

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers / Couverture de couleur
- Covers damaged / Couverture endommagée
- Covers restored and/or laminated / Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations / Planches et/ou illustrations en couleur
- Bound with other material / Relié avec d'autres documents
- Only edition available / Seule édition disponible
- Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.
- Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments / Commentaires supplémentaires: Cover title page is bound in as last page in book but filmed as first page on fiche.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies / Qualité inégale de l'impression
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below / Ce document est filmé au taux de réduction indiqué ci-dessous.

10x		14x		18x		22x		26x		30x	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	12x		16x		20x		24x		28x		32x

No. 297.

4th Session, 3rd Parliament, 14 & 15 Vict, 1851.

BILL.

An Act to further amend the Municipal
Laws of Lower Canada.

Received and read a first time, Wednesday, 13th
August, 1851.

Second reading, Friday, 15th August, 1851.

Mr. Sol. Gen. DRUMMOND.

TORONTO, PRINTED BY LOVELL AND GIBSON.

1789

B I L L.

An Act further to amend the Municipal Laws of Lower Canada.

WHEREAS it is expedient to amend the Act passed Preamble.
 by the Legislature of Canada, in the Session thereof held in the tenth and eleventh years of Her Majesty's Reign, chaptered seven, and intituled, "*An* 10 and 11 Vict. c. 7.
 5 "*Act to make better provision for the establishment of* "*Municipal Authorities in Lower Canada,*" and the Act passed by the said Legislature in the Session thereof, held in the thirteenth and fourteenth years of Her Majesty's Reign, chaptered thirty-four, and intituled, "*An* 13 and 14 Vict. c. 34.
 10 "*Act to amend the Municipal Law of Lower Canada*"; and to remove certain doubts as to the true time, intent and meaning of certain parts of the said Acts: Be it therefore declared and enacted, &c.

That the Municipal Councils of Lower Canada may, for Adjournments of Municipal Councils.
 15 the purpose of completing any business submitted to them at any quarterly meeting, adjourn from day to day, but not beyond the third day, provided a quorum of the Council be present at the time of such adjournment.

II. That the Mayor of any Municipality shall, upon Special meetings how called, &c.
 20 requisition addressed to him signed by not less than three Municipal Councillors, call a special meeting of the Council by a notice under the hand of the Secretary Treasurer, addressed at least two clear days before the holding of such meeting, to each of the Councillors, and
 25 mentioning the purpose for which any such special meeting is called; and at such special meeting no other business than that mentioned in such notice shall be transacted.

III. That every Municipal Council shall have power to Special rate for restoring buildings injured by mobs, &c.
 30 impose on the whole Municipality, or any Parish or Township, or portion of a Municipality, Parish, or Township, constituting a part thereof a special rate, over and above all other rates which such Council are empowered to impose, to defray and meet the expenses of
 35 repairing, restoring or erecting any building or buildings or other property whatsoever that may be destroyed, injured, damaged or deteriorated in value by any incendiary, mob, tumultuous assembly or riotous persons whomsoever in such County, Parish or Township.

IV. That every By-law of such Council shall be published in the English and French languages in at least one Publication of By-laws.

Appeals under
sect. 38 of 10
and 11 Vict.
c. 7.

newspaper published in the judicial District in which the Municipality is situated, and if there be no newspaper published in such District, then in one of the newspapers published in the District nearest to such Municipality; and no such By-law shall have any effect or force until so published; and the appeal against certain By-laws allowed by the thirty-eighth section of the Act hereinbefore firstly recited, may be made within fifteen days of the publication of any such By-law, instead of within fifteen days of the passing of such By-law as by the said 10 section provided. 5

Court of Re-
view may ex-
amine wit-
nesses.

V. That the Court of Review constituted by the thirty-ninth section of the said first mentioned Act. has had, has, and shall have power and authority to hear and examine witnesses in relation to matters of difference or reference submitted to them under the provisions of the said Act. 15

Sect. 13 of 13
and 14 Vict.
c. 34, ex-
tends to
front roads.

VI. That the provisions contained in the thirteenth section of the Act hereinbefore secondly cited, shall extend to all front roads as well as to by-roads. 20

Judgment not
required
before selling
lands for taxes.

VII. That it shall not be necessary, in order to comply with the nineteenth, twentieth and twenty-first sections of the said secondly recited Act, in causing lands to be sold for rates, that a judgment of any Court shall have been previously obtained against the owners or possessors thereof, or against any person or persons whomsoever, provided the other formalities required by the said cited sections be complied with. 25

Assessments
for Roads.

