

No. 171.

1st Session, 6th Parliament, 21 Victoria, 1858.

(LOCAL BILL.)

BILL.

An Act to make more ample provision for
the incorporation of the Town of St.
Johns.

Received and read, first time, Tuesday, 18th
May, 1858.

Second reading, Monday, 24th May, 1858.

MR. BOURASSA.

TORONTO:
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An Act to make more ample provision for the incorporation of the Town of St. John.

WHEREAS the provisions of the Lower Canada Municipal and Road Act of 1855, and the Acts amending the same of 1856 and 1857, do not meet the present wants of the Town of St. John, and it has become necessary to make more ample provision for the internal management of the said Town: Therefore Her Majesty, &c., enacts as follows:

Preamble.

1. The three Acts mentioned in the preamble to this Act, are hereby repealed, in so far as they relate to the Town of St. John.

L.C. Municipal & Road Act of 1855, 6 and 7, repealed in so far as they relate to St. John.

2. The inhabitants of the Town of St. John, and their successors shall be and are hereby declared to be a body politic and corporate, in fact and in law, by the name of the "Corporation of the Town of St. John," and by the same name they and their successors shall have perpetual succession, and shall have power to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and in all actions, causes, suits at law whatsoever, and shall have a Common Seal, with power to alter and modify the same at their will and pleasure; and shall be in law capable of receiving by donation, acquiring, holding and departing with any property, real or moveable, for the use of the said Town; of becoming parties to any contracts or agreements in the management of the affairs of the said Town; and of giving or accepting any notes, bonds, obligations, judgments, or other instruments or securities, for the payment of, or securing the payment of, any sum of money borrowed or loaned, or for the execution or guaranteeing the execution of any duty, right or thing whatsoever;

Town of St. John incorporated. Corporate powers.

II. The boundaries and limits of the said town of St. John shall be the same as those assigned to the village of St. John by a certain proclamation dated at the city of Montreal, the twenty-eighth day of July, one thousand eight hundred and forty-eight, under the Hand and Seal at Arms of His Excellency the Right Honorable the Earl of Elgin, at that time Governor General of the Province of Canada, that is to say: that the said town of St. John shall be bounded on the east by the River Richelieu, on the west by the lands of the second concession, on the north by the south line of the land of Harmon H. Vaughan, and on the south by the north line of the land of Ephraim Mott, Esquire, beginning on the west side of the river Richelieu, at the south east corner of the said land of Harmon Vaughan, thence running along the said south side of the land of Harmon Vaughan, north seventy-nine degrees west, magnetically thirty arpents to the said second concession, thence following the east line of the said second concession, south one degree east, nine

Boundaries of the town.

arpents, two perches and one half perch, thence along the said line of second concession south twelve degrees and thirty minutes west, twelve arpents and three perches, thence along the said line south ten degrees west, ten arpents, to the north-west corner of the said land of Ephraim Mott, Esquire, thence along the said north line of the land of Ephraim Mott, south seventy-nine degrees east, twenty-nine arpents, seven perches, to the edge of the river Richelieu aforesaid, thence northerly along the edge of the said river to the place of beginning, containing eleven hundred and thirteen arpents of land in superficies, which, together with half the width of the said river Richelieu, in front of the said village of St. John, comprehends an area of one thousand two hundred and sixty-one arpents, more or less.

Mayor and
Councillors to
be elected.

III. There shall be elected, from time to time, in the manner herein-after mentioned, a fit and proper person who shall be and be called the Mayor of the said Town of St. John, and eight fit persons who shall be and be called Councillors of the Town of Three Rivers; and such Mayor and Councillors for the time being, shall form the Council of the said Town, and shall be designated as such, and shall represent for all purposes whatsoever the "Corporation of the Town of St. John."

Qualifications
of Mayor.

IV. 1. No person shall be capable of being elected Mayor of the Town of St. John, unless he shall have been a resident householder within the said Town for one year before such election, nor unless he be possessed to his own use of real estate, within the said Town, of the value of four hundred pounds currency, after payment or deduction of his just debts;

Qualifications
of Councillors.

2. No person shall be capable of being elected a Councillor of the said Town, unless he shall have been a resident householder within the said Town for one year before such election, nor unless he be possessed to his own use of real estate within the said Town, of the value of two hundred pounds currency, after payment or deduction of his lawful debts;

Further quali-
fications.

3. No person shall be capable of being elected Mayor or Councillors of the said Town of St. John, unless he be a natural-born or naturalized subject of Her Majesty, and of the full age of twenty-one years;

Who may not
be Mayor or
Councillor.

4. No person being in Holy Orders, or the Ministers of any religious belief whatever, the Members of the Executive Council, nor Judges, Sheriffs or officers of any Court of Justice, nor Officers on full pay in Her Majesty's Army or Navy, nor any person accountable for the revenues of the said Town, or receiving any pecuniary allowance from the Town for his services, nor any officer or person presiding at the election of the Mayor or the Councillors, while so employed, nor any person who shall have been convicted of treason or felony in any Court of law within any of Her Majesty's dominions, nor any person having in person or through his partner, any contract whatever or interest in any contract with or for the said Town, shall be capable of being elected Mayor or Councillor for the said Town; Provided always, that no person shall be held incapable of being elected Mayor or Councillor for the said Town, from the fact of his being a shareholder in any Incorporated Company, which may have a contract or agreement with the said town;

Proviso.

5. The following persons shall not be obliged to accept the office of Mayor or Councillor of the said Town, nor any other office to be filled by the council of the said Town, viz.: Members of the Provincial Legislature, Practising Physicians, Surgeons and Apothecaries; school-masters actually engaged in teaching; persons over sixty years, and the Members of the Council of the said Town, at the time of commencement of the present Act, or who have been so within the two years next preceding, and the persons who shall have fulfilled any of the offices under such Council, or paid the penalty incurred for refusal to accept such office, shall be exempt from serving in the same office, during the two years next after such service or payment.

Who shall not be bound to accept the said offices.

V. The persons entitled to vote at the Municipal Elections of the said Town shall be the male inhabitant freeholders and householders of the age of twenty-one years, rated upon the assessment roll of the said Town and residing therein, possessed at the time, of real property in the said Town, of the yearly value of four dollars currency; and tenants of the age of twenty-one years, who shall have resided in the said Town, and paid rent during six months immediately preceding the election, on a dwelling-house or part of a dwelling-house, at the rate of not less than eighteen dollars currency per annum; Provided always, that no person qualified to vote at any Municipal Election in the said Town shall have the right of having his vote registered, unless he shall have paid his Municipal taxes due before such election; and it shall be lawful for any candidate at the said election and the person presiding, or any one of his deputies for the said election, to require the production of the receipt setting forth the payment of such assessment.

Who may vote at elections.

Proviso: voter must have paid his taxes, and the receipt may be demanded.

VI. The Mayor and Councillors of the said Town who are at present in office, shall remain in office until the elections which are to take place by virtue of this Act, and all By-laws, ordinances, agreements, dispositions and engagements whatever, passed and entered into by the Municipal Council of the town of St. John, shall continue to have full and entire force to all intents and purposes as though this Act had never been passed, and until such time as the said By-laws, agreements or engagements shall be formally rescinded, abolished or fulfilled, and the said Corporation, as constituted under this Act, shall succeed and be substituted for all purposes whatsoever, in the engagements, rights and trusts of the Municipal Council of the Town of St. John, as constituted by Acts referred to in the preamble to this Act.

Mayor and Councillors now in office to remain until elections are held under this Act. Present By-laws to remain in force until altered, &c.

VII. The municipal elections for the said Town, in virtue of this Act, shall be held in the month of January in each year, and public notice thereof shall be given at least eight days previous to such election in the French and English languages, by notices posted up at the doors of the churches, and in the market of the said Town, and read at the door of the Catholic Churches in the said town, at the issue of Divine service on the Sunday preceding the election; and the said notice shall be signed for the first election in virtue of this Act, by the Registrar of the registration division of St. John, whose duty it shall be to preside at the said first election, and for all subsequent elections the said notice shall be signed by the Mayor or the Secretary-Treasurer of the said Council, and shall specify the day, place and hour upon which the said elections are to take place.

When the municipal elections shall be held: Notice thereof.

Who shall preside.

Registrar to
reside at the
first election.

VIII. 1. It shall be the duty of the Registrar of the registration division of St. John to preside at the first election which shall take place in the month of January next; and the poll shall be open for the reception and registration of votes from ten of the clock in the forenoon until four of the afternoon of the day appointed for the said election; provided the election shall not have taken place by acclamation; and at the said election each elector shall be entitled to vote for eight Councillors, and shall be entitled at the same time to vote for a Mayor of the said Town; and at the closing of the poll, the said president shall declare the eight persons who shall have obtained the greatest number of votes to be duly elected members of the said Town Council, and in cases in which the candidates shall have an equal number of votes, then, and in that case, the said president shall give his vote in favor of one or two candidates in such a manner that eight Councillors shall be elected;

Mode of vot-
ing.
Mayor to be
elected at the
same time, &c.

