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4th Session, 3rd Parliament, 14 Victoria, 1851.

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**B I L L,**

**The Lower Canada Municipalities Act.**

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[ 500 Copies. ]

**Hon. Mr. Atty. Genl. LAFONTAINE.**

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**BILL.**
**THE LOWER CANADA MUNICIPALITIES ACT.**

**W**HEREAS it is necessary to reform the Municipal Preamble.  
system of Lower Canada, and to establish therein  
County Parish or Township and Village Municipalities  
respectively; Be it therefore enacted, &c., and it is hereby  
5 enacted as follows;

**PARISHES AND TOWNSHIPS.**


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**1st SECTION.**

1. From and after the commencement of this Act, the Inhabitants of  
inhabitants of each Parish or Township in Lower Canada, each parish or  
shall be a Corporation or Body politic, by the name of township in  
“ The Municipality of the Parish of L. C. incorpo-  
rated.  
10 *the name of the Parish*”), or, as the case may be, “ The Corporate  
Municipality of the Township of nauc.  
*the name of the Township* ;”

2. Each of the said Municipalities shall, as such, have Succession.  
perpetual succession, and may or may not, as shall be Seal.  
15 deemed expedient, have a common seal;

3. Each Municipality may sue and be sued in all Courts Suits.  
of Justice.

4. All actions brought or proceedings had by or against Service of pro-  
any such Municipality, shall be brought or had by or cess.  
20 against the same by the name above mentioned of “ The  
Municipality of ” as aforesaid; and any service  
of process which shall be made in any such action or pro-  
ceeding when such service shall be necessary, shall be valid  
if the same be made upon the Mayor of the said Muni-  
25 cipality or upon the Clerk of the Council of the said Mu-  
nicipality in person or at his domicile;

5. Every such Municipality may acquire, hold and Property,  
possess whether by purchase, donation, devise or otherwise,  
any lands, tenements and hereditaments or other real or  
30 personal property, and enjoy or alienate the same;

6. Every such Municipality may enter into all such con- Contracts.  
tracts or agreements as may be necessary to or connected  
with the exercise of its powers and authority in matters  
within the scope of its functions;

General powers.

7. And lastly, every such Municipality shall have all other collective rights and powers as, although not expressly designated or granted by this Act, shall be necessary for the due performance of the duties and the due exercise of the powers and authority which are hereby imposed and conferred upon the Corporation, by this Act or any other Act or Law, relating to the Municipal system. 5

## 2nd SECTION.

Municipal councils.

1. Each of the said Municipalities shall be represented by a Council of five Members, to be elected or appointed in the manner hereinafter prescribed; which Council shall be called "The Municipal Council of the Parish" or of "The Township of" (here insert the name of the Parish or Township as above mentioned); 10

Municipal powers by whom exercised.

2. The powers and authority of every such Municipality shall be exercised, and the duties and obligations of the same shall be performed, by the aforesaid Council and its officers, and by the *Grand-Voyer* of the County or his Deputy. 15

## 3rd SECTION.

Qualification of municipal electors.

1. No person shall be entitled to vote at any election of Members of any Council, unless he be of the male sex, of 20 the full age of twenty-one, and a natural born or naturalized subject of Her Majesty, nor unless at the time of giving his vote at such election, he be possessed as proprietor, and for his own proper use and benefit, of a real estate in the Township or Parish in which the election shall be held, *en fief* or *en censive*, or in *franc aleu*, or in free and common soccage, of the yearly value of at least *forty shillings*, currency, nor unless he shall hold as a tenant or lessee, or otherwise occupy in the said Parish or Township, an estate of the yearly value of at least *five pounds* 25 currency; nor unless, in either case, he shall have resided in the said Parish or Township, during at least the year next preceding the day of the opening of such election; nor unless he shall have paid all rates or local taxes due by him at any time before the election. 35

## 4th SECTION.

Election meetings, how called and held.

1. For the purpose of electing the Members of the Council, a meeting of the inhabitants qualified to vote at such election shall be held in the Parish or Township; which meeting shall be called together, held and presided over in the manner hereinafter prescribed; 40

2. The *Grand-Voyer* of the County, by a notice under his hand, shall call upon the aforesaid inhabitants to meet at the place, on the day and at the hour mentioned in the said notice, for the purpose of electing five Councillors; and the said election shall be called the general election of Councillors; and the said Councillors shall be chosen from among the inhabitants of the Parish or Township, whether they be or be not qualified to vote at such election.

Notice by Grand-Voyer.

Who may be elected.