VIII. And notwithstanding any thing in the said cited Acts contained, or any thing specially contained in the twenty-fifth clause of the thirty-third section of the said firstly recited Act; Be it declared and enacted, That it shall be lawful for any Municipal Council to assess, for any purposes connected with roads, by-roads, or bridges, whether for the construction, main-tenance or repair of such roads or bridges, and whether the said roads are front roads or by-roads, according to the value of the rateable property to be assessed for such purposes, payable in money or by apportionment of labor as a majority of Councillors shall determine, any law or *procès verbal* to the contrary thereof in anywise notwithstanding; and the by-laws of any Council heretofore made for any such purpose, not contrary to the provisions of this section, shall be valid unless and until altered or repealed by such Council. 30 35 40 45

This Act may
be cited before
Court of Re-
view.

IX. That in any appeal to the Court of Review, or in any other legal proceeding arising out of the interpretation of the said twenty-fifth section now pending or that may hereafter arise, it shall be lawful to plead this Act,

which shall be final as regards the interpretation of the said clause, or any other part of the said firstly recited Acts dependent thereon.

X. That whenever the inhabitants of any Parish or Township are not sufficiently numerous to furnish persons to replace the various road officers whose term of service shall have expired, such road officers may be chosen, for one period of service, from amongst the inhabitants of the adjoining Parish or Township within the limits of the same Municipality.

Road officers may be taken from adjoining parishes, &c. in certain cases.

XI. That wherever any part of a Parish is under the provisions of the fiftieth section of the Act hereinbefore firstly cited, represented by one Councillor only, such Councillor shall go out of office at the expiration of the first Municipal year after his election, anything in the seventh section of the said Act to the contrary notwithstanding; Provided always, that the Councillors elected for all such parts of Parishes for the Municipal year now last past, shall continue in office until the annual election in the month of July next.

Retirement from office, of a Councillor being the only one representing any Parish.

XII. That the eleventh section of an Act passed by the Legislature of Lower Canada, in the thirty-sixth year of the Reign of His late Majesty King George the Third, chaptered thirty-six, and intituled, "An Act for making, repairing and altering the Highways and Bridges within this Province, and for other purposes," shall not, after the passing of this Act, extend or be applicable to trees planted for ornament along the side of any public Highway, nor to any maple trees forming part of any maple grove destined for the manufacture of sugar, adjoining any such highway.

Sect. 11 of 36 Geo. 3, c. 3, not to extend to certain trees

XIII. That all expenses incurred by the Council, or by any road officer in the performance of duties imposed on proprietors of real property by any law regulating highways, by-roads, ditches or fences, shall be considered as Municipal rates, and shall be recovered in the manner prescribed by the Acts hereinbefore firstly and secondly recited for the recovery of Municipal rates.

Certain expenses to be recoverable as rates.

XIV. That whenever, in any proposed new road, a bridge or bridges shall be necessary to complete the line of communication, such bridge or bridges shall be constructed before the other part or parts of such road shall be commenced.

On new Roads, Bridges to be first made.

XV. That if any Council deem it necessary to cause a front road to be made on any property through which another front road already passes, such second front road shall not be made at a distance of less than one mile from that already existing, except with the consent of the owner of such property.

Front roads not to be at less than a mile, except by consent, &c.

Conferences
between two
Municipalities
interested in
any Road, &c.

XVI. That whenever a petition for a new road, by-road or bridge, or for the altering or changing the direction or site of any road, by-road or bridge, or for the acquisition of the 5
belonging to any toll-road or privileged right to bridges common to any two Municipalities, or to a part of two Municipalities, shall have been presented to any Municipal Council, it shall be lawful for such Council to name three of its members to confer with an equal number of members of the Council of the other Municipality; and the Mayor of the Council to which such petition is presented shall, under the hand of the Secretary thereof, notify the Mayor of the other Municipality interested in such petition, of the nomination of such three members, and of the purport of the petition; and the latter Council shall, at their next quarterly meeting, or special meeting 10
called for that purpose, name three of their members to meet the said firstly nominated three members, at the place where the Sessions of the said first Council are usually held, and at such time as the Mayor of the Council to which such petition shall have been presented shall 20
fix in and by a notice in writing under his hand, and addressed to each of the said Councillors, at least eight days before the holding of such meeting.

Powers of
Members of
such conferences.