Duty of Dep-
uty Returning
Officer.

2. It shall be the duty of the Deputies, immediately after the closing of the Polls in their respective Wards, to report to the Registrar the number of votes registered in their respective Wards for the election of a Mayor for the said Town, and the Registrar, at six of the clock of the afternoon, of the same day shall, at the Town Hall, declare the person who shall have obtained the greatest number of votes in his favor, to be duly elected Mayor of the Town, and in case the candidates for the Mayoralty shall have an equal number of votes, then the Registrar shall give his vote in favor of one of the candidates;

Declaration of
result of elec-
tion.

Duration of
office of Mayor
and Council-
lors.

3. The Mayor shall be elected for one year only, and shall remain in office until his successor shall have been appointed; the Councillors elected at any of the Municipal elections shall remain in office during two years, except those who shall have been elected at the first elections, of whom four shall retire from office at the expiration of the first year, and it shall be declared by lot in the manner established by the Council, which of the Councillors shall thus retire from office at the end of the first year;

How subse-
quent elections
shall be con-
ducted.

4. The subsequent annual elections of a Mayor and of four Councillors for the said town shall take place in the same manner and within the same delays as the first, with the exception, however, that the said elections, instead of being presided over and conducted by the Registrar, shall be so by one of the members of the Council, who shall not retire from office, and who shall be appointed by the Council one month previous to the time fixed for the said election, and the said Councillor shall make a proclamation of the persons elected in the same manner, at the same hour, and in the same place as the Registrar for the first election, and the said Councillor for all purposes relating to elections, shall have the same powers and the same duties as the Registrar for the first election;

Powers of per-
son presiding
and his depu-
ties.

5. The person who shall preside at an election shall, during such election, be a conservator of the peace, and shall be invested with the same powers for the preservation of the peace, and the apprehension, imprisonment, holding to bail, trying and convicting violators of the law, as are vested in the Justices of the Peace, and this, whether the said person presiding do or do not possess the property qualification of a Justice of the Peace, as required by law, and it shall be lawful for the President to appoint special constables in sufficient numbers to preserve peace at the

said election, if he shall think it necessary or be required so to do by five electors.

IX. 1. The person presiding at any such election shall, within two days from the closing of the election, give to the Mayor and each of the 5 Councillors so elected, special notice of their said election, as well as of the place, the day, and the hour appointed for the first meeting of the Council to take place after their said election: The Mayor and Councillors so elected shall enter respectively into office as such, at the said first meeting, and shall remain in office until the appointment of their successors; 10

Notice of first meeting of Council.

Entry into office.

2. The person presiding at any such election shall deliver up immediately to the Secretary-Treasurer of the Town Council, if such officer exist, and if not, then as soon as the said officer shall be appointed, the 15 Poll Books kept at such election, together with all other papers and documents relating to the said election, certified by himself, to form part of the records of the said Council, and copies of the same certified by the Secretary-Treasurer, shall be valid in any Court of Justice.

Poll books, &c., to be delivered up to the Secretary-Treasurer, &c.

3. The first session of the Council, after the first election, shall take place within eight days immediately following the said election, and at 20 such meeting the Mayor and Councillors shall take the following oath:

Mayor and Councillors to take oath of office.

“I, A. B., do solemnly swear faithfully to fulfil the duties of member of the Town Council of St. John to the best of my judgment and ability; So help me God.”

And the members then present, provided they form a majority of the 25 Council, shall be authorized to act as the Council, and all members absent without just cause shall be held to have refused the office, and be liable to the fine hereinafter provided for in like cases, unless they be persons who are exempted from serving;

Quorum at first meeting.

4. The Mayor and Councillors elected at the elections subsequent to 30 the first, shall enter into office on the day of their nomination, and a meeting of the Council shall take place within eight days after, in the same manner as after the first election, and the Mayor and Councillors elected shall take the same oath, and those absent without just cause shall be held to have refused the office, and shall be liable to the penalty 35 provided in such cases, unless they be persons who are exempted from serving;

When Mayor elected after first election shall go into office.

5. Five members of the Council shall constitute a quorum; Quorum.

6. The expenses of every election shall be defrayed out of the funds of the Corporation. Expenses.

X. 1. In any case in which one of the persons elected shall refuse to act as Mayor or Councillor, or in case his election being contested shall be declared null, the electors of the town shall proceed to a new election, and elect a person to replace the said Councillor within one month after the said refusal shall have been made necessary, or that 40 the said election shall have been declared null; and if it be the Mayor who shall refuse to accept, or whose election shall have been declared

In case the Mayor or Councillors shall refuse to act.

If the Mayor refuses, &c.

null, the electors of the town shall proceed to a new election for such Mayor, within the same delay ; and in such case the poll shall be held only at the Town Hall, and the said election shall be conducted in the same manner as annual elections ;

In case of the absence, death or incapacity of Mayor or Councillors.

2. In case of the death of the Mayor or a Councillor, or in case of his absence from the Town, or incapacity of acting as such, either from infirmity, sickness, or any other cause, during three calendar months, the other Councillors, at the first meeting of the Council which shall take place after such decease, or the expiration of the said period of three months, shall appoint from amongst the inhabitants of the town another Mayor or Councillor to replace the Mayor or Councillor so deceased, absent, or rendered incapable, as above mentioned ; Provided, however, that notwithstanding the decease, absence, or inability to act, of the said Mayor, or the said Councillor, the remaining Councillors shall continue to exercise the same powers and fulfil the same duties which they would have had to exercise or fulfil, had not such decease, absence, or inability to act on the part of the said Mayor or Councillor taken place ;

Proviso: remaining Councillors empowered to act.

Duration of office.

3. Every Mayor or Councillor so elected or appointed to replace another, shall remain in office for the remainder of the time for which his predecessor had been elected or appointed, and no longer.

Presiding officer at election to take oath.

XI. Before any person shall proceed to hold an election in conformity with this Act, he shall take the following oath, which any Justice of the Peace residing in the said town is hereby authorized to administer, that is to say :

The oath.

“ I do solemnly swear, that I will faithfully and impartially, to the best of my judgment and ability, discharge the duties of Presiding Officer at the election which I am about to hold for persons to serve as members of the Town Council of St. John : So help me God,”

Presiding officer to examine candidates upon oath as to qualification

XII. The officer presiding at any election under this Act shall have authority, and he is hereby required at the request of any person qualified to vote at such election, to examine on oath (*or affirmation, when the party is allowed by law to affirm*) any candidate for the office of member of the said Town Council, respecting his qualification to be elected to the said office ; and shall also have authority, and he is hereby required upon such request as aforesaid to examine upon oath (*or affirmation*) any person tendering his vote to any election, and the oath to be administered by the presiding officer in both cases shall be in the form following, viz :

The oath.

“ You shall true answer make to all questions put to you by me in my capacity of Presiding Officer at this election, respecting your qualification to be elected a member of the Town Council, (*or respecting your qualification to vote at this election, as the case may be*): So help you God.”

May put other questions.

And the presiding officer shall himself put the questions which he shall deem necessary.

False swearing to be perjury.

XIII. If any person being examined upon oath or affirmation under

this Act as to his qualification to vote or to be elected, shall wilfully forswear himself, he shall be deemed guilty of wilful and corrupt perjury, and on conviction thereof, shall be subject to the same penalties as in cases of other wilful and corrupt perjury.

- 5 XIV. The said Town Council shall meet at least once in each month for the transaction of the business of the said town, and shall hold their sittings in the Town Hall or in any other place in the said town which shall have been set apart for the purpose, either temporarily or permanently; Provided always, that one or several members, not sufficient
10 to form a quorum, may adjourn any meeting of the Council which may not have taken place for want of a quorum, and such members, though not forming a quorum, are hereby authorized to compel the attendance of absent members at the regular or adjourned meeting as aforesaid, and to impose such penalties upon such absent members for
15 a repetition of the offence, as may be provided by any By-law of the said Town Council for that purpose.

Times and places of meetings, of the Council.

Proviso: as to adjournments and penalties for non-attendance.

- XV. It shall be lawful for the Mayor of the said Town whenever he shall deem it necessary or useful, to call special meetings of the said Council, and whenever two members shall be desirous of obtaining such special meeting, they shall apply to the Mayor to call such
20 meeting, and in the absence of the Mayor, or on his refusal to act, they may call such meeting themselves, on stating in writing to the Secretary-treasurer of the said Council, their object in calling such special meeting, and the day on which they are desirous that it shall be held;
25 and the said Secretary-Treasurer shall, upon receipt of such written notification, communicate the same to the other members of the Council.

Mayor may call special meetings.

And in case of his absence or refusal.

- XVI. 1. If the election of all, or of one or more of the Councillors be contested, such contestation shall be decided by the Circuit Court or the district of Iberville;

Decision of contested elections by Circuit Court.