3. The *Grand-Voyer* shall mention in the said notice, the place, day and hour of the holding of the first session of the Council which shall take place after the general election of Councillors; and the first day of such first session shall be on some day between the first and second Sundays next after the said election;

First meeting of council how fixed.

4. The *Grand-Voyer* shall cause the said notice to be published and posted up in the French and English languages, by such deputy as he shall have appointed to preside at the said meeting, at the door of at least one Church or Chapel, or other public place of worship, if any there be, and in at least one other public place in such Parish or Township;

Publication of notice.

5. A certificate of the publication and posting of the said notices, shall be delivered by the person who shall have published and posted them, to the *Grand-Voyer*, who shall keep such certificate;

Certificate of publication.

6. A period of eight days, at least, shall intervene between the publication and posting of the said notice and the day of the holding of the said meeting.

Period of notice.

7. At the said meeting such deputy as the said *Grand-Voyer* shall have appointed for the purpose, shall preside as chairman; and the said *Grand-Voyer* is hereby authorised and required to appoint the said deputy by a letter under his hand addressed to such deputy; and the said *Grand-Voyer* shall mention in such letter the place, day and hour which he shall have determined upon for the holding of the first session of the Council as aforesaid.

Grand-Voyer to appoint a person to preside, and how.

8. The said letter shall be in duplicate; a copy thereof shall be served upon the person so appointed, in person or at his domicile, and a return of the service thereof shall be made on the duplicate, either by the *Grand-Voyer*, if he shall have made the said service, or by any other person who shall have made such service; and the said duplicate together with the said return, shall be deposited and remain of record in the office of the *Grand-Voyer*;

Service of letter of deputation.

9. No person shall be disqualified for election as a Councillor by reason of his having presided at the general election of Councillors; he may be elected as such, at

Person presiding may be elected.

the said election, in the same manner as he might have been, had he not so presided at the said election ;

Penalty on deputy not acting.

10. If any deputy so appointed by the *Grand-Voyer* shall fail or neglect to perform the duties imposed upon him by this Act, and which he is required to perform either before, during or after the said election, such deputy shall for each and every such failure or neglect, incur a penalty of 5  
currency.

#### 5th SECTION.

Periods of election.

1. The first meeting for the general election of Councillors in each Parish or Township, shall take place in the 10  
month of January, one thousand eight hundred and fifty-two ; and every subsequent meeting for the same purpose, shall take place in each Parish or Township in the month of January in every second year thereafter ;

Term of office.

2. The Councillors so elected at the said meeting shall 15  
enter upon and be considered as having entered upon the duties of their office as such, on the day on which they shall have been declared elected by the Chairman of the said meeting, and shall remain in office respectively, until the day of the next general election or of the appointment 20  
of their successors.

#### 6th SECTION.

Polls how taken.

Majority.

Casting vote of president.

Adjournment of poll.

Final closing.

1. If there be more than five Candidates at any such election, the Chairman shall take down or cause to be taken down the votes of the electors present at the said meeting, in a poll book kept for that purpose ; and after having 25  
taken down the same, he shall declare such five Candidates as have the majority of votes in their favor, to be duly elected Councillors ; and if an equal number of votes should have been polled for any two or more of the said Candidates, the Chairman shall be entitled to vote, but in such 30  
case only ; and he shall give his casting vote in favor of such Candidate or Candidates as he shall think fit ; and he shall be entitled to give such casting vote, whether he be otherwise qualified to vote or not ;

2. If the votes of all the electors present have not been 35  
polled by the hour of five in the afternoon of the first day of the said meeting, the Chairman shall adjourn the proceedings of the said meeting to the following day, when he shall continue to take down the votes ; and he shall close the election at the hour of five in the afternoon of 40  
the said second day (whether any more votes remain to be polled or not) and he shall then declare duly elected Councillors such of the five Candidates as shall be entitled to be so declared elected ;

3. If, at any time after the votes have commenced to be polled, either on the first or on the second day of the said election, one hour should elapse without any vote being polled, it shall be the duty of the Chairman of the said meeting, after the expiration of the said hour, to close the said election and declare duly elected as Councillors such of the five Candidates as shall be entitled to be so declared elected.

Closing if an hour elapses without a vote.

4. Every person tendering his vote, shall before voting, if he be thereunto required by the Chairman of the meeting, or by any one of the Candidates at the said election, or by any person representing any such Candidate, or by any inhabitant qualified to vote at the said election, take the following oath, (or affirmation, if he be one of the persons by law allowed to affirm in civil matters): which said oath or affirmation the Chairman is hereby authorised and required to administer under a penalty of £

Oath to be taken by elector if required.

currency, if he refuse or neglect to administer the same: "I swear (or affirm) that I am entitled to take part in proceedings at this meeting, and that I am duly qualified to vote at this election; so help me God;"

The oath.

