract statement of his account with the municipality as of the 31st day of March then last past; and he shall also at the same time submit a full statement of the Road and Bridge Service account up to the day of meeting for the information of the Council.

Sec. 16 He shall not permit any Councillor to overdraw the amount allotted to his District out of the Road and Bridge grant during any year.

Sec. 17 The treasurer shall give to the Council the indemnity or security of a guarantee company to be approved by the warden in a sum of money not less than \$20,00 for the faithful performance of the duties of his office and more especially for the due accounting for and paying over of all moneys which shall come into his hands by virtue of his office. All premiums payable in respect of every such policy of guarantee or indemnity shall be paid by Municipal Council and shall form a County charge,

The policy of indemnity shall be kept by the warden.

Sec. 18 One and the same person shall not be elected clerk and treasurer of the Municipality.

V Auditors

Sec. 19 It shall be the duty of the Municipality auditors to examine and audit the accounts of the treasurer, and all other accounts of the Council or corporation, or in which the municipality is concerned; and all such accounts as may be referred to them by the Council for special examination, and report as instructed; and it shall be the duty of the Council to refer to them all such accounts, and their duty faithfully to report thereon without needless delay. Sec. 44, Cap. 3 Acts 1895.

Sec. 20. The Municipality auditors shall have authority to call for all books and vouchers they may deem necessary for elucidating any account laid before them. No account shall be allowed or passed by the Council until the same is audited and reported upon by the municipality auditors; and all audited accounts shall be open at all reasonable times to the inspection of any elector or ratepayer of the municipality. The Council may make such compensation to the municipality auditors as they may think right and proper from time to time. The auditors shall perform the duties required by this section in the office of the municipal treasurer, or in such other place as the Council may direct. Sec. 44, Cap. 3, Acts, 1895.

Sec. 21 The auditors shall attend on the Council during the regular meetings and in addition to the other duties required of them by law they shall assist the Finance Committee in preparing the estimates for assessment.

Sec. 22 Any county or District officer refusing to produce for the examination of the auditors any book, voucher or other paper or writing they may deem necessary for elucidating any account laid before them, shall be liable to a penalty not exceeding \$20.00 for each offence and in default of immediate payment thereof to imprisonment for a period not exceeding 30 days.

VI Collectors

Sec. 23 It shall be the duty of every collector of county or poor rates forthwith upon receipt of his roll to enter upon and from that date onward to be diligent and unremitting in the performance of the duties devolving upon him under the provisions of Chapters three and five of Acts of Assembly passed in the year 1895, entitled "An Act to amend and consolidate Chapter 56 Revised Statute of County Incorporations and the Acts in amendment thereof, and An Act to amend and consolidate the Acts relating to Municipal Assessments" respectively, and all Acts in amendment thereto; unless otherwise directed by the Council at the annual meeting in January of any year he shall pay over one half the amount shown by his roll on or before the first day of July and the remainder on or before the first day of October in each and every year; and it shall be incumbent upon every such collector if necessary to be in a position legally on or before the 15th day of November in each year to make the "Return" prescribed in Section 54 of said Chapter 5 of the Acts 1895, or any amendment thereto and to go forward therein thereafter as the law directs.

Sec. 24 It shall also be the duty of every collector of county rates on or before the 31st day of December in each year to return to the councillor for his District or if more than one to one of said councillors, his county roll with a written statement annexed giving his explanation and reasons for the non-collection of all uncollected rates therein, to be laid before the Council at its first meeting thereafter.

Sec. 25 A bond with one or more sureties as the councillor or councillors for the District may determine shall before entering upon the duties of his office be given by each collector of county rates to the Municipality as obligee in a penal sum representing double the amount of the rates and taxes to be collected by him as shown by his roll, for the faithful performance of the duties of his office and for the due accounting for and paying over of all moneys received by him a

such collector. This bond shall be delivered to the councillor for the District or one of them, where there is more than one, whose approval endorsed in writing thereon shall be necessary to its acceptance by the Municipality. The councillor shall forthwith after approving the same file the said bond with the clerk of the Municipality who shall give him his receipt therefor, and who shall hold the same in his custody as the property of the Municipality. It shall further be the duty of the Councillor for each District to notify the said Clerk if the collector for his district has not on or before the first day of June next after his appointment delivered to him the said councillor the bond required by this by-law. The failure of such appointee on or before the tenth day of June aforesaid to give the bond required by this by-law shall constitute a refusal to act within the meaning of section 50 of Chapter 3, Acts 1895.

VII Overseers Of The Poor.

Sec. 26. Overseers of the poor for the several Poor Districts in this Municipality shall hold office from and including the first day of January in each year until and including the 31st day of December in each year.

Sec. 27. All such overseers shall be appointed at the half-yearly meeting in each year to take office on the first day of January of the then next ensuing year and to hold therein until their successors come into office in due course

Sec. 28. If any overseer so appointed to office between the half yearly meeting at which he shall have been appointed and the first day of January then next ensuing shall die, resign, leave the Province or refuse to act, section 50 of Chapter 3, Acts 1895 of "County Incorporations" shall apply and in filling such vacancy the warden and any three councillors shall have the power and authority thereby given in the case of a vacancy occurring by reason of the neglect or omission to appoint by the Council and the appointment of the person to such vacancy shall either be approved and confirmed or another person appointed to such office by the Council at the January session thereof next after the vacancy shall have been filled by the warden and councillors as aforesaid.

Sec. 29. The overseers of the poor for the different Districts with the assistance of the clerk and treasurer shall on or before the first day of the annual meeting of the County Council in January file with the clerk of the Municipality their account together with the neces-

sary vouchers; for the support of the poor up to and including the 31st day of December then last past for the purpose of being audited, examined and passed by the Council; and they shall also lay before the Council at the same time a correct statement of the number and condition of the poor in their several districts and the sum required to support them for the then present year; they shall also deliver over to their successors at the expiration of their term of office all books, papers and moneys in their hands belonging to the poor district or to them as overseers. Every overseer of the poor who violates any of the provisions of this section shall forfeit and pay as a penalty a sum of money not less than \$5.00 nor more than \$20.00, and in default of immediate payment such overseer shall be liable to imprisonment for a period not exceeding 40 days. Every refusal after a first conviction to obey the order of the Council requiring this by-law to be obeyed shall constitute a separate offence against the same.

Sec. 30. One person shall be appointed by the Council to the office of clerk and treasurer of the poor for each poor district. Such clerk and treasurer shall enter the proceedings of the overseers in a book kept for that purpose and at the expiration of his term of office shall deliver the same and any money in hand unexpended to the Overseers. He shall give a bond with one or more sureties in such penalty as may be required by the overseers of the poor for the faithful discharge of his duty and the accounting for all moneys that may be received or expended by him as such clerk and treasurer. The Overseers of the Poor in the name of their office shall be the obliged in such bond. Such clerk and treasurer shall hold office until removed or until his successor is appointed.

VIII Surveyors of Highways

Sec. 31 Every surveyor of highways and commissioner of streets shall, on or before the first day of December in each year, make a true and correct return in writing, upon the forms furnished by this Municipality, to the clerk, of the statute labor performed by each ratepayer or party liable to perform statute labor, showing the commutations of fines received or collected by him, and the expenditure of said commutation and fines and of the amount of money, in his hands which he shall pay over to the clerk of the Municipality. Any surveyor who shall violate this section or neglect the duty imposed upon him thereby shall forfeit and pay the sum of five dollars, and in default of immediate payment thereof the offender shall be liable to imprisonment for the period of ten days.

Sec. 32 The clerk shall hand over to the county auditors all statute labor returns received by him, who shall examine same and report to the Council as to the statute labor performed, commutations paid in and expended, and give any other information regarding the performance of statute labor they may consider necessary for each Polling District.

Sec. 33 No statute labor shall be performed on any private road without, permission of the Council therefor. The petition must be recommended by the councillor for the District in which the petitioner resides. The statute labor on such private road shall be done under the supervision and to the satisfaction of the Surveyor of highways or streets commissioner for the District in which the private road is located, and so reported in the road returns for such District.

IX Salaries

Sec. 34. The salary of the warden shall be \$50.00 per annum together with travelling expenses. The councillors shall be paid \$2.00 for each days actual attendance and fees for travelling at the rate of five cents per mile for once going to and from every meeting. The salary of the auditors shall be \$10.00 each per annum. The salaries of the Municipal clerk and treasurer shall be fixed annually by vote of the Council at the January meeting thereof. The rate of commission for collecting poor and County rates shall be fixed by the Council from time to time and the amount shall be included in the several sums assessed for County and poor rates upon the Municipality and the respective Districts.

Sec. 35. All salaries and services, the charges for which are definitely fixed by law or by the by-laws of the Municipality and which are payable by the County, may be paid by the treasurer out of the funds provided for the purpose, on the certificate of the warden, who before granting his certificate shall require the signature of the councillor from the District in which the bill is contracted and shall be satisfied that the claim is correct and that the service has been duly performed.

