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No. 229.

3rd Session, 5th Parliament, 20 Victoria, 1857.

BILL.

An Act for the Incorporation of the City of
St. Hyacinthe.

Received and read, first time, Monday, 20th
April, 1857.

Second reading, Tuesday, 21st April, 1857.

MR. A. A. DORION.

TORONTO :

PRINTED BY JOHN LOVELL, YONGE STREET.

BILL.

An Act to Incorporate the City of St. Hyacinthe.

WHEREAS it has become necessary to confer additional powers Preamble.
upon the Corporation of the Town of St. Hyacinthe, established
by the sixteenth Victoria, chapter two hundred and thirty-six; therefore
Her Majesty by and with the advice and consent of the Legislative Coun-
5 cil and Assembly of Canada, enacts as follows:

I, The Act passed in the thirteenth and fourteenth years of Her Majesty's 18 & 14 Vic., ch.
105, and 16 Vic.,
ch. 286., repealed
Reign, chapter one hundred and five, intituled "An Act to provide more
"fully for the incorporation of the Village of St. Hyacinthe," and the Act
passed in the sixteenth year of Her Majesty's Reign, chapter two hundred
10 and thirty-six, intituled "An Act to make more ample provision for the in-
"corporation of the Town of St. Hyacinthe, and to extend its limits" are
hereby repealed, and the inhabitants of the City of Saint Hyacinthe
within the limits hereinafter prescribed, and their successors, shall be and
are hereby declared to be a body corporate and politic in fact and in law, The inhabitants
of the City of St.
Hyacinthe incor-
porated.
15 by the name of "the Mayor and Town Council of St. Hyacinthe;" and
by that name they and their successors shall have perpetual succession,
and shall have power to sue and be sued, implead and be impleaded, an-
swer and be answered unto, in all Courts, and in all causes and suits at
law whatsoever, and shall have a common seal, with power to alter or
20 modify the same at pleasure, and shall be in law capable of receiving by
donation, acquiring, holding and departing with property, real or move-
able, for the use of the said City, of becoming parties to any contracts or
agreements in the management of the affairs of the said City, and of
giving or accepting any notes, bonds, obligations, judgments or other in-
25 struments or securities for the payment or for securing the payment of
any sum of money borrowed or loaned, or for the execution or for guar-
anteeing the execution of any duty, right or thing whatsoever.

II. The said City of Saint Hyacinthe shall be bounded as follows, to Boundaries of
the City.
wit, on the South West by a line drawn from the River Yamaska passing
30 through the centre of Bourdages Street, as far as the South East side of
the line of the Grand Trunk Railway, and thence continuing along the
line water-course separating the *Petit Rang* road from the *Fabrique*
lands, as far as the lands in the *Petit Rang*;—on the North West by the
separation line between the river lands and the lands of the *Petit Rang*.
35 from the road of the *Petit Rang* as far as the line between the lands
belonging to the Corporation of the College and those of Donald George
Morrison; on the North East by the lands of Donald George Morrison,
and on the South East by the centre of the River Yamaska.

City divided into
Four Wards.

III. The said City shall be divided into four Wards, which shall be respectively designated and known as "Ward Number One," "Ward Number Two," "Ward Number Three," and "Ward Number Four" and bounded as follows, that is to say :

Ward No. 1.

"Ward Number One" shall be bounded in front by the River Yamaska, on the North East and in depth by the limits of the City, and on the South West by the rear line of the emplacements lying on the North East side of Ste. Marie Street from the River to Gironard Street, and thence by the same line prolonged to the limits of the City.

Ward No. 2.

"Ward Number Two" shall be bounded in front by the said River, in depth by the limits of the City, on the North East by Ward Number One, and on the South West by a line drawn through the centre of Mondor Street from the said River as far as Girouard Street, thence along Girouard Street as far as the middle of Laframboise Street, and thence along the centre of Laframboise Street and its continuation as far as the limits of the City.

Ward No. 3.

"Ward Number Three," shall be bounded in front by the said River, in depth by the limits of the City, on the North East by Ward Number Two, and on the South West by a line drawn through the centre of Ste. Anne Street from the River, and prolonged as far as the limits of the City.

Ward No. 4.

"Ward Number Four" shall be bounded in front by the said River, in depth and on the South West by the limits of the City, and on the North East by Ward Number Three.

Neighbouring
lands may be taken
into the said
City; and how.

IV. Provided always that it shall and may be lawful for any proprietor of land immediately adjacent or contiguous to the limits of the said City of St. Hyacinthe, upon notice given by such proprietor to the municipal authorities of the said City of St. Hyacinthe, and with the consent of the said authorities, signified by a By-law to be made by them to that effect in the usual manner, to demand and obtain that the said land shall be included within the limits of the said City, and so on successively, for other proprietors having property in like manner adjacent to properties thus successively included within the said limits as aforesaid, and upon such inclusion being declared by a By-law as aforesaid, the said proprietors whose properties shall be included shall have and possess all the municipal privileges and be subject to all the obligations, duties and charges imposed upon persons and properties originally included within the limits of the said City; and provided also that upon the petition of a majority in number and in value of property of the proprietors possessing by authentic title lands within the extent of territory comprized between the road commonly called the *Petit Rang* road and the division line between Eusèbe Messier and Pierre Edouard Leclerc, and bounded in front by the River Yamaska and in depth by the line of the lands of the *Petit Rang*, it shall be lawful for the said Town Council to include the said extent of territory within the said City, and when the said extent of territory shall have thus been included by a By-law of the said Town

A certain tract
of land may also
be taken into the
said City; and
how.

Council upon the petition of a majority of the proprietors as aforesaid, the proprietors whose properties shall have thus been declared included shall possess all the municipal advantages and be subject to all the obligations, dues and duties imposed upon persons and properties originally included in the said City.

V. The Mayor and the Councillors of the said City at present in office shall remain, and they are hereby continued, in office for the whole of the period for which they have been elected in virtue of the sixteenth Victoria chapter two hundred and thirty-six, notwithstanding the repeal of the said Act, and the officers appointed by the said Mayor and Town Council shall remain, and they are hereby continued, in their respective situations until the formal revocation by the said Council, or the natural expiration, of their appointments; and all By-laws, ordinances, agreements, provisions and engagements whatsoever made and entered into by the said present Mayor and Council, or their predecessors in office, shall have and continue to have their full and entire effect in the same way as if the said Acts, thirteenth and fourteenth Victoria, chapter one hundred and five, and sixteenth Victoria chapter two hundred and thirty six had not been repealed; and this until the said By-laws, agreements and engagements shall have been regularly rescinded and abolished; and the said Council, as constituted in virtue of this Act, shall succeed to and be substituted in all the rights, powers, actions and claims of the Town Council of Saint Hyacinthe as it was constituted by the thirteenth and fourteenth Victoria chapter one hundred and five, and by the sixteenth Victoria chapter two hundred and thirty-six.

Mayor, Councillor and Officers to remain in office, and By-laws &c. to remain in force, notwithstanding repeal of former acts.

VI. There shall be elected in the manner hereinafter mentioned a fit and proper person to be, and who shall be called, the Mayor of St. Hyacinthe, and two fit and proper persons to be Councillors for each Ward of the said City; provided always, that as soon as the extent of territory mentioned in the fourth section shall have been included, as prescribed by the said clause, within the limits of the said City, the said extent of territory shall form a Ward by the name of "Ward number five," and the Municipal Electors of the said extent of territory shall elect, in the same manner and at the same time as the other Wards of the said City, the Mayor and two Councillors to serve in the Council of the said City; and provided also, that when any one of the Wards of the said City shall contain more than two hundred and fifty Municipal Electors, such Ward shall have a right to elect three Councillors.

Elections of Mayor and Councillors.

VII. No person shall be elected Mayor of the City of St. Hyacinthe without having resided and kept house in the said City during one year preceding such election, nor without having and possessing for his own use property in the said City of the assessed value of two hundred and fifty pounds currency.

Qualification of Mayor.

VIII. The Councillors of the said City shall be chosen from among the inhabitant householders and proprietors of the said City, of the age of twenty-one years, and having freeholds therein of the assessed value of one hun-

Qualification of Councillors.

dred pounds currency ; or from among the persons who shall have built houses *bonā fide* rented respectively for fifteen pounds currency per annum, on property held by lease, and no person shall be eligible to or capable of exercising the office of Mayor or of Councillor of the said City, if he is not actually residing in the said City, or if he cannot sign his name. 5

Certain persons disqualified from being elected as Mayor or Councillors.

IX. No Priest or Minister of any religious sect whatever shall, nor shall any Judge or Member of the Executive Council of this Province, nor any person who shall be accountable for the funds of the said City, nor any person who shall receive a salary from the said Town Council for his services, nor any deputy or clerk employed at any such election, while he shall be so employed, nor any Clerk of any Court before which suits brought by or against the said Town Council may be heard, be elected Mayor or Councillor of the said City. 10

How Mayor or Councillors may become disqualified.

X. Every person holding the office of Mayor or Councillor of the said City who shall be declared bankrupt, or shall become insolvent, or shall apply for the benefit of any law made for the purpose of aiding or protecting insolvent debtors, or who shall enter into holy orders, or shall become a minister of religion in any religious sect, or who shall be appointed a Judge or a Member of the Executive Council, or who shall become accountable for the revenues of the City, in whole or in part, or who shall be appointed Clerk of any Court before which suits brought by or against the Town Council may be heard, or who shall receive any pecuniary allowance from the Town Council for his services, or who shall absent himself from the said City, without authority from the Council, for more than two consecutive months, or who shall not attend the sittings of the said Council during the same period of two consecutive months, (except by reason of sickness or with the permission of the Council) shall become by any one of these circumstances *ipso facto* disqualified, and his seat in the said Council shall become vacant, and such vacancy shall be filled according to the provisions of this Act. 20 25 30 30

Qualification of electors at Municipal Elections.

XI. The persons entitled to vote at the Municipal elections of the said City shall be the male inhabitant freeholders and householders, of the age of twenty-one years, rated on the assessment roll of the said City, and residing therein, and in the actual possession of real estate in the said City, of the annual value of twenty shillings Currency, and also the tenants, of the age of twenty-one years, who shall have resided and paid rent in the said City, at the rate of not less than three pounds Currency per annum, for a house or part of a house, during the six months immediately preceding any such election; and also the leaseholders, of the age of twenty-one years, who shall have built on the property held on lease by them, houses which shall be *bona fide* leased for three pounds Currency *per annum* respectively; Provided always that no person qualified to vote at any Municipal Election in the said City shall have the right of voting thereat, unless he have paid, before such election, all his accrued municipal assessments; and it shall be lawful for any municipal elector of the said City to require the production of the receipt of the Secretary-Treasurer of the said City, for such accrued assessment as aforesaid, or in case of his having lost his 35 40 45

receipt, then a certificate from the Secretary-Treasurer proving the payment of such taxes within the time above mentioned.

