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No. 228.

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2nd Session, 7th Parliament, 26 Victoria, 1

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**BILL.**

An Act to incorporate the Village of  
harnois under the name of the Town  
Beauharuois.

(PRIVATE BILL.)

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Received and read, first time, Tuesday,  
April, 1863.

Second reading, Wednesday, 15th  
1863.

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Mr DEN

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QUEBEC :

PRINTED FOR THE CONTRACTORS BY HUR  
ROSE & LEMIEUX, ST. URSULE STREET

## An Act to incorporate the Village of Beauharnois as a Town

WHEREAS from the increase of the population of the Village of Beauharnois, the provisions of the Municipal Acts do not suffice to enable the inhabitants thereof to carry out the improvements which they are desirous of making, and whereas the Municipal Council of the said village, have represented that it is necessary that more ample provisions be made in that behalf, and that the said Village be incorporated as a Town under the name of "Beauharnois" Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

- 10 1. From and after the passing of this Act, the inhabitants of the Town of Beauharnois as hereinafter described, 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 Mayor and Council of the Town of Beauharnois, and separated from the County of Beauharnois for all Municipal purposes; and by the same name they and their successors shall have perpetual succession, and shall have power to sue and to be sued, implead and be impleaded, answer and be answered unto, in all Courts and in all actions, causes and 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 of any duty, right or thing whatsoever.

Preamble.

Town of  
Beauharnois  
incorporated.Corporate  
name and  
powers.Real pro-  
perty.Bonds, notes,  
&c.

Mayor and six  
Councillors to  
be elected.

2. There shall be elected, from time to time, in the manner hereinafter mentioned, a fit and proper persons who shall be and be called the Mayor of the Town of Beauharnois, and six fit persons who shall be and be called the Councillors of the Town of Beauharnois; 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 Beauharnois. 5

Qualification  
of Mayor.

3. 1. No person shall be capable of being elected Mayor or Councillor of the Town of Beauharnois, 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, in his own name or in the name of his wife, of real estate, within the said Town, of the value of four hundred dollars, after payment or deduction of his just debts: 10

Further quali-  
fications.

2. No person shall be capable of being elected Mayor or Councillor of the said Town of Beauharnois, unless he be a natural-born or naturalized subject of Her Majesty, and of the full age of twenty one years; 15

Who may not  
be Mayor or  
Councillor.

3. No person being in Holy Orders, or the Ministers of any religious belief whatever, the members of the Executive Council, nor Judges of the Court of Queen's Bench or of the Superior Court, Sheriffs or officers of any of the said Courts, nor officers on full pay in Her Majesty's army or navy, or salaried civil officers, nor any person accountable for the revenues of the said Town, or receiving any pecuniary allowance from the Town for his services, nor any other 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; 20 30

Proviso.

Who shall not  
be bound to  
accept the  
said offices.

4. 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, Schoolmasters actually engaged in teaching, persons over sixty years, and the Members of the Council of the said Town, who have been so within the last two years; 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 or payment. 35 40

Who may vote  
at municipal  
elections.

4. 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, and residing therein, possessed at the time of real property in the said Town, of the yearly value of four dollars, and tenants of the age of twenty-one years, who shall have resided in the said town, and paid rent during the year immediately preceding the election, on a dwelling-house or part of a dwelling-house at the rate of not less than eighteen dollars per annum; provided always, that no person disqualified 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 and School taxes due before such election; and it shall be lawful for any candidate at the said election and the person presiding over the said election to require the production of the receipts setting forth the payment of such assessments so due as aforesaid. 45 55

Proviso.

Voter must  
have paid his  
taxes, and the  
receipt may  
be demanded.

5. 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 Village of Beauharnois, 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 engagement, rights and trusts of the Municipal Council of the Village of Beauharnois, as heretofore constituted.

President, Mayor and Councillors to remain until elected.

Present By-laws to remain in force until altered, &c.

6. 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 language, 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 Church in the said Town, at the issue of Divine service in the morning of the Sunday preceding the election; and the said notice shall be signed for the first election in virtue of this Act, by the Sheriff of the District of Beauharnois, 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.

7. It shall be the duty of the Sheriff of the District of Beauharnois, to preside at the 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 nine 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 six 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 Sheriff shall declare the six persons, who shall have obtained the greatest number of votes as Councillors, to be duly elected Councillors of the said Town, and the person who shall have received the greatest number of votes as Mayor, to be duly elected Mayor of the said town; and in case the Candidates have an equal number of votes, the Sheriff shall give his casting vote:

2. If the votes of all the electors present have not been polled by the hour of four in the afternoon of the first day of the said meeting, the person presiding shall adjourn the proceedings thereof to the hour of nine in the forenoon of the following day, when he shall continue to take down the votes; and he shall close the election at the hour of four in the afternoon of the second day, and shall then declare duly elected Councillors and Mayor, such of the candidates as shall be entitled to be so declared elected:

Sheriff of Beauharnois to preside at the first election.