Sec. 36. In Chapters 1 and 2 of these by-laws the word 'meeting when applied to the Council shall have the same meaning as it has in Section 32 of Chapter 3 of the Acts 1895, that is to say, it shall mean the whole term, annual or half yearly during which the Council meet daily for the despatch of business as distinguished from the

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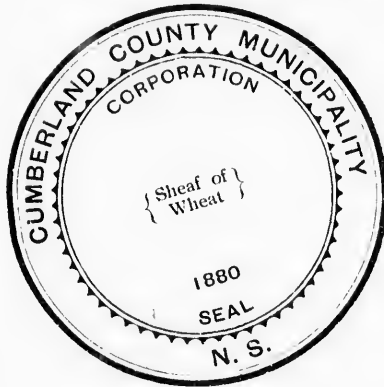
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word "sitting" as used in the said chapters which when used therein shall mean any particular session of the Council held during such term or meeting.

CHAPTER III.

The Corporation Seal

Sec. 1. The seal of the Municipality made of metal in the year and having engraved thereon



is and shall continue to be the Common Seal thereof.

Sec. 2. The seal shall be kept by the clerk of the Municipality.

Sec. 3. All deeds or documents to which the Municipality is a party, shall when authorized by resolution of the Council be executed on behalf of the Municipality under the Common Seal thereof, attested by the signature of the warden and clerk.

Sec. 4. The warden or clerk may affix the seal to any certificate or document, at the request of any person desiring it for the purpose of authentication.

Sec. 5. Any person requiring the Municipal seal to be affixed to a certificate or document for the purpose of authentication shall pay to the clerk the following fees :—

Sec. 6. For affixing the seal to any document to be used out of the Province, \$2.00 ; if to be used within the Province, \$1.00 ; if to be used within the Municipality, 50 cents.

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It is ordered by the warden and Municipal Council of the County of Cumberland in meeting assembled that the following regulations, by laws and ordinances shall be in force and have the force of law within the said Municipality of Cumberland.



CHAPTER IV.

Of Elections

Sec. 1. There shall be forwarded by post to the address of every officer appointed to preside at the election of councillors, postage prepaid or delivered in person to every such officer, by the clerk, of this Municipality at least thirty days before the day fixed for the holding of such election or elections, handbills containing a statement of the time and place of holding each said election and a notification that nominations for candidates must be filed with the presiding officer of the Polling District for which such candidate or candidates is or are to be nominated at least ten days before the day fixed for holding such election and that such nomination must be in writing signed by at least six persons qualified to vote at such election. The clerk shall at the same time forward or deliver to every such officer instructions embodying the sections of the "Consolidated Act 1895 of County Incorporations" and all amendments thereto, regulating or bearing upon such elections and the holding thereof together with any regulations this Council may have made regarding the duties of presiding officers, poll clerks, and other officials at councillors' elections.

Sec. 2. The presiding officers shall sign such handbills before posting the same as required by section 9 of the "Consolidated Act 1895 of County Incorporation."

Sec. 3. After the ballots are counted the presiding officer shall make up a written statement in the poll book of the number of votes given for each candidate in the Polling District or division over which he presides and of the number of ballot papers rejected and not counted by him.

Sec. 4. Every presiding officer shall immediately after counting the ballots and declaring the candidate or candidates elected under section 14 of the Consolidated Act, 1895 of County Incorporations, replace in the box the ballots together with the list of electors and all other paper used by such presiding officer or such poll clerk in the taking of such poll, except the poll book and shall then and there in the presence of the poll clerk and all such persons as may be present

in the polling place, lock and seal the said ballot box and within ten days thereafter deliver to the clerk of the Municipality the said ballot box containing the said ballots and the said other papers together with the poll book containing his election returns as aforesaid, which book shall also be securely sealed up and attached to the said ballot box.

Sec. 5. The clerk upon each ballot box being delivered to him shall give the presiding officer so delivering the same a receipt therefor and immediately thereafter shall store the same in the vault in his office in the Court House of this Municipality at Amherst and shall on no account remove the same, open or break the seal, unlock or otherwise interfere or meddle with any such box after so depositing the same, but every such box shall continue locked and sealed for the period of twenty-one days after the councillor or councillors have been sworn in and from thence until the determination of any legal proceedings instituted to test the validity of the election, but nothing herein contained shall be construed as intended to prevent the clerk from opening the poll books attached to such boxes for the purpose of carrying out the provisions of section 30 of the Consolidated Act, 1895, of County Incorporations.

Sec. 6. The presiding officer at such elections shall receive for his services the sum of \$2.00. There shall be paid for a polling booth when required a sum of money not exceeding \$2.00. Each poll clerk and constable shall receive for his services at such election the sum of \$1.00. These several sums shall be paid to the presiding officer who shall see that they are all paid to the several services and persons for whom or which they are appropriated.

CHAPTER V

Public Streets and Highways.

Sec. 1. No person shall place or leave any structure vehicle or other article or thing upon any public street, highway, road, thoroughfare or bridge that will either encumber the same or in any way interfere with or that may be dangerous to the free and safe passage of the traveling public along the same.

Sec. 2. The leaving of a carriage, sleigh, sled, cart or other vehicle standing on any public street, lane thoroughfare or bridge shall be considered an offence against the provisions of the preceding section unless some person shall be in the immediate and visible charge thereof.

Sec. 3. Every twenty-four hours such encumbrance is allowed to remain after notice by the commissioner of streets or surveyor of Highways to the person placing or leaving the same thereon or the owner thereof to remove such encumbrance shall constitute a distinct and separate offence against this by-law and such commissioner or surveyor may if such encumbrance is not removed within twenty-four hours after such notice cause the same to be removed at the expense of the offender the same to be recovered before any Justice or Justices of the peace for this Municipality, as in case of private debt by and in the name of such commissioner or surveyor.

Sec. 4. No person shall throw, sweep or deposit or allow any person in his employ to throw, sweep or deposit any ashes, paper, garbage, rubbish or any substance or material whatever into, upon or over the public highway or sidewalks thereof in this Municipality.

Sec. 5. No person shall throw or deposit in any sewer or gutter within this Municipality any dead animal, likely to become offensive or detrimental to public health.

Sec. 6. No person shall keep any pig sty on the front of any public street, road or thoroughfare or bordering thereon.

Sec. 7. No person shall designedly and unnecessarily drive any carriage, sleigh, sled, cart, bicycle or other vehicle or designedly and unnecessarily ride any horse or other animal on the

sidewalk or side path of any public highway and no person shall obstruct any sidewalk or sidepath or leave standing thereon any carriage cart, sleigh or other vehicle or leave any animal standing, thereon, or roll or place any heavy articles on the same to the obstruction thereof.

Sec. 8. Any person or persons guilty of infraction of any of the next preceding sections of this chapter shall forfeit and pay as a penalty a sum of money not less than \$2.00 nor more than \$20.00 and in default of payment thereof shall be liable to imprisonment for a period not exceeding forty days and not less than ten days.

Sec. 9. If any owner or occupier of any farm or other lands in building, repairing or renewing the fence or fences next adjoining any highway in this Municipality upon the property he so owns or occupies encroaches upon such highway he shall forfeit and pay as a penalty for each offence the sum of \$20.00 and in default of immediate payment shall be liable to imprisonment for a period of not more than sixty days unless he shall before commencing to build such fence or repair or renew the same have notified the commissioner of streets or the surveyor of highways of the statute labor district, town or village through which such public highway runs that he was about to build, renew or repair his said fence or fences adjoining such highway and request such commissioner or surveyor to attend and define the line of the highway.

Sec. 10. Upon being so notified by such owner or occupier as required by the preceding section the Surveyor of Highways or Commissioner of streets shall immediately repair to that part of the highway along which it is proposed to erect, or renew such fence or fences and if possible arrive at an agreement with such proprietor or occupier as to the true line of the said highway between the points where it is proposed to place any such fence; if such owner and such surveyor or commissioner cannot agree as to the true line of the highway it shall be the further duty of such commissioner or surveyor immediately to notify the Supervisors of Public Grounds in and for the polling district in which such statute labor district, village or town is situate regarding the circumstances; and it shall thereupon be the duty of the supervisors forthwith to take proceedings under Chapter 56. Revised Statutes and the Acts in amendment thereof to define the true line of the highway as aforesaid and pending the decision of the supervisors the owner or occupier shall refrain from

placing the fence or fences which he is about to erect renew or repair on or over any point or points, place or places along the line of the said highway which the Commissioner or Surveyor shall have claimed aspart thereof. Any occupier or owner offending against the provisions of this section shall likewise forfeit and pay as a penalty the sum of \$20.00 for each offence and in default of immediate payment shall be liable to imprisonment for a period not exceeding sixty days.