XVII. That the said six Councillors and the said last mentioned Mayor, or a majority of them, shall, after due 25
deliberation thereon, draw up such rules and regulations with reference to the object of such petition as to them shall appear just and reasonable, and in accordance with the powers by law vested in either of the said Councils, and shall report the same to the Council to which the petition was originally presented, and such report being confirmed by the said Council and passed as a By-law, shall have all the force of a By-law passed by authority of the said Councils, and shall be equally binding upon persons 30
thereby affected in either Municipality. 35

XVIII. And whereas it is expedient to amend the second part of the herein firstly cited Act, to make additional provisions with reference to Councils in Towns and Villages: Be it therefore enacted,

Additional
powers vested
in Councils of
Villages and
Towns.

That the Council for any Village or Town shall in addition to the powers granted them by the Acts hereinbefore firstly and secondly cited have authority to make By-laws for the following purposes:

Streets.

Firstly, For obliging the proprietors in any Village or Town, owners, occupants or tenants of any lot or parcel 45
of ground situate therein, to keep in good order the road, highway or street in front of such lot or parcel of land; and to make and keep in good order in front of such lot or parcel of land, a footpath of wood or earth of such width and height as shall by any such By-law be pre- 50
scribed.

Secondly, For establishing market or market places, Markets.
 for abolishing any market or market place existing at the
 passing of this Act or that shall hereafter exist in any
 such Village or Town, and for appropriating the whole or
 5 any part of the site of such market place for any other
 public use whatsoever.

Thirdly, For regulating and defining the duties and Market
officers.
 powers of all officers employed by such Council on the
 said markets, and for regulating the sale thereon of all
 10 provisions, butchers' meat, vegetables, grain, fowls, hay,
 straw, cordwood, all articles made of wood, or any other
 things whatsoever; and for regulating the conduct of all
 persons vending or purchasing upon the said markets.

XIX. That notwithstanding anything contained in the Municipal
Council of
County of
Sherbrooke
may fix the
limits of the
Town for cer-
tain purposes.
 15 sixty sixth section of the herein first recited Act, it shall
 be lawful for the Municipal Council for the County of
 Sherbrooke to fix the limits of the Town of Sherbrooke
 for the purpose of establishing a town Council therein in
 conformity with the provisions of said first recited Act,
 20 without reference to the limits of said Town now estab-
 lished for the purposes of representation of said Town in
 Provincial Parliament.

XX. That the Secretary and Treasurer of any Muni- Hours of
office.
 cipal Council shall keep his office open daily through-
 25 out the year from the hour of ten o'clock in the forenoon
 until three o'clock in the afternoon.

XXI. That the nineteenth section of an Ordinance pass- Sect 19 of ord.
2 Vict. c. 7
repealed.
 ed by the Legislature of Lower Canada, in the second
 year of Her Majesty's Reign, chapter seven, and intituled,
 30 "*An Ordinance to amend the Act passed in the 30th year
 of the Reign of King George the Third, commonly called
 the Road Act,*" be and the same is hereby repealed.

XXII. That so much of the twenty-eighth section of the Proviso of
sect. 28 of 13
and 14 Vict
c. 34 repealed.
 Act hereinbefore secondly cited as provides that nothing
 35 in the said section contained, shall be construed to affect
 the County of Huntingdon, shall be and is hereby re-
 ealed.

XXIII. That any person who shall wilfully contravene Penalties for
contravening
this Act or the
Acts herein
cited.
 the provisions of this Act, or any of the provisions of
 40 the Acts hereinbefore firstly and secondly recited, shall
 for every such offence whether of commission or omis-
 sion not specially provided for, be liable to and incur a
 fine or penalty of not less than *twenty shillings* and not ex-
 ceeding *fifty shillings* currency.

XXIV. And be it enacted, That all penalties imposed by Recovery and
levying of
penalties.
 this Act shall be recovered in the manner provided by the
 Act hereinbefore first recited; and when in any case in

which a penalty shall have been imposed by virtue of this Act, or of either of the Acts hereinbefore firstly and secondly recited, a return shall be made by the officer charged with the execution of a distress warrant that the defendant has not sufficient goods and chattels to meet the amount of fine and costs, the Justice of the Peace to whom such return is made shall by his warrant commit such defendant to the common gaol or House of Correction for the District, for any period not exceeding two months. 5 10

Special distribution of this Act. XXV. And be it enacted, That it shall be the duty of the Provincial Secretary forthwith after the passing of this Act, to cause to be printed a sufficient number of copies of the same, together with such parts of the two Acts herein firstly and secondly recited, as are in force, and to cause them to be distributed to the members of each Municipality, without waiting for the ordinary printing and distributing of the other Acts. 15

Extent of this Act. XXVI. And be it enacted, That this Act shall extend to Lower Canada only. 20