- 30 2. Every such election may be so contested by one or more of the Candidates, or at least ten of the electors of the said Town;

Who may contest.

3. The said contestation shall be brought before the Court, by a petition signed by the petitioner or petitioners, or by any Attorney duly authorized, setting forth in a clear manner the grounds of such
35 contestation;

And how.

4. A true copy of the petition, with a notice stating the day on which the said petition will be presented to the Court, shall be first duly served upon the Mayor, Councillor or Councillors whose election is contested, at least eight days before the day on which the said petition shall be
40 presented to the Court; and a return of the service shall be drawn up and signed in due form upon the original of the said petition by the Bailiff who shall have made such service; but no such petition shall be received after the term next following the election thereby contested, unless such election took place within the fifteen days next preceding the
45 first day of such term, in which case any such petition may be presented on the first day of the second term, but not later; nor shall any such petition be received, unless security for costs be given by the petitioners in the presence of a judge of the Superior or Circuit Courts or of the
50 Clerk of the Circuit Court for the said District of Iberville, or his Deputy.

Form or proceedings.

Time for contesting limited.

Courts may proceed in a summary manner.

Evidence.

Judgment to be final.

What may be declared by the judgment.

With respect to defects or irregularities.

In case any annual municipal election shall not be held.

Power to Council to impose penalties.

Meetings to be public.

Certain other powers of Council.

5. If the Court be of opinion that the grounds set forth in the petition are sufficient in law to void the election, it shall order proof to be adduced if proof be necessary, and the parties interested to be heard, on the nearest day which it shall deem expedient; and shall proceed in a summary manner to hear the said contestation; the evidence may be taken down in writing or given orally in whole or in part, as the Court shall order; And if the trial of such contestation be not concluded at the close of the term of the Court during which it began, the Judge shall continue the same in vacation: and shall adjourn from day to day until he shall have pronounced his final judgment upon the merits of the same: And every such judgment so pronounced and all proceedings had in any such case in vacation shall have the same effect as if the same had been pronounced or had in term; 5 10

6 The Court may, on such contestation confirm the election or declare the same to be null and void, or declare another person to have been duly elected, and may, in either case award costs to or against either party; which costs shall be taxed and recovered in the same manner, and by the same means, as costs are taxed and recovered in actions of the first class, with right of appeal, brought in such Circuit Court; and the Court may order its judgment to be served upon the Secretary-Treasurer of the Council, at the expense of the party condemned to payment of costs, as aforesaid; 15 20

7. If any defect or irregularity in the formalities prescribed for the said election be set forth in any such petition, as a ground of contestation, the Court may admit or reject the objection, according as such defect or irregularity may or may not have materially affected the election. 25

XVII. In case it shall at any time happen that an Annual Municipal Election shall not be held, for any reason whatever, on the day when, in pursuance of this Act, it ought to have been held, the said Town Council shall not, for that cause be deemed to be dissolved, and it shall be lawful for such members of the said Council as shall not have retired from office, to meet again, for the purpose of fixing as early as possible a day for the holding of such Annual Municipal Election; and in such case, the notices and publications required by this Act shall be published and posted up not less than one clear day before the election: And if it be the first election which has not taken place, then it shall be the duty of the Registrar to have it take place within the shortest possible delay. 30 35

XVIII. The said Council shall have power to punish by imprisonment not exceeding fifteen days, or by a fine which shall not exceed, but may be less than forty dollars currency, any Councillor who may be guilty of serious disturbance or violence during its sittings, either by action, by word or in any other manner whatsoever. 40

XIX. All meetings of the said Council shall be public, excepting only when the said Council shall enquire into the conduct of any members of their own body, for any causes whatsoever, in which case it shall be lawful for the said Council to sit with closed doors: and the said Council shall determine the mode of their proceedings, and shall have power to cause order to be observed by persons present during their sittings, 45 50

and to punish by fine and imprisonment, or by one of the two, any act of contempt committed by any such persons present: Provided always, that no such fine shall exceed the sum of twenty dollars currency, and that no such imprisonment exceed the period of fifteen days. Contempts. Proviso. Fines limited.

5 XX. The Sheriff and Gaoler of the District of Montreal, and those of Iberville, when there shall be a Gaol in the latter District, shall be bound, and they are hereby authorized and required to receive and safely keep until duly discharged, all persons committed to their charge by the said Town Council, or any member or officer thereof under the 10 authority thereof. Duties of sheriff and gaoler.

XXI. The Mayor of the said Town, if he is present, shall preside at the meetings, shall maintain order thereat, and shall have a right to express his opinion, but not to vote, on all questions which shall be brought before the said Council; Provided always, that when the said Councillors 15 after having voted on any question shall be found to be equally divided, then, and in that case only, the Mayor shall decide the question by his vote, giving his reasons for it if he thinks proper; and neither the Mayor nor the Councillors shall receive any salary or emoluments from the funds of the Town during the time they shall remain in office; Pro- 20 vided also that whenever the Mayor shall not be present at a regular special meeting of the said Town Council, the Councillors present shall choose one of their number to fill the place of the Mayor during the sitting. Mayor to preside at such meetings, and to have a casting vote, but no salary. Proviso. Proviso.

XXII. 1. The Council at its first general session, or at a special ses- 25 sion, held within fifteen days, which shall follow the first day of such general session, shall appoint an officer who shall be called the "Secretary-Treasurer of the Town of St. John." Secretary-Treasurer appointed.

2. The Secretary-Treasurer shall be the custodian of all the books, registers, valuation rolls, collection rolls, reports, *procès-verbaux*, plans, 30 maps, records, documents and papers kept or filed in the office or archives of the Council; he shall attend all sessions, and shall enter in a Register kept for the purpose all the proceedings of the Council, and he shall allow persons interested therein, to inspect the same at all reasonable hours: and every copy or extract of or from any such book, register, 35 valuation roll, collection roll, report, *procès-verbal*, plan, map, record, document or paper certified by such Secretary-Treasurer, shall be deemed authentic; His certificate to make certain documents authentic.

3. Every person appointed Secretary-Treasurer shall, before acting as such, give the security hereinafter mentioned; Security to be given by him.

4. He shall furnish two sureties, whose names shall be approved by a 40 resolution of the Council, before they shall be admitted as such: All such sureties shall be jointly and severally bound together with the Secretary-Treasurer, and their obligation shall extend to the payment of all sums of money for which the Secretary-Treasurer may, at any time 45 be accountable to the Corporation, including principal, interest and costs, as well as the penalties and damages to which he shall become liable in the exercise of his office; Sureties; and for what bound.

5. Every such security bond shall be made by an Act before a Notary 50 Security bonds.

and accepted by the Mayor, and it shall be the duty of the Secretary-Treasurer to transmit to the Mayor a copy of the same ;

To be registered : and its effects when registered.

6. Every such security bond, when duly registered in the registry office for the Registration Division of St. John shall carry with it a hypothec (*hypothèque*) only on such immoveable property as shall have been therein designated : And it shall be the duty of the Chief Officer of the Council to cause it to be registered immediately on receipt thereof ; 5

The Secretary-Treasurer shall receive and pay out the moneys of the Corporation.

7. The Secretary-Treasurer of the Council shall receive all moneys due and payable to the Corporation, and he shall pay out of such moneys all drafts or orders drawn upon him by any person thereunto authorized by this Act, for the payment of any sum to be expended or due by the Municipality, whenever thereunto authorized by the Council, but no such draft or order shall be lawfully paid by the said Secretary-Treasurer, unless the same shall shew sufficiently, the use to be made of the sum mentioned in such draft or order, or the nature of the debt to be paid thereby ; 10 15

Shall keep the books.

8. The Secretary-Treasurer shall keep in due form, books of account in which he shall respectively enter each item of receipt and expenditure, according to dates, mentioning at the same time the names of the persons who have paid any moneys into his hands or to whom he has made any payment respectively, and he shall keep in his office the vouchers for all expenditure ; 20

To render attested accounts.

9. The Secretary shall render to the Council every six months, that is to say, in the months of June and December in each year or oftener, if required by such Council, a detailed account of his receipt and expenditure, attested by him under oath ; 25

Books to be open to public.

10. The Secretary-Treasurer's books of account and vouchers shall, at all reasonable hours of the day be opened for inspection, as well to the Council as to each of the members thereof, and the Municipal Officers by them appointed, as to any person liable to assessment in the Town. 30

He may be sued by the Mayor in the name of the Corporation.

11. The Secretary-Treasurer or any other person who shall have filled the said office, may be sued by the Mayor in the name of the Corporation, before any tribunal of competent jurisdiction, for having failed to render an account, and in any such action he may be condemned to pay damages and interest for having failed to render such account ; and if he render an account, he shall be condemned to pay such balance as he shall acknowledge or declare to have in his hands, together with such other sums as he ought to have debited himself with, or as the Court shall think he ought to be held accountable for ; and every judgment pronounced in any such suit shall include interest at twelve per cent. on the amount thereof, by way of damages, together with the costs of suit. 35 40

Damages in such suit.