5. Any person who shall vote at any such election without having at the time of giving his vote at the said election, the qualifications by law required to entitle him to vote at the said election, shall incur a penalty of five pounds currency for giving the said vote, and such vote shall moreover be null and void;

Penalty for voting without being qualified.

6. In any action or prosecution had or brought against any person for the recovery of the said penalty, the burden of proof that the said person was duly qualified at the time at which he voted at the said election, or that he had grounds for believing himself duly qualified, shall be upon the said person, and not upon the party instituting the said action or prosecution;

Onus of proof to lie on the voter.

7. Any person who shall vote more than once at the same election, shall thereby incur a penalty of ten pounds currency, and any vote so given by him subsequently to his first vote shall be null and void.

Penalty for voting more than once.

7th SECTION.

1. The Chairman of any such meeting shall, within two days from the close of the election, notify each of the five Councillors so elected, of their said election and of the place, day and hour theretofore determined upon by the Grand-Voyer as aforesaid, for the holding of the first session of the Council which shall take place after their election;

President to notify the persons elected.

Notice how  
made and  
served.

2. The said notification shall be given by a notice under the hand of the Chairman of the meeting, addressed to the Councillors; he shall serve or cause to be served a duplicate thereof, upon each of the said Councillors in person or at their respective domiciles, within the period above 5 mentioned, and a return of the service of the said notice shall be written on another duplicate thereof, by the person who shall have served the same; and the said Chairman shall deliver or cause to be delivered the said duplicate, together with the said return, to the *Grand-Voyer*, in 10 whose office the same shall remain of record;

Certificate of  
service.

Penalty for not  
notifying  
them.

3. The Chairman of the said meeting, in default of his serving or causing to be served the said notice within the period aforesaid, and of delivering or causing to be delivered the said return of service as aforesaid, to the 15 *Grand-Voyer* within                    days after the making of such service, shall incur a penalty of                    currency; and in such case it shall be the duty of the said *Grand-Voyer*, after the expiration of the said                    days, to take cognizance without delay of the names of the Council- 20 lers so elected, and to notify or cause them to be notified respectively of their said election, observing as far as possible the formalities above prescribed.

*Grand-Voyer*  
to notify them.

Chairman to  
notify *Grand-Voyer*.

4. It shall be the duty of the Chairman of the said meeting within eight days after the day appointed for the 25 opening of the said meeting, to inform the *Grand-Voyer*, by a letter under his own hand, of the result of the meeting, and (if an election of Councillors shall have taken place) of the name, occupation and residence of each of the Councillors so elected; in default whereof he shall 30 incur a penalty of £                    currency.

Penalty for  
default.

### 8th SECTION.

In default of  
election  
*Grand-Voyer*  
to appoint  
councillors:  
and how.

1. If the meeting do not take place at the time appointed in the said notice, or if it should take place and no election of Councillors be made thereat, it shall there- upon be lawful for the *Grand-Voyer*, so soon as the 35 said fact shall have come to his knowledge, to select and appoint five Councillors from among the inhabitants resident in the locality; the said appointment shall be made by a letter in duplicate, under the hand of the *Grand-Voyer*, a duplicate whereof shall be served upon each of the said 40 Councillors in person or at their respective domiciles; and the person serving the said letter shall make the return thereof on another duplicate; and the said duplicate together with the said return, shall remain of record in the office of the *Grand-Voyer*; and the Councillors so ap- 45

pointed by the *Grand-Voyer* shall have the same powers, perform the same duties and be subject to the same penalties as the Councillors who should have been elected ;

2. The Councillors so appointed by the *Grand-Voyer* shall enter upon and be considered as having entered upon the duties of their office as such, respectively, on the very day on which notice of their appointment shall have been served upon them as aforesaid : and they shall respectively remain in office until the day of the next general election, or until their successors are appointed ;

Term of service of councillors so appointed.

3. If at any such meeting as aforesaid, the number of Councillors elected be less than five, such meeting and election shall to all intents and purposes be respectively considered as not having taken place ; and in such case, it shall be lawful for the *Grand-Voyer* in manner aforesaid to appoint Councillors for the locality ;

If five councillors be not elected, election to be null.

4. It shall be lawful for the *Grand-Voyer*, from time to time to remove the Councillors by him appointed as aforesaid, or any of them, and to appoint others in their stead, in manner aforesaid ; and such removal shall be declared by a letter of the *Grand-Voyer*, signed, served and returned in the same manner as the letter of appointment ;

Grand-Voyer may remove councillors appointed by him.