Mode of voting.

Mayor to be elected at the same time, &c.

Casting vote in case of a tie.

Voting may continue two days if one be insufficient.

3. Provided always, that if at any time after the votes have commenced to be polled, either on the first or on the second day of the said election, one hour elapse without any vote being polled, it shall be the duty of the person presiding to close the said election and declare duly elected as Councillors and Mayor, such candidates as shall be entitled to be so declared elected; Provided also, that no person shall have been, within the last hour, prevented from approaching the poll by violence, of which notice shall be given to the person presiding:

Poll to be closed if no vote be given for one hour.

Proviso.

4. The Mayor shall be elected for one year only, and shall remain in office until his successor shall have been appointed. The Council-

Duration of office of Mayor and Councillors.

lors elected at any of the municipal elections shall remain in office during two years, except those who shall have been elected at the first election, of whom three shall retire from office at the expiration of the first year, and it shall be declared by lot in the manner established by Council, which of the Councillors shall thus retire from office at the end of the first year. 5

How subsequent elections shall be conducted.

5. The subsequent annual elections of a Mayor and of three 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 Sheriff, 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 Sheriff 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 Sheriff for the first election; 10 15

Powers of person presiding and his deputies.

6. 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 person so presiding 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. 20 25

Notice of first meeting of Council.

8. 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 Councillors so elected, special notice of their said election, as well as of the place, the day, and the hour appointed by him 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; 30 35

Entry into office.

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

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 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; 40

First sitting: Mayor and Councillors to take oath of office.

3. The first session of the Council, after the first election, shall take place within eight days immediately following the said election, and at such meeting the Mayor and Councillors elected shall take the following oath before a Justice of the Peace: 45

The oath.

"I, A. B., do solemnly swear faithfully to fulfil the duties of member of the Council of the Town of Beauharnois to the best of my judgment and ability: So help me God."

Majority then present may act, others to be fined.

And the members then present, provided they form a majority of the 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 shall be liable to the fine hereinafter provided for in like cases, unless they be persons who are exempted from serving; 50

When the Mayor elected after first election shall go into office.

4. The Mayor and Councillors elected at the elections subsequent to the first, shall enter 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 elect- 55

ed 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 hereinafter provided in such cases, unless they be persons who are exempted from serving; First meeting  
Penalty.

5 5. Four 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.

9. 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 known, or that 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 null, the electors of the town shall proceed to a new election for such Mayor, within the same delay, and in that case the poll shall be held at the town hall, or office of the town only, and the said election shall be conducted in the same manner as annual elections; If the Mayor  
or Councillors  
refuse to  
act or his  
election is  
contested.  
  
If the Mayor  
refuses, &c.

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 at the expiration of the said period of three months, shall appoint from amongst the inhabitants of the town another In case of the  
absence,  
death or in-  
capacity of  
Mayor or  
Councillors.

Mayor or Councillor to replace the Mayor or Councillor so deceased, absent, or rendered incapable, as above mentioned; And in case the votes of the said Councillors are equally divided in the appointment of a person to replace the Mayor, the election shall proceed in the manner mentioned in the preceding paragraph; Provided, however, that not- If the votes  
are equally  
divided, &c.

withstanding 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 Councillor, taken place; Proviso: re-  
maining  
Councillors  
empowered to  
act.

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. Duration of  
office.

10. 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: Presiding offi-  
cer at election  
to take 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 mem- The oath.  
bers of the Town Council of Beauharnois: So help me God.”

11. The officer, presiding at any election under this Act, shall have authority, and he is hereby required, at the request of any persons qualified to vote at such election, to examine upon 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 at any election, and the oath to be administered by the presiding officer in both cases shall be in the form following: Presiding  
officer to ex-  
amine candi-  
dates upon  
oath as to  
qualification,  
if required so  
to do.