Contrainte par corps.

12. Every such judgment shall carry *contrainte par corps* against the said Secretary-Treasurer, according to the laws in force in like cases in Lower Canada, if such *contrainte* be demanded in the action to compel the rendering of the said account ; 45

Power of Council to

13. The Council shall have power and authority to appoint such other

officers as may be necessary for carrying into effect the provisions of this Act, or of any By-law or regulation of such Council; appoint officers.

14. Every Municipal Officer, whether elected or appointed shall, within eight days from the day on which he shall cease to hold such office, Officers retiring— their duties.
 5 deliver to his successor, if he be then elected or appointed, or if not, then within eight days after the election or appointment of such successor, all moneys, keys, books, papers and insignia belonging to such office;

15. If any such officer die or absent himself from Lower Canada without having delivered up all such moneys, keys, books, papers and insignia, In case of death, or absence from Lower Canada.
 10 it shall be the duty of his heirs or other legal representatives to deliver the same to his successor within one month from his death or from his departure from Lower Canada;

16. And in every such case the successor in office of every such officer shall, besides all other legal remedies, have a right of action before any His successor to have a right of action for certain purposes.
 15 Court of Justice, either by *saisie revendication*, or otherwise to recover from such officer or from his legal representatives, or any other person in possession of the same, all such moneys, keys, books or insignia, together with costs and damages in favor of the Corporation: and every judgment rendered in every such action may be enforced by *contrainte par corps*
 20 against the person condemned, according to the laws in force in such cases in Lower Canada, each time the said *contrainte* is demanded by the declaration.

XXIII. The said Town Council shall have power whenever they may deem advisable to appoint three assessors or valuers of property, and Assessors to be appointed; their duties.
 25 it shall be the duty of the said assessors to estimate the rateable property in the said Town according to its real value, and within the periods which shall be fixed by the said Town Council.

XXIV. Every person so appointed assessor, shall be bound, before proceeding to the valuation of any property in the said Town, to take the Assessors to take oath.
 30 following oath before the Mayor of the said Town, or in his absence, before a Councillor, to wit:

“ I, _____, having been appointed one of the assessors of the Town The oath.
 “ of Three Rivers, do solemnly swear, that I will diligently and honestly
 “ discharge the duties of that office to the best of my ability: So help
 85 “ me God.”

XXV. The assessors who shall be appointed for the said Town, shall be proprietors of real estate in the said Town of the value of at least six Real property qualification.
 hundred dollars currency of this Province.

XXVI. When the assessors shall have made a valuation of all the Proceedings of Council upon deposit of Assessment roll.
 40 rateable property of the said Town, they shall deposit the assessment roll with the Secretary-Treasurer of the said Town, and notice of such deposit shall be given by the Secretary-Treasurer in a Newspaper published in the said Town; And at the next ensuing meeting of the said Council, the said assessment roll shall be produced, and if they desire it, examined
 45 ed by the Councillors; and the assessment roll shall be deposited in the office of the Secretary-Treasurer for the period of one month, dating from such meeting; and during that period, it shall remain open to the in-

spection of all persons whose property shall have been estimated, or their representatives; and within that period persons considering themselves aggrieved may give notice in writing to the Secretary-Treasurer of their intention to appeal to the said Town Council, complaining of any excessive valuation, and such appeal shall be tried by the said Council, at the first meeting which shall be held after the expiration of the month above mentioned; and the said Council, after having heard the parties and their witnesses under oath, which shall be administered by the Mayor or presiding Councillor, shall confirm or alter the valuation, the change whereof shall have been prayed for, as to them shall seem just; and at the same meeting the said assessment roll shall be declared closed for two years; unless, however, from the number of appeals, the Council shall be compelled to adjourn, in which case the said assessment roll shall not be declared closed until all the appeals shall have been heard and determined; Provided always, that if, after the said assessment roll shall have been declared closed as aforesaid, any property in the said Town should suffer any considerable diminution in value, either through fire, demolition, accident or any other reasonable cause, it shall be lawful for said Council, upon the petition of the proprietor, to instruct the assessors to reduce their valuation of such property to its then actual value; and provided also, that if any omission shall have been made in the said assessment roll, the said Council may order the assessors to value any property so omitted, in order to its being added to the roll; and provided also, that the said assessors shall, when directed by the said Council, make a yearly valuation of the stocks of merchandise held in the said Town.

Proviso as to diminution in value.

Proviso.

Two auditors of accounts to be appointed and sworn.

XXVII. At the first meeting after each Annual Municipal Election, two persons shall be appointed by the said Town Council, to be Auditors of the accounts of the said Council; and such Auditors shall take the following oath, before any one of the Justices of the Peace residing in the said town, that is to say:

The oath.

“ I, _____, having been appointed to the office of Auditor of the town of St. John, do hereby swear, that I will faithfully perform the duties thereof, according to the best of my judgment and ability; and I do declare that I have not directly or indirectly any share or interest whatever, in any contract or employment with, by, or on behalf of the Town Council of the said town of St. John: So help me God.”

Duty of Auditors.

XXVIII. It shall be the duty of the Auditors to examine, approve, or disapprove of and report upon all accounts which may be entered in the books of the said Council or concerning them, and which may relate to any matter or thing under the control of, or within the jurisdiction of the said Town Council, and may then remain unsettled; and to publish a detailed statement of the receipts and expenditure, and of the assets of the said Council, in two newspapers (one in the English and the other in the French language) published in the said town, at least fifteen days before the Annual Municipal Elections.

Detailed accounts to be published.

Real property qualification of auditors. Proviso: certain parties disqualified.

XXIX. The Auditors who shall be appointed for the said town, shall be proprietors of real estate therein of the value of at least one hundred pounds currency; Provided always, that neither the Mayor, Councillors, Secretary-Treasurer of the said town, nor any person receiving any salary from the said Council, either for any duty performed

under their authority or on account of any contract whatsoever entered into with them, shall be capable of discharging the duties of Auditor for the said town.

XXX. The Mayor of the said town shall, during the period of his office, be a Justice of the Peace; Provided always, that he shall not be bound to take any other oath than the official one to act as such. any law to the contrary notwithstanding.

Mayor to be Justice of the Peace. Proviso.

XXXI. Every person holding the office of Councillor of the said town, who shall be declared a bankrupt or shall become insolvent, or who shall apply for the benefit of any of the laws made for the relief or protection of insolvent debtors; or who shall enter into holy orders, or become a minister of religion in any religious denomination, or who shall be appointed a Judge or Clerk of any Court of Justice, or a member of the Executive Council, or who shall become responsible for the revenues of the town, in whole or in part, or who shall absent himself from the said town, without the permission of the said Council, for more than two consecutive months, or who shall not be present at the meetings of the said Council for a like period of two consecutive months, shall, by virtue of any one of these causes, become disqualified, and his seat in the said Council shall become vacant; and such person shall be replaced in accordance with the provisions of this Act; Provided always, that the word "Judge" employed in any part of this Act shall not apply to a Justice of the Peace.

How councillors shall be disqualified.

Vacancy to be filled. Proviso.

XXXII. It shall be lawful for the said Town Council, from time to time, to make such By-laws as may seem to them necessary or expedient for the internal government of the town, for the improvement of the place, for the maintenance of peace and good order, and for the good repair, cleansing, and draining of the streets, public squares, and vacant or occupied lots; for the prevention or suppression of all nuisances whatsoever, for the maintenance and preservation of the public health, and generally for all purposes connected with, or affecting the internal management or government of the said town.

Town Council may make by laws for certain purposes.

XXXIII. It shall be lawful for the said Town Council to appoint, remove, and replace, when they shall think proper, all such officers, constables, and policemen as they shall deem necessary for the due execution of the laws and by-laws now in force or to be by them enacted hereafter, and to require from all persons employed by them, in any quality whatsoever, such security as to them shall seem meet to ensure the due execution of their duties; and whenever it shall be necessary to hold an enquiry into the conduct of any such-officers, policemen, or other employées of the Council, it shall be lawful for the said Council to summon witnesses, and to compel them to appear, under a penalty of twenty dollars, and to examine them under oath, which shall be administered by the Mayor or the presiding Councillor.

May appoint and remove officers.

XXXIV. In order to raise the necessary funds to meet the expenses of the said Town Council, and to provide for the several necessary public improvements in the said town, the said Town Council shall be authorised to levy annually on persons and on moveable and immoveable property in the said town, the taxes hereinafter designated, that is to say:

Council may levy taxes.

Upon real
property.

1. On all lands, town lots, and parts of town lots, whether there be buildings erected thereon or not, with all buildings and erections thereon, a sum not exceeding one-half of a cent in the dollar on their whole value, as entered on the Assessment Roll of the said town.

And upon
certain move-
able property.