5. The *Grand-Voyer* shall mention in the said letter appointing the five Councillors, the place, day and hour of the first Session of the Council to take place after the said appointment ; and the said day shall be some day between the first and second Sunday after the said appointment.

Grand-Voyer to fix time and place of first meeting.

9th SECTION.

1. If on the day appointed for the general election of Councillors, the deputy named by the *Grand-Voyer* to preside at the meeting should be absent therefrom, then the senior Justice of the Peace there present shall preside at the said meeting, and perform, in so far as regards the said election and the proceedings consequent thereupon, the same duties as are required to be performed by the deputy appointed by the *Grand-Voyer* as aforesaid ;

Who shall preside if Grand-Voyer's deputy make default.

2. In the event of the refusal or neglect of the said Justice of the Peace to perform the said duties, he shall incur the same penalties as are imposed on the deputy appointed by the *Grand-Voyer* as aforesaid ;

Penalty for refusal &c.

3. If, by reason of the absence from the meeting of the persons authorised and required as aforesaid to preside thereat, or their refusal to act, the election should not take place at the time appointed, the *Grand-Voyer* himself, so soon as the fact shall have come to his knowledge, shall thereupon, without delay and without appointing a de-

In certain cases of failure of election, Grand-Voyer to call a new meeting.

puty, call together another meeting of the said inhabitants of the Parish or Township in which the election shall not have been held at the time and place originally appointed, observing as far as possible the formalities above prescribed ;

5

And to pre-  
side thereat.

4. It shall be the duty of the *Grand-Voyer*, in such case, to preside at the said meeting, and to perform in person, in so far as regards the said election and the proceedings consequent thereupon, the same duties as the deputy appointed by him to preside at the said meeting, would in 10 such case have been required to perform ;

And to appoint  
councillors in  
default of elec-  
tion.

5. If at the time so appointed for holding the said second meeting, the said meeting should not take place, or if it should take place and no election of Councillors be held thereat, then the *Grand-Voyer* shall himself appoint five 15 Councillors in the manner above prescribed.

10th SECTION.

Councillors  
bound to at-  
tend sittings of  
council.

1. The five Councillors elected or appointed in the manner by this act prescribed, shall as such, be bound to meet at the place on the day and at the hour determined upon as aforesaid by the *Grand-Voyer* for holding the first ses- 20 sion of the Council after their election or appointment ; they shall also attend at all other subsequent sessions of the Council on the several days appointed for that purpose, either by this Act or by an adjournment of any session of the Council, or by a special notice of meeting as hereinaf- 25 ter prescribed.

Who shall  
preside at the  
first sitting.

2. At the first session of the Council which shall be held immediately after the general election or the appointment of the five Councillors, the *Grand-Voyer* himself shall 30 preside, or in his absence the person who shall have pre- sided at the said election, or in default of the latter, such one of the Councillors then and there assembled, as shall be chosen for the said purpose by the majority of votes of the said Councillors ; and if there be an equal division of votes, in the latter case, the senior in age of the said Coun- 35 cillors shall preside.

Councillors to  
elect a mayor.

3. On the first day of every such first session of the Council, the Councillors shall elect one of their number to be the Mayor of the Municipality of the Parish or Town- 40 ship ; and if there be an equal division of votes, the Chair- man shall give the casting vote ; and if any person other than a Councillor shall preside at the said sitting, he shall also have the casting vote if the votes be equally divided as aforesaid, although he be not otherwise entitled to vote ; and the said person shall cease to have the right of pre- 45

If equally di-  
vided.

siding so soon as the said Mayor shall have been so appointed; a minute (*acte*) of the said appointment shall be drawn up in duplicate and signed by the person who shall have so presided, and one duplicate thereof delivered to the  
 5 Mayor and the other to the *Grand-Voyer*; in default whereof the person so presiding shall incur a penalty of £  
 currency;

Election of mayor to be recorded and notified.

4. If no election of a Mayor should take place in manner aforesaid on the first day of the said session of the Council,  
 10 then the *Grand-Voyer* himself, so soon as he shall have cognizance of the fact, shall appoint without delay one of the said Councillors to be the Mayor of the said Municipality; and the said appointment shall be made in duplicate, under the hand of the *Grand-Voyer* and  
 15 addressed to the said Councillor on whom he shall serve or cause to be served a duplicate, in person or at his domicile, and the return of the service of the said minute of appointment shall be inscribed on the other duplicate, by the *Grand-Voyer*, if he shall have made the same, or by  
 20 any other person who shall have so made the said service; which said duplicate, together with the said return, shall remain in the office of the *Grand-Voyer*;

If a mayor be not elected the *Grand-Voyer* to appoint one and how.