XII. The persons having a right to vote at the Municipal Elections as aforesaid shall vote in the particular Wards in which the properties which qualify them to vote shall be situated respectively, and not otherwise; and if any one possess properties which would give him a right to vote in two or more Wards, he shall have a right to vote only in the Ward in which he shall be domiciled at the time of such Election

In what Wards Electors are to vote.

XIII. The Municipal Elections of the said City shall be held on the first Monday in July in each year, or on the following day if such Monday is an obligatory holiday, and they shall be announced by public notice posted up during the fifteen preceding days in the hall in which the sittings of the said Council shall be held, and at the door of the parish Church, and read on the market of the said City on the two Saturdays preceding such Election, or published in a Newspaper of the said City during the fifteen days which shall precede such Election; and this notice shall be signed by the Mayor or by the Secretary-Treasurer of the said Council, and shall set forth the day, place and hour at which the said Election shall be held in each of the Wards of the said City.

Annual Municipal Elections, and notices of them.

XIV. The Mayor of the said City shall be elected by a majority of the votes of all the Electors of the said City qualified as aforesaid given at the place appointed by the said Town Council and set forth in the notice above mentioned.

Election of Mayor.

XV. Before the publication of the notices announcing such Annual Municipal Election, the Council of the said City shall name one of its Members who is not going out of office to preside at and conduct such Election, and to appoint the places where it shall be held in each of the Wards; such Councillor having under him a deputy named and paid by the Council for each of the Wards of the said City, and for the poll at which the Election of Mayor shall be made where the Election shall be held; the said deputies shall have the necessary qualifications for voting at such Election, and it shall be lawful for them to have a poll Clerk if they think proper, whom they shall appoint by a writing under their hand and seal; and the polls shall be open in each of the Wards for receiving and recording the votes from nine o'clock in the forenoon to five o'clock in the afternoon of the day fixed for such Election in case the said Election shall not be made by acclamation; and at the close of the poll the said deputies shall declare the person or persons who shall have received the greatest number of votes duly elected Mayor or Councillors of the said City; and in case candidates at one poll have an equal number of votes, the deputy acting at such poll shall give his vote in favor of one of the Candidates; and the Councillor presiding at the Election shall give notice in writing of their Election to the persons who shall have been elected within the three days next after such Election.

Returning Officer and his Deputies, how appointed.

Oath of Deputy
Returning offi-
cers.

XVI. The Councillor presiding at any election shall not be bound to take any oath for the holding of such election, because he will act under his oath of office ; and before proceeding to hold any election under this Act each deputy shall take the following oath, which any Justice of the Peace residing in the said City is hereby authorized to administer, to wit:—

“ I solemnly swear that I will faithfully and impartially, to the best of my judgment and ability, discharge the duties of Deputy Returning Officer at the election which I am about to hold of a person (*or persons*) to serve as Mayor (*or Councillors, as the case may be*) of the City of St. Hyacinthe. So help me God.”

Power to keep
the peace at
Elections.

XVII. The Councillor presiding and each Deputy Returning Officer at any Municipal Election in the said City shall have the power, and they are hereby required, to preserve peace and order at such election, and to this end during its continuance they shall and may cause to be imprisoned in the Common Gaol of the District of Montreal, or in that of the County of St. Hyacinthe, when it shall have been constituted a Common Gaol, any person making or causing a disturbance or rioting and fighting at such election, or using or threatening to use any violence for the purpose of preventing any elector from coming forward to vote or from retiring without being molested after having voted, or from remaining as a peaceable spectator at such election, and they shall and may require and command the assistance of all persons present at such election, or of any constable or peace officer in the said City, who are hereby required to give their assistance in arresting and imprisoning any person so causing noise, interruption, trouble or disturbance as aforesaid ; Provided always, that no such imprisonment shall be for a longer period than one calendar month ; and the Sheriff and Gaoler who may be in charge of the said Common Gaols are hereby required to receive all such offenders on the warrant of the Councillor appointed to preside at any such election ; and every Deputy shall have in his Ward, in the absence of the Councillor presiding at the election, the same powers as he.

Provido.

Power to examine voters on oath as to their qualification.

XVIII. The Councillor presiding, or the Deputy Returning Officer at any election under this Act shall have authority, and he is hereby enjoined, whenever thereunto required by any person duly qualified to vote at such election, to examine on oath, (or affirmation, in cases in which affirmation is allowed by law) any candidate for the office of Mayor or Councillor of the said City touching his qualification for election to the said office ; and shall also have authority, and is hereby enjoined, on demand as aforesaid, to examine on oath (or affirmation) any person offering to vote at any election ; and in these two cases the oath shall be administered by the Councillor presiding or Deputy Returning Officer in the following form, that is to say :—

The Oath.

“ You swear that you will true answer make to all such questions as I shall put to you in my capacity of Councillor presiding (*or of Deputy Returning Officer, as the case may be*) at this election, touching your qualification to be elected Mayor (*or Councillor*) of the said City ;

“ (or touching your qualification to vote at this election, as the case may be.) So help you God.”

And the Councillor presiding (or the Deputy Returning Officer) shall himself put the questions which he shall deem necessary, or which the electors present shall desire to have put to the candidate or voter.

XIX. At all elections held under this Act the Poll Books containing the names of the voters and other matters shall be attested on oath by each of the Deputies or Clerks who shall have presided at such election in the respective Wards of the said City, each of the said Deputies or Clerks attesting his own, before any Justice of the Peace residing in the said City, which Justice of the Peace is hereby authorized to administer such oath, and the said oath shall be in the following form, that is to say :

“ I, A. B., swear that the Poll Book kept by me at the Municipal Election for the Ward Number of the City of St. Hyacinthe (or for the Election of the Mayor of St. Hyacinthe, as the case may be) is just and correct, to the best of my knowledge and belief—So help me God,”

And the said Poll Books, so attested, shall be deposited in the Office of the Secretary-Treasurer of the said City, by each of the said Deputies or Clerks within three days after such election.

XX. If any person being examined upon oath or affirmation under this Act as to his qualification to vote or to be elected, shall knowingly forswear himself, he shall be deemed guilty of wilful perjury.

XXI. Every contestation of an Election, either with reference to the qualification of the Members or with reference to that of the voters, or for any other cause whatever, shall be determined by the Members whose elections shall not be contested, and each such contestation shall be tried by the Town Council, within the fifteen days next following the election ; and each such contestation shall be notified in writing to the Councillor presiding at the election, by at least three electors of the City, if it is the election of Mayor that is contested, or of the Ward in which the contested election shall have taken place, if it is that of a Councillor, on the day on which such election shall have taken place, or in the forenoon of the following day ; and when any election shall be declared void for any of the causes aforesaid, or by reason of riotous or disorderly proceedings at the said election, a new election shall be held within the twenty days next after that on which such contestation shall have been decided ; and this election shall be announced, conducted and presided over as is provided by this Act for the annual elections.

XXII. Every witness who, in the case of a contested municipal election, after having been duly summoned to attend at the trial of such contestation, or at the trial of any complaint whatever which shall have been regularly brought before the said Council for any cause whatever, shall willfully neglect or refuse so to attend, shall, on conviction thereof, before one of the Justices of the Peace residing in the said City, be liable to be imprisoned, by order of the said Justice of the Peace, in the Common Gaol of the

District of Montreal, or in the Gaol of the City, if there be one, for a period of time not to exceed one calendar month; and if any witness, in such trial or proceeding, knowingly forswear himself, he shall be deemed guilty of wilful perjury.

Power to administer oaths to witnesses.

XXIII. The Mayor and the Members of the said Town Council are hereby authorized to examine upon oath all witnesses summoned to appear before the said Council, and to administer the oath to such witnesses. 5

Duty of Sheriff and Gaolers.

XXIV. The Sheriff and the Gaoler of the District of Montreal, and of the County of St. Hyacinthe, when there shall be such, shall be bound, and they are hereby enjoined and empowered, to receive and safely to keep until they shall be duly discharged, all persons committed to their custody by the said Town Council, or by any of its Members or Officers by its authority. 10

Mayor's Oath of Office.

XXV. Any person who shall have been chosen to be Mayor or Councillor of the said City shall, before sitting as such, take the oath of office hereinafter mentioned, before the Councillor who shall have presided at the annual Municipal Election, or in his absence, before any of the Justices of the Peace residing in the said City, who are hereby authorized to administer the same, that is to say:—

“I, A. B., do solemnly swear that I will faithfully discharge the duties of Mayor, (or, of Councillor, as the case may be) of the City of St. Hyacinthe, to the best of my judgment and ability—So help me God.” 20

Penalty for refusal to take such Oath.

XXVI. If any of the persons who shall hereafter be elected to represent the several Wards of the said City, or to be Mayor, refuse after due notice as aforesaid, to take the oath of office required by the preceding section before the first meeting of the Council after any Municipal Election (provided always that such person be not sick or absent from the City during that time, or disqualified), such person shall incur by such refusal a penalty of five pounds currency, which shall be recovered by the Secretary-Treasurer; provided always, that no person who shall, during the four years next preceding such election, have discharged the duties of Mayor or of Councillor of the said City, or paid the fine for having refused to fill the said offices, shall be subject to the penalty hereinbefore imposed for refusing to act. 25 30

proviso

Case of failure of Annual Municipal Election on day appointed provided for.

XXVII. In case it shall happen that any annual Municipal Election shall not have taken place, for any cause whatsoever, on the day on which, in pursuance of this Act, it ought to have been held, the said Town Council shall not on that account be deemed to be dissolved; and it shall be lawful for those of the Members of the said Council who shall not have gone out of office to hold a meeting, presided over by the Mayor if he have remained in office, or by the Councillor who shall have been appointed to preside at the election, if there be no Mayor, for the purpose of fixing as early a day as possible for holding such election; and in this case the notices and proclamations required by this Act shall be posted up read and published during eight days only, instead of fifteen. 35 40

XXVIII. The persons who shall be chosen at the annual municipal elections to be Mayor or Councillor of the said City shall, in all cases, be elected for two years, and at each such annual election one of the Councillors for each ward shall go out of Office, and it shall always be that one whose election shall have taken place two years before; provided that the Mayor shall remain in Office for two years after his election; provided also, that when three Councillors represent any of the wards each of them shall remain in Office for two years; provided further that no person shall be capable of being a Councillor for more than one ward at a time.