2. On the following moveable property a like annual sum of one half of a cent in the dollar at the value herein specified ; 5

Every horse kept for covering mares shall be rated at four hundred dollars.

Every horse kept for hire or gain, at sixty dollars ;

Every horse above the age of three years, and kept for domestic purposes, forty dollars ; 10

Every bull, fifty dollars ;

Every ram, twenty dollars ;

Every head or horned cattle, aged two years and more, at twenty dollars ; 15

Every covered carriage, with four wheels, two hundred dollars ;

Every open carriage, with four wheels and two seats, at eighty dollars ;

Every curricule or light waggon, with one seat, at forty dollars ;

Every two horse sleigh, at eighty dollars ; 20

Every one horse sleigh at forty dollars ;

Proviso :
Certain
personal
property
exempt.

Provided always, that every winter or summer vehicle used solely for drawing loads, and all vehicles commonly called draught or work vehicles, as well as all farm stock, and all implements used for agricultural purposes, shall be exempt from any tax whatever ; 25

Upon mer-
chandise.

3. On all stocks in trade or goods kept by merchants or traders, and exposed for sale on shelves in shops or kept in storehouses, a tax of one-half per cent on the estimated average value of such stocks in trade ;

Tenants.

4. On each tenant paying rent in the said town an annual sum equivalent to three cents in the dollar on the amount of his rent ; 30

Male
inhabitants.

5. On each male inhabitant of the age of twenty-one years who shall have resided in the said town for six months, and not being a proprietor, nor servant, nor an apprentice, nor a domestic servant, an annual sum of one dollar. 35

Dogs.

6. On every dog kept by persons residing in the said town an annual sum of one dollar ;

7. And it shall be lawful for the said City Council to fix, by a By-law or By-laws, and to impose and levy, certain annual duties of taxes, on the proprietors or occupants of houses of public entertainment, taverns, coffee-houses, and eating-houses, and on all retailers of spirituous liquors ; and on all pedlars and itinerant traders selling in the said town articles of commerce of any kind whatsoever ; and on all proprietors, possessors, agents, managers, and keepers of theatres, circuses, billiard-rooms, nine-pin alleys, or other places for games or amusements of any kind whatsoever ; and on all auctioneers, grocers, bakers, butchers, hawkers, carters, livery stable keepers, brewers, and distillers ; and on all merchants and manufacturers, and their agents ; and on all proprietors or keepers of wood-yards, or coal yards, and slaughter-houses, in the said town ; and on all money-changers or exchange-brokers, pawn-brokers, and their agents, and on all bankers and banks, and all agents of bankers and banks ; and on all insurance companies or their agents ; and generally on all commerce, manufactures, callings, arts, trades, and professions, which have been or which may be exercised in, or introduced into the said town, whether the same be or be not mentioned therein ; and the workmen of all mechanical arts and trades exercised in the said town, shall be divided into first and second classes, by the person appointed by the said Town Council to make the roll of moveable property, and shall be assessed at one dollar per annum for those of the first class, and at twenty-five cents for those of the second class ; and every person in the said town, practising the profession of a lawyer, or of a physician, or of a land surveyor, or of a notary, or any other liberal profession, shall be assessed at the sum of three dollars annually ; and the said Town Council may name a person or persons to make the roll of the persons and moveable property mentioned in the different parts of this section.

On certain professions, trades, &c.

8. And the said Council shall also have power to fix the amount of personal commutation, that is to say, of the sum to be payable by each person liable to assist in keeping the streets and sidewalks of the said town in repair, and to refuse the labor of such person in keeping the same in repair, if the said Council should prefer to charge itself therewith ; Provided always, that every such sum demanded for personal composition shall be equitably established in proportion to the work to be done, and that by arbitration, if the parties concerned require it.

Commutation in respect to statute labor.

Proviso.

XXXV. The said Council shall also have power to make By-laws :

Council may make by-laws with respect to :

1. For the concession of emplacements and for opening new streets in the common of the said Town, to such extent as may from time to time be required, and upon such conditions as the Council may deem proper, any law to the contrary notwithstanding ;

Conceding lots and opening streets in the common.

2. For establishing one or more new market places ; and for extending the market places now existing or which may be hereafter established ; the whole subject to the payment of the damages which may be incurred by parties in consequence of their respective lands being encroached upon by the extension of such market places ;

Markets.

3. For determining and regulating the duties of the Clerks of the markets in the said Town, and all other persons they may deem proper to employ to superintend the said markets ; and for letting the stalls and

Clerks of markets, and their duties.

- other places for selling, upon and about the said market places; and for fixing and determining the duties to be paid by any persons selling on any of the said markets, any provisions or produce whatever; and for regulating the conduct of all such persons in selling their goods; and to provide for the weighing or measuring as the case may require, by the officers named for that purpose by the said Council, and on the payment of such fees as the said Council may think fit to impose on that behalf, of any thing or things sold or offered for sale on the said markets; 5
- Weighing and measuring.**
- Amending By-laws.** 4. For amending, modifying or repealing all By-laws made by the Municipal Councils who have had the management of the internal affairs of the said Town; 10
- Vehicles on markets.** 5. For regulating and placing all vehicles in which any articles shall be exposed for sale on the said markets;
- Sales in markets.** 6. For preventing persons bringing articles of any kind into the said Town, from selling or exposing them for sale in any other place than the markets of the said Town; 15
- Cordwood, &c.** 7. For regulating the weighing and measuring of all cord-wood, coals, salt, grain, lime and hay, bought or sold in the said Town, by strangers or persons residing therein;
- Weights and measures.** 8. For determining in what manner the said articles and all others shall be sold and delivered, whether by quantity, measure or weight, and for obliging all persons to observe in the above matters the By-laws which the said Council shall hereafter deem useful to establish; 20
- Obstructions.** 9. For preventing obstructions of any nature whatsoever in streets;
- Sales on public highways.** 10. For preventing the sale on the public highway of any wares or merchandize whatsoever; 25
- Sale of intoxicating liquors.** 11. For restraining and prohibiting the sale of any spirituous, vinous, alcoholic or intoxicating liquor, or for authorizing such sale, subject to such restrictions as they may deem expedient;
- Licenses.** 12. For determining under what restrictions and conditions and in what manner the Revenue Inspector of the District of Montreal or the District of Iberville, when the same shall have been erected, shall grant Licenses to merchants, traders, shopkeepers, tavern-keepers, and other persons to sell such liquors; 30
- Sum payable.** 13. For fixing the sum payable for every such License, provided that in any case it shall not be less than the sum which is now payable therefor by virtue of the laws at present in force; 35
- Regulation of shopkeepers.** 14. For regulating and governing all shop-keepers, tavern-keepers, and other persons selling such liquors by retail, and in what places such liquors may be sold, in such manner as they may deem expedient to prevent drunkenness; 40
- Sale of liquor to children, apprentices, &c.** 15. For preventing the sale of any intoxicating beverage to any child, apprentice or servant;

16. For preventing the driving of vehicles at an immoderate pace in the said Town, or riding on horseback on the sidewalks of the said Town, or the barbarous or inhuman treatment of horses or other beasts, such as beating them excessively in order to oblige them to draw burthens of too great a weight ; Cruelty to animals.
17. For regulating, fixing and determining the weight and quality of bread sold or offered for sale within the limits of the said Town ; Bread.
18. For regulating the conduct and certain duties of apprentices, domestics, hired servants and journeymen in the said Town, and also certain duties and obligations of masters and mistresses towards such servants, apprentices and journeymen ; Servants and apprentices.
19. To prevent the keeping of gaming-houses, places for gambling or any description of houses of ill-fame in the said Town ; Gaming houses.
20. To establish as many public pounds as the said Council shall deem expedient to open for the impounding of animals of any species which may be running at large in the said Town ; Pounds.
21. For regulating, arming, lodging, clothing and paying a Police Force in the said Town, and for determining their duties ; Police.
22. For fixing and regulating the places in which interments may take place within the said Town ; for compelling the taking up of any body interred within the said limits contrary to this provision: Provided always, that this paragraph shall not extend to prevent interments in the Churches in the said Town ; Interments.
Proviso.
23. To compel the proprietors or occupants of all land and real property within the said Town, their agents or representatives, to enclose the same ; and to regulate the height, description and material of every such enclosure ; Enclosures.
24. To compel the proprietors or occupants of lots of land in the said Town, having stagnant or filthy water upon them, to drain or raise such lands so that the neighbors may not be incommoded, nor the public health endangered thereby ; and in the event of the proprietors of such lands being unknown, or having no representative or agent in the said Town, it shall be lawful for the said Council to order the said lands to be drained, or raised, or to fence in and enclose them at their cost, if they are not already fenced in and enclosed ; and the said Council shall have a like power if the proprietors or occupiers of such lands are too poor to drain, raise or fence in the same ; and in every case the sum expended by the said Council in improving such lands, shall remain as a special hypothec on such lands, and have privilege over all other debts whatsoever, without it being necessary to register the same ; Draining of lands.
25. To oblige all proprietors or occupants of houses in the said Town, to remove from the streets all encroachments or obstructions of any sort, such as steps, galleries, porches, posts or other obstacles whatsoever ; Encroachments.
26. To cause to be pulled down, demolished and removed, when necessary, all old, or dilapidated walls, chimneys and buildings of any des- Old and ruinous buildings.

cription that may be in a state of ruin, and to determine the time and manner in which the same shall be pulled down, demolished or removed, and by whom the expense thereof shall be borne ;

Width of streets.