Sec. 11 No person shall erect any veranda, bay window, porch, sign, awing, fence or other project over any sidewalk or street in the villages of Wallace; Pugwash, Oxford, Joggins Mines, River Hebert, Advocate Harbor or Port Greville without making application in writing to the Council and obtaining permission therefor, subject to such conditions as said Council may impose. Every such projection now or hereafter erected over any sidewalk or street without the permission of the Council shall be removed by the owner or occupier of the premises out from which the same is built or projects within forty eight hours after notice from the surveyor of highways or commissioner of streets of the village so to do and in default of such order being complied with immediately the Surveyor or Commissioner may remove the same at the expense of such owner or occupier who shall be liable for such expense as a private debt to be collected by and in the name of such surveyor or commissioner before any justice or justices of the peace of this Municipality as a private debt and such owner or occupier shall also be liable to a penalty for each offence against this section not exceeding \$20.00 and in default of payment thereof, to imprisonment for a period not exceeding forty days. Twenty days shall be allowed offenders after each conviction to comply with this by-law and each twenty days neglect thereafter so to comply, shall be considered a new offence, and shall render the offender liable to the same penalty and in default of payment to the same period of imprisonment.

Sec. 12. No portable saw mill shall be placed, set up or operated within forty yards of any public highway, street or thoroughfare in this Municipality. Any person so placing, setting up or operating any saw mill in violation of this section or any person engaged or assisting in setting up or operating such mill shall forfeit and pay as a penalty for each offence the sum of \$20.00 and in default of immediate payment shall be liable to imprisonment for a period not exceeding sixty days; five days shall be allowed offenders after each conviction to comply with this by-law and each five days neglect thereafter

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so to comply shall be considered a new offence and shall render the offender liable to the same penalty and in default to the same period of imprisonment.

Sec. 13 No person shall ride or drive any horse or horses at full speed or in a disorderly manner in any street or highway of any town or village in this Municipality : nor shall trotting or galloping races of any kind be permitted on any such streets or highways.

Sec. 14 No person shall trot or gallop any horse over a bridge within or partly within this province of greater length than twenty-five feet.

Sec. 15 Carriages on runners driven on the highway shall have affixed to the harness two open bells or four good round bells, such as are commonly used in sleighs.

Sec. 16 Carriages on runners used for the conveyance of loads on the highway shall not be less than four feet wide from outside to outside.

Sec. 17 No load of hay or straw of greater width than fourteen feet shall be drawn on any highway.

Sec. 15 No unloaded sled shall have pointed stakes standing on frames or projecting pieces outside.

Sec. 19 No person shall place logs or heavy articles or weights of any kind on any public bridge or against the railings or abutments of any such bridge.

Sec. 20 Any person offending against either or any of the provisions of section 13, 14, 15, 16, 17, 18, and 19 of this chapter shall for each offence forfeit and pay as a penalty a sum not more than \$20.00 and not less than \$2.00 and in default of immediate payment shall be liable to imprisonment for a period not less than ten days or more than sixty days.

Sec. 21 A keeper shall be appointed for every bridge in the Municipality which is sixty feet in length whose duty it shall be to protect such bridges and enforce the penalty for violation of section 19 of this chapter or of sections 8 and 9 of chapter X of these bylaws regulating booms in regard to the bridge of which he is such keeper.

CHAPTER VI. Of Licenses.

I. Exhibitions.

Sec. 1. No theatrical exhibition, circus, show or other entertainment for hire or profit or to which admission is gained by the payment of money, shall be offered to view, set up, maintained, carried on or exhibited within this Municipality without a license first had therefor, which license may be granted by the clerk of licenses for the polling district in which it is proposed to set up, carry on or exhibit the same, with the consent of the councillor or councillors for the district on the payment of a fee not less than \$1.00 nor more than \$40.00 per day at the discretion of the said councillor or councillors who shall give a written direction to the clerk of license fixing the amount of such fee, and every license shall express the number of days it is to continue in force.

Sec. 2. Should the clerk be absent or reside more than five miles from the place where it is proposed to hold such exhibition, circus, show or entertainment, the councillor or councillors for the District in which it is proposed to set up or exhibit the same may grant such license instead of the clerk and such councillors shall at the first opportunity thereafter pay over to the clerk of License the fee received by him on the granting of any license under this section.

Sec. 3. All such exhibitions shall be closed before eleven o'clock at night and the clerk and the councillor or councillors for the District may withdraw any license at any time and order the performance being held thereunder to be at once closed if it appears to such clerk or councillor or councillors to be immoral, profane or indecent.

Sec. 4. Any person who violates the provisions of section 1 of this chapter shall forfeit and pay for every offence a fine not exceeding \$20.00 and in default of payment shall be liable to imprisonment for a period not exceeding sixty days.

Sec. 5. Any person who refuses to close any such theatrical exhibition, circus or other show or entertainment so licensed as afore-

said upon order so to do in writing by the clerk of License who has granted the same or the councillor or councillors for the district in which the same is being exhibited under such license declaring the same to be immorale, profane or indecent shall forfeit and pay a fine not exceeding \$20.00 and in default of payment shall be liable to imprisonment for a period not exceeding sixty days.

Sec. 6. Every day or portion of a day that any theatrical exhibition, circus, or other show or entertainment for hire or profit or to which admission is gained on the payment of money is offered to view or exhibited without a license under this chapter shall constitute a separate offence against the same; the clerk of License may at any time have free access and entrance to such show, exhibition or entertainment for the purpose of determining whether in his opinion the same is profane, indecent or immoral.

Sec. 7. Notwithstanding anything in the next six preceding sections no license nor fee shall be required for any exhibition, show concert or entertainment which is in the opinion of the councillor or councillors for the district for any religious, charitable or philanthropic object.

II. Auctioneers and Peddlers.

Sec. 8. No person unless he is at the time a ratepayer of the County shall within the limits of the same sell by auction, hawk or peddle goods, wares or merchandise of any kind or description whatever within the said County without having first obtained a license authorizing such person to sell by auction or to hawk or peddle.

Sec. 9. No person whether he be a ratepayer of the County or not shall as the agent of any person or corporation who or which is not at the time a ratepayer therein within the limits of the County sell by auction, hawk or peddle goods, wares merchandise of any kind whatever without his principal having first obtained a license authorizing such principal to sell by auction or to hawk or peddle and designating him as such agent.

Sec. 10. These licenses shall bear the date of the day of the issue thereof, shall remain in force for six months or one year as the case may be from the date of issue and shall be of three classes to be known respectively as,

- (a) An auctioneer' license.
- (b) A hawker's pack license.

(c) A hawker's wagon license.

Sec. 11. An auctioneer's license shall be personal to the person to whom it is granted and it shall entitle such person only to sell thereunder.

Sec. 12. An auctioneer's license shall not entitle the holder to sell goods, wares or merchandise in any other way than by public auction

Sec. 13. A Pack License shall not entitle the person or corporation or any agent of any such person or corporation, to whom or to which it is issued to hawk or peddle goods, wares or merchandise or to carry or transport the same for the purpose of hawking or peddling throughout the County by means of any horse, carriage or conveyance other than the Intercolonial Railway. A Wagon License shall entitle the person or corporation to whom or to which the same is issued to the privileges which a Pack License would have conferred on such person or corporation, and in addition to hawk or peddle goods, wares or merchandise throughout the County using any lawful means of conveyance for that purpose whatever.

Sec. 14. Forms of license as in the schedule hereto annexed in blank, signed warden and clerk of the Municipality shall be sent by the said clerk to the several clerks of licence throughout the County, who are hereby authorized to issue the same upon application therefor and upon payment of the fees hereinafter mentioned, that is to say, for an auctioneer's license for six months the sum of five dollars and for one year ten dollars; for a Hawker's Pack license for six months the sum of five dollars and for one year ten dollars; and for a Hawker's Wagon license for six months the sum of eight dollars and for one year fifteen dollars.

Sec. 15. A clerk of license shall only issue such license when within the Polling District for which he is appointed such clerk and on application, and it shall be the duty of all clerks of license immediately after the granting of any such license to forward to the Municipal clerk at Amherst full particulars thereof, whereupon it shall become the immediate duty of the Municipal clerk to forthwith notify the clerks of license in every other Polling District of the County of the granting of such license, the person or corporation to whom issued and the date thereof.

Sec. 16. Every license granted under the provisions of this chapter shall entitle the licensee not only to exercise the privilege thereby conferred in the particular Polling District where issued, but

throughout the entire County, provided always that all rights or privileges conferred by such license shall immediately cease at the end of the period granted thereby and the holder thereof shall not be entitled to any such right or privilege thereafter until he shall have again been licensed and shall have paid the fees in respect of such renewal.