“You shall true answer make to all questions put to you by me in my capacity of presiding officer at this election, respecting your qualifica- The oath.

tion 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. 5

False swearing to be perjury. **12.** If any person being examined upon oath or affirmation under this Act, as to his qualification to be elected or to vote, 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 other cases of wilful and corrupt perjury. 10

Times and places of meeting of the Council. **13.** 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 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 meetings as aforesaid, and to impose such penalties upon such absent members for a repetition of the offence, as may be provided by any By-law of the said Town Council for that purpose. 15  
20

Mayor may call special meetings. **14.** 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 meetings, they shall apply to the Mayor to call such 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; and the said Secretary-Treasurer shall, upon receipt of such written notification, communicate the same to the other members of the Council. 25  
30

Decision of contested elections by Circuit Court. **15.** 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 in and for the District of Beauharnois. 35

Who may contest; And how. 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;

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 contestation; 40

Form of proceedings. 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 Councillor or Councillors whose election is contested, at least eight days before the day on which the said petition shall be 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 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 Court, or of the Clerk of the Circuit Court for the said District of Beauharnois, or his Deputy; 45  
50

Time for contesting limited.

Security for costs.

55.



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 ad-  
 5 summary manner to hear and decide the said contestation; the evidence  
 may be taken down in writing or given orally in whole or in part, as  
 the Court shall order;

Court may proceed in a summary manner.  
 Evidence.

6. The Court may, on such contestation, confirm the election or de-  
 10 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  
 15 upon the Secretary-Treasurer of the Council, at the expense of the  
 party condemned to payment of costs, as aforesaid;

What may be declared by the judgment.

7. If any defect or irregularity in the formalities prescribed for the  
 20 or irregularity may or may not have materially affected the election.

As to defects or irregularities.

16. In case it shall at any time happen that an Annual Municipal Elec-  
 tion shall not be held, for any reason whatever, on the day when in pursu-  
 25 duty of 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  
 30 within fifteen days after the day on which such election ought to  
 have been held, the members of the said Council shall have neglected to  
 appoint a day for such election, they shall be liable to a fine of twenty  
 dollars each, and such election shall then be held by the Sheriff; And if  
 it be the first election which has not taken place, then it shall be the  
 35 duty of the Sheriff to have it take place within the shortest possible delay.

In case any election shall not be held.

17. The said Council shall have power to punish by imprisonment  
 not exceeding fifteen days, or by a fine which shall not exceed, but may  
 40 in any other manner whatsoever.

Power to Council to impose penalties and imprisonment.

18. All meetings of the said Council shall be public, excepting only  
 when the said Council shall inquire into the conduct of any members of  
 their own body, for any causes whatsoever, in which case it shall be law-  
 45 shall determine the mode of their proceedings, and shall have power to  
 cause order to be observed by persons present, during their sittings, and  
 to punish by fine and imprisonment, or by one or the two, any contempt  
 committed by any such person present; Provided always, that no such  
 50 fine shall exceed the sum of twenty dollars, and that no such imprison-  
 ment shall exceed the period of fifteen days.

Meetings to be public.

Certain other powers of Council. Contempts. Proviso; fines limited.

19. The Sheriff and Gaoler of the District of Beauharnois, when there  
 shall be a Gaol in the latter District, shall be bound, and they are here-  
 55 by authorized and required to receive and safely keep until duly dis-  
 charged, all persons committed to their charge by the said Town Council,  
 or any member or officer thereof under the authority thereof.

Duties of Sheriff and Gaoler.

Mayor to pre-  
side at Council  
meetings,  
and to have  
casting vote  
but neither h  
nor the Coun-  
cillors to have  
any pay as  
such.

**20.** The Mayor of the said Town, if he is present, shall preside at the meetings of the Council, 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 Council; Provided, always, that when the said Councillors, 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; Provided, also, that whenever the Mayor shall not be present at any regular or 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.

Secretary-  
Treasurer  
appointed.

**21.** 1. The Council at its first general meeting, or at a special meeting, held within fifteen days, which shall follow the first day of such general meeting, shall appoint an officer who shall be called the "Secretary-Treasurer of the Town of Beauharnois."

Duties of Se-  
cretary-Tre-  
asurer.

2. The Secretary-Treasurer shall be the custodier of all the books, registers, valuation rolls, collection rolls, reports, *procès-verbaux*, plans, 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, valuation roll, collection roll, report, *procès-verbaux*, plan, map, record, document or paper, certified by such Secretary-Treasurer, shall be deemed authentic;

This certifi-  
cate to make  
certain docu-  
ments authen-  
tic.

Security to be  
given by him.

3. Every person appointed Secretary-Treasurer shall, before acting as such, give the security hereinafter mentioned;

Surities, and  
for what  
bound.

4. He shall furnish two sureties, whose names shall be approved by a 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 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;

Security bond

5. Every such security bond shall be made by an Act before a Notary, 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 regis-  
tered, and its  
effects when  
registered.