5. It shall be the duty of the Mayor to cause to be transcribed in the register of the Council, by the Clerk  
 25 (*Secrétaire*) thereof, the said minute of appointment, so soon as the said Clerk shall have been appointed, and in default thereof, the said Mayor shall incur a penalty of  
 currency;

Entry to be made of appointment of mayor.

6. The Mayor appointed by the *Grand-Voyer* in the  
 30 case above provided, shall alone be entitled to act in the capacity of Mayor of the said Municipality during such time as he shall retain the office of Councillor;

Term of office.

7. The Councillor so elected or appointed shall be bound to accept the said office and act in the said capacity during the  
 35 whole time which he shall be a Councillor as aforesaid; and in the event of his refusing or neglecting so to do, he shall incur for any such refusal or neglect a penalty of £  
 currency.

Councillor appointed may or must act; penalty for refusal.

11th SECTION.

1. The person presiding at any election of Councillors,  
 40 shall during the said election, be a conservator of the peace, and shall be invested with the same powers for the preservation of the peace, and the apprehension, imprisonment, holding to bail, trying or convicting violators of the law and good order, as are vested in the Justices of the  
 45 Peace in this Province, and whether he shall or shall not

Person presiding at municipal election to be a conservator of the peace, &c.

possess the legal property qualification of a Justice of the Peace;

May require assistance of any justice, appoint special constables &c.

2. In order to maintain the peace and preserve good order at any such election, it shall be lawful for the person presiding thereat, to command the assistance of all 5 Justices of the Peace, Constables, and other persons present at such election, and also to swear in as many special constables as he shall deem necessary and expedient; he may also commit to the charge and custody of any constable or other person, on view, for such time as he shall deem expedient, any person whom he shall find breaking the peace or disturbing public order, or he may, by a warrant under his hand, commit the offender to the common gaol of the district or county in which the municipality is situate, for any period not exceeding ten days. 15

#### 12th SECTION.

Vacancies how occasioned and filled.

1. In the event of the decease of a councillor, or of his absence from the locality for a longer period than three months, or of his incapacity to act as such through infirmity, illness or otherwise, it shall be lawful for the councillors at one of the monthly or special sessions of the 20 council, to choose from among the said inhabitants of the locality another councillor in the stead of the councillor so deceased or absent; Provided always, that notwithstanding the decease, absence or incapacity to act, of the said councillor, the remaining councillors shall continue to 25 exercise the same powers and perform the same duties as they would have been required to exercise or perform, if the decease, absence or incapacity to act, of the said councillor had not occurred;

proviso: the remaining councillors may act.

How decease, absence, &c of a councillor must be certified, &c.

2. The fact of the decease or absence of a councillor, 30 or of his incapacity to act, in the cases above mentioned, shall be certified by the affidavit of one of the councillors who shall be sworn for the said purpose, so soon as he shall be aware of the said fact; and it shall be his duty to deliver the said affidavit to the Clerk of the municipal 35 council within three days from the date thereof; and the said affidavit shall form part of the records of the said council;

Grand-Voyer may fill vacancies if the council does not.

3. If two monthly sessions of the council shall have taken place after the deposit of the said affidavit in the 40 hands of the Clerk, without the Council having appointed another councillor in the place of the councillor so deceased, absent or incapable of acting; the right of making such appointment shall then devolve upon the grand-

royer, who shall make the same in the manner prescribed in the case of the non-election of councillors;

4. If the councillor in whose stead another shall be appointed as aforesaid, be the mayor, then and in such case, the members of the council shall, on the first day of the first session of the council which shall take place next after the appointment of his successor to the office of councillor, appoint another mayor in the manner above prescribed; and in default of their so doing, the right of making the said appointment shall devolve upon the grand-royer as provided in the tenth section of this act;

If the councillor making the vacancy be the mayor.

5. No councillor who shall be appointed in the stead of another, shall remain in office for a longer period than the remainder of the time for which the councillor, in whose stead he shall be appointed, shall have been elected or appointed.

Term of office of the substitute.

13th SECTION.

1. None of the following persons shall be elected a councillor or appointed to any office in the appointment of the council: Persons in holy orders, or being ministers of any religious denomination; Judges of the Court of Queen's Bench, Judges of the Superior Court, Circuit Judges or clerks of any Court of Justice, or clerks of Commissioners' Courts for the trial of Small Causes; (but any such clerk may with his own consent be appointed clerk and treasurer of the municipality;) officers of Her Majesty's Army or Navy on full pay;

Who shall not be councillors.