XXIX. In the event of a vacancy occurring in the Office of Mayor by the person who shall have been elected to the said office failing to accept the same, or by his death, or from any cause whatsoever, the said Council shall elect from among its members, at the first meeting which shall take place after the occurrence of the said vacancy, another fit and proper person to be Mayor for the remainder of the time during which the Mayor in whose stead it shall be necessary to appoint another would have been bound to serve—and if any person is elected Mayor of the said City, and at the same time Councillor, or have been already elected a Councillor for one of the wards thereof, such person shall be bound to declare, within four days next after notice shall have been given to him of the said elections, which of the offices he will accept; provided that if he be not by law exempted from accepting the Office of Mayor, he shall be bound and obliged to accept the said Office, and shall incur and pay a fine of ten pounds currency if he do not accept the said Office; and he shall likewise incur and pay the said fine in the event of his accepting the Office of Councillor. Provided also, that when a person thus elected Mayor and Councillor at the same time shall accept the said Office of Mayor, a new election of a Councillor shall be held for the ward for which such person shall have been elected Councillor, within a period to be fixed by the Town Council, and in the manner and subject to the conditions prescribed with reference to vacancies in the Office of Councillor.

XXX. As often as any vacancy shall occur in the Office of Councillor, by reason of nomination to the Office of Mayor, of sickness, civil disability, death, or removal from the City, or for any other cause mentioned in the tenth section of this Act, provided such vacancy occur before the first of April, in any year, it shall be lawful for the Town Council, and they are hereby enjoined, to summon the electors of the ward in which such vacancy shall have occurred, by public notices posted up and published as is prescribed in and by the thirteenth section, to fill such vacancy by the election of another Councillor; and in this case the Mayor, or in his absence one of the Councillors appointed by the Council, shall preside at the election, and the Secretary-Treasurer shall act as deputy, and the Councillor thus elected to fill the vacant seat shall be sworn before the Mayor or before the Councillor who shall have presided at the election, and he shall remain in Office during the whole period during which the Member whom he shall replace would himself have remained in Office, in the ordinary course of affairs.

Mayor to exercise powers until successor sworn in.

XXXI. The said Mayor so elected shall continue to exercise all his powers as Mayor of the said City until his Successor in the said Office shall have been elected and sworn.

Mayor and four of the Councillors to be Justices of the Peace.

XXXII. The Mayor and four of the Councillors of the said City of Saint Hyacinthe appointed by the Council as soon as possible after each annual election shall be, each during his continuance in Office, Justices of the Peace for the District of Montreal. Provided always, that they shall not be bound to take any other Oath than the Oath of Office to enable them to act as such, any law to the contrary notwithstanding.

Proviso.

Members of Town Council may arrest and commit drunken and disorderly persons,

XXXIII. It shall be lawful for each of the Members of the Town Council, individually, to order the immediate arrest of any drunken person, or of any person acting in a disorderly or turbulent manner, whom he shall find disturbing the peace within the limits of the said City, and to cause such person to be confined in the watch-house or other place of detention, in order that such person may be safely kept until he can be brought before the Mayor or a Justice of the Peace to be dealt with according to law.

Meetings of Town Council.

XXXIV. After each annual municipal election the Members of the said Council shall, within eight days next after the election, hold a meeting, presided over by the Mayor, or in his absence by the Councillor who shall have presided over such election, for the purpose of verifying their credentials; and after the said sitting the said Town Council shall meet at least once in each month for the transaction of the affairs of the said City, and shall hold its sittings in such place as it shall please the said Council to choose. A bare majority of the Members of the said Council shall form a quorum for the despatch of business, and all questions shall be decided by the majority of the Members present; provided always, that a Member or Members who may not be sufficient in number to form a quorum, may adjourn any meeting of the Council which shall have failed for want of a quorum, and such Members, although not forming a quorum, are hereby authorized to compel the absent Members to attend the regular or adjourned meetings as aforesaid, and to inflict upon such absent Members, in case of repeated absence, any fine or penalty which the said Town Council might impose in view of such an occurrence.

Quorum of Town Council.

Mayor to preside at Meetings, and to have a casting vote, but no Salary.

XXXV. The Mayor of the said City, if he is present, shall preside at the meetings, shall maintain order thereat, and shall have a right to express his opinion, but not to vote, on all questions which shall be brought before the said Council; provided always, that when the said Councillors 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 City during the time they shall remain in Office; provided also that whenever the Mayor shall not be present at a regular special meeting of the said Town Council, the Councillors present shall choose one of their number to fill the place of the Mayor during the sitting.

XXXVI. The Mayor of the said City may, as often as he shall think it necessary or useful, call special meetings of the said Council, and whenever two Members shall wish to have a special meeting they may apply to the Mayor to call it, and if the Mayor is absent, or refuses to act, they may call it themselves, stating at the same time to the Secretary-Treasurer of the said Council, in writing, the object for which they call such special meeting, and the day on which they are desirous it should be held, and the said Secretary-Treasurer shall be bound, on receipt of such written notice, to communicate it to the other Members of the Council.

10 XXXVII. The proceedings at each of the regular or special meetings of the said Town Council shall be correctly entered and recorded in a book which shall be kept for that purpose, and which shall be called "The Minute Book of the Town Council of St. Hyacinthe," and the said book shall be open to inspection or search by any person qualified to vote at the municipal elections of the said City, on payment of the sum of one shilling to the Secretary-Treasurer who shall have the custody of the said book; and all extracts from the said minute book, or from any records or papers of the said Council, shall be delivered by the Secretary-Treasurer, who shall be entitled to receive, for such extracts, the sum of six-pence for each hundred words; and all extracts from the said book, or from the records and papers of the said Town Council, and generally all certificates, documents, contracts, deeds, and papers signed by the Mayor of the said City, and countersigned by the Secretary-Treasurer, or signed by one of them only, in the absence of the other, and Sealed with the common Seal of the said Council, shall prove themselves in all Courts of Justice in this Province, and shall be considered and received by such Courts as *prima facie* evidence of the facts set forth or contained in such extracts, certificates, contracts, documents, and other papers.

30 XXXVIII. All the meetings of the said Town Council shall be public, except only when the Council shall have to try the Members of its own body for any cause whatever, in which case it shall be lawful for the said Council to sit with closed doors; and the said Council shall decide upon the rules of its own proceedings; and it shall have the power to cause order to be observed during its sittings by those persons who may be present, and to punish by fine or imprisonment, or both, any contempt committed by such persons; Provided always, that no such fine shall exceed the sum of five shillings currency, and that no such imprisonment shall be for a longer period than thirty days.

40 XXXIX. The said Council shall have power to punish by imprisonment for a period not exceeding fifteen days, or by a fine not exceeding fifteen pounds currency, but which may be less, or by both, together, any Councillor who may be guilty, during its sittings, of making any serious disturbance, or of violence, either in word or deed, or in any other manner; and the said Council may expel any of its Members who shall have been convicted of felony or of any infamous crime, and may fill his place in the manner provided for vacancies in the office of Mayor or Councillor.

Appointment of
Committees.

XL. It shall be lawful for the said Council to name from among its Members so many Committees, composed of a greater or less number of persons, as it shall think proper, to facilitate the despatch of the business before the said Council, and for the discharge of all the duties within its competence, and which shall be prescribed by the said Council, but subject in all respects to the approbation, authority and control of the said Council. 5

Appointment and
duty of Assessors

XLI. The said Town Council shall have power to appoint, at the commencement of each period of three years, three Assessors; and it shall be the duty of the said Assessors to value the assessable property of the said City according to its real value, and within the periods which shall be fixed by the said Town Council; Provided always, that such valuation of property shall be made once in every three years; Provided also that the Assessors so appointed shall be owners of real property to the value of at least two hundred and fifty pounds currency. 10 15

Oath of Assessors.

XLII. Every person so appointed Assessor shall be bound, before proceeding to value any property in the said City, to take the following oath before any Justice of the Peace residing in the said City, that is to say:—

“ I, having been appointed one of the Assessors for the City of St. Hyacinthe do solemnly swear, that I will honestly and diligently discharge the duties of that office, to the best of my judgment and ability. So help me God.” 20

Appointment and
Oath of Auditors,

XLIII. At the first meeting after each Annual Municipal Election, the Town Council shall appoint two persons to be Auditors of the accounts of the said Council; and such Auditors shall take the following oath before a Justice of the Peace residing in the said City, that is to say:— 25

“ I, having been appointed to the office of Auditor for the City of Saint Hyacinthe, do swear, that I will discharge the duties thereof to the best of my judgment and ability, and I declare that I have not, either directly or indirectly, any share of interest whatever in any contract or employment with or under the Town Council of Saint Hyacinthe. So help me God.” 30

Qualification of
Auditors.

XLIV. The Auditors who shall be appointed for the said City shall be owners of real estate therein, of the value of at least one hundred and twenty-five pounds currency; Provided always, that neither the Mayor nor the Councillors, nor the Secretary-Treasurer of the said City, nor any person receiving a salary from the said Council, either on account of an office held under its authority, or on account of any contract whatever made with it, shall be capable of holding the office of Auditors of the said City. 40

Duty of Auditors.

XLV. It shall be the duty of the Auditors to examine, and to approve or disapprove or report upon, all accounts which may appear in the books of the said Council or concern it, and which may relate to any matter or thing under the control and jurisdiction of the said Town Council, and may then remain unpaid; and to publish a detailed statement of the re- 45

ceipt and expenditure and the resources of the said Council in some newspaper published in the said City, or to post it up in the Council Hall, at least fifteen days before the annual Municipal Elections.

XLVI. In the event of any vacancy occurring in the office of Assessor, Vacancy in office of Assessor or Auditor how supplied. or in that of Auditor, for want of Assessors or Auditors being appointed at the period fixed by law for that purpose, or by reason of the absence or death of any person appointed to the said offices, or by the failure, disqualification or inability of any person appointed Assessor or Auditor to take upon himself or to discharge the duties which devolve upon him by law, the said Council may, at any subsequent meeting, appoint a duly qualified person to fill and supply such vacancy.

XLVII. Every person who shall be regularly elected or appointed to any of the offices of Mayor, Councillor, Assessor or Auditor of the said City, shall accept such office, unless such person prefer paying the fine Penalty for refusing to act as Mayor, Councillor, Assessor or Auditor. hereinafter fixed; in which case he shall be exempt from serving in the same way and for the same period as if he had accepted such office:—

The fine for a person elected Mayor who shall refuse to act, shall be *ten pounds* currency;

The fine for a person elected Councillor who shall refuse to act shall be *20 five pounds* currency.

The fine for a person appointed Auditor who shall refuse to act shall be *two pounds ten shillings* currency.