6. Every such security bond, when duly registered in the registry office for the County of Beauharnois, shall carry with it a hypothec (*hypothèque*) only on such immovable 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;

The Secre-  
tary-Tre-  
asurer shall re-  
ceive and pay  
out the mon-  
eys 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 show 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;

To 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;

9. The Secretary-Treasurer shall render to the Council every six months, that is to say, in the months of June and December in each year, 5 or oftener if required by such Council, a detailed account of his receipts and expenditure, attested by him under oath:

To render attested accounts.

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 10 by them appointed, or to any person liable to assessment in the town;

Books to be open to public.

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 15 damages and interest for having failed to render such account; and if he renders 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 20 any such suit shall include interest at twelve per cent on the amount thereof by way of damages, together with the costs of suit;

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

Damages in such suit.

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 25 the rendering of the said account;

*Contrainte par Corps*

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;

Power of Council to appoint officers.

14. Every Municipal Officer, whether elected or appointed, shall 30 within eight days from the day on which he shall cease to hold such office, 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;

Officers retiring—their duties.

15. If any such officer die or absent himself from Lower Canada, 35 without having delivered up all such moneys, keys, books, papers and insignia, 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;

In case of death or absence 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 40 any 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; 45 and every judgment rendered in every such action may be enforced by *contrainte par corps* 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.

His successor to have a right of action for certain purposes.

21. The said Town Council shall have power, whenever they may 50 deem it advisable, to appoint assessors or valutors of property to estimate the rateable property in the said town according to its real value, and in the manner and within the periods which shall be fixed by the said Town Council.

Assessors to be appointed their duties.

22. Every person so appointed assessor shall be bound before proceeding to the valuation of any property in the said town, to take the 55 following oath before the Mayor of the said town, or in his absence, before a Councillor, to wit:

Assessors to take oath.

The Oath. "I, \_\_\_\_\_, having been appointed one of the assessors of  
 "the Town of Beauharnois, do solemnly swear, that I will diligently and  
 "honestly discharge the duties of that office to the best of my judg-  
 "ment and ability: So help me God."

Real property qualification of Assessors. **23.** The assessors who shall be appointed for the said town shall be 5  
 proprietors of real estate in the said town of the value of at least six  
 hundred dollars.

Proceedings of Council upon deposit of assessment roll. **24.** When the assessors shall have made a valuation of all the  
 rateable property of the said town, they shall deposit the assessment  
 roll with the Secretary-Treasurer of the said Town, and notice of such 10  
 deposit shall be given by the Secretary-Treasurer in the same manner  
 as notice of an election of Councillors; And at the next ensuing meet-  
 ing of the said Council, the said assessment roll shall be produced, and  
 if they desire it, examined by the Councillors; and the assessment roll  
 shall be deposited in the office of the Secretary-Treasurer for the period 15  
 of one month, dating from such meeting; and during that period it  
 shall remain open to the inspection 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 20  
 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 25  
 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 30  
 be declared closed until all the appeals shall have been heard and deter-  
 mined; 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, demoli-  
 tion, accident, or any other reasonable cause, it shall be lawful for the 35  
 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 pro- 40  
 vided also that the said assessors shall, when directed by the said Coun-  
 cil, make a yearly valuation of the stocks of merchandize held in the  
 said Town.

Proviso; as to diminution in value.

Proviso; as to omissions.

Proviso.

Two Auditors of accounts to be appointed and sworn. **25.** At the first meeting after each annual Municipal Election, two  
 persons shall be appointed by the said Town Council to be Auditors of 45  
 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 Beauharnois, do hereby swear that I will faithfully perform 50  
 "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 be-  
 "half of the Town Council of the said Town of Beauharnois: So help  
 "me God."

**26.** It shall be the duty of the Auditors to examine, approve or dis-  
approve 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  
5 the said Town Council, and may then remain unsettled; and to make  
their report to the Council of the said Town at least fifteen days be-  
fore the day of the election.

Duty of Au-  
ditors.

**27.** The Auditors who shall be appointed for the said Town shall be  
proprietors of real estate therein of the value of at least two hundred  
10 dollars; provided always that neither the Mayor, Councillors, nor  
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  
15 the said Town.

Real property  
qualification  
of Auditors.  
Proviso; cer-  
tain parties  
disqualified.

**28.** The Mayor of the said Town shall, during the period of his  
office be a Justice of the Peace for the said Town; 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.