Sec 17. Provided that this chapter shall not apply to the sale by auction or otherwise or to the barter of the products of the farm, forest or sea or the offering to sell or barter or otherwise trade in said products nor to goods taken and sold under execution and provided further that nothing in this by-law shall extend or be construed to extend to or include any incorporated town within the limits of the said County

Sec. 18. Any person who shall be convicted of selling goods, wares or merchandise of any kind or description by public auction in the County of Cumberland except under an auctioneer's license or any person who shall be convicted of hawking or peddling goods within the said County without or except under a hawker's pack license, when the facts and circumstances attending such hawking or peddling required him under this chapter to have such license shall for each offence forfeit and pay the sum of fifteen dollars, and in default of payment shall be liable to imprisonment for the period of twenty days

Sec. 19. Any person who shall be convicted of hawking or peddling goods, wares or merchandise in the county without or except under a hawker's wagon license when the facts and circumstances attending such hawking or peddling required him under this chapter to have such license shall for each offence forfeit and pay the sum of twenty dollars, and in default of immediate payment of said penalty such person shall be liable to imprisonment for the period of thirty days.

Sec. 20. Upon the trial of any person for an offence against sections 8 or 9 of this chapter in case it be proved that such person was selling by auction, hawking or peddling or attempting to hawk or peddle goods, wares or merchandise within the county the onus shall be upon the defendant to prove either that he had a license authorizing him so to do, or that he was a ratepayer of the said county during the year when such selling or offering to sell by auction or otherwise was made.

Sec 21. A certificate from the Municipal clerk of the County certifying that the defendant was at any time during the said year a ratepayer within the said County shall be sufficient prima facie proof

of that fact and the clerk shall furnish upon the payment of twenty cents to him such certificate to any ratepayer applying for the same. This provision shall not prevent the defendant from proving by any other legal mode of proof that he was or is such ratepayer as aforesaid.

Sec. 22 Upon the trial of any prosecution for a breach of sections 8 and 9 of this by-law it shall not be necessary to prove more than one case of hawking or peddling or attempting to hawk or peddle in the said County in order to entitle the prosecutor to a conviction.

Sec. 23 The licensee under any auctioneer, hawker or pedlar's license granted under this chapter shall before selling or offering to sell goods, wares or merchandise of any kind thereunder in any Polling District in this County produce his license either to the clerk of license or a councillor for the said district and have the same initialed by such clerk or councillor. Any person offending against the provisions of this section shall forfeit and pay as a penalty a sum of money not less than \$2.00 nor more than \$10.00 for each offence and in default of payment shall be liable to imprisonment for a period not less than ten days nor more than thirty days.

Sec. 24 The clerk of license for each Polling District shall five days at least before the annual meeting of the Council file with the clerk of this Municipality a statement showing the number of licenses issued by him during the year, the persons to whom issued, the fees received therefor, the day of issue and the length of time and the purpose for which granted and shall pay over to the County Treasurer at the same time all fees and penalties by him received under this chapter or for violation of any of the provisions thereof after deducting 10 per cent of the same for his services and he shall account for all unissued licenses.

Sec. 25 If any clerk of license shall be guilty of any neglect of duty under this chapter he shall be liable to a fine of \$8.00 and in default of immediate payment shall be liable to imprisonment for the period of thirty days.

Sec. 26 It shall be the special duty of the clerk of License to see that the by-laws in this chapter are carried out and obeyed and to prosecute offenders who violate the same.

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CHAPTER VII

Pounds and Closed Districts.

Sec. 1. A pound may be either open or covered but every such pound shall be situated immediately next adjoining the public road or highway. Every covered pound shall have on the side there- of next the highway a board nailed or otherwise securely attached thereto upon which shall be painted in white upon a dark ground in large letters the words "Public Pound" so that the same may be read illy seen and read by any person driving or traveling upon the said highway.

In any such pound animals liable to be impounded either at common law under any statute of this province, under the provisions of these by-laws or under any other by-law of this Council may be lawfully confined.

Sec. 2. In order that the Council may set off any particular portion or area of this Municipality and declare the same a "closed district" within the meaning and for the purposes mentioned in Chapter 19 of the Acts of Assembly passed in the year 1897, entitled "An Act to amend Chapter 3 of the Acts of 1895," it shall be necessary that a petition signed by a majority of the ratepayers, as shown by the last completed county assessment rolls, dwelling within such portion or area, be presented to the Council defining accurately such portion or area and praying that the same may be set off and declared a "closed district" and that the Council may make applicable to the said "closed district" such by-laws within its power as the Council in its discretion may deem necessary for the proper carrying into effect the prayer and object of the said petition.

Sec. 3. The Council shall refer such petition to a special committee for examination and report. The committee may if necessary inquire into the genuineness of the signatures, status and residence of the persons signing such petition and report upon the same with a recommendation as to the propriety of granting or refusing the prayer thereof. For the purpose of enabling the committee to make up

such report it may with the permission of the Council consider any petition that may be presented to the Council in opposition to the prayer of the original petition and may with like leave hear persons and take evidence for or against the granting of such original petition.

Sec. 4 The Council after receiving the report, of the committee upon said petition may either grant or refuse the prayer thereof. In granting the prayer of any such petition the Council may enlarge decrease or otherwise alter or modify the boundaries or description set forth in the said petition.

Sec. 5 From after the date when the Council shall have granted the prayer of such petition, which it shall do, if at all, by written resolution, the portion or area of the Municipality within the boundaries and description set forth in such resolution shall be known as a "closed district" within the meaning and for the purposes mentioned and set forth in Chapter 17 of the Acts of 1897.

Sec. 6 The Council may assess upon the inhabitants dwelling and situate within any "closed district" within the meaning of this chapter a sufficient sum to erect a lawful pound therein and may annually thereafter assess upon the said inhabitants and property a sum sufficient to meet the cost of the annual repair necessary to be done or which has been done upon said pound or other enclosure used as a pound and the other expenses necessary to keep and maintain the said pound or enclosure ; provided a majority of the ratepayers residing in such closed district shall first have petitioned for the erection of such pound or for such annual assessment for the maintenance of a pound. Such prayer may either form part of the petition to set off such district or may be by separate petition and in any case must first be referred to a special Committee who shall deal with the same as already provided by section 3 of this chapter regarding petitions for setting off closed districts.

Sec. 7 The councillor or councilors for the district wherein such pound is to be erected shall present to the Council an estimate of the amount required for the erection of such pound and from year to year the amount necessary for its repair and the other expenses necessary to keep and maintain the same. The Council in making any such assessment may adopt such estimate or modify the same.

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Sec. 8. Whenever and wherever any horse, cattle, swine, goats, sheep or other animals shall be found at large in any "closed district" the same may be impounded in the pound in and of such district and detained by such pound-keeper for twenty-four hours; if not then claimed the pound-keeper shall post up in three of the most public places in such "closed district" a notice containing the description of any such animal with the color, size, ear mark, if any, apparent age and particular marks thereof so that the owner may be enabled to recognize the same by such description, and shall at the foot thereof write a notice of the time and place of the finding of such animal and the pound wherein detained; and if the owner of such animal and his address are known to such pound-keeper he shall transmit a copy of such notice to such owner through the post office nearest the residence of such pound-keeper, postage prepaid. The pound-keeper shall also retain in his possession for the purpose of complying with the requirements of section 16 of this chapter a true copy of such notice and of all other notices he may be required to give or post by any section of this chapter.

Sec. 9. If no person shall claim the animal or animals within 10 days after such notice is posted up, the pound-keeper may proceed to sell the same, having first given notice by advertisements posted in 3 of the most public places within such "closed district" containing the like information regarding such animal or animals as is required by the next preceding section and also the time and place of such proposed sale for at least six days before the same takes place.

Sec. 10. The pound-keeper shall be entitled in respect of every animal lawfully impounded within such "closed district" the following fees and expenses:—

FEES

- Unlocking pound for entry of animal, 20c.
- Unlocking pound for release, 20c.
- Each notice required by section 8 or 9 of this chapter, 10c.
- 2 1/2 percent commission on the amount of sale if the sale actually takes place,

Expenses

- For providing food for each horse, mare, gelding, cow, yearling heifer, steer or other animal per day, 20c.
- All postage fees necessarily expended in carrying out provisions of section 8 of this Chapter,
- Provided always that when more than one animal belonging

to one and the same person is impounded at one and the same time involving a single unlocking for entry, the pound-keeper shall not be entitled to charge more fees for locking and unlocking than if only one of such owner's animals had been impounded.

Sec. 11. Before any animal impounded for a breach of this Chapter shall be released the owner or person claiming to be such shall pay to the pound-keeper such of the foregoing fees and expenses as shall have been incurred with regard to such animal up to the date when he shall have claimed the same, with such additional expenses as may be incurred while the pound-keeper is making reasonable inquiries if so disposed to ascertain whether such claimant is really entitled to such animal or animals or not.

Sec. 12. In case any animal is not redeemed by paying the fees and expenses above mentioned before the date fixed for such sale or any adjournment thereof the pound-keeper shall at the appointed hour proceed to sell the same at public auction to the highest bidder therefor and after deducting from the proceeds of the sale the fees and expenses to which he may be entitled to in regard to such animal under the provisions of this chapter he shall pay the balance to the county treasurer, and the same shall be credited to such closed district and paid over to the councillor or councillors for the Polling District in which such pound is situate, to be applied toward the annual repairs necessary on such pound.