2. The following persons shall be exempt from serving in any such office, except with their own consent: The members of the Legislative Council, the members of the Legislative Assembly; members of all municipal councils at the commencement of this act, or who have been members thereof within two years next before the commencement of this act, during two years from the time they shall have so served; practising physicians, surgeons and apothecaries; school masters actually engaged in teaching; branch pilots; any miller who shall be the only one employed in a mill; persons of more than sixty years of age; persons who have served in the said offices or paid the penalty for refusal to accept, shall be exempt during the two years next after such service or payment;

Who shall be exempt from serving as councillors.

3. In the event of the election of any person who shall be disqualified as aforesaid, or in the event of the election of any person who shall be exempt from serving as a councillor, and who shall claim such exemption, it shall be the duty of the grand-royer, immediately on his becoming

If a person disqualified or validly claiming exemption be appointed, G. V. to name another.

aware of the fact, to appoint without delay another councillor in the stead of such person, which appointment he shall make in the manner prescribed in the case of non-election of councillors.

## 14th SECTION.

Who to preside  
at council sit-  
tings.

1. The mayor shall preside at all sittings of the council, 5  
and in his absence, one of the councillors who shall be  
chosen for that purpose by the majority of his colleagues  
present, shall preside;

Majority to  
decide.

2. At every meeting of the council, if there be a quorum, 10  
the councillors shall proceed and deliberate upon all sub-  
jects within the limits of their functions; and all ques-  
tions shall be decided by the majority of the votes of the  
members present; and in case of an equal division the  
chairman shall have the casting vote;

Casting vote.

Quorum.

3. Three members of the council shall form a quorum; 15  
and when there is no quorum the two members, or the only  
member present, if they or he deem it expedient, may adjourn  
the sitting of the council to a subsequent day;

Adjournment  
if no quorum.

Record of pro-  
ceedings.

4. A minute (*procès-verbal*) of the proceedings of each 20  
sitting of the council, shall be kept, and shall be signed by  
the chairman or by the clerk, or by both and entered  
in a register to be kept for that purpose by the clerk,  
who shall be the custodier thereof.

## 15th SECTION.

Monthly ses-  
sions.

1. A session of the council shall take place, without 25  
special notice, on the first monday of each month, unless  
the said day be an obligatory holiday, in which case it shall  
take place on the next day not being such holiday;

Special ses-  
sions.

2. Special sessions of the council may also be held when- 30  
ever it shall be deemed necessary, either by the *grand-  
voyeur* or by the mayor of the municipality, who are both  
hereby authorised to call such special sessions, which they  
shall do by a notice in duplicate under the hand of the  
*grand-voyeur* or of the mayor; or of the clerk by the  
order of either of them, addressed to each of the coun-  
cillors; a duplicate of the said notice shall be served upon 35  
each of the said councillors in person or at their respective  
domiciles; and the return of the service of the said notice  
shall be made on another duplicate thereof by the person  
who shall have served the same, and the said duplicate to-  
gether with the said return shall remain of record in the 40  
office of the secretary;

How called.

Object to be  
notified.

3. The purpose for which any such special session is 45  
called, shall be mentioned in the said notice;

- 4. The council may if they think proper at any of their monthly or special sessions, adjourn from day to day or to such subsequent day as they shall determine; and the councillors shall be bound to meet in council on the day to which they shall have so adjourned, without any other notice whatsoever;
- 5. The council may at any time after the opening of the first session thereof, and after the election or appointment of a mayor, from time to time fix and determine the place and time of their sitting at the said session or at any of their subsequent sessions, as they may deem expedient; and when the hour of meeting shall not be determined, the sitting shall commence at ten in the morning;
- 6. The sittings of the council shall be open to the public;
- 7. Each council shall have power to make, and from time to time to alter, such rules and regulations as they shall deem requisite for the conduct and good order of their proceedings;
- 8. If at any time appointed for the first session of the council, after the general election of councillors, or their appointment in default of such election as aforesaid, or for any other subsequent session of the council, any such session shall not take place, the said council shall not, for such cause be deemed to be dissolved, but may meet again at the several periods, and in the manner prescribed by this act, as if any such session had taken place.

Session may be adjourned to any day.

Councillors bound to attend.

Council to fix hour and place of meeting.

If no hour be fixed.

Sittings public.

Rules of proceeding &c.

Failure to meet how remedied.

16th SECTION.