The fine for a person appointed Assessor who shall refuse to act shall be *three pounds fifteen shillings* currency.

XLVIII. The Assessors shall, in the course of the month next after notice shall have been given to them of their appointment, make a valuation of all the real property and stocks in trade in the said City, and transmit to the Secretary-Treasurer of the said City the Assessment Roll thereof together with their Oath of Office; and at the next meeting of the said Council the said Assessment Roll shall be produced and examined by the Councillors, if they desire it; and from the date of that meeting the Assessment Roll shall be deposited in the Office of the Secretary-Treasurer during the period of one month, reckoning from that meeting; and during that time it shall remain open for public inspection to all persons whose properties shall have been valued, or their representatives; and during that interval, those persons who feel aggrieved may address themselves in writing to the Town Council complaining of any over-valuation; and this appeal shall be decided by the said Council at the first meeting which shall be held after the expiration of the month hereinbefore mentioned; and the said Council may hear the parties and their witnesses, on oath, which oath shall be administered by the Mayor or by the presiding Councillor, and may sustain or alter the valuation of which the alteration is demanded, as may seem to it to be right; and at the same meeting the said Assessment Roll shall be declared closed for three years, unless, however, the Council have been obliged to adjourn in consequence of

the number of complaints, in which case the said roll shall not be declared closed until after all the complaints shall have been heard and decided ;
 Proviso. Provided always, that if after the said Assessment Roll shall have been declared closed as aforesaid, any property in the said City shall be considerably diminished in value, either by fire, the pulling down of buildings, accident, or any other reasonable cause, the said Council may, on petition from the owner, cause the valuation of such property to be reduced by the Assessors to its actual value:—Provided also, that if any omission has been made in the said Assessment Roll, the said Council may order the Assessors to value any property so omitted, for the purpose of adding it to the said roll ; provided further, that the said Assessors shall be bound to value annually, by order of the said Council, the stocks in trade held in the said City.

Appointment and payment of Secretary-Treasurer and other Officers &c.

XLIX. The said Town Council may, from time to time, as occasion shall require, appoint a fit and proper person, who shall not be a Member of the Council, to be and to be called Secretary-Treasurer of the City of Saint Hyacinthe, and it shall have power to appoint, dismiss and replace, when it shall think fit so to do, all such officers, constables and policemen as may be required for the due enforcement of the by-laws which are in force, or which it may hereafter make ; to prescribe and regulate the duties of all such officers respectively ; to exact from all persons employed by it in any capacity whatsoever, such security as it may deem sufficient to insure the due performance of their duties ; and to grant and allow to the officers to be appointed as aforesaid, such salary allowance or other compensation for their services as it may think fit ; and the said Council may appoint an Assistant Secretary-Treasurer, whenever the said Secretary-Treasurer shall be unable to discharge the duties of his office by reason of absence or sickness, or from any other cause, and the said Assistant Secretary-Treasurer shall be invested with the same powers as the said Secretary-Treasurer during the time for which he shall be so appointed.

Duties of Secretary-Treasurer.

L. The Secretary-Treasurer shall be the sole Collector and keeper of all sums due to the said Town Council, or which may be at its disposal in any way whatever, of which he shall make correct entries in the books which shall be kept for that purpose ; he shall also enter therein the sums which he shall have paid for the said Council, and the said books shall be at all reasonable times open to the Members of the said Council and to the Auditors ; and he shall prepare a statement of the said accounts, with the vouchers and papers relating to the same, for the year ending on the thirty-first of May in each year, in order to submit them to examination by the Auditors between the first and the fifteenth of June in each year ; Provided always, that the said Secretary-Treasurer shall not make any payment from the funds of the said City, otherwise than upon the order of the said Council, or upon an order in writing, signed by the Mayor or a Member of the Finance Committee ; provided that possession by the Secretary-Treasurer of such order shall be *prima facie* evidence of the amount therein mentioned having been paid.

Application of fines and penalties.

LI. All the fines and penalties imposed or recovered in virtue of this Act, or of any By-law made in virtue hereof, shall be recovered for the

use of the said Town Council, and shall form part of its funds; and it shall be lawful for the said Council to remit any fine or penalty which it shall think proper to remit; provided always that the Secretary-Treasurer be and he is hereby authorized to accept payment of any fine or penalty, and of the costs incurred, from parties who may be willing to pay the said fines and penalties without waiting for the judgment of the Court, or even without having been prosecuted. Proviso.

LII. The Secretary-Treasurer of the said Council, and all its other employees or officers, shall respectively, during their continuance in office, or in the course of a month after their going out of office, and in such way as the Council shall direct, render to the said Council, or to any person authorized by it, an exact account in writing of all matters entrusted to their charge or keeping, in virtue of this Act, and also of all monies which shall have been received by them respectively, for the purposes of this Act, and of the amount of all monies which shall have been paid or disbursed by them for the benefit and under the control of the said Council, and for what objects; and they shall furnish vouchers in support of their assertions; and all such Secretary-Treasurer or other officers going out of office, shall be bound to pay, within eight days next after the settlement of their respective accounts, to the Secretary-Treasurer of the said Council, all sums which may be due by them; and if any of the said officers knowingly refuse or neglect to render such account as aforesaid, or to furnish the vouchers relating thereto, or to pay into the hands of the Secretary-Treasurer the sums which they may owe, or wilfully refuse or neglect to restore to the said Council, within three days after they shall have been duly notified, all books, documents, papers or writings belonging to the said Council, then and in every such case on complaint being made by the said Council of such refusal or neglect as aforesaid, before a Justice of the Peace of the said City, or of the locality where the said officer or officers shall then reside, the said Justice of the Peace shall be bound, and he is hereby authorized and required, to issue a summons or warrant under his hand and seal, to bring each such officer before any two Justices of the Peace for the said City or such locality, and on the said officer appearing, or on his not appearing, because he has not been found, it shall be lawful for the said Justices of the Peace to hear and determine the complaint in a summary manner, and if it appears to the said Justices that monies, books, documents, or papers remain due by the said officer, or have remained in his possession, the said Justices may, and they are hereby required, upon the non-payment of such monies or non-delivery of such books, documents or papers, to issue a warrant under their hands and seals for the levying of the said monies, by means of the seizure and sale of the goods and effects of such officer; and if there be not sufficient goods and effects to pay the said monies and the costs of seizure, or if it appear to the said Justices that the said officer has wilfully refused or neglected to deliver such accounts or vouchers, or that any of the books, documents, papers or writings which were under the charge and care of such officer, as an employee of the said Council, have not been delivered to the said Council, and are knowingly retained, then and in every such case the said Justices are required to commit the said officer to the Common Gaol of the locality, Accounts to be rendered by Secretary-Treasurer and other Officers.

where he shall be condemned to remain without bail until he shall have paid the monies as aforesaid, or faithfully rendered his accounts and produced his vouchers, or delivered all books, documents or papers as aforesaid, or have satisfied the Council in relation to the complaint made by the said Council; provided always, that no person shall be so kept in Gaol for more than one month for want of being able to pay the amount of the costs of judgment and execution; and provided also, that nothing herein contained shall have the effect of preventing or restraining any judicial recourse against any officer of the said Council so offending as aforesaid, or against any surety of such officer.

Town Council to have sole right of granting Certificates for Tavern Licences, &c.

LIII. From and after the passing of this Act the said Town Council alone shall have the right of granting and delivering certificates for Tavern Licences, and Licences to keep houses of public entertainment and retail spirituous liquors, within the limits of the said City; and such certificates shall be signed by the Mayor or the Secretary-Treasurer of the said City, and sealed with the Seal of the said Council.

Duties on Taverns and other Licences.

LIV. The said Council shall be entitled to charge for the granting of each such Licence, and in addition to the duties received by the Crown on Tavern Licences, a sum of not less than *five pounds twelve shillings and sixpence* nor more than *ten pounds twelve shillings and sixpence* currency; and the said sums shall form part of the funds of the said Council. And the said Council shall also have power to license temperance houses for an annual licence of three pounds at the most; and every tavern or temperance house that may hereafter be licenced and opened in the said City, shall contain at least six rooms, furnished with at least one bed for travellers, and stalls in the stables for at least ten horses.

Power to cancel Tavern Licences.

LV. The said Council shall have power to withdraw and cancel tavern licences which shall have been granted to persons residing in the said City, if such persons are convicted before any Court of having permitted in their houses serious disturbances caused by drunkenness, or if, upon trial before the said Council, such persons are convicted of keeping gambling houses, or houses of debauchery, and the said Council may so withdraw and cancel such licences, although the amount fixed by the said Council for the granting of certificates, or the amount fixed by law for the granting of licences may have been already paid.

Power to regulate Taverns and the sale of spirituous liquors by retail.

LVI. It shall be lawful for the said Council to make regulations for the government of taverns and temperance houses, and to determine what shall be the smallest quantity of spirituous liquors that may be sold by retail by persons who shall have obtained licence to sell liquor in small quantities, any law usage or custom to the contrary notwithstanding and to impose such fines, not exceeding *ten pounds* currency, and such punishment by imprisonment for a period not exceeding, two months or both, against any person violating the regulations of the said Council relating to any part of this section, and the said Town Council shall also have power to prosecute any person who shall sell spirituous liquors without licence.

LVII. It shall be lawful for the said Town Council to borrow, on the credit of the said City of St. Hyacinthé, such sum or sums of money as the said Town Council shall think proper to borrow for the purpose of effecting improvements in the said City, or of erecting public buildings, or of draining the streets, or of causing the said City to be supplied with water and gas, or for any other purpose which the said Council may deem useful or necessary: Provided always, that the whole amount so borrowed and remaining due shall not at any time exceed twenty-five per cent on the whole valuation of the real property in the said City; and all public monies now due and payable, or which may hereafter become due and payable to the said Town Council, as well as other monies which shall be levied or received by virtue of this Act, or of any other Act, shall be pledged for the payment of the sums so borrowed by the said Town Council, and to the payment of the sums which have already been borrowed by the said Town Council, and generally to the payment of all debts which have been or may be lawfully contracted, or which now are or may hereafter be lawfully due and payable by the said Town Council; and the said Council may, if it borrows sums of money on the credit of the Consolidated Municipal Loan Fund for the Province of Lower Canada, apply the said sums to the different objects mentioned in this clause; and it shall be sufficient for the said Council, in order to obtain the said sums from the Consolidated Municipal Loan Fund, to observe the formalities prescribed by this Act.