Sec. 13. Where in any "closed district" no pound exists or if the existing pound is not in a fit condition for use animals found at large within the meaning of chapter VIII of these by-laws may be impounded in the pound within the County nearest the place where any such animal shall be so found at large as aforesaid whether such pound be situate within a closed district or not.

Sec. 14. No animal suffering from a contagious or infectious disease and no vicious or dangerous animal shall be impounded along with any other animal or animals and the pound-keeper shall be bound to exercise ordinary care in this respect in impounding horses or cattle.

Sec. 15. In any case where it is lawful to impound cattle at common law or under any statute or by-law governing this Municipality it shall be lawful to impound the same within a pound erected or used as such in any "closed district" and where not inconsistent with the

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provisions of any act or by-law regarding the disposition of such cat-
tle when and after impounding, the provisions of sections 8, 9, 10,
11 and 12 of this chapter shall be followed.

Sec. 16. Every pound-keeper shall for each year render an ac-
count to the Council up to the 31st day of December thereof showing
the names of all persons from whom he has collected fees and expen-
ses during the year and the amount thereof, together with the amount
of the proceeds of all sales of impounded animals made by him during
such year and a statement of his disbursements and the disposition
of all moneys received by him as such pound-keeper during the said
year. He shall file the same with the Municipal clerk one week be-
fore the January meeting of the Council in each year accompanied by
copies of all notices that he may have given regarding any animal or
animals impounded during the year by him.

CHAPTER VIII

Of Animals and Fowls at Large.

Sec. 1 For the purpose of the by laws in this Chapter ordained the word "owner" shall include a person who keeps or harbors any of the animals or fowls hereinafter mentioned and a person on or about whose premises or in whose control, company or charge any such animal or fowl is usually to be found.

Sec. 2 The owner of any horse or cattle suffering from infectious or contagious disease shall take every precaution to prevent every such animal or animals going off his premises uncared for or coming in contact with or going in the near vicinity of any other animal not so affected. Any such owner violating this by-law shall forfeit and pay as a penalty a sum of money not less than \$2.00 and not more than \$20.00 and in default of immediate payment shall be liable to imprisonment for a period not less than ten and not more than sixty days.

Sec. 3 No horse or cattle suffering from an infectious or contagious disease shall be allowed to go at large within this Municipality, and the owner thereof shall forfeit and pay as a penalty the sum of \$8.00 for each and every occasion on which such horse or cattle is or are found running at large as aforesaid.

Sec. 4 Any horse or cattle found on any highway, lane, street or other public place within the Municipality suffering from an infectious or contagious disease without some person being in immediate charge thereof shall subject to the provisions of the next succeeding section be deemed at large within the meaning of the next preceding section and prima facie evidence that the owner of such animal has allowed the same to go at large.

Sec. 5. The fact that any horse or cattle suffering from an infectious or contagious disease when found on the highway, lane, street or any public place in the Municipality or are in the immediate charge of some person shall not prevent such horse or cattle being deemed at large within the meaning of this Chapter, unless such per-

son is at the time leading or driving the same to or from some place for medical treatment.

Sec. 6. No stallion or bull over the age of six months shall be permitted to run at large in this Municipality and the owner thereof shall forfeit and pay as a penalty a sum of money not less than \$2.00 nor more than \$6.00 for each and every occasion when any such stallion or bull shall be found at large as aforesaid.

Sec. 7. No ram shall be allowed to run at large in this Municipality between the first day of September and the first day of December in any year and the owner thereof shall forfeit and pay as a penalty the sum of \$2.00 for each and every occasion between the said dates when any such ram shall be found at large as aforesaid.

Sec. 8. Any stallion, bull or ram forbidden to run at large by the next two preceding sections found on any highway, lane, street or other public place in this Municipality without someone being in immediate charge thereof, shall be deemed at large within the meaning of the said sections, and there being so found shall be prima face evidence that the owner thereof has allowed the same to go at large.

Sec. 9. No geese, turkeys or other domestic fowls shall go at large within any "closed district" and the owner thereof shall forfeit and pay as a penalty the sum of 10 cents for every such goose, turkey or other domestic fowl so found at large as aforesaid.

Sec. 10. No horse, cattle or other domestic animals shall be allowed to go at large within any "closed district" and the owner thereof shall forfeit and pay as a penalty a sum of money not less than \$2.00 nor more than \$20.00 for each and every occasion on which any such horse or cattle is or are found at large as aforesaid.

Sec. 11. Any horse or cattle found on any highway, lane, street or other public place within such "closed district" without some person in immediate charge thereof shall be deemed at large within the meaning of the next preceding section and prima face evidence that the owner of such animal has allowed the same to go at large.

Sec. 12. Every person who shall make default in the immediate payment of any penalty of which he may be convicted for an offence against sections 3, 6, 7, and 8 of this Chapter in respect of any horse, animal or fowls of which he is adjudged by such conviction to be the owner hereof shall be liable to imprisonment for a period not less than ten nor more than 60 days.

CHAPTER IX

Bushing of Ice

Sec. 1 The safest tracks practically obtainable on the ice over the respective waters of Malagash, Wallace and Fox Harbors, Wallace Bay, Pugwash River and River Philip and on the ice over all other rivers, creeks, harbors or bogs in the Municipality where it has been heretofore or shall hereafter become the custom of the general public to travel in the winter season, shall annually on the first opportunity that presents itself at each place to be ascertained and the course of such tracks shall be defined by what has heretofore been known as "Bushing."

Sec. 2 Any person who shall remove, displace or destroy any bush or other material put down or used in defining any such course or track shall forfeit and pay as a penalty a sum not more, than \$4.00 nor less than \$1.00 for each offence, unless he shall satisfy upon the trial, the Justice of the Peace before whom he may be prosecuted for each offence, that such removal, displacement or destruction was the result of an inevitable accident caused by circumstances over which he had no control, and in default of immediate payment shall be liable to imprisonment for a period not less than three and not more than fifteen days for each offence.

Sec. 3 It shall be the duty of the persons employed to ascertain and define the tracks as hereinbefore mentioned to prosecute all persons offending against the provisions of the next preceding section.

Sec. 4 The bushes or other material used in defining such courses and tracks shall stand at least six feet above the ice upon or into which they are set—they shall be securely affixed to or set in the ice and placed not more than fifty yards apart.

Sec. 5 The councillor or where more than one, the councillors for each Polling District in which "bushing of ice" is to be done shall annually between the 15th day of February and the 20th day of March advertise for sealed tenders for the work of ascertaining all such tracks within his or their District and defining and bushing the same for the then next ensuing winter to be forwarded to him or them on

or before the 31st day of March in the then current year. This advertisement shall be posted in three public places in the Polling District in which the harbors, rivers, lakes, streams, bogs or bays required to be bushed as aforesaid are situate for three weeks at least, and in said notice shall be stated the place or places where the work is to be done, the manner of doing it and the fact that in order to receive the remuneration for such it must be done to the satisfaction of the council or councillors for the District in which such work is done or if done partly in one District and partly in another, then to the satisfaction of the councillors for both districts which must be signified in writing to the Municipal clerk. On the assembling of the Council in the April meeting succeeding the time fixed for the receipt of such tenders, the councillor or councillors shall deliver the same unbroken to the clerk who shall hand the same to the Road and Bridge Committee who may award the same. The said committee shall not be obliged to accept any of the said tenders.

Sec. 6. In the event of the committee not accepting any of the said tenders or in the case of any District for which no tenders have been made the committee shall so report to the Council and thereupon it shall be the duty of the councillor or councillors for the District to make the best arrangement possible for the defining, ascertaining and bushing of the said tracks as herein before set forth and immediately report such arrangement to the Municipal clerk.

CHAPTER X

Boom Regulations.

Sec. 1. The right of every person or corporation, subject to the limitations hereinafter ordained to have free and unobstructed passage down every and any brook, river or stream in this Municipality for the purpose of rafting, stream driving or otherwise conveying timber, logs and lumber thereon is hereby recognized,

Sec. 2. The owner or occupier of every saw mill or mill dam on any river, stream or brook in this Municipality notwithstanding anything in the preceding section, may erect, place and maintain proper booms in the pond or stream immediately above such mill or dam in which to gather and safely hold all logs, timber, or other lumber that is intended to be cut or manufactured in said mill or which the owner or occupier thereof desires for any lawful purpose to so gather in, hold and retain; provided always that in erecting or placing such boom, such owner, occupier or other person constructing the same shall leave a race-way through such pond, stream, river or brook, at least fourteen feet wide at its narrowest point so that the timber, logs and lumber of every person or corporation may have a free and unobstructed passage whether on rafts or otherwise down and through such ponds, brooks or streams and so that the erecting and placing of such booms by any owner or occupier of any such mill or dam for his private use and advantage as hereby authorized may not prove any hindrance or cause any delay to other persons in conveying their timber, logs, or lumber down any such river, pond, stream or brook in any of the ways above mentioned.