**29.** 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  
25 shall be appointed a Judge or Clerk of the Court of Queen's Bench, or  
of the Superior Court, 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 per-  
mission of the said Council, for more than three consecutive months,  
30 or who shall not be present at the meetings of the said Council for a  
period of two consecutive months, shall, by virtue of any one of these  
causes, become disqualified, and his seat in the said Council shall be-  
come vacant, and such person shall be replaced in accordance with the  
provisions of this Act; provided always, that the word "Judge" em-  
35 ployed in any part of this Act shall not apply to a Justice of the  
Peace.

In what cases  
Councillors  
shall become  
disqualified.

Vacancy to be  
filled.  
Proviso.

**31.** 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,  
40 for the maintenance of peace and good order, and for the good repair,  
cleansing and draining of the streets, public squares, and vacant or  
unoccupied lots; for the prevention and 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  
45 management or government of the said town.

Town Council  
may make by-  
laws for cer-  
tain purposes.

**32.** 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 by-laws now in force, or to be by them enacted hereafter, and to  
50 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.

May appoint  
and remove  
officers.

**33.** In order to raise the necessary funds to meet the expenses of  
the said Town Council, and to provide for the several necessary public  
levy taxes—

Council may  
levy taxes—

improvements in the said Town, the said Town Council shall be authorized to levy annually on persons, and on movable and immovable property in the said town, the taxes hereinafter designated, that is to say :

- 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 cent in the dollar on their whole value, as entered on the Assessment Roll of the said Town ; 5
- And upon certain movable property. 2. On the following movable property, a sum not exceeding one-half of a cent in the dollar at the value herein specified ; 10
- 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, at forty dollars ; 15
- Every bull, at fifty dollars ;
- Every ram, at twenty dollars ;
- Every head of horned cattle, aged two years and more, at twenty dollars ;
- Every covered carriage, with four wheels, at two hundred dollars ; 20
- 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 ;
- Every one horse sleigh, at forty dollars ; 25
- 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 ;
- Upon Merchandize. 3. On all stocks in trade or goods kept by merchants or traders, and exposed for sale on shelves in shops or kept in store-houses, a tax of one-half per cent. on the estimated average value of such stocks in trade ; 30
- 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 ;
- Poll tax on 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 or tenant, 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 not exceeding one dollar ; 40
- On certain professions, trades, &c. Public houses. Pedlers. Places of amusement. Auct. pers and other traders. Bankers. Insurance Companies. All callings whatever. 7. And it shall be lawful for the said Town Council to fix, by a By-law or By-laws, and to impose and levy certain annual duties or taxes on the proprietors or occupants of houses of public entertainment, taverns, coffee-houses, and eating-houses, and on retailers of spirituous liquors ;—and on pedlers 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 ; 45
- 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 their agents, 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 herein ; 55
- 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 movable 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
- 5 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 a roll
- 10 of the persons and movable property mentioned in the different parts of this section;
8. And the said Council shall also have the 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
- 15 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;
9. And the said Town Council may also provide by Resolution for
- 20 the advantageous investment or deposit, either in savings banks or in public securities or otherwise, of any balances of money remaining in their hands, in order to create therefrom, a revenue for the said Town.
- 34.** The said Council shall also have power to make By-laws:
1. For the concession of emplacements, and for opening new streets
- 25 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;
2. For determining and regulating the duties of the Clerks of the markets in the said Town, and all other persons they may deem proper
- 30 to employ to superintend the said markets; and for letting the stalls and 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;
- 35 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:
- 40 3. 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;
4. For regulating and placing all vehicles, in which any article shall be exposed for sale on the said markets;
- 45 5. For preventing persons bringing provisions 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;
6. For regulating the weighing and measuring of all cordwood, coals, salt, grain, lime and hay, bought or sold in the said Town, by
- 50 strangers, or persons residing therein;
7. 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;
- 55 8. For preventing obstructions of any nature whatsoever in streets;
9. For preventing the sale on the public highway of any wares or merchandize whatsoever;

Workmen to be taxed in classes.

Lawyers, Doctors, &c.

Roll to be made.

Commutation in respect to statute labor.

Proviso.

Investment of money in the hands of the Council.

Council may make By-laws with respect to—

Clerks of markets and their duties.

Weighing and measuring.

Amending By-laws.

Vehicles on markets.

Sales elsewhere than in markets.

Cordwood, &c.

Weights and measures.

Obstructions.

Sales on public highways.