LVIII. It shall be lawful for the said Town Council to contract loans by issuing debentures or *bons* signed by the Mayor and countersigned by the Secretary-Treasurer of the said City, and sealed with the seal of the said Council; such loans being made payable to the bearer at such periods as the said Council shall think proper to fix; and such *bons* or debentures shall bear interest payable semi-annually on the first days of May and November in each year, and at a rate not exceeding six per cent. per annum, and coupons for the amount of the semi-annual interest thereon may be attached to all such debentures, which coupons being signed by the Mayor and countersigned by the Secretary-Treasurer, shall be payable respectively to the bearer thereof when and as soon as the semi-annual interest therein mentioned shall accrue, and upon payment thereof shall be delivered to the said Secretary-Treasurer; and the possession of any such coupon shall be *prima facie* evidence that the semi-annual interest therein mentioned has been paid according to the tenor of such debenture or *bon*, and all such debentures or *bons*, and the interest together with the principal thereof, shall be secured upon the general funds of the said City.

LIX. The said Town Council shall not in any case contract a loan exceeding one thousand pounds without having obtained the approbation of the majority of the electors of the said City; such approbation to be expressed in public meetings, presided over by the Mayor, the Secretary-Treasurer acting as Secretary, and duly called by notices published and posted up during fifteen days before such meeting; provided always that six qualified municipal electors present at the said meeting may demand a poll to establish such majority; and a poll shall be granted by the

Mayor, on being so demanded, and shall be held within four days next under such meeting, the Secretary-Treasurer of the City acting as poll-clerk under the direction of the Mayor; each elector shall then present himself in turn and shall give his vote by "yea" or "nay", the word "yea" signifying that he approves of the proposed loan, and the word "nay" signifying that he disapproves of the proposed loan; but no person's vote shall be received unless it appear by the Assessment Roll, that he is duly qualified to vote as Municipal Elector; provided always, that such poll shall be held on two consecutive days, not being Sundays or holidays, from ten o'clock in the morning until five o'clock in the afternoon, and at the close of the Poll the Mayor shall count the "yeas" and the "nays" and shall certify for the information of the Town Council whether the majority of the electors of the City approve or disapprove of the said loan; and this certificate shall be countersigned by the Secretary-Treasurer of the City and preserved by him with the poll-list, among the archives of his office, and if the said loan is approved as aforesaid, then the said Town Council may contract it.

Execution of contracts and service of protests, &c.

LX. Every Contract or document in which the said Town Council shall be a contracting party, shall be executed and signed by the Mayor, countersigned by the Secretary-Treasurer, and sealed with the seal of the said Council; and whenever it shall be necessary to serve any protest or any rule of Court or Summons, or other thing whatever in any action or prosecution, upon the said Mayor and Town Council, such service shall be made upon the Secretary-Treasurer, at his Office; and every demand made by the Town Council for payment of taxes and assessments, or every notice for the putting in execution of any new By-Law, shall be made by a notice posted up in the Council Hall, and published in a newspaper published in the City, if there be one, during fifteen days, or read in the forenoon on the market place the two Saturdays preceding the day on which such payment shall have to be made, or such new By-Law shall have to be put in force.

Power to levy taxes.

LXI. In order to raise the necessary funds to meet the expenses of the said Town Council, and to effect the several necessary public improvements in the said City, the said Town Council shall have power to levy annually upon persons, and upon moveable and immoveable property in the said City, the taxes hereinafter set forth, that is to say:—

1. On all pieces of land, town lots, or parts of town lots, whether there be or be not buildings thereon, with all buildings and erections thereon, the sum of one penny in the pound on their full actual value, as entered in the Assessment Roll of the said City; Provided that no land under cultivation or leased as a farm within the limits of the said City shall be taxed by virtue of this Act; Provided also, that the said Town Council shall have power to cause to be added to the Assessment Roll at any time any part of such land under cultivation or leased as a farm which shall have been detached from it as a town lot, and shall thus have become liable to Assessment after the closing of the Assessment Roll, and to fix the period of time for which such tax shall be paid.

2. On the following moveable property, a similar sum of one penny in the pound, according to the values hereinafter specified :—

Every Stallion kept for the purpose of covering mares shall be rated at one hundred pounds ;

5 Every horse kept for hire, at fifteen pounds ;

Every horse above the age of three years, and kept for ordinary domestic purposes, at ten pounds ;

Every bull or ram, at ten pounds ;

10 Every head of horned cattle, of the age of two years and upwards, at two pounds ;

Every close carriage with four wheels, at fifty pounds ;

Every open carriage, with four wheels and two seats, at twenty pounds.

Every gig or light waggon with one seat, at ten pounds ;

Every two-horse sleigh, at twenty pounds ;

15 Every one-horse sleigh, at ten pounds ;

Provided always, that every winter or summer vehicle used solely for drawing loads, and all vehicles commonly called draught or work vehicles, shall be exempt from any tax whatever.

3. On all stocks in trade or goods kept by merchants or traders, and 20 exposed for sale on shelves in shops or kept in store-houses, a tax of a quarter per cent on the estimated average value of such stocks in trade.

4. On each tenant paying rent in the said City an annual sum equivalent to sixpence in the pound on the amount of his rent

5. On each male inhabitant of the age of twenty one years, who shall 25 have resided in the said City for six months, and not being a proprietor, an apprentice, nor a domestic servant, an annual sum of five shillings.

6. On every dog kept by persons residing in the said City, an annual sum of five shillings.

7. And it shall be lawful for the said Town Council to fix, and to impose 30 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 all retailers of spirituous liquors ; and on all pedlars and itinerant traders selling in the said City articles of commerce of any kind whatsoever ; and on all proprietors, possessors, agents, managers and 35 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, hucksters, carters, livery stable keepers, brewers and distillers ; and on all merchants and manufacturers, and their agents ; and on all proprietors or keepers of wood-yards or coal-yards,

and of slaughter houses in the said City ; and on all money-changers or exchange-brokers, pawn-brokers, and their agents ; and on all bankers and banks, and all agents of bankers and banks ; and on all Insurance Companies or their agents ; and generally on all commerce, manufactures, callings, arts, trades, professions, which have been or which may be exercised in or introduced into the said City, whether the same be or be not mentioned therein ; and the workmen of all arts and trades exercised in the said City shall be divided into first and second classes by the person appointed by the said Town Council to make the Roll of moveable property, and shall be assessed at five shillings per annum for those of the first class, and at one shilling and three-pence for those of the second class ; and every person residing in the said City, and 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 fifteen shillings annually ; and the said Town Council may name a person or persons to make the roll of the persons and moveable property mentioned in the different parts of this section. 5 10 15

8. And the said Council shall also have power to fix the amount of personal commutation, that is to say, of the sum to be payable by every person liable to assist in keeping the streets and side-walks of the said City in repair, and to refuse the labour of such person in keeping the same in repair if the said Council thinks proper 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 arbitrators if the parties concerned require it. 20 25

Certain descriptions of real estate exempted from taxation.

LXII. The following properties shall be exempt from taxation in the City of Saint Hyacinthe.

All lands and property belonging to Her Majesty, Her Heirs or Successors, held by any public body or department, or by any person for the use of Her Majesty, Her Heirs and Successors ; 30

All Provincial property and buildings.

Every place set apart for public worship, and every cemetery ;

Every public school-house and the lot on which it is built ;

Every educational establishment, and the lot on which it is built :—

All buildings, lands and properties occupied or possessed by Hospitals or other charitable establishments ;— 35

Every Court House or District Gaol with the grounds attached thereto : Provided always, that this exemption shall not extend to the lots or to the buildings erected on lots leased or occupied by tenants under the government or the War Department in the said City ; and such lands belonging to the government or to the War Department as shall be occupied by tenants, shall be valued and assessed in the same manner as other immoveable property in the said City, and the taxes thereon shall be paid by the said tenants or occupants. 40

LXIII. After the passing of this Act, every proprietor or agent who shall wilfully grant a certificate or receipt for a less sum than the rent actually paid for the premises therein mentioned, or referred to, and every tenant who shall present such a certificate or receipt to the person appointed to make the roll of persons and of moveable property or who shall make a false representation of the amount of rent paid by him; in order to diminish the amount of his assessment, shall be liable, on conviction thereof before the Mayor or a Justice of the Peace, to a fine of not less than five pounds currency, or to imprisonment for at least one calendar month, at the discretion of such Mayor or Justice of the Peace.

Penalty for granting false certificate, &c., of rent.

LXIV. If any person neglects to pay the amount of the taxes for which he is assessed during a period of thirty days after the same shall have been demanded in the manner provided for by this Act, the said Secretary-Treasurer may, and he is hereby required to, levy the same by means of a prosecution in the usual manner before a Justice or Justices of the Peace: and if eight days after judgment shall have been rendered in favor of the said Council by such Justice of the Peace in any suit for money brought by virtue of this Act, such person shall still refuse or neglect to pay his taxes, such Justice of the Peace may, and he is hereby required to, issue on the demand of the said Secretary-Treasurer, a Writ of execution against the moveables of such person refusing or neglecting to pay his taxes; and the amount of such taxes shall be paid by the proper officer to the Secretary-Treasurer after the costs of suit and of the seizure and Sale of such moveable effects, shall have been deducted.

Mode of compelling payment of taxes.

LXV. If the moveables of any person indebted to the said Town Council for taxes are not sufficient to cover the amount claimed, such amount, or any balance less than twenty-five shillings currency remaining due, shall be levied by the sale of the land or lands which shall be charged with or answerable for the payment thereof to the said Council, in the manner hereinafter provided.

Land may be sold for taxes in certain cases.

LXVI. In all cases in which the taxes due on land belonging to a person residing out of the said City, shall not be paid, such taxes may be levied, after due notice given in the manner hereinafter mentioned, by sale of the property or properties charged with such taxes;—provided that such taxes amount in the whole to at least twenty-five shillings currency:

As to taxes payable by non-residents.

LXVII. On the first day of December in each year, the Secretary-Treasurer of the said City shall publish a list of all lots or pieces of land on which taxes are due, which cannot be levied by the sale of any moveable effects, shewing the amount due on each such lot or piece of land; and the said list shall be posted up in the Council Hall of the said Town Council until the day of the adjudication of such pieces of land, and published once in each week in a newspaper of the locality, or twice altogether in the *Canada Gazette*, if there be no such newspaper, and the said list shall be followed by an advertizement announcing that the whole or a part of such pieces of land will be sold by auction and by public adjudication at a place and on a day and at an hour which shall be specified, therein, such day being the fortieth lawful day from that on which the said list shall have been posted up.

Lists of Lands liable for taxes to be published annually.

Mode of selling
land for taxes.