- 1. Every councillor shall immediately after his election or appointment, take an oath well and faithfully to perform the duties of his office;
- 2. The said oath shall be so taken before a Justice of the Peace or before the *grand-voyer* of the county, or before any deputy whom he shall appoint as aforesaid, to preside at such election; a certificate of the taking of such oath shall be delivered to such councillor by the person before whom he shall have so taken the said oath;
- 3. Every such councillor shall deliver the said certificate to the mayor or to the clerk on or before the first day of the first session of the council, which shall take place next after his election or appointment; in default of his so doing, he shall incur a penalty of £ currency; and a further penalty of £ currency, for every day (after the said first day of the first session) during which he shall fail so to do;
- 4. The said certificate, after having been so delivered to the mayor or to the clerk as aforesaid, shall form part of the records of the council.

Councillors to be sworn.

Before whom Certificate.

Filing certificate.

Penalty for default.

Recording certificate.

Penalty on councillors not attending, &c.

5. Every councillor who shall refuse or neglect to take part in the proceedings of the council at any sitting at which he shall be present, shall, for every such refusal or neglect, incur a penalty of £                      currency.

17th SECTION.

Clerk and treasurer to be appointed. May be one person.

1. The council shall appoint a Clerk (*Secrétaire*) and a Treasurer; and both the said offices may be filled by the same person; they shall be respectively called the "Clerk (or "Treasurer") of the municipal council of the parish of (or as the case may be) of the township of (here insert the name of the parish or of the township as above mentioned);" 5 10

Form of appointment.

2. The said appointment shall be made by a resolution of the council; and any copy of the said resolution certified as correct, either by the mayor or by the clerk, shall be deemed authentic to all intents and purposes whatsoever; 15

May be removed, with consent of Grand-Voyer.

3. The council may remove either of the said officers and appoint others in their stead; but the resolution removing the clerk shall have no effect unless it be approved by the *grand-voyer*, who shall serve or cause to be served a notice of such approval by letter in duplicate, upon the said clerk; a duplicate thereof shall be addressed to the said clerk, and a return of the service of the said notice shall be written on another duplicate of the said notice, by the person making the same, and the said duplicate together with the said return shall remain of record in the office of the *grand-voyer*; 20 25

To obey the orders of the council.

4. The clerk and treasurer shall be under the control of the council, and shall obey their orders and execute their by-laws, and perform all the duties attached to their respective offices, either under this act or under any other act or law whatsoever. 30

Duty of clerk.

5. The clerk shall be the *custodian* of the records, books, registers, plans, maps and other documents and papers of the council; it shall be his duty to attend at all sittings of the council, to keep a minute (*procès-verbal*) of their proceedings and resolutions, and to enter the same in the register of the council; 35

Treasurer to give security.

6. The person appointed treasurer to the municipal council, shall before acting as such, give the security hereinafter mentioned, under a penalty of £                      currency for every act which he shall perform as Treasurer without having given the said security. 40

7. He shall furnish two sureties, and it shall be necessary that the names of the said sureties be approved by a resolution of the council, before they shall be admitted as such;

Securities to be at least two.

5. 8. All such sureties shall be jointly and severally bound together with the treasurer and their obligation shall extend to the payment of all sums of money for which the said treasurer may at any time be accountable to the municipality, including principal, interest and costs, as well as all penalties and damages to which he shall be liable in the exercise of his office;

Liability of sureties.

9. The security may be given by a bond before notaries or before a notary and two witnesses, or by bond under private signature, in duplicate; the said security shall be accepted by the mayor or by the grand-voyer, in the name of the municipal council; when the bond shall be under private signature, it shall be the duty of the treasurer to deliver a duplicate thereof to the grand-voyer, who shall keep it of record in his office, and the other duplicate to the mayor, or the clerk of the council; if the bond be made before notaries or before a notary and two witnesses, it shall be the duty of the treasurer to transmit an authentic copy thereof to the grand-voyer and to the mayor and clerk, respectively.

Form of bond.

Custody of bond.

10. The said security bond shall carry with it a general hypothèque without requiring registration in any registry office; if the same be entered into before notaries or before a notary and two witnesses; but if the same be under private signature, it shall not carry hypothèque until the duplicate thereof be duly registered, after having been delivered to the mayor or to the clerk;

Bond to give general hypothec, and from what date.

16th SECTION.

1. Each council shall appoint :  
Three assessors ;

Council to appoint assessors.

As many inspectors and overseers of roads and bridges, inspectors of fences and ditches and pound keepers as such council shall deem expedient; and such other public officers as they shall deem necessary for the due execution of the laws relative to its several duties and to matters under its administration and superintendence, and of the by-laws and regulations of the said council; and the said officers shall be appointed by such name or title, as the council shall think proper;

Inspectors and overseers of roads, &c. Other necessary officers.

2. Every such appointment shall be made by a resolution of the council; and any copy of such resolution or appoint-

Mode of appointment, &c.

ment, certified as correct by the mayor or by the clerk, shall be deemed authentic to all intents and purposes whatsoever;

Officer to be notified of his appointment.