- Sale of intoxicating liquors. 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. 11. For determining under what restrictions and conditions the Revenue Inspector of the District of Beauharnois shall grant Licenses 5 to Merchants, Traders, Shopkeepers, Tavern-keepers and other persons, to sell such liquors ;
- Sum payable. 12. 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 ; 10
- Regulation of shop-keepers. 13. 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 ;
- Sale of liquor to children, &c 14. For preventing the sale of intoxicating beverage to any child, apprentice or servant ; 15
- Cruelty to animals. 15. 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 burdens of too great a weight ; 20
- Bread. 16. For regulating, fixing and determining the weight and quality of bread sold or offered for sale within the limits of the said Town ;
- Servants and apprentices. 17. For regulating the conduct and certain duties of apprentices, domestics, hired servants and journeymen in the said Town, and also 25 certain duties and obligations of masters and mistresses towards such servants, apprentices and journeymen ;
- Gaming houses. 18. To prevent the keeping of gaming-houses, places for gambling or any description of houses of ill-fame in the said Town ;
- Pounds. 19. To establish as many public pounds as the said Council shall 30 deem expedient to open, for the impounding of animals of any species which may be running at large in the said Town ;
- Police. 20. For regulating, arming, lodging, clothing and paying a Police Force in the said Town, and for determining their duties ;
- Burials. 21. For fixing and regulating the places where burials may take 35 place within the said Town ; for compelling the removal of bodies which shall have been interred contrary to this section ; Provided always, that this section shall not extend to prevent burials in the churches of the said Town ;
- Enclosures. 22. To compel the proprietors of all land and real property within the 40 said Town, or their agents or representatives, to enclose the same ; and to regulate the height, description and material of every such enclosure ; and to make footways, if the Council should think fit to do so ;
- Draining and fencing of lands. 23. To compel the proprietors or occupants of lots of land in the said 45 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 50 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 land, and have privilege over all other debts. 55 whatsoever, without it being necessary to register the same ;
- If the owner is poor, &c. 24. To oblige all proprietors or occupants of houses in the said 55 Town, to remove, from the streets, all encroachments or obstructions



of any sort, such as steps galleries, porches, posts or other obstacles whatsoever ;

To cause to be pulled down, demolished and removed, when necessary all old or dilapidated walls, chimneys and buildings of any description that may be in a state of ruin, and to cause to be removed from all streets all sheds, all stables, and other outbuildings erected on the level of any street, 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 ;

Old and ruinous buildings.

26. 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 sidewalk 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,

Width of streets.

Proviso.

after having been assessed by arbitrators, if any of the parties shall require it ;

27. For defraying, out of the funds of the said Town, the expenses of furnishing the citizens with water, and of lighting the Town with gas, or in any other manner, and for obliging the proprietors of real property in or outside 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 upon their houses ; Provided always that in all such cases, the expense of all such pipes, lamps and other necessary works shall be defrayed

Water and gas.

Proviso.

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 damage that may be caused shall be paid by the said Council, and that every proprietor shall be indemnified by the said Council ;

Proviso.

28. For assessing the proprietors of real property situate on any of the streets of the said Town, for such sums 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 ;

Common sewers.

29. 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, 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 ;

Sweeping and watering, &c.

30. To raise all sums necessary for aiding in the construction, maintenance and repair of roads leading to the said Town, and of bridges and other public works outside the limits of the said Town ; and for taking stock in any railway or navigation companies from which the inhabitants of the said town are, in the opinion of the said Council, likely to reap sufficient benefit ; and for making improvements in the navigation of the river *Jésus*, both within and without the limits of the said Town, and for appropriating to such purposes the moneys of the said Town, and any sums in their hands derived from the Municipal Loan Fund, for whatsoever purpose the same may be destined ;

Raising money for roads, bridges, railways and river improvements.

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

Damages from riots and tumults.

of the parties shall so desire, then the said Council shall be liable to be sued for such damage in any of the Courts of Justice of this Province ;

Steam engines.

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

Contagious diseases.

33. For establishing a Board of Health, and investing them with all the privileges, power and authority necessary for the fulfilment of the 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.

Prevention of accidents by fire.

35. For the better protection of the said Town and 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 :

Chimneys.

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

Fire engines.

2. 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 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 ;

Thefts at fires

3. For preventing thefts and depredations which may be committed at 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 discharge of any duty assigned to him by the said Council under the authority of this section ;

Enquiring into causes of fires.

4. For establishing or authorizing and requiring to be established 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 Members of the said Council or of such Committee ; and the said Council or Committee 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 ;

Sweeping of chimneys.

5. For regulating the manner in which, and the periods of the year when chimneys shall be swept, and for granting licenses to such number 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 imposing a penalty of not less than one dollar nor more than five dollars on all persons refusing to allow their chimneys to be swept or 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 ; and whenever any chimney, 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 shown on proof before him ;

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 house to their

yards and out-buildings, 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;

5 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 more easily to arrest the progress of fires; Conduct at fires.