LXVIII. On the day and at the place and hour indicated in the said advertisement for the sale of such lands or lots, the Secretary-Treasurer of the said City shall make known with a loud voice the sum to be levied on such piece of land together with the amount of the costs of the sale; and the person who shall then offer to the said Secretary-Treasurer the said sum with the costs, or more if there is over-bidding, shall be considered as the lawful purchaser of such piece of land or of part thereof, and the said Secretary-Treasurer shall decide upon the extent of such piece of land which it shall be necessary to sell in order to cover the amount claimed; and if the purchaser pay the amount claimed the same day, the Secretary-Treasurer shall give him a certificate of such sale and adjudication under his signature and the seal of the said Council, and upon the delivery of such certificate such purchaser may take possession of the said lot as sold and described by the said Secretary-Treasurer.

Provision for new
sale in case of
non-payment by
first purchaser.

LXIX. If the said purchaser do not pay the amount for which such lot or part of a lot shall have been adjudged to him on the very day of the sale, such adjudication shall be *ipso facto* null, and a new sale shall take place in the same manner as above mentioned, within eight days after such ineffectual adjudication, and the said sale shall be advertised once in a newspaper of the locality, and notice thereof shall be posted up in the Council Hall of the said Council during eight days; and if there be no newspaper, it shall only be posted up as aforesaid.

Mode of proceed-
ing when land
sells for more
than enough to
pay the taxes.

LXX. If the biddings on such pieces of land adjudged as aforesaid produce a sum exceeding that which is claimed, the surplus shall remain in the hands of the said Secretary-Treasurer, who shall, immediately after the adjudication, post up for eight days in the Council Hall of the said Council, and publish twice in a newspaper of the said City, if there be one, a public notice to the effect that such surplus exists; and the hypothecary creditors who shall have acquired rights in respect of such pieces of land so adjudged shall make known the amount of their claims to the said Secretary-Treasurer who shall give such surplus to him or them who shall have a lawful right to it, according to the order of their hypothecs; and if there be no hypothecary creditors, or after these shall have been paid, the said Secretary-Treasurer shall receive the claims of all those to whom the owner of such pieces of land may be indebted; and if the owner acknowledge such claims, such surplus shall be paid to such claimants, or divided among them, by the said Secretary-Treasurer, in proportion to the amount of their respective claims; and if such owner refuse to acknowledge such claims, the said Secretary-Treasurer shall keep the money in his possession until the respective rights of the parties have been determined by agreement, arbitration or judicial decision.

Owner may re-
deem lot within
twelve months on
payment of price
and 20 per cent
more.

LXXI. If in the course of twelve calendar months, reckoning from the day of the said sale and adjudication, the original proprietor of the said lot, or any person duly authorized by him, pay to the Secretary-Treasurer the amount levied on the said lot, with twenty per cent in addition, he shall have a right to resume possession of the said lot or portion of a lot so sold, and the Secretary-Treasurer shall pay on demand to the pur-

chaser thereof; or to his heirs or assigns, the amount received by him, deducting two and a-half per cent, for his fees and expenses, and the title of such purchaser to such lot or part of a lot, shall become null and void from that moment.

5 LXXII. If at the expiration of twelve calendar months reckoning from the day of the said adjudication, the property or lot so adjudged be not redeemed as aforesaid, the Secretary-Treasurer shall, on the demand of the purchaser or his heirs or assigns, and on proof of the payment of all taxes due on such land, execute a Deed of Sale in due form conveying
10 in the name of the said Mayor and Town Council the property thus adjudged to the said purchaser or his representatives; and this Deed of Sale shall be a valid conveyance in law to all intents and purposes, and shall not only transfer to the purchaser all the rights of the original owner, but shall also have the effect of purging such lot or property, of all pri-
15 vileges and hypothecs with which it may be burthened.

LXXIII. Every tax or assessment imposed by virtue of this Act on any of the properties or houses of the said City may be recovered either from the owner or from the tenant or occupant of such property or house; and if such tenant or occupant be not bound, by lease or other arrange-
20 ment, to pay such tax or assessment, such tenant or occupant may and shall have a right to deduct the sum so paid by him for assessment as aforesaid from the rent which he shall be obliged to pay for the occupation of such property; Provided always, that when a judgment shall
25 have been obtained, and an execution issued, either against the owner or against the occupant, that shall not prevent the party who shall have paid such assessments without having been bound by express agreement so to do from taking proceedings against the other party, if the said sum so paid cannot otherwise be recovered.

LXXIV. The said Council shall have power to remit to poor persons
30 in the said City, who shall have been taxed by virtue of this Act, all or part of their assessments in certain cases of loss by fire, long illness, or any other cause which the said Council shall deem reasonable and sufficient.

LXXV. All debts due to the said Town Council in future for all taxes
35 or assessments imposed on moveable or immoveable property in the said City, by virtue of this Act, shall be privileged debts, and shall be paid in preference to all other debts, and shall be allowed to the said Town Council in all cases of distribution of monies in preference to all other creditors; Provided always, that this privilege shall be applied only to
40 taxes due within six years, and no longer; And provided also, that this privilege shall have its full and entire effect without its being necessary to have recourse to registration.

LXXVI. In all cases of non-payment of taxes imposed on any immove-
able property in the said City, an augmentation of ten per cent on the
45 amount of the assessment in arrear shall be added each year to such amount and that as long as such assessments shall not be paid.

- Power to make By-laws.** LXXVII. The said Town Council shall have full power and authority from time to time to make, revise, alter and amend, and to enforce and put in execution such By-laws as it may deem proper, and which shall bind all persons, for the following purposes, to wit:
- Interior economy** For the maintenance of peace and good order, the improvement, cleaning and draining of streets, public places and lots whether vacant or occupied, for the prevention and suppression of any nuisance whatever; for the maintenance and preservation of the public health; and generally for all that relates to or concerns the interior economy and the government of the said City; 5 10
- Gambling.** For restraining and prohibiting every kind of gambling in the said City, and preventing the keeping of gambling-houses, tennis-courts or houses for debauchery of any description in the said City;
- Games of chance.** For preventing and restraining all games with cards, games with dice, or other games of chance, with or without betting, in any licenced or un-licenced hotel, eating-house, tavern or shop in the said City; 15
- Riot or tumult.** For preventing and prohibiting any riot or tumult, disturbance or disorderly assembly, and punishing the authors thereof; and for giving power and authority to enter into all shops, taverns, hotels, and other houses or places of public entertainment, licensed or not licensed, in the said City; 20
- Arrest of offenders.** For finding out and arresting on the spot, such persons as shall be found dlaying, either at cards, dice, or other games of hazard, or engaged in cock-fights or dog-fights, in such places, contrary to any By-law prohibiting such things, or making, causing or creating any tumult, riot, disturbance or disorder therein; 25
- Domiciliary visits.** For giving power and authority to visit and examine, at seasonable hours, the exterior or the interior of any house, land or building of any kind in the said City, for the purpose of ascertaining whether the By-laws passed by the said Council are regularly observed; and for obliging all proprietors or occupants of houses, lands or buildings in the said City to admit any person authorized as aforesaid, for the purpose hereinbefore expressed; 30
- Vagabonds.** For restraining and punishing vagabonds, beggars, prostitutes, and disorderly persons; 35
- Shows.** For licensing and regulating or for prohibiting shows brought forward by common showmen and exhibitions of all kinds, and exhibitions of any natural or artificial curiosities, caravans, circuses, menageries and theatrical representations;
- rudely.** For prohibiting cock-fights and dog-fights, and all other cruel amusements in the said City; and also for preventing the driving of vehicles at immoderate speed in the said City, and the infliction of barbarous and inhuman treatment upon horses or other animals; 40
- Kite-flying.** For prohibiting the flying of kites, and any other sport, practice or amusement in public streets or elsewhere, which may have the effect of

frightening horses, or of annoying or disturbing persons passing in or along the streets of the said City, or of endangering property ;

For obliging all persons to remove the snow, ice or manure from the roofs of the buildings possessed or occupied by them, and for punishing them for failing to do so ;

Snow and ice.

For preventing and forbidding the obstruction of the streets, squares or side-walks by carriages, carts, sleighs, wheelbarrows, boxes, wood, or any other nuisance or material whatsoever ;

Obstruction of Streets.

For prohibiting or for licensing or regulating the selling or hawking of fruits, cakes, refreshments, jewellery and merchandize of all kinds in or along the streets, public places and side walks of the said City ;

Selling in Streets.

For obliging the proprietor or occupant of every grocery, cellar, candle or soap factory, tannery, stable, barn, privy, drain, garden, field, yard, passage, or vacant lot, or any other place that may be unwholesome or fetid, to cleanse and purify it, or even to remove it or cause it to disappear so far as may be necessary for the health, comfort and convenience of the inhabitants of the said City ;

Removing nuisances.

For compelling all owners or occupants of lots in the said City on which there shall be stagnant water to drain or raise such lots so that the neighbors may not be incommoded, nor the public health compromised ; and in the event of the owners of such lots being unknown, and having no agent or representative in the said City, it shall be lawful for the said Town Council to order the said lots to be drained or raised, or to cause them to be fenced and enclosed at the expense of the said Town Council, if they are not so ; and the said Town Council shall have the same power if such owners or occupants of such lots are too poor to drain, raise or fence them ; and in all these cases the sum expended by the said Town Council in improving such lots shall remain charged upon such lots by special hypothec and by privilege in preference to any other debt whatever ;

Drainage, &c., of vacant lots.

For preventing any person from bringing into or depositing or leaving within the limits of the said City any dead body or carcass, and for causing the same, together with any matter or thing on the point of becoming or liable to become unwholesome to be removed by the proprietor or occupant of any place where they may be found, and in default thereof to authorize the removal or destruction of the same by some officer of the City, and to recover the expense of such removal or destruction from the persons refusing or neglecting to remove or destroy the said substance ;

Dead bodies.

For preventing interments within the limits of the said City, or for fixing the places where they may take place ; for compelling the disinterment of bodies interred in contravention of this provision ; provided always, that this clause shall not be construed to extend to prevent the interment of the bodies of Catholic Priests or Nuns in the Catholic Churches of the City ;

Interments.

Unwholesome
processes.

For prohibiting, if it is deemed necessary, or for regulating the erection use or employment in the said City of Steam Engines or of manufactories of any kind which may be calculated to vitiate the air and incommode the neighborhood, of which the said Council shall be the judges, or of shambles, dye-works or other manufactories or establishments where 5 works, operations or processes are carried on which endanger or tend to put in jeopardy the public health or the public safety ; and the said Town Council shall also have power to permit the erection, use or employment thereof, subject to such restrictions, limitations and conditions as the said Town Council may deem necessary ; 10

Animals straying

For restraining and regulating the liberty allowed to animals of all kinds, and to authorize the detention thereof in public pounds, and the sale thereof for the penalty incurred, and the costs of prosecution, as well as the expenses of detention ;

Dogs.