Sec. 3. In driving, rafting, or otherwise conveying logs, timber or lumber down any river, stream, lake or brook or through any pond, men in sufficient numbers to effectually do the work required, shall be supplied by the owner or other person in whose interest or on whose behalf such logs, timber or other lumber is or are being rafted or driven as aforesaid. These men shall constantly be and keep in immediate touch and charge of such logs, timber and other lumber in its course or passage down any such river, stream, lake, brook, or

pond and shall speed the work of rafting, driving or otherwise conveying as rapidly as possible, so that the same shall not prove a nuisance or hindrance to other persons by barring or preventing the free passage of the logs timber or other lumber of such other persons in the course of being conveyed down any such stream, river, lake, brook or pond, nor to the owner or occupier of any mill through the pond above which a raceway has been placed, or constructed in accordance with section 2 of this chapter by preventing the free and continual access of his logs or timber to his said mill for the purpose of being cut or sawn or for any other purpose whatever.

Sec. 4 When the logs of the owner of any saw mill or dam, who has constructed a proper boom leaving a raceway in accordance with the provisions of section 2 of this chapter and those of any person or persons in the course of being conveyed down any river, stream, lake or brook on which such mill or dam is situated and which it is intended to drive or raft past, become so mixed or intermingled that it becomes necessary to separate the same, such separating, shall be done at or near the head of the pond immediately above said mill or dam and each party, that is to say the owner or owners of the logs to be passed through the raceway and over the dam and the owner or occupier of the mill, dam or pond above shall forthwith furnish a sufficient number of men for the double purpose of keeping the raceway clear and for shoving or driving the logs for such mill into the side booms.

Sec. 5. The owner or occupier of any mill or mill dam, who in erecting or placing any such boom or booms in any river, stream, lake or pond as is authorized by section 2 of this Chapter shall omit to provide and leave and keep provided and left the raceway required by such section in all its details shall forfeit and pay as a penalty the sum of \$20.00 and in default of immediate payment shall be imprisoned for a period not exceeding forty days.

Sec. 6. Any person in charge of any logs, timber or other lumber being rafted, driven or otherwise conveyed down any river, stream lake or pond in this Municipality, may require the owner or occupier of any saw mill, mill dam or pond situate on any such river, lake or stream down which it is necessary so to convey said logs or other lumber by notice in writing, *in its absence*, to at once provide such raceway and free and uninterrupted passage, in every respect and for every 24

hours in which such owner or occupier shall after being served with such notice neglect to comply with the demand thereof and to provide such raceway and free passage, he shall forfeit and pay as a penalty not less than \$4.00, nor more than \$8.00 and in default of payment thereof he shall be liable to imprisonment for a period not exceeding 30 days.

Sec. 7 Every owner or other person on whose behalf any logs timber or other lumber are being rafted or driven down any river, stream, lake, brook or pond who shall by failing to provide a sufficient number of men for the work as required by section 3 of this chapter, hinder or delay the free passage of the logs or other lumber of any other person in course of being rafted, driven or otherwise conveyed down such stream, river, lake or brook, but behind those of the offender shall forfeit and pay as a penalty not less than \$4.00 and not more than \$8.00 for each twenty four hours the logs of such other person shall be so delayed and in default of payment shall be liable to imprisonment for a period not exceeding 30 days; provided such other person having logs so hindered or delayed shall have required the owner or the person in immediate charge of the said logs or other lumber which it is alleged has caused such delay, by notice in writing to provide such number of additional men as shall be sufficient to speed the passage of such alleged offenders logs and prevent their causing hindrance and delay to such complainant; and provided further that the Justice of Peace before whom any complaint is brought for an alleged violation of said section 3 shall upon the hearing thereof be of opinion that such hindrance or delay was caused by the neglect to provide sufficient men.

Sec. 8. If in the rafting, driving or otherwise conveying any logs, timber or other lumber down, through or over any river, stream brook or lake in this Municipality, any injury or damage is done or caused to any public bridge over the same, and if it shall appear upon complaint before any Justice of the Peace that the said injury or damage was occasioned by the fact that the owner or person on whose behalf such logs, timber or other lumber so being conveyed as aforesaid had failed to furnish sufficient men to properly do the work of rafting driving or otherwise conveying such logs down or over such river or stream and at the same time to properly protect and safe guard such bridges such owner or other person shall forfeit and pay as a penalty for such neglect a sum of money not less than \$2.00 nor more than

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\$20.00 and in default of payment shall be liable to imprisonment for a period not less than five days nor more than ten days.

Sec. 9. If such injury or damage shall have happened by reason of the carelessness or neglect of the person or persons in charge thereof such person or persons shall forfeit and pay a sum of money not exceeding \$20.00 and in default of payment shall be liable to imprisonment for a period not exceeding twenty days.

[See Sect. 21, Cap. V these by-laws.]

CHAPTER XI

Public Safety.

Sec. 1 No person shall knowingly and unnecessarily discharge any rifle, gun, pistol or other firearm on any public road or highway in the County of Cumberland, nor in the vicinity of any house, hotel, store, shop or other building whatever, nor in, upon or in the neighborhood of any cultivated field or enclosure in the said county.

Sec. 2 No person shall knowingly set off any fire cracker, squib or other fire works, or set any fire in the public streets, highways or lanes in any village or within any Police District in the County of Cumberland, nor shall any person knowingly set off any fire cracker, squib or other fire works in the said County in any place or on any occasion or at any hour or time when such setting off may endanger the peace or safety of the neighborhood or of any of its inhabitants or transient travellers therein

Sec. 3 No person shall enter a mill, barn, outhouse or stable with a lighted candle or lamp unless well enclosed in a lantern, nor with a lighted pipe or cigar, nor with fire not properly secured.

Sec. 4 No person shall light or have a fire in a wooden house or outhouse unless such fire is in a brick or stone chimney or in a stove of iron or other metal properly secured.

Sec. 5 No person shall place or deposit any quick or unslacked lime in contact with any wood of the house, outhouse or any other building.

Sec. 6 Any person who shall violate any of the sections of this chapter shall forfeit and pay a penalty not exceeding five dollars for each offence, and in default of immediate payment shall be liable to imprisonment for a period not exceeding twenty days.

CHAPTER XII.

Petty Offences.

Sec. 1. No person shall knock or pound on any door of any house or ring any door bell for the purpose of annoying the inmates of any house under a penalty not exceeding \$10.00 and in default of payment thereof to imprisonment for a period not exceeding twenty days.

Sec. 2. Any person who shall on the street, lane, bridge, thoroughfare or sidewalk, or other public place in the County publicly use or utter any profane, lewd or lascivious language, or who shall be guilty of any obscene, lewd or lascivious conduct or behaviour or who being on any street, lane, bridge, thoroughfare or other public place in the County shall openly challenge anyone to fight or by using insulting or abusive language, taunting epithets or threatening gestures provoke any other person to commit a breach of the peace or who shall insult any person or persons in their shops or houses or in proceeding with their lawful business or who shall be on any street, lane sidewalk or other public place in the County in a drunken or intoxicated state, shall be subject to a fine of not less than two dollars nor more than twenty dollars and in default of payment shall be imprisoned for a period not exceeding sixty days.

Sec. 3. No person shall shout or make any unusual noise calculated to annoy the inhabitants in or upon any of the streets, lanes, highways, squares or thoroughfares of the County under a penalty not exceeding five dollars for each offence and in default of payment thereof, to imprisonment for a period not exceeding fifteen days.

Sec. 4. If any person shall wantonly un hinge, take away or hide any gate, in place, in front of any house, lot of land, or other premises in the County he shall forfeit and pay a sum not exceeding two dollars for his said offence and in default of payment shall be liable to imprisonment for a period not exceeding ten days.

Sec. 5. No person shall post or paint any obscene, lewd or indecent picture, or print in or on any public place in the County, nor shall any person post up or expose to the public view any writing or

an obscene or indecent tenor. Whoever offends against this by-law shall forfeit and pay for his said offence a sum not exceeding twenty dollars and in default of payment he shall be liable to imprisonment for a period not exceeding sixty days.

Sec. 6. If any person shall encourage dogs to fight on any public street or other public place in the County he shall forfeit and pay the sum of two dollars for his said offence and in default of payment may be imprisoned for a period not exceeding ten days

Sec. 7. No person shall wantonly, unnecessarily or wilfully disturb the good order or harmony of any public meeting of the County's citizens or others, being held in the County, for any lawful purpose, whether such person be one of such gathering or meeting or otherwise. Any person offending against this by-law shall forfeit and pay a sum not exceeding five dollars for his said offence and in default of payment shall be liable to imprisonment for a period not exceeding ten days.