10 8. For defraying out of the funds of the said Town any expenses 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 zealous at any fire in the said Town; Persons wounded at fires.

20 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, outhouses or fences which might serve as fuel to the fire, and endanger the other property of the inhabitants of the said Town : Demolition of buildings in certain cases

25 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 ; Appointment of officers.

30 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, and for obliging all proprietors, possessors or occupants of houses in the said Town, to admit such officers for the purposes aforesaid. Authorizing officers to visit and inspect buildings, &c.

40 36. 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 : Duty of Secretary-Treasurer upon completion of collection-roll.

45 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.

50 3. If any person neglect to pay the amount of assessments imposed upon him, for a period of thirty 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 persons bound to pay the same, or of all the goods and chattels in his posses- Proceedings in case of neglect to pay.

sion, wherever they shall be found, within the limits of the said Town, addressed to one of the sworn bailiffs for the district of Beauharnois, of the Superior Court for 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. 5

From what parties taxes may be recovered.

**37. 1.** 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; 10

Proceedings in case of non-performance of work ordered by Council.

**2.** Whenever the Town Council shall have passed any By-law or By-laws directing work to be done within the said Municipality or in any part thereof, and any proprietor shall be unable from absence, poverty, or any other cause, to perform the said work, it shall be lawful for the said Council to cause the work which such proprietor may be bound under such By-laws to perform, to be done, and in all cases the sum so expended by the Council shall remain a lien upon the property, as a special and privileged hypothec in preference to all other debts whatsoever, and shall be recoverable in the same manner as the taxes due to the said Council, with interest at the rate of eight per cent. 15 20 25

Case of absentee proprietor of vacant ground provided for.

**38.** 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 District of Beauharnois, or any other Court of civil jurisdiction, to sell and dispose of 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 Beauharnois is hereby authorized and required to advertise such sale to be made under the authority of this section, in a French newspaper, and in an English newspaper, published or circulated in the District of Beauharnois, and the said Sheriff is also required to employ, for the purpose of effecting such sale, a bailiff residing in the said Town of Beauharnois, 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 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, and any necessary outlay that may have been made on the said property by order of the said Council in virtue of this Act, 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 all the costs attendant upon such sale, and ten per centum besides interest both on the amount of the purchase money and of the said outlay; 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 said Sheriff 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 30 35 40 45 50 55

Provide.

Provide.

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.

39. 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. Assessment may be remitted in certain cases.

40. 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 specified in any such order, rule or regulation, with the costs to be allowed by the Justices of the Peace who shall try such offence, in accordance with the tariff then in force for the fees of the officers of the said Justices of the Peace, 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; 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 Beauharnois; 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 one dollar nor more than twenty dollars, and that no imprisonment for any such offence shall, in any case, be more than one calendar month, and the costs 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, or 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. Penalties for infringing By-laws, how punishable, &c. Provide. Provide. Exposing to sale and infringing By-laws.

41. All the debts hereafter due to the said Town Council for all taxes or assessments imposed on movable or immovable 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, be collocated in preference to all other creditors; provided, that this privilege shall have its full and complete effect without its being necessary to have recourse to registration. Taxes and assessments shall be privileged debts.

42. 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.

43. Before any By-law of the said Town Council shall have force or be binding, such By-law shall be published in the French language, by reading the same at the door of the Catholic church of the said Town on the two Sundays next after the passing of such By-law, or by posting up a copy thereof in two of the most public places in the said Town. By-laws, &c., to be published.

44. 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, Council may effect loans.

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.

Duties of Council with respect to loans.

45. 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 out of their revenue 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 the 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 lenders 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.

Sinking Fund.

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

Proviso.

Members of Council may or let arrest of disorderly persons.

46. 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 a Justice of the Peace, to be dealt with according to law.

Powers of constables in certain cases.

47. It shall be lawful for any constable 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 or 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 official 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.

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

48. 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, or 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 such officer, if the offence be

Proviso.

serious, to proceed by indictment against any such offender, but nevertheless only one proceeding at law shall be adopted.

**49.** The following property shall be exempt from taxation in the Town of Beauharnois : Properties exempt from taxation.