For regulating and preventing the allowing of dogs to go at large in the said City, and for authorizing the destruction of all dogs wandering 15 at large in contravention of any by-law in the said City.

Public Pounds.

For establishing a tariff of fines and dues which shall be paid to the public pounds which are kept, or which shall hereafter be established in the said City ;

Seizure of light
or damaged
goods.

For authorizing the seizure and confiscation of all grains, meat, flour, 20 butter, potatoes, and all other vegetables, fruits, articles and effects on the markets, for sale or otherwise, on account of deficiency in measure, weight or quality, or for any other good and sufficient reason ; and for regulating the weighing and measuring of all cord wood, coal, salt, grains, lime and hay brought into or sold in the said City by strangers or by 25 persons residing therein ; for determining in what manner and at what place these articles or any others shall be sold and delivered either by the quantity, or by bulk or by weight ; and for compelling all persons to conform in these matters to the regulations which the said Council may deem it advantageous to establish in future ; 30

Market-places.

For establishing a market place or market places, or for enlarging the market places that now exist, or those which shall be established in future, subject always to the payment of the damages that may be occasioned to individuals by the enlargement of such market places with land taken from their respective properties ; 35

Clerks of markets

For determining and regulating the duties of the Clerks of the Markets of the said City, or of all other persons whom the said Council may think it right to employ to superintend the said markets ; and for letting the stalls or places of sale in and around the said markets ; and for determining and fixing the dues which shall be received from all persons who shall 40 come to sell their goods or produce of any kind there, and for regulating the conduct of all such persons in the sale of their effects ; and for regulating the weighing and measuring, as the case may be, at the request of any party concerned, by the officers appointed for that purpose by the said Town Council, and on payment of all fees which the said Council shall 45

have thought fit to prescribe for so doing, of all produce whatsoever that may be offered for sale on the said markets;

For regulating and laying, and imposing dues upon all vehicles in ^{Vehicles in mar-} which articles shall be exposed for sale, or which may take up places in ^{kets.} the said markets;

For preventing persons bringing goods of any kind, wood or materials, ^{Sales out of mar-} into the said City for selling or exposing them elsewhere than on the said ^{ket.} markets;

For restraining and regulating hucksters and persons buying articles ^{Hucksters.} brought into the said City for the purpose of selling the same again, and for laying dues and taxes upon them in the prosecution of their traffic;

For regulating the bakers in the said City, and the persons in their ^{Bakers.} service;

For regulating the sale, the weight, and the quality of the bread that ^{Bread.} may be sold or offered for sale in the said City, and for providing for the inspecting and weighing of all bread offered for sale, and for the seizure, forfeiture and confiscation, and also for the mode of disposing, after confiscation, of all such bread so offered for sale in contravention to the said regulations, or bread that may be unwholesome or too light; and to this end to authorize officers or persons to enter into bakers' shops or other places, and to stop vehicles carrying bread for the purpose of inspecting and weighing such bread, and to do any other act or thing that may be necessary, or that may be deemed advantageous to the public interest and safety for the attainment of such object or for causing such regulations to be enforced;

For authorizing the granting of licenses to carters, and to the owners ^{Carters.} and drivers of public vehicles kept for hire in and for the said City, and also for the better guidance of the owners and drivers of such vehicles, and for the establishment of rules and regulations respecting public carts, chaises, calashes, carriages, or other vehicles kept for hire in and for the said City, as well as for establishing a tariff of prices for the same; and for imposing a fine and penalty on any person who shall hire, engage, or employ carters in the said City, and who shall neglect or refuse to pay them for their services at the rates fixed in the said tariff;

For regulating, cleaning, repairing, mending, altering, opening, widening, narrowing, straightening or discontinuing the streets, squares, lanes, highways, bridges, sidewalks, crossings, drains and sewers, and all natural water-courses in the said City; and for preventing their being incumbered in any way, and protecting them from encroachment and injury; and also for settling the direction of all natural water-courses running through private property in the said City; and for regulating every thing on this subject, whether the said water-courses be or be not covered. It shall also have power to regulate the mode of planting, rearing and preserving ornamental trees in the streets and public places of the said City;

- Common Sewers.** For assessing the proprietors of lands situate on any of the streets of the said City, at such sums as shall be deemed necessary for the making or repairing of any common sewer in any of the streets of the said City, and that in proportion to the assessed value of such land; and for regulating the mode of collecting and receiving such assessments; provided always, that the said Council shall not have power so to assess the owners of property in any street for the making of such sewers unless the majority of the owners of property in such street have demanded such assessment; 5
- Provision.**
- Enclosing lots.** For compelling the proprietors of all lands and immoveable property, in the said City, or their agents or representatives, to inclose such lands, and for prescribing the height and strength of the materials that shall be employed in so doing; 10
- Sale of liquor to children, &c.** For preventing the sale of any intoxicating drinks to any child, apprentice or domestic servant;
- Apprentices, &c.** For regulating the conduct and certain duties of apprentices, domestic servants, and hired servants, and journeymen in the said City, and also certain duties and obligations of masters and mistresses towards such servants and journeymen; 15
- Police.** For regulating, arming, lodging, clothing and paying a police force in the said City, and for determining its duties; 20
- Town Gaol.** For founding, establishing and regulating a Town Gaol or place of detention in which to shut up from time to time persons violating the regulations of the said Council or guilty of vagrancy or other offences;
- Indemnity for damage done by mobs.** For assessing, over and above all the taxes specially established by this Act, all the citizens of the said City, for the purpose of defraying the expense of indemnities which the said Council may be bound to pay to persons in the said City whose houses or other buildings shall have been destroyed or damaged by a riot or by tumultuous assemblies; and if the said Council neglect or refuse within three months next after such destruction or damage being so occasioned to any property in the said City to pay a reasonable indemnity, to be ascertained by *experts* if one of the parties desire it, then the said Council shall be liable to be sued in any Court of Justice in this Province for the recovery of such damages; 25
- Projections in Streets.** For compelling all owners of houses in the said City to remove from the streets all encroachments or projections of any kind, such as galleries, porches, posts, fences or any other obstacle whatever; 35
- Dangerous buildings.** For causing to be thrown down, demolished and taken away, when deem necessary, all old walls or chimneys or dangerous buildings of any kind, threatening to fall down, and for determining the time when and manner in which such building shall be thrown down, demolished and taken away, and by whom the expense shall be borne; 40
- Width, &c, of Streets.** For regulating the width of the streets that shall be opened in future in the said City; for regulating and altering the height or the levels of any streets, or of any side-walks in the said City; Provided, that if any

person suffer actual damage by the widening, prolongation or alteration of level of any of the streets of the said City, such damage shall be paid for to such person at a valuation by *experts*, if either of the parties require it;

5 For assessing, at the request of the majority of the citizens residing in Sweeping Streets. any of the streets or public places of the said City, all the citizens residing in such street or public place at such sums as may be necessary to provide for the expense to be incurred for sweeping, watering and keeping clean such street or public place and that according to the assessed
10 value of their properties;

For providing, out of the funds of the said City, for a supply of water Water and Gas Works. for the citizens of the said City, and for the lighting of the said City with gas, or in any other way; and for obliging the owners of immovable property in the said City, to allow the necessary works for these pur-
15 poses to be done upon their respective properties; and for compelling all proprietors to allow the necessary pipes, lamps or posts to be attached to their houses; provided always, that in all these cases, the expense of such pipes, lamps and other necessary works shall be borne by the said Council; and provided also, that the solidity of the buildings on or near which they shall be, shall be in no way affected thereby; Proviso.

20 For establishing a board of health, and conferring upon it all the pri- Board of Health. vileges, powers and authority required to enable it to discharge the duties which shall be assigned to it, or to acquire all useful information as to the course or the general effects of contagious and epidemic diseases; or to make such regulations as such board of health may deem necessary for preserving the citizens from the inroads of any contagious or epidemic
25 disease, or for diminishing the effects or the danger thereof;

For regulating the way in which horses shall stand at rest, or be tied Horses. in the streets or in open sheds in the said City;

For preventing or regulating bathing and swimming in the River, Bathing. within the limits of the said City;

30 For making regulations for the better observance of the Lord's Day; Lord's Day.

For regulating and preventing the firing of guns, pistols, and other fire Firing Guns, &c. arms, and preventing the making of bonfires and the firing off of rockets and crackers;

35 For regulating or preventing the construction or erection of any wooden Wooden build-
ings. building, of any kind or description whatsoever, or the employment of shingles or any other wooden materials whatever for covering any building of any kind whatever, within the limits of the said City; and for re-
40 gulating and making obligatory the construction of *coupe-feux*;

LXXVIII. For the better protection of the lives and properties of the By-laws for pro-
tection from fire. inhabitants of the said City, and in order the more effectually to guard against danger from fire, the said Town Council may make By-laws for
45 the following purposes, that is to say;

Chimnies.

For regulating the construction, the dimensions and the form of chimnies and their height above the roofs, or even, in certain cases, above the surrounding houses and buildings; and by whom the cost of the elevation of such chimnies shall be borne, and within what time such chimnies shall be raised ;

5

Fire-engines.

For paying out of the funds of the said City, all such outlay as the said Council may deem necessary for the purchase of fire-engines or any other apparatus designed for the same use, or for adopting such means as shall seem to it most effectual for preventing such accidents by fire, or for stopping the progress of fire ;

10

Thefts at fires.

For preventing the thefts and depredations which might be committed at any fire in the said City ; and for punishing any person who may resist or maltreat any member or officer of the said Council acting in the execution of any duty that may be assigned to him by the said Council under the authority of this Act ;

15

Inquiring into cause of fire.

For making, authorising or causing to be made after every fire in the said City a judicial inquiry in relation to the origin and causes of such fire, and to this end the said Council, or any Committee authorized by it to that effect, may summon witnesses and compel them to appear, and may examine them on oath, which oath shall be administered by any Member of the Council or of such Committee, and may also deliver over to be imprisoned in the Common Gaol of the District of Montreal, or of the County of St. Hyacinthe, any person strongly suspected of having maliciously contributed to cause such fire ;

20

Sweeping of Chimnies.