27. For regulating the width of streets to be opened hereafter in the said Town ; for regulating and altering the height or the level of any street or side-walk in the said town ; Provided, that if any person shall suffer real damage by the widening, lengthening or altering the level of any street in the said Town, such damage shall be paid to such person, after having been assessed by arbitrators, if any of the parties shall require it ;

Water and gas.

28. For defraying out of the funds of the said Town, the expenses of furnishing the citizens with water, and of lighting the said Town with gas, or in any other manner, and for obliging the proprietors of real property in the said Town to allow the necessary works to be performed for such objects on their respective properties, and for obliging all proprietors to allow the necessary pipes, lamps and posts to be fixed in or upon their houses ; Provided always, that in all such cases, the expense of all such pipes, lamps and other necessary works, shall be defrayed by the said Council ; And provided also, that the solidity of the buildings on and near to which they shall be so placed, shall be in no wise affected, and that any damages that may be caused shall be paid by the said Council, and that every proprietor shall be indemnified by the said Council ;

Proviso.

Proviso.

Common sewers.

29. For assessing the proprietors of real property situate on any of the streets of the said Town, for such sum as shall be deemed necessary for making or repairing any common sewer in any of the streets of the said Town, such assessment being in proportion to the assessed value of such property ; and for regulating the mode in which such assessment shall be collected and paid ; Provided always, that the said Council shall not be authorized so to assess the proprietors in any street, for making such common sewers, unless the majority of the proprietors in such street shall have called for such assessment ;

Proviso.

Sweeping and watering, &c.

30. For assessing, at the request of the majority of the citizens residing in any of the streets or public squares of the said Town, all the citizens residing in such street or public square, in any sums necessary to meet the expense of sweeping and watering, and keeping clean such street or public square, and for removing the snow from any such street, lane or public place ; such assessment being in proportion to the assessed value of their property ;

Damages from riots and tumults.

31. To assess over and above all other rates specially established by this Act, all the citizens of the said Town, to meet the expenses of any indemnity which the said Council might be obliged to pay to persons in the said Town, whose houses or buildings of any description might be destroyed or damaged by any riot or tumultuous assembly ; and if the said Council shall neglect or refuse within six months after such destruction or damages caused to any property in the said Town, to pay a reasonable indemnity to be established by arbitrators, if one of the parties shall so desire, then the said Council shall be liable to be sued for such damage in one of the Courts of Justice of this Province ;

32. To fix the place for the erection of any manufactories or machinery worked by steam in the said Town; Steam engines.

33. For establishing a Board of Health, and investing them with all the privileges, power and authority necessary for the fulfilment of the 5 duties entrusted to them, or for acquiring every useful information on the progress or general effects of all contagious diseases, or for making such regulations as such Board of Health shall deem necessary for preserving the citizens of the Town from any contagious diseases, or for diminishing the effects or the danger thereof. Contagious diseases.

10 XXXVI. For the better protection of the lives and property of the inhabitants of the said Town, and for more effectually preventing accidents by fire, the said council may make By-laws for the following purposes, that is to say : Prevention of accidents by fire.

1. For regulating the construction, dimensions, height and elevation 15 of chimneys above the roofs, or even in certain cases above the neighboring houses and buildings; and at whose cost such chimneys shall be raised, and within what delay they shall be raised or repaired; Chimneys.

For defraying out of the funds of the said Town any expenses that the Council shall deem necessary to incur for the purchase of fire 20 engines or apparatus of any kind to be used at fires, or for taking such means as shall appear to them most effective for preventing accidents by fire, or arresting the progress of fires; Fire engines.

3. For preventing thefts and depredations which may be committed 25 any fire in the said Town, and for punishing any person who shall resist or maltreat any member or officer of the said Council, in the execution of any duty assigned to him by the said Council under the authority of this section; Thefts at fires.

4. For establishing or authorizing and requiring to be established 30 after each fire in the said Town, a judicial enquiry into the cause and origin of such fire, for which purpose the said Council or any Committee thereof, authorized to the effect aforesaid, may summon and compel the attendance of witnesses and examine them on oath, which oath shall be administered to them by any of the Members of the said Council or of such Committee; and the said Council or Committee 35 may also deliver over to be imprisoned in the common gaol of the district, any person against whom well grounded cause of suspicion may be found of his having maliciously originated the said fire; Enquiring into causes of fires.

5. For regulating the manner in which and the periods of the year 40 when chimneys shall be swept, and for granting licenses to such numbers of chimney sweeps as the said Council shall think proper to employ, and for obliging all proprietors, tenants or occupants of houses in the said Town to allow their chimneys to be swept by such licensed chimney sweeps; and for fixing the rates to be paid for sweeping chimneys, either to the Council or such licensed chimney sweeps; and for 45 imposing a penalty of not less than one dollar nor more than five dollars on all persons whose chimneys may have caught fire after any refusal to allow them to be swept, such penalty to be recovered before any Justice of the Peace of the said Town: and whenever any chim-

ney which shall have caught fire as aforesaid, shall be common to several houses, or be used by several families in the same house, the said Justice of the Peace shall have power to impose the above penalty in full on each house or family, or to divide the same among them in proportion to the degree of negligence shewn on proof before him ; 5

Ashes and quick lime.

6. For regulating the manner in which ashes or quick lime shall be kept in the said Town, and for preventing the inhabitants of the said Town from carrying fire in the streets without necessary precaution, from making a fire in any street, from going from their houses to their yards and outbuildings and entering therein with lighted candles not enclosed in lanterns ; and generally for making such regulations as they may deem necessary for preventing or diminishing accidents by fire ; 10

Conduct at fires.

7. For regulating the conduct of all persons present at any fire in the said Town ; for obliging idle persons to assist in extinguishing the fire, or in saving effects which may be in danger, and for obliging all the inhabitants of the said Town to keep at all times upon and in their houses, ladders, fire-buckets, battering rams, and fire-hooks, in order the more easily to arrest the progress of fires ; 15

Persons wounded at fires.

8. For defraying out of the funds of the said Town, any expense which the said Council shall deem expedient to incur, in aiding or assisting any person in their employ. who shall have received any wound or contracted any severe disease at any fire in the said Town ; or in assisting or providing for the family of any person in their employ who shall perish at any fire ; or in bestowing rewards in money or otherwise upon persons who shall have been particularly useful, or who shall have devoted themselves at any fire in the said Town ; 20 25

Demolition of buildings in certain cases.

9. For vesting in such members of the Council or in the Fire Inspectors, or either of them, to be designated in such By-laws, the power of ordering to be demolished during any fire, any houses, buildings, out-houses or fences which might serve as fuel to the fire and endanger the other property of the inhabitants of the said Town ; 30

Appointment of officers.

10. For appointing all such Officers as the said Council shall deem necessary for carrying into execution the By-laws to be passed by them in relation to accidents by fire ; for prescribing their duties and powers, and providing for their remuneration, if they think fit, out of the funds of the said Town ; 35

Authorizing officers to visit and inspect buildings, &c.

11. For authorizing such Officers as the Council shall think fit to appoint for that purpose, to visit and examine at suitable times and hours, both the inside and the outside of all houses and buildings of any description, within the said Town, for the purpose of ascertaining whether the rules and regulations passed by the said Council under the authority of this section are regularly observed in the said Town, and for obliging all proprietors, possessors, or occupants of houses, to admit such officers for the purposes aforesaid. 40 45

Duty of Secretary-Treasurer upon completion of collection roll.

XXXVII. 1. The Secretary-Treasurer, when he shall have completed his collection roll, shall proceed to collect the rates therein mentioned, and for that purpose shall give or cause public notice to be

given on the following Sunday that the collection roll is completed and deposited in his office, and that all persons therein mentioned, liable to the payment of assessments are required by him to pay the amount thereof at his office within the twenty days which follow the publication of the said notice ;

2. If at the expiration of the said twenty days, there shall be any arrears of assessment, the Secretary-Treasurer shall leave at the ordinary place of residence or domicile of each person so in arrears, or serve on each person in arrears, personally, a statement of the total amount of assessments due by such person in arrears, and at the same time, and by a notice annexed to the said statement, he shall demand the payment of the assessments therein mentioned, together with the expenses of the serving of the notice, according to such tariff as the Council shall have decided upon ;

Duty with respect to arrears.