Sec. 8. No person shall wantonly and unnecessarily annoy any other person in the County by throwing stones, filth, garbage or material of any kind whatever on, to or over the premises or into or against the house, shop or other building of or occupied by such other person. Any person who offends against the provision of this section shall forfeit and pay for his said offence a sum not exceeding twenty dollars and in default of immediate payment shall be liable to imprisonment for a period not exceeding sixty days.

CHAPTER XIII.

Dogs.

Sec. 1. For the purpose of these by-laws and in the construction thereof the word "dog" shall except when "bitch" is hereinafter specially mentioned include bitch and the word "owner" shall include a person who keeps, harbors or possesses a dog, and a person on or about whose premises or in whose control, company or charge a dog is usually to be found.

Sec. 2. No dog under the age of four months shall be subject to these by-laws.

Sec. 3. No bull-dog or Mastiff shall go at large within the County without continually wearing a muzzle sufficient to prevent such dog from biting or doing mischief.

Sec. 4. Upon complaint to any justice of the peace in and for the County of Cumberland, that a dog is disposed to fight or is fierce dangerous or malicious, or has attacked or bitten any person, the owner shall be summoned and after hearing the complaint the justice of the peace may order that the dog be continually prevented from going at large or he may order such dog to be destroyed and the owner shall be liable to a penalty not exceeding twenty dollars for every day upon which such dog shall afterwards be at large and in default of payment of such penalty to imprisonment for a term not exceeding sixty days.

Sec. 5. Before an order for the destruction of a dog can be lawfully made the owner of said dog shall be summoned before a justice of the peace to show cause why the said dog should not be destroyed and the justice of the peace upon due proof of the service of such summons may proceed to hear and determine the matter and make such order as he deems just therein. The summons shall be personally served when practicable, but if not, the same shall be left at the last place of abode of such owner, with some person there of apparent years of discretion.

Sec. 6. The forms to be used under this chapter shall be those in the schedule hereto prescribed or forms to the like effect and an order granted under section 4 hereof may be executed by any constable or police officer of the County.

CHAPTER XIV.

I Penalties

Sec. 1. All fines and penalties properly payable to the Municipal Treasurer for the use of the Municipality or which shall be otherwise payable to the Municipality for its use, whether the same shall be by virtue of any Federal or Provincial statute or under the provisions of any of the chapters of these by-laws (except where otherwise especially directed by any such statute or by-law) and all licenses or other fees shall be appropriated and credited to the Municipal Road and Bridge account and shall be expended solely in that service.

[See Sect. 74, Cap 3., Acts 1895.]

II Imprisonment.

Sec. 2. Whenever imprisonment is mentioned in these by-laws or in any of them or awarded in default of any penalty imposed for breach of the said by-laws or any of them, it shall mean imprisonment in the common jail in and for the County of Cumberland, at Amherst in the said County.

Sec. 3. Whenever imprisonment is awarded in and by these by-laws or any of them it shall be understood that the offender shall be discharged from such imprisonment at any time on payment of the penalty imposed and costs if any together with the costs of conveying such offender to the common jail as aforesaid.

III Justices' Returns.

Sec. 4. It shall be the special duty of the clerk of this Municipality to prosecute every Justice of the Peace who fails to make the returns required by sections 77, 78 and 79 of Chapter 103, Revised Statutes Nova Scotia, or who fails to make the returns required by section 902 and its various subsections of the Criminal Code of Canada, for the year 1892 or any act in amendment of either or any of the foregoing sections of the aforesaid acts.

CHAPTER XV. Lunatics.

Sec. 1. The following charges shall be allowed for removing any insane person to the Lunatic Asylum at Dartmouth and for taking the examinations and statements connected therewith:—

Doctors, for examination and certificate, each.....	\$5.00
Party conveying patient to Asylum, for time and personal expenses.....	5.00
For cab fare.....	2.50

The railway travel there, second-class fares,
 For travel from residence of patient to the nearest railway station.....20 cents per mile

Sec. 2. The following charges shall be allowed for removing any insane person to the Lunatic Asylum at Pngwash, and for taking the examinations and statements connected therewith:—

Doctors, for examination and certificate, each.....	\$5.00
Party conveying patient to Asylum, for time and personal expenses.....	3.00

The railway travel there, second-class fares,
 For travel from residence of patient to nearest railway station.....20 cents per mile.

CHAPTER XVI Ferries.

Sec. 1. Ferries across the following waters in this Municipality are hereby established, that is to say:—Between Wallace Village and North Wallace and between Barron's Point and Minudie. In order to obtain the appointment from the Council as a Ferryman of this Municipality every applicant must have previously obtained a license from the Municipal clerk under the Corporate seal of this Municipality. Such license may be granted only upon the recommendation of the warden who before making such recommendation shall make due enquiry as to the fitness and capability of such applicant.

Sec. 2. The applicant before obtaining such license shall pay to the clerk the sum of \$2.00 in addition to the charge for affixing Corporate seal of the Municipality thereto.

Sec. 3. Out of the persons so licensed the Council may annually appoint such number of ferrymen as may be sufficient to effectually perform the services required in the work of such established ferries in the same manner and agreeing to the law, custom or practice which now obtains in the appointment of district officers by the Council of this Municipality.

Sec. 4. Each and every licensed ferryman shall keep at all times a safe and sufficient boat or boats, scow or scows in good order and clean, properly floored and seated for the conveyance of passengers and with ample room for the accomodating of teams either loaded or unloaded, horses, carriages, cattle, sheep or other animals or articles animate or inanimate that may be required to be ferried.

Sec. 6. Each licensed ferryman shall provide himself with and keep in his possession a printed copy of the by-laws affecting ferrymen with the scale of fees to which he is entitled and shall show the same to any passenger or passengers who may require to see it.

Sec. 7. Immediate attention must at all times be shown to the ferriage of passengers and they shall not be subject to any unnecessary detention and no boat or scow shall be taken off its course or out of the service of such ferry under any pretense during the season.

Sec. 8. In case of vacancy occurring on any line of ferry by the death or removal from the County of any appointed ferryman such vacancy shall be filled from those persons holding ferrymen's licenses by the written order of the warden until the next meeting of the Council.

Sec. 9. The regular hours of ferriage shall be from sunrise until ten o'clock at night, but each ferryman shall carry passengers when required at all hours of the night and shall be entitled to receive double the fare for such service between the hours of ten o'clock at night and sunrise.

From Wallace to North Wallace and vice versa each and every adult passenger.....	5 cents
Every child under 12 years accompanied by parents or an adult.....	3 "
Each and every sheep or lamb.....	2 "
Each cow, horse or other animal over one year old.....	12 "
Each calf, hog or colt.....	5 "
Each carriage, cart, wagon, sled or sleigh one or two horses, oxen and driver, loaded or unloaded.....	12 "
From Barron's Point to Minudie and vice versa each and every adult passenger.....	25 "
For every child under 12 years accompanied by parents or an adult.....	13 "
Each and every Sheep and Lamb.....	"
Each calf, hog, or colt.....	"
Freight, per hundred pounds.....	"

CHAPTER XVII

Wharf at Advocate Harbor.

The Council shall annually, during pleasure, appoint a wharfinger, for a public wharf at Advocate Harbour, whose duty it shall be to charge a wharfage or tax upon all goods landed, or shipped therefrom, and all vessels mooring or laying thereat according to the following rates, viz—

Lumber, per 1000 feet, (superficial)	3 cents
Trenail wedges and laths per 1000	3 "
Timber, per ton	5 "
Shingles, per 1000	3 "
Wood, per cord	5 "
Coal, per ton	5 "
Brick, per M	10 "
Iron and metal of all kinds, per ton	10 "
Crates and Puncheons, each	5 "
Boxes, per cubic foot	¼ "
Barrels, of all kinds, each	1 "
Half Barrels of all kinds, each	½ "
Bags of salt or other goods, each	1 "
Riggings, sails, wire and all heavy goods not } otherwise specified per 100 lbs..... }	½ "
Hay, per ton, pressed	10 "
Hay, loose	15 "
Potatoes, per 100 bushels	10 "
Live stock, each	10 "
Waggons, carts, each	10 "
Goods and merchandise not herein specified to be charged at approximate rates	10 "
Vessels 50 tons and under, per day or part of one day,	30 "
Vessels 50 tons and upwards per day or part of one day } }	30 "
Over and above 50 tons and in addition per ton	half

All goods not removed from said wharf within forty-eight hours after being landed will be charged double rates, and goods for shipment must not be placed on said wharf until vessel is ready to receive the same.

And said wharfinger shall keep said wharf in good repair out of monies so collected, and shall be entitled to a fee of five per cent, on all such money collected disbursed, and any balance over and above such repairs shall be handed over to the Treasurer of the Municipality on or before the thirty-first day of December in each and every year together with an account of all money collected and disbursed. The councillor representing said district No. 10 shall, upon an order from the Council in session, draw said money from Treasurer, to be appropriated in repairing roads and bridges in said district.

