

No. 239.

2d Session, 5th Parliament, 19 Victoria, 1856.

B I L L .

**An Act to explain and amend *The Lower
Canada Municipal and Road Act of
1855.***

Received and read first time, Wednesday,
30th April, 1856.

Second reading, Friday, 2nd May, 1856.

Hon. Mr. Atty. Genl. DRUMMOND.

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

An Act to explain and amend *The Lower Canada Municipal and Road Act of 1855.*

WHEREAS it has become necessary to amend certain parts of the *The Lower Canada Municipal and Road Act of 1855*, and to remove doubts as to the interpretation of other parts thereof : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows :

Preamble.
18 V. c. 100.

CORPORATE SEAL.

I. Notwithstanding any thing contained in the eleventh section of the said Act, every Municipal Corporation shall hereafter have a common seal ; and every instrument or document in writing which under the said Act should be signed by the Chief officer of any such Corporation shall be equally valid without his signature, provided the seal of the Corporation and the signature of the Secretary-Treasurer be affixed thereto, whether such instrument or document shall have been executed before or after the passing of this Act.

Common Seal and Signature of Secretary-Treasurer to be sufficient.

DISQUALIFICATION.

II. The word "Judge," in the seventeenth section is hereby declared to apply and to have been intended to apply only to the Judges of the Court of Queen's Bench, the Superior Court, the Court of Vice Admiralty and the Circuit Court.

2. No Councillor shall vote in any proceeding relating to any matter in which he is personally interested.

Word "Judge" in section 17 interpreted.

Councillors interested not to vote.

POWERS OF COUNTY COUNCILS.

III. Whenever a Registry Office has been established, or a public edifice for the use of the County Council has been provided or is in course of construction at a place appointed by By-law under the said Act for the sittings of such Council, such sittings shall continue to be held at such place, until otherwise determined by the Legislature.

When the place of sitting shall become permanent.

2. In addition to the powers vested in all Municipal Councils under the said Act, every County Council shall have power and authority to revise, amend or annul all By-Laws, Reports or *Procès-Verbaux*, made, passed, approved or homologated by any Local Council within the County, except

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

those made by Town or Village Councils, whenever the same are appealed from in the manner hereinafter provided :

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

3. Whenever any number, not less than twelve of the assessable inhabitants of a Local Municipality, or the County Superintendent of the County in which such Municipality is situate, shall, within fifteen days of the homologation of any Valuation-Roll or *Procès-Verbal*, or of the expiration of the period within which such Valuation-Roll or *Procès-Verbal* is allowed to be revised and homologated by a Local Council, or within fifteen days of the first publication of any By-Law passed by the Council of such Local Municipality, file in the office of any County Council, a petition in appeal, praying for the revision or amendment of any such Valuation-Roll or *Procès-Verbal* or for the amendment or disallowance of any such By-Law, and setting forth the grounds or reasons for which such revision, amendment or disallowance is prayed for, it shall be the duty of the Warden of the County to convene a Special Session of the County Council and to give Public Notice of such Special Session; and every such Special Session shall be held within twenty days from the date of filing of such petition.

Decision of County Council, and its effect.

4. The County Council at any such Special Session shall, after hearing the Petitioners and the Mayor, Councillors or Clerk of the Local Council, or any of such parties who may require to be heard, homologate without amendment, or amend and homologate as so amended, such *Procès-Verbal* or Valuation-Roll, and shall confirm, amend or disallow such By-Law as they may deem expedient, and every *Procès-Verbal*, Valuation-Roll or By-Law so amended, shall come into force as so amended from the day of the date of such amendment, and every By-Law so disallowed shall become null and void to all intents and purposes as if the same had never been passed :

Adjournment *sine die* without decision to operate confirmation.

5. But whenever any such County Council shall close such Special Session, or shall adjourn the same *sine die*, or for any period beyond ten days from the first day thereof without having decided upon the merits of the petition in Appeal, the *Procès-Verbal*, Valuation-Roll or By-Law, to which such petition relates, shall be considered as having been homologated by such Council ;

Publication of decision

6. Every By-Law of a Local Council when amended by the County Council, shall be published as so amended in the manner in the said Act provided, and every judgment of a County Council disallowing any By-Law passed by a Local Council shall be published in like manner ;

Towns and Villages excepted

7. But no County Council shall have power to disallow or amend any By-Law passed by the Council of a Town or Village Municipality.

8. Every County Council shall, at a special session to be holden for that purpose at some period not later than the first day of County Council to equalize valuations throughout the County. in the present year and not later than the first day of June, in every other year during which new Valuation Rolls shall hereafter be made, examine the Valuation Rolls of the different Local Municipalities in the County and ascertain whether the valuation made in each bears a just relation to the valuation made in the others ; and thereupon the County Council may increase or decrease the valuations of all property in any one or more of such Local Municipalities by adding or deducting such sums upon the hundred as may in their opinion be necessary to produce a just relation between all the valuations in the County ; but no such Council shall reduce the aggregate amount of the valuations made by the Valutors in the whole County.

COUNTY SUPERINTENDENT.

IV. Notwithstanding any thing in the said Act contained, it shall be lawful for any County Council to pass a By-law to allow the offices of County Superintendent and Secretary-Treasurer of the County Council to be held by one and the same Offices of Superintendent and Secretary-Treasurer may be joined. person ; and from and after the publication of such By-law, in the manner provided by the said Act, all such parts of the said Act as are repugnant to the provisions of this clause shall be deemed repealed so far as such County shall be concerned ; but all the proceedings of each of the said offices shall, nevertheless, be kept as distinct and separate as if the two offices were held by two different persons.