- 5 1. All lands and property belonging to Her Majesty, Her Heirs and Successors, held by any public body, officer or person, in trust for the service of Her Majesty, Her Heirs and Successors ;
2. All Provincial property and buildings ;
- 10 3. Every place of public worship, presbytery and its dependencies, and every burying-ground ;
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 ;
- 15 6. All buildings, grounds and property occupied or possessed by hospitals or charitable or educational establishments ;
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 under the Government, 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 assessment shall be paid by the said tenants or occupiers thereof. Proviso : exemption not to extend to Crown property leased to private parties.
- 20

- 25 **50.** 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 common seal of the said Council. Certificates for Tavern licenses to be granted by Council only.
- 30

**51.** 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.

- 35 **52.** 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, 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.
- 40
- 45

- 53.** 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 premises 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 Penalty for granting false receipts for rent in order to lessen taxes.
- 50

indirectly deceive the said assessors as to the amount of such rent, shall be liable, on conviction thereof, before the Mayor or a Justice of the Peace, to a penalty of twenty dollars or less, or to imprisonment during one calendar month or less, according to the Judgment of such Mayor or Justice of the Peace. 5

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

54. 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 an 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, 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 cost of arbitration. 10 15 20

Council may acquire lands for certain purposes.

55. The said Council shall have full 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 marketplace, or the erection of any public building, or generally for any object of public utility of a municipal nature. 25

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

56. When the proprietor of a lot, which the said Council shall be desirous of purchasing, for any object of public utility of a municipal nature, 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 wives *sous puissance de maris*, the said Council may apply to the Superior Court sitting in and for the District of Beauharnois, 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 and for the District of Beauharnois 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 be lawful for 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 to the Secretary-Treasurer of the said town to pay he same. 30 35 40 45 50

Penalties for refusal to accept office.

57. Every person who, being elected or appointed to any of the offices mentioned in the following list, shall refuse or neglect to accept 55



such office, or to perform the duties of such office, during any portion of the period for which he shall have been so elected or appointed, shall incur the penalty mentioned in such list opposite the name or designation of such office, that is to say :

- 5 The office of Mayor, thirty dollars : Mayor.  
 The office of Councillor, twenty dollars : Councillor.
2. Whenever the valuator 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- On valuator neglecting their duties.
- 10 Treasurer of the Council, within two months from the date of their appointment, every such valuator shall incur a penalty of two dollars for each day, which shall elapse between the expiration of the said period of three months, and the day upon which such valuation roll shall be so delivered, or upon which their successors in office shall be
- 15 appointed ;
3. Every member of the 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 Penalties for refusing to perform duties of office.
- 20 twenty dollars, and not less than four dollars ;
4. Any person who shall vote at any election of Mayor or Councilors without having, at the time of giving his vote at such election, the qualification by law required to entitle him to vote at such election, shall thereby incur a penalty not exceeding twenty dollars ; For voting without qualification.
- 25 5. Every inspector or officer 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, unless some other and heavier penalty be by law imposed on him for such offence ; On inspectors of roads for neglect of duty.
- 30 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 for every such offence, over and
- 35 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 or by any By-law or order of the said Council to be posted up at any public place, for the information of persons interested, shall incur a penalty of
- 40 eight dollars for every such offence. Persons defacing notices, &c.
58. All the penalties imposed by this Act, or by any By-law made by the Council, may be recovered before the Circuit Court for the district of Beauharnois, or before any Justice of the Peace residing in the said Penalties how to be recovered.
- 45 Town ; 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.
- 50 59. This Act shall be deemed a Public Act. Public Act.

#### SCHEDULE No. 1.

##### *Public notice by the Secretary-Treasurer of the completion of his Collection Roll.*

Public notice is hereby given that the Collection-Roll of the Town of Beauharnois is completed and is now deposited in the office of the undersigned, and all persons whose names appear therein, as liable for the payment of any assessment, are required to pay the amount thereof to the undersigned, at his office, within twenty days from this day, without further notice.

SCHEDULE (No. 2.)

SECRETARY-TREASURER'S NOTICE FOR THE PAYMENT OF ASSESSMENT.

CORPORATION OF THE TOWN OF BEAUHARNOIS.

(Date of Delivery.)

Mr. \_\_\_\_\_, Dr.

To the Corporation of the Town of Beauharnois.

Assessment on you (here mention the property, as house, land, &c.)	\$
valued at \$ _____ at ( _____ ) in the.....	
(Here add the various other items of taxation).....	
Total.....	

Sir,—Take notice that, having failed to pay the above mentioned sum within the time prescribed by public notice, you are hereby required, within fifteen days from the date thereof, to pay the same to me at my office, together with the costs of this notice and service thereof as below, in default whereof execution will issue against your goods and chattels.

A. B.,  
Secretary-Treasurer.

Costs.

Notice.....\$

CORPORATION OF THE TOWN OF  
BEAUHARNOIS.

Mr.

(Copy of Account)

\$

Notice served.

(Here insert date of Notice.)

Costs.

Notice.....\$