For regulating the manner in which chimnies shall be swept, and at what periods in the year ; and for granting licenses to such number of chimney-sweepers as the said Council shall think fit to employ ; and for compelling all owners, tenants or occupants of houses in the said City to allow their chimnies to be swept by such licensed chimney-sweepers ; and for fixing the rates to be paid, either to the Council or to such licensed chimney-sweepers, for such sweeping ; and for imposing a fine of not less than five shillings nor more than fifty shillings on all persons whose chimnies shall have taken fire after their refusal to allow such chimnies to be swept ; which fine shall be recovered before the Mayor or any magistrate residing in the said City ; and whenever a chimney which shall have so taken fire as aforesaid, shall be common to several houses, or to several households in the same house, the said Court shall have a right to impose the aforesaid fine wholly upon each house or upon each household, or to divide it between them, according to the degree of negligence which shall appear from the evidence given before such Court ;

40

Ashes and Limes.

For regulating of the mode in which ashes and quick lime shall be kept in the said City, and for preventing all inhabitants of the said City from carrying fire in the streets without the necessary precautions, from making a fire in a street, from going from their houses to their out-houses and entering therein with lighted candles not inclosed in lanterns ; and for regulating the mode of keeping and of transporting gunpowder or any in-

45

flammable or dangerous substances; and for regulating or preventing the keeping of smoke-houses and dangerous manufactures as being likely to cause or facilitate fires; and finally for making all the regulations they may think necessary for guarding against or diminishing dangers from
5 fire;

For regulating the conduct of all persons present at any fire in the said City; for compelling idle lookers-on, to extinguish the fire or save the effects in danger; and for compelling all the inhabitants of the said City to keep constantly on and in their houses, ladders, fire-buckets, fire-poles
10 and fire-hooks, in order the more easily to arrest the progress of fire;

For defraying out of the funds of the said City any expenditure which the said Council may deem it right to make in aiding or assisting any person employed by it, who shall have received any wound or contracted any serious illness at a fire in the said City, or in aiding or assisting the
15 families of any of the persons so empl. yed who shall have lost their lives at a fire and in giving or distributing rewards in money or otherwise to those who shall have been particularly useful or zealous at any fire in the said City;

For giving to such members of the Council and the Superior officers of the Fire Department who shall be designated in such by-laws power to
20 cause to be demolished, thrown down or blown up during a fire any houses, buildings, out-houses or fences that may furnish fuel to the fire and endanger the other properties of the inhabitants of the City;

For nominating and appointing all the officers the said Council may
25 deem to be required for causing the by-laws it may make in relation to dangers by fire to be put in execution; determining their duties and privileges, and remunerating them, if it think proper, out of the funds of the said City; and for regulating and establishing one or more companies of firemen; and for authorizing the officers whom it shall think proper to
30 name for this purpose to visit and inspect, at seasonable hours, the interior and exterior of every house or building of any kind in the said City for the purpose of ascertaining if the By-laws passed by the said Council, under the authority of this section, are regularly observed; and for obliging all owners or occupants of houses in the said City to admit such
35 officers for the purpose hereinbefore set forth;

For imposing penalties upon the Members of fire companies who shall fail to do their duty, not exceeding ten shillings currency, but which may
be less;

And the said Town Council may by a By-law for any one of the
40 purposes for which the said Council is authorised by this Act to make any By-law, impose any fine which shall not be less than five shillings, nor more than five pounds currency, or imprisonment for a period not exceeding thirty days, or both, as it may deem expedient, for the putting in execution of the said By-laws; Provided always, that the said Town Council shall conform itself to the penalties mentioned in special clauses of
45 this Act.

Publication of By-laws.

LXXIX. Before any By-law of the said Town Council for the contravention of which any penalty shall be inflicted, can have effect, and be binding, such By-law shall be posted up in the Council Hall of the said Council for fifteen days after its passing, and shall be read on two consecutive Saturdays during the forenoon on the market or markets of the said City, or published during fifteen days in the Newspaper published in the said City. Provided always, that the By-laws which have been printed by order of the said Town Council before the passing of this Act shall be in force until they are regularly rescinded and repealed; Provided also, that all By-laws which shall be repugnant to any law in force in the country or to any Act of the Legislature of this province shall be null and of no effect.

Proviso.

Proviso.

Exemption from service as juror, &c.

LXXX. Every person enrolled and serving in a company of firemen or of sappers or in a hose company or in any company established for the protection of property during fires shall during all the time he shall serve in such company be exempt from serving as a juror, constable or militia man, except in case of war or invasion; and every fireman who shall have served during five consecutive years, shall on a certificate to that effect being signed by the Mayor of the said city, be exempt for ever from serving as a Juror, Constable or Militia Man.

Penalty for violation of By-laws.

LXXXI. If any person shall violate any By-Law made by the said Town Council, by virtue of this Act, such person shall for every such offence be liable to the fine specified in any of the said By-Laws or orders, with the costs allowed by the Justices of the Peace who shall try him for such offence, which shall be levied of the goods and effects of such offenders; and if the proceeds of the sale of the goods and effects do not suffice to pay the fine and costs, or in default of such goods and effects the offenders as aforesaid shall be liable to be imprisoned in the Common Gaol of the District or of the County, for a period which shall not exceed one month, or may be less at the discretion of the Court; and no person shall be deemed an incompetent witness in any prosecution under this Act, by reason of such person being an inhabitant of the said City: provided always that every prosecution or complaint for the violation of any order or By-Law of the said Town Council shall be made within thirty days after the commission of the offence.

Proviso.

Limitation of actions.

LXXXII. If any action or prosecution be commenced against any person for any matter or thing done in pursuance or in execution of this Act, such action or prosecution must be commenced within four calendar months after the occurrence, and not afterwards: provided always that nothing in this section contained shall be construed to extend to the collection of taxes.

Arrest of idle and disorderly persons.

LXXXIII. It shall be lawful for any constable, during the time he shall be on duty, to apprehend and arrest all idle and disorderly persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of any bad intent within the limits of the said City, and also every person who shall be found lying in any field, or in any lot, road, yard, or other place, or who shall be found sauntering and idle in any

such place, and who shall not give a satisfactory explanation of his conduct ; and every such constable shall deliver such person to the custody of the constable who shall have charge of the police station or watch house of the said city, in order that such person may be safely kept 5 until he can be brought before the Mayor or some other Magistrate, to be dealt with according to law.

LXXXIV. In addition to powers and authority herein before conferred upon constables, it shall be lawful for any constable by day or by night to arrest on view any person violating any of the By-Laws of the said Town 10 Council ; and it shall also be lawful for every constable to arrest any such person violating any such By-Law, or immediately after the commission of the offence on good and sufficient information given, as to the nature of the offence, and as to the persons who have committed it ; and all persons so summarily arrested shall be safely kept until they can be brought 15 before the Mayor or some other Magistrate to be dealt with according to law.

LXXXV. Every person who shall assault, beat or violently resist a constable or any peace officer, appointed by virtue of this Act, and in the execution of his duty, or who shall assist or incite any other person to 20 assault, beat, or violently resist such officer or constable, every such offender shall be liable on conviction thereof, before the Mayor or a Justice of the Peace, to a fine of from two to ten pounds currency, and to imprisonment for a period which shall not exceed two calendar months : provided always that it shall be lawful for the said Town Council or for any such 25 officer to proceed if the case is a serious one, by way of indictment against any such offender, but, nevertheless, that only one judicial proceeding be adopted.

LXXXVI. It shall be lawful for the said Town Council to order the inspector of the said City, to notify those who may have made or who shall hereafter make encroachments on the streets or public places of the said 30 City, by houses, fences, buildings, or obstructions of any kind, to remove such encroachments or obstructions, allowing a reasonable delay, which shall be specified by the said City Inspector, on giving his notice ; and if such persons have not removed such encroachments or obstructions in the time specified, the Council may order the said Inspector to remove such 35 encroachments or obstructions, taking with him sufficient assistance ; and said Council may allow to the said Inspector his reasonable outlay, and recover the same before the Court of the Magistrates of the said City, from such persons who shall have made such encroachment or obstruction.

LXXXVII. The said Town Council shall have power, so often as a 40 house shall be found within the line of a street or public place in the said City, to prevent the owner of such house from re-building it on the lot occupied by the demolished house ; and it shall be lawful for the said Council to purchase such part of such lot as shall encroach on a street or to compel the owner of such lot to part with it for a sufficient 45 indemnity ; and such indemnity shall be fixed by arbitrators, named respectively by the said Council and the owner whom it shall be sought to

dispossess, if either of the parties desire it; and the said arbitrators shall name a third in case of differing in opinion, and the said arbitrators after having been sworn by a Justice of the Peace shall take cognizance of the contestation, and after visiting the premises shall settle the amount of the indemnity to be granted to such owner; and the said arbitrators 5 shall have the right to decide which of the parties shall pay the costs of the arbitration.

Purchase of land
to widen Streets,
&c.

LXXXVIII. The said Town Council shall have full and entire power to purchase and acquire, with the funds of the said City, any land and immoveable property whatever in the said City which it shall deem neces- 10 sary for the opening or widening of any street, public place, or market place, or for the erection of a public building, or for any object of public utility of what kind soever it may be.

Purchase of land
for Cemeteries,
&c.

LXXXIX. The said Town Council shall have full power and authority to purchase real property in the said City, and also out of and beyond the 15 limits thereof if it think proper so to do for any purpose whatever, and especially in order to establish a public Cemetery or public Cemeteries in or near the said City for the use and benefit of its inhabitants.

Valuation of land
by arbitrators in
certain cases

XC. When the proprietor of a piece of land which the said Town Council shall wish to purchase for any useful purpose shall refuse to sell 20 at a private sale, or when such proprietor shall be absent from the Province, or when such piece of land shall belong to minors, children yet unborn, idiots, lunatics, or married women, the said Council may apply to the Circuit Court for the County of St. Hyacinthe, or to any other Court for the appointment by the said Court of an arbitrator, to make in con- 25 junction with the arbitrator of the said Council a valuation of the said piece of land, with power to the said arbitrators to name a third in case of differing in opinion; and when the said arbitrators shall have made their report to the said Council at a regular sitting, it shall be lawful for the said Council to take possession of the said piece of land on depositing 30 the price at which it shall have been valued by the said arbitrators in the hands of the Prothonotary of the District of Montreal or of the County of St. Hyacinthe for the use of the person entitled to it; and if any such person entitled to such indemnity do not present himself within six months after the making of the deposit in the hands of such Prothonotary so to 35 claim the sum deposited it shall be lawful for the said Prothonotary, and he is hereby required, to return such sum to the Secretary-Treasurer of the said City, to be by him placed with the moneys of the said City, which sum shall bear interest at the rate of six per cent, and shall be payable by the said Council in capital and interest to any person entitled thereto 40 within three months after a formal notification to pay such sum shall have been given to the Secretary-Treasurer of the said City.

Public Act.

XCI. This Act shall be deemed and held to be a public Act, and it shall subject to the effect of interpretation Act.