2. In every County where the offices of County Superintendent and Secretary-Treasurer of the County Council shall be held by one and the same person, all notices which should have otherwise been given by the County Superintendent to the Secretary-Treasurer shall be given to the Warden, and all such acts relating to the County Superintendent as would otherwise require to be certified by the Secretary-Treasurer shall be certified by the Warden or by one of the County Councillors. As to certain Notices in such cases.

POWERS OF LOCAL COUNCILS.

V. Whenever there shall be within the limits of a Local Municipality at least sixty inhabited houses erected within a space not exceeding thirty superficial arpents, the Council of such Local Municipality shall have full power and authority to pass a By-law defining the limits of such tract and recognizing its existence as an unincorporated Village under such name as they may please to assign thereto ; and from and after the date of the publication of any such By-law, the Local Council shall have the same power and authority to make By-laws for such unincorporated Village as the Council of any Town or Village erected under the said Act. Provision for unincorporated Villages.

Revision of Valuation Rolls to extend to taxable income.

2. The power vested by the second paragraph of the sixty-eighth section of the said Act in the Council of each Local Municipality to amend the valuation-roll thereof, shall extend to the revision and amendment of such valuation with reference to the assesment of the business of merchants and other persons and the incomes of professional men.

ERECTION OF TOWNS AND VILLAGES.

Towns must contain three thousand souls.

VI. No tract of land shall be erected into a Town unless it be shewn by the Report of the County Superintendent that there are at least three thousand inhabitants within such tract.

Village containing 3,000 may be made a Town.

2. It shall be lawful for the Governor upon due proof that the number of inhabitants in any Village previously incorporated as such amounts to three thousand souls, to issue a Proclamation creating such Village a Town Municipality.

Warden to cause election to be made.

3. It shall be the duty of the Warden of the County in which any newly erected Town or Village Municipality is situate, to cause an election of Councillors to be had and to organize the Council thereof, in the manner prescribed by the said Act so soon as the proclamation erecting the same shall take effect, notwithstanding that such time be not the year and month fixed by the twenty-seventh section of the said Act for holding an election.

When proclamation, section 34 shall take effect.

4. No proclamation for uniting a Town or Village Municipality to some adjoining Local Municipality under the provisions of the fifteenth sub-section of the thirty-fourth section of the said Act shall have any force or effect until the first day of January next after the expiration of the two months immediately following the date of such proclamation.

Certain documents to be furnished to a new Town or Village.

5. So soon as any territory is erected into a Town or Village Municipality, and the Council of such Municipality is duly organized under the provisions of the said Act, as amended by this Act, it shall be lawful for such Municipality to demand from the Council of the Municipality from which such territory shall have been separated, or of any other Municipality, who may have them in their possession, and it shall be the duty of such Council on such demand, to give up to such Town or Village Municipality, all documents or papers of any kind whatsoever, relating exclusively to the territory included in such Village or Town Municipality, and to allow the Secretary-Treasurer of such Village or Town Municipality, or such other officer as shall be appointed for that purpose, to take copies of such parts of all other documents as relate to such territory, without any further fee than for the certificate of the authenticity of such copies.

NUMBER OF LOCAL COUNCILLORS.

Number of Councillors to be seven.

VII. That the word "seven" be substituted for the word "five" in the twenty-ninth section and in every other part of the

said Act, in which the word "five" occurs as representing the total number of Councillors of a Local Council, declared by the sixth sub-section of the eleventh section of the above Act to be composed of seven councillors, and the said Act shall henceforth
5 in all such parts be read as if the word "seven" instead of the word "five" had been originally inserted in the above parts.

HOMOLOGATION OF PROCES-VERBAUX.

VIII. Notwithstanding anything in the ninth sub-section of the forty-ninth Section or in any other part of the said Act contained, no *Procès-Verbal* shall be considered as having
10 been duly homologated until it shall have been homologated with or without amendment, by the Council charged with the examination or revision thereof, or until it shall have remained deposited in the office of such Council without having been homologated or amended during a period of ten days after the
15 time when the first general meeting of such Council should have been by law held subsequently to the date of the deposit of such *Procès-Verbal*.

When only a *Procès-Verbal* shall be deemed homologated.

APPOINTMENTS BY THE GOVERNOR.

IX. It shall be lawful for the Governor to revoke any appointment by him made, under the provisions of the said Act.

Governor may revoke appointments.

PENALTIES.

20 X. All the provisions of the seventy-sixth Section of the said Act, shall apply to this Act, in as full a manner as if this Act formed part of the said Act hereby amended.

Provisions of section 76 to apply.

RECOVERY OF PENALTIES, TAXES, &c.

XI. All rates or assessments either in money, materials or labour, and all penalties imposed by the said Act as amended
25 by this Act, or by any By-law made by competent authority in virtue of the said Act or of this Act, (except in cases where special provision to the contrary may be made,) shall be recoverable before the Circuit Court of the Circuit in which the Local Municipality or the major part thereof is situated, or before any
30 Justice of the Peace; and all the rates, assessments or taxes payable by, as well as all the fines and penalties incurred by any one person may be included in the same suit;

How they may be recovered.

REPEAL.

XII. The following parts of the said Act are hereby repealed,
viz: The seventh sub-section of the forty-seventh section, and
35 the proviso in the first sub-section of the twenty-third section.

Parts of sections 47 and 23 repealed.