3. If any person neglect to pay the amount of assessments imposed upon him for a period of fifteen days, after he shall have been requested to do so as aforesaid, the Secretary-Treasurer shall levy the said assessments with costs, by a warrant under the hand of the Mayor, authorizing the seizure and sale of the goods and chattels of the person bound to pay the same, or of all the goods and chattels in his possession, wherever they shall be found within the limits of the said Town, addressed to one of the sworn bailiffs for the District of Iberville, of the Superior Court of Lower Canada, who is hereby authorized to seize and sell the said goods and chattels in the ordinary manner ; and no claim founded on a right of ownership or privilege upon the same shall prevent the sale or the payment of the assessments and expenses out of the proceeds of such sale ;

Proceedings in case of neglect to pay.

XXXVIII. Every tax or assessment imposed by virtue of this Act, upon any property or house in the said Town, may be recovered either from the proprietor, tenant, or occupier of such property or house ; and if such tenant or occupier be not bound by lease or other stipulation to pay such tax or assessment, such tenant and occupier may and shall be entitled to deduct the sum so paid by him out of the rent which he would have to pay for the possession of such property.

From what parties taxes may be recovered.

XXXIX. In all cases where the persons who shall be rated in respect of any vacant ground or other real property within the Town, shall not reside within the said Town, and the rates and assessments payable in respect of such vacant ground or property, shall remain due and unpaid for the space of six years, then it shall be lawful for the said Town Council, after having obtained a judgment before the Circuit Court in and for the Circuit of Iberville, or any other Court, to sell and dispose such property by public sale, or so much thereof as shall be judged sufficient for the payment of the sum due, with costs ; and the Sheriff of the District of Iberville is hereby authorized and required to advertise such sale to be made under the authority of this section, in a French and English newspaper, or, in an English or in a French newspaper, published in the District of Iberville, and the said Sheriff is also required to employ, for the purpose of effecting such sale, a bailiff residing in the said Town of St. John, who shall be designated by the said Council ; Provided always, that all owners of property sold under the authority of this section shall be allowed to

Case of absent proprietor of vacant property provided for.

Proviso.

resume possession of the same within the space of one year next after the date of such sale, on paying to the purchaser the full amount of the purchase money, with legal interest thereon, on condition, however, that the said purchaser shall have kept the said property in the same state and condition in which it was at the time of the purchase, and shall not have damaged it or allowed it to deteriorate; together with the cost attendant upon such sale, with an additional five per centum on the purchase money; And provided also, that if after such sale of property belonging to persons residing out of the Town, any surplus shall remain over and above the sum due to the said Council, for assessment and costs, the Secretary-Treasurer aforesaid shall pay over such surplus to the said Town Council, to whatever sum the same may amount, and the said surplus shall be deposited in the funds of the said Town, as a loan, at the rate of six per cent, until called for and claimed by the party to whom it shall belong, to whom the same shall be paid. 5 10 15

Proviso.

Assessment may be remitted in certain cases.

XL. The said Council shall have power to remit a portion or even the whole of the amount due for assessment to indigent parties assessed under this Act, in certain cases of fire, long illness, or any other cause which the said Council shall deem reasonable and sufficient. 20

Penalties for infraction of By-laws.

XLI. If any person shall transgress any order or regulation made by the said Town Council under the authority of this Act, such person shall, for every such offence, forfeit the sum which in every order, rule or regulation shall be specified, with the costs to be allowed by the Justices of the Peace who shall try such offences, and to be levied on the goods and chattels of the offender, and in default of such goods and chattels, the offender shall be liable to be committed to the Common Gaol of the District, for a term not exceeding one month, but which may be less in the discretion of the Court; and no person shall be deemed an incompetent witness upon any information under this Act, by reason of his being a resident of the said Town of St. Jean; Provided always, that the information and complaint for any breach of any order or regulation of the said Town Council shall be made within one month next after the time of the offence committed; And provided also, that no fine or penalty shall be inflicted for any such offence, which shall be less than five shillings, or more than twenty dollars, and that no imprisonment for any such offence shall in any case, be more than one calendar month, and the cost of transport in effecting such imprisonment shall be borne by the said Town Council, and the said Council shall also have power to punish by forfeiture of their goods, articles, and provisions, all persons exposing them for sale on the markets, in the streets of the said Town, and infringing at the same time the By-laws of the said Council as regards the weight and quality of such goods, articles, and provisions. 25 30 35 40

Proviso.

Proviso.

Taxes and assessments shall be privileged debts.

XLII. All the debts hereafter due to the said Town Council for all taxes or assessments imposed upon moveable or immoveable property in the said town, shall by virtue of this Act be privileged debts, and shall be paid in preference to all other debts, and the said Town Council shall in all cases of distribution of moneys collocated in preference to all other creditors; Provided always, that this privilege shall only apply to assessments due for six years and no longer; And provided also, that this privilege shall have its full and complete effect without its being necessary to have recourse to registration. 45 50

Proviso.

Proviso.

XLIII. All the fines and penalties recovered under the provisions of this Act, shall be paid into the hands of the Treasurer of the said Town Council, and the proceeds of all licenses granted under this Act, shall form part of the public funds of the said Town, any law to the contrary notwithstanding.

To whom penalties, &c., shall be paid.

XLIV. Before any By-law of the said Town Council shall have force or be binding, such By-law shall be published in the English and French languages in one or more newspapers published or circulating in the said Town, and any copy of any such newspaper containing any such By-law shall be *prima facie* evidence of such publication to all intents and purposes whatsoever.

By-laws, &c., to be published before coming into force. Evidence of By-laws.

XLV. It shall be lawful for the said Town Council, from time to time, to borrow divers sums of money for effecting improvements in the said Town, for the purpose of building one or more market houses, or for draining the streets, or for furnishing the said Town with water, and generally for such purposes as the said Council shall deem useful or necessary.

Council may effect loans.

XLVI. Whenever the said Council shall contract loans upon the credit of the said town, they shall be bound and they are hereby required to provide immediately for the payment of the annual interest upon such loans, which annual interest shall not in any case exceed the legal rate of interest in this Province; and the said Council shall set aside a portion of their revenues for the payment of such interest; and the said Council shall also, whenever they shall contract a loan, provide for the establishment of a Sinking Fund, which Sinking Fund shall consist of a deposit made in a Savings' Bank, annually, and at the periods when the interest on the said loan shall be paid, of a sum equivalent to a proportion of at least two per centum on the capital to be paid off; and the sum arising annually from this Sinking Fund shall remain deposited in such Savings' Bank, with the interest which may accrue thereon, until it shall be equal to the total amount of the capital to be paid off; Provided always, that when the interest and Sinking Fund united shall absorb one half of the annual revenues of the said Council, then and in such case, it shall not be lawful for the said Council to contract new loans, it being hereby intended that the said Council shall not be entitled to devote to the interest and Sinking Fund of their loans any sum exceeding half of their revenues; and provided also, that it shall be lawful for the said Town Council, if the lender consent or require it, to deposit in the hands of such lenders instead of in a Savings' Bank, the annual sums which shall have been agreed upon to form the Sinking Fund; in which case the receipts given to the said Council shall be so drawn up as to define what amount shall have been paid on account of interest, and what amount shall have been paid into the Sinking Fund.

Duties of Council with respect to loans.

Proviso: in certain cases no new loan to be contracted.

XLVII. It shall be lawful for any one of the members of the said Town Council, individually, to order the immediate apprehension of any drunken or disorderly or riotous person whom he shall find disturbing the public peace within the said Town, and to confine him in the Common Gaol of the District, or other place of confinement, in order that such person may be secured until he can be brought before the Mayor, or Justice of the Peace, to be dealt with according to law.

Members of Council may order arrest of disorderly persons.

Powers of constables in certain cases.

XLVIII. It shall be lawful for any constable, during the term of his duty, to apprehend and arrest all persons whom he shall find disturbing the public peace within the limits of the said Town, and also every person who shall be found sleeping in any field, vacant lot, highway, yard, or other place, or shall be found loitering and idling in any such place, and shall not give satisfactory reasons for his conduct ; and every such constable shall deliver such person into the custody of the constable who shall have the charge of the prison, or any other place of detention, of the said Town, in order to the safe keeping of the said person, until he shall be brought before the Mayor or other Magistrate, to be dealt with according to law. 5 10

Persons assaulting constables in the execution of their duty, how dealt with.

XLIX. Every person who shall assault, beat, or forcibly resist any constable or Peace officer appointed by virtue of this Act, and engaged in the execution of his duty, or who shall aid or excite any other person to assault, beat, or forcibly resist such officer or constable, every such offender shall, upon conviction thereof before the Mayor or a Justice of the Peace, be liable to a fine of from four to forty dollars currency, and to imprisonment not exceeding two calendar months, notwithstanding any provisions of this Act to the contrary ; Provided always, that it shall be lawful for the said Council or any other officer, if the offence be serious, to proceed by indictment against any such offender, but nevertheless only one proceeding at law shall be adopted. 15 20

Proviso.