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CHAPTER XVIII.
Repeal

All ordinances, by-laws and regulations of the County of Cum-
berland inconsistent with the foregoing ordinances and by-laws con-
tained in Chapter I to XVIII both inclusive are hereby repealed. Pro-
vided that all of said by-laws ordinances and regulations shall never-
theless be considered in force for the purpose of keeping effective and
validating any matter or thing done in pursuance thereof in accordance
with or in obedience thereto before such repeal and for the purpose of
enabling prosecutions and actions to be maintained and convictions
and judgements to be entered against all persons who have offended
against the provisions of any such by-law, ordinance or regulation
and to enforce all judgements orders and convictions already made or
to be made in respect of matters happening before the said repeal.

SCHEDULES.

1 Forms Under Chapter VI.

AUCTIONEERS' LICENSE

COUNTY OF CUMBERLAND,

Polling District No.

(Clerk of license sign here)

Clerk of Licenses.

License is hereby granted under the Rules Regulations and By-laws of the Municipal Council of the County of Cumberland to
to exercise the calling of an auctioneer within the said
County for the period of _____ months from this date, the said
_____ having paid the license fee therefor. This license
is issued subject to the said Rules, Regulations and By-laws or to any
change or modification thereof and to the laws of the Province.

Given under the hands of the warden and Municipal clerk of the
said County at _____ in polling district No. _____ aforesaid
his _____ day of _____

Warden,

Clerk.

(The foregoing license shall be endorsed on the back as follows)

An auctioneers' license shall be personal to the person to whom
it is granted and it shall entitle such person only to sell thereunder,
Sec. 11, Chapter VI the by-laws.

An auctioneers' license shall not entitle the holder to sell goods,
wares or merchandise in any other way than by public auction,
Chapter VI, the By-laws.

Pack Licenses.

COUNTY OF CUMBERLAND,

Polling District No.

(Clerk of license sign here)

Clerk of licenses.

A "pack license" under the provisions of Chapter VI of the Rules Regulations and By-laws of the Municipal Council for the County of Cumberland is hereby granted to _____ whereby the said _____ is entitled for the period of _____ months from this date to hawk or peddle in any and every place throughout the County of Cumberland (save and except the Towns of Amherst, Springhill and Parrsboro) goods, wares and merchandise of any kind or description whatever. This license is granted subject to the provisions of said Chapter and all the amendments that may be made thereto and subject also to the laws of the Province.

Given under the hands of the warden and Municipal clerk of the County at _____ in polling district No. _____ aforesaid this _____ day of _____

Warden.

Clerk.

(The foregoing license shall be endorsed on the back as follows)

This license shall not entitle the person or corporation holding the same or the agent of any such person or corporation to hawk or peddle goods, wares or merchandise or to carry or transport the same for the purpose of hawking, or peddling throughout the County of Cumberland by means of any horse, carriage or conveyance other than the Intercolonial Railway. Sec. 13, Chapter VI the by-laws.

The person holding this license or the agent of the person or corporation holding the same shall before selling or offering to sell goods wares or merchandise of any kind hereunder in any and every polling district of the said County, produce this license to the clerk of licenses or a councillor for the district and have the same initialed by such clerk or councillor. Penalty for neglect \$2.00 to \$10.00 and in default of payment ten to thirty days imprisonment. Sec. 23. Chap. VI. the by-laws.

MUNICIPAL COUNCIL, BYE LAWS

WAGGON LICENCE

COUNTY OF CUMBERLAND.

POLLING DISTRICT NO.

(Clerk of License sign here.)

Clerk of licenses.

A Waggon License under the provisions of Chapter VI of the Rules, Regulations and By-laws of the Municipal Council for the County of Cumberland, is hereby granted to... where by the said ... is entitled for the period... months from this date to hawk or peddle in any and every place throughout the County of Cumberland (save and except the Town of Amherst, Springhill and Parrsboro) goods wares and merchandise of any kind or description whatever subject to the provisions of the said Chapter and all amendments that may be there to and subject also to the laws of the Province.

Given under the hands of the Warden and Municipal clerk of the said County at ... in Pol'ing District No. ... aforesaid, this ... day of.

Warden

Clerk.

(This license shall be endorsed on the back as follows)

The person holding this license or the agent of the person or corporation holding the same shall before selling or offering to sell goods, wares or merchandise of any kind hereunder in any polling District in this County, produce this license to the clerk of licenses or councillor for the District and have the same initialed by such clerk or councillor. Penalty for neglect \$2.00 to \$10.00 and in default of payment ten to thirty days imprisonment.

2, Forms under Chapter XIII

INFORMATION

COUNTY OF CUMBERLAND, S. S.

The information and complaint of..... of..... in the County of Cumberland,..... taken before me the undersigned, one of her Majesty's justices of the peace in and for the County of Cumberland at..... in the said County this..... day of..... who says that a certain dog (here describe the dog) of which it is alleged,..... in the said County,..... is the owner, being within the said County

"A" is disposed to fight

"B" is fierce, dangerous malicious

"C" attacked or bit without provocation..... at..... in the said County on the..... day of.....

"D" being a bull-dog (or mastiff) was on the..... day of..... at large in district of..... in the said County without a muzzle sufficient to prevent the said dog from biting or doing mischief contrary to the provisions of section..... of Chapter XIII of the By-laws and Ordinances of the Municipality of Cumberland.

Taken before me the day and year first above written at..... in the County of Cumberland.

Justice of the peace in and for the County of Cumberland.

SUMMONS

COUNTY OF CUMBERLANDS. S.,
To

You are hereby required to appear before me the undersigned one of Her Majesty's Justices in and for the County of Cumberland at my office at _____ in the said County on the _____ day of _____ at the hour of _____ o'clock in the _____ noon to answer to the complaint of _____ taken before me the said Justice this _____ day of _____ who says that a certain dog (here describe the dog) of which it is alleged you are the owner being within the said County

"A" is disposed to fight

"B" is fierce, dangerous or malicious

"C" attacked (or bit) without provocation

at _____ in the said County on the

day of _____

"D" being a bull dog (or mastiff) was on the day of _____ at large in the district of _____

in the said County without a muzzle sufficient to prevent the said dog from biting or doing mischief contrary to the provisions of section _____ of Chapter XIII of the by-laws and ordinances of the Municipality of Cumberland and in answering the said complaint you are further required then and there to show cause why the said dog should not be destroyed if the said complaint shall be established before me upon the hearing thereof

Witness my hand and seal this _____ day of _____ in the County aforesaid

Justice of the peace in and for the County of Cumberland.

Court House, Amherst.

At the half yearly meeting of the Municipal Council of the County of Cumberland held in the Court House at Amherst in the said County on the twelfth day of April 1898, the foregoing Rules, Regulations and By-laws, Chapters I to XVIII inclusive together with the forms in the schedules annexed thereto were considered, ordained and passed for the government of the said Council and of the said County and the inhabitants thereof concerning the several matters therein treated of.

IN TESTIMONY WHEREOF the Common Seal of the said Municipality attested by the hands of the undersigned the Warden and Clerk thereof is hereto set and affixed the day and year first above mentioned.

ALONZO SMITH,
WARDEN.

DONALD J. McDEOD,
COUNTY CLERK.



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To All Whom it May Concern.

I, Donald J. McLeod of the Town of Amherst in the County of Cumberland, Clerk of the said Municipality, do hereby certify that the foregoing and enclosed printed pages 1 to 64 both inclusive contain true copies of the Rules, Regulations and By-laws of the Municipal Council of the said County of Cumberland passed by the Council of the said Municipality at the half yearly meeting of the said Council held in the Court House at Amherst aforesaid on the 12th day of April 1898 under the powers vested in the said Council under the provisions of Chapter 3 of the Acts of Assembly passed in the year 1895 entitled "An Act to amend and consolidate Chapter 56 Revised Statutes of County Incorporations and the acts in amendment thereof," and that the said foregoing copies of said Rules, Regulations and By-laws have been compared by me with the originals thereof now on file in my office at Amherst aforesaid as such Municipal Clerk as aforesaid.

I also certify the following to be a true copy of the certificate of approval of the said Rules Regulations and By-laws given by the Governor in Council on the 15th day of April in the year 1898, that is to say:—"Approved. by the Lieutenant Governor in Council on the 15th day of April 1898, H Crosskill, Clerk of "Executive Council," and that I duly compared the said copy of the said certificate with the original thereof now on file in my office at Amherst aforesaid. This certificate is given by me under section 97 of said Chapter 3 of the Acts of 1895 hereinbefore particularly mentioned.

IN TESTIMONY WHEREOF I have hereunto as Clerk of the said Municipality my hand subscribed this 15th day of June in the year of our Lord One thousand eight hundred and ninety-eight at Amherst aforesaid

Municipal Clerk for County of Cumberland.

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