Properties exempt from taxation.

L. The following property shall be exempt from taxation in the Town of St. John :

1. All lands and property belonging to Her Majesty, Her Heirs and Successors, held by any public body, office or person in trust for the service of Her Majesty, Her Heirs and Successors ; 25

2. All Provincial property and buildings ;

3. Every place of public worship, presbitère and its dependencies, and every burying ground ; 30

4. Every public school house and the ground on which the same is constructed ;

5. Every educational establishment and the ground on which the same is constructed ;

6. All buildings, ground and property occupied or possessed by hospitals or other charitable institutions ; 35

Proviso: exemption not to extend to Crown property leased to private parties.

7. Every Court House and District Gaol and the grounds attached thereto ; Provided always, that this exemption shall not extend to lots or to other buildings built upon lots leased or occupied by tenants under the Government or the Ordnance Department in the said Town ; but such lands belonging to the Government or to the Ordnance Department occupied by tenants, shall be valued and assessed in like manner as other real property in the said town, and such rates or assessments shall be paid by the said tenants or occupiers thereof. 40

LI. From and after the passing of this Act, the said Town Council shall alone be authorized to grant and deliver certificates for obtaining Tavern Licenses, any law, usage or custom to the contrary notwithstanding; and such certificates shall be signed by the Mayor and the Secretary Treasurer of the said Council, and sealed with the seal of the said Council.

Certificates for tavern licenses to be granted by Council only.

LII. If any action or suit shall be brought against any person for any matter or thing done by virtue or in pursuance of this Act, such action or suit shall be brought within four calendar months next after the fact committed and not afterwards.

Limitation of actions for things done under this Act.

LIII. It shall be lawful for the said Town Council to order the Inspector of the said Town to notify any parties who shall have made or shall hereafter make encroachments upon the streets or public squares of the said Town, by means of houses, fences, buildings, or obstructions of any kind, to cause the removal of such encroachments or obstructions by giving to such persons a reasonable delay for the purpose, which delay shall be specified by the said Town Inspector in giving his notice; and if such persons shall not have removed such encroachments or obstructions within the delay specified, the Council may order the said Inspector to remove such encroachments or obstructions, taking with him the assistance necessary for that purpose; and the said Council may allow to the said Inspector his reasonable expenses and recover the same before any Court having competent jurisdiction from any person making such encroachment or obstruction.

Encroachments on public streets or squares.

LIV. From and after the passing of this Act, every proprietor or agent who shall wilfully grant a certificate or receipt setting forth a less sum than the rent really paid or payable for the premise, therein mentioned or referred to, and every tenant who shall present to the assessors of the said Town such a receipt or certificate, falsely representing the value of the rent paid by such tenant, in order to procure a diminution or abatement of his assessment, or who shall directly or indirectly deceive the said assessors as to the amount of such rent, shall be liable on conviction thereof, before the Mayor or Justice of the Peace, to a penalty of twenty dollars currency or less, or to imprisonment during one calendar month or less, according to the judgment of such Mayor or Justice of the Peace.

Penalty for granting false receipts for rent in order to lessen taxes.

LV. It shall be lawful for the said Council whenever any house shall encroach upon any of the streets or public squares of the said Town, to prevent the proprietor of such house from rebuilding on the site occupied by the demolished house, and it shall be lawful for the Council to purchase any part of such lot encroaching upon any street, or to require the proprietor of such land to dispossess himself thereof, in consideration of indemnity therefor, and such indemnity shall be fixed by arbitrators appointed respectively by the said Council, and by the party they are desirous of dispossessing; and the said arbitrators in case of difference of opinion shall appoint a third; and the said arbitrators after having been sworn by a Justice of the Peace, shall take cognizance of the matter in dispute, and after visiting the place in question, shall decide upon the amount of indemnity to be granted to such proprietor; and the said arbitrators shall be authorized to decide which of the parties shall pay the costs of arbitration

Council may prevent re-erection of buildings in certain cases.

Council may acquire lands for certain purposes.

LVI. The said Council shall have full and unlimited power to purchase and acquire out of the revenues of the said Town, all such lots, lands and real property whatsoever within the said Town, as they shall deem necessary for the opening or enlargement of any street, public square or market-place, or for the erection of any public building, or generally for any object of public utility of whatsoever nature. 5

Arbitration in cases of disagreement as to the value of property taken for city purposes.

LVII. When the proprietor of a lot which the said Council shall be desirous of purchasing, for any object of public utility whatsoever, shall refuse to sell the same by private agreement, or in case such proprietor shall be absent from the Province, or in case such lot of land shall belong to infants, issue unborn, lunatics, idiots or *femes covert*, the said Council may apply to the Circuit Court of the District of Iberville, or to any other Court, for the appointment of an arbitrator by the said Court, to make, conjointly with the arbitrator appointed by the said Council, a valuation of such lot, with power to the said arbitrators, in case of a difference of opinion, to appoint a third; and when the said arbitrators shall have made their report to the said Council, at a regular meeting thereof, it shall be lawful for the said Council to acquire such lot on depositing the price at which it shall have been valued by the said arbitrators in the hands of the Prothonotary of the Superior Court in the District of Iberville for the use of the person entitled thereto; and if no person entitled to such indemnity shall appear within six months after such amount shall have been deposited in the hands of such Prothonotary, to claim the sum so deposited, it shall then be lawful for the said Prothonotary, and he is hereby required to remit such sum to the Secretary-Treasurer of the said Council, to be deposited by him with the moneys of the said Town, and such sum shall bear interest at the rate of six per centum; and both the capital and the interest accruing thereon shall be payable by the said Council to any person entitled to receive the same, within three months after a formal notification to the Mayor and the Secretary-Treasurer of the said Town, to pay the same. 10 15 20 25 30 35 40

Penalties for refusal to accept office.

LVIII. Every person who being elected or appointed to any of the offices mentioned in the following list shall refuse or neglect to accept such office, or to perform the duties of such office during any portion of the period for which he was so elected or appointed, shall incur the penalty mentioned in such list opposite the name or designation of such office, that is to say: 35 40

Mayor. The office of Mayor, thirty dollars currency;

Councillor. The office of Councillor, twenty dollars currency; 40

On valuers neglecting their duties.

2. Whenever the valuers neglect to make the valuation which they are required to make under this Act, or neglect to draw up, sign and deliver the valuation roll containing such valuation to the Secretary-Treasurer of the Council within two months from the date of their appointment, every such valuator shall incur a penalty of two dollars currency for each day which shall elapse between the expiration of the said period of two months and the day upon which such valuation roll shall be so delivered, or upon which their successors in office shall be appointed; 45

3. Every Member of Council, every Officer appointed by such Council, every Justice of the Peace, and every other person who shall refuse or neglect to do any act, or perform any duty required of, or imposed upon him by this Act, shall incur a penalty not exceeding twenty dollars, and not less than four dollars currency; Penalties for refusing to perform duties of office.
4. Every person who shall vote at any election of Mayor or Councillors without having, at the time of giving his vote at such election, the qualifications by law required to entitle him to vote at such election, shall thereby incur a penalty not exceeding twenty dollars currency; For voting without qualification.
5. Every inspector of roads who shall refuse or neglect to perform any duty assigned to him by this Act, or by the By-laws of the Council, shall, for each day on which such offence shall be committed or shall continue, incur a penalty of one dollar currency, unless some other and heavier penalty be by law imposed on him for such offence; On inspectors of roads for neglect of duty.
6. Every person who shall hinder or prevent, or attempt to hinder or prevent, any officer of the Council in the exercise of any of the powers or in the performance of any of the duties conferred or imposed upon him by this Act, or by any By-law or order of the said Council, shall incur a penalty of twenty dollars currency for every such offence, over and above any damages which he may be liable to pay; Penalties for hindering officers in the performance of their duties.
7. Every person who shall wilfully tear down, injure or deface any advertisement, notice, or other document, required by this Act to be posted up at any public place for the information of persons interested, shall incur a penalty of eight dollars for every such offence. Persons defacing notices, &c.
- LIX. All the penalties imposed by this Act or by any By-law made by the Council may be recovered before the Circuit Court of the District of Iberville, or before any Justice of the Peace; all penalties and fines incurred by the same person may be included in the same action, and in any such action the party failing shall be condemned with costs of suit, in accordance with the tariff of such Court. Penalties, how to be recovered.
- LX. This Act shall be held and deemed to be a public Act, and the Interpretation Act shall apply thereto. Public Act.

SCHEDULE No. 1.

Public Notice to be given by Secretary-Treasurer of completion of Collection Roll.

Public Notice is hereby given that the Collection Roll of the Town of St. Johns is completed, and that it is now deposited in the office of the undersigned; all persons therein stated to be liable to the payment of assessments are required to pay the same within twenty days from the date hereof to the undersigned at his office without further notice.