3. The mayor shall cause the resolution making the said appointment to be duly served without delay upon the officer so appointed, and the return of the service of the said resolution, shall be delivered by the person who shall have made the same, to the mayor or to the clerk and shall form part of the records of the council;

Penalty for default to notify.

4. The said mayor, in default of his so causing the said service to be made within days after the appointment of any such officer, shall incur a penalty of £ currency and a further penalty of £ currency for every day (after the expiration of the said days) during which he shall fail to cause such service to be made;

Grand-Voyer to appoint in default of council.

5. If two monthly sessions of the council shall take place before the said council shall appoint the officers mentioned in this and in the foregoing section, or any or either of them, then the *grand-voyer*, if he see fit, shall appoint the same; and shall make the said appointment in the manner prescribed for the election of a mayor, in the case of the council failing to elect that officer;

Council may remove officers appointed by them.

6. The council may remove any of the officers mentioned in this and the foregoing section and appoint others in their stead in the manner above provided; the mayor shall without delay cause to be served upon the officer so removed the resolution of the council declaring such removal, and the person who shall have made such service shall deliver the return thereof to the mayor or the clerk, and the said return shall form part of the records of the council.

And the Grand-Voyer those appointed by him.

7. The *grand-voyer* is also hereby authorised to remove any of the aforesaid officers whom he shall have appointed, and to appoint others in their stead; and any such removal shall be declared by a letter of the *grand-voyer*, signed, served and returned in the same manner as the letter appointing such officer; but the successor so appointed by the *grand-voyer* shall remain in office for the remainder of such time only as the officer in whose stead he shall be appointed would have had to serve.

Officers to be sworn.

8. Each of the officers mentioned in this section, shall, so soon as his notice of appointment shall have been served upon him as aforesaid, take an oath well and faithfully to perform the duties of his office;

Before whom.

9. The said oath shall be taken before a justice of the peace or before the mayor of the municipality, or before the *grand-voyer* of the county; and a certificate of the

taking of such oath shall be delivered to the officer who shall have taken the same, by the person before whom the same shall have been so taken.

Certificate of oath.

10 Every such officer shall deliver the said certificate to the mayor or the clerk on or before the first day of the session of the council which shall take place next after the service of the notice of the said appointment; and in default of his so doing, he shall incur a penalty of £ currency; and a further penalty of £ currency for each and every day (after the first day of the said session) during which he shall so fail to deliver the said certificate.

Certificate to be filed.

Penalty for default.

11. Every such certificate, after having been so delivered to the mayor or to the clerk, shall form part of the records of the council.

To be a record

15 12. The said officers so appointed, shall enter upon and be deemed to have entered upon the duties of their respective offices, as such from the day on which the notice of their appointment shall have been served upon them; and shall remain in their said respective offices until their successors shall be appointed;

Term of office.

20 13. Each of the said officers, whether he shall have been appointed by the council or by the *grand-voyer*, shall retire, and be deemed to have lawfully retired from office, at the expiration of two years from the date of his appointment; and he shall be exempt from serving in any office under the said council for the two years next after his retiring from office; and when any such officer shall retire from office the council shall appoint another in his stead; and in default of such appointment by the council in either the first or the second monthly sessions which shall take place after such retirement, the *grand-voyer* shall be authorised to make the said appointment in the manner above mentioned.

Not to exceed two years.

How vacancies in such offices shall be filled.

19th SECTION.

1. The valuers shall make the valuation of all the real property situate in their municipality within months after the date of their appointment, including in the said valuation, the value of the houses and other buildings erected on any such property; in default whereof each of the said valuers shall incur, after the expiration of the said months, a penalty of £ currency, for each and every day which shall elapse before the said valuation shall have been made, signed and delivered to the *grand-voyer* as herein-after provided, or before the appointment of valuers by the *grand-voyer* as provided by the 21st section of this

Valuation to be made within a certain time, and in what manner.

Penalty for default.

May be legally made after the said time.

Two valuator may act.

They may employ a clerk.

act: Provided always, that if the said valuator shall make the said valuation and deliver the same to the *grand-voyer*, at any time after the expiration of the said months and before the said appointment of valuator by the *grand-voyer*, the said valuation shall be considered as legal and valid as if it had been made before the expiration of the said months; and the majority of the said valuator are hereby authorized in either case to make the said valuation notwithstanding the absence of the other valuator; and such valuation may be made either at one time or at several times, the proceedings had each meeting being signed or attested by the valuator who shall have assisted thereat;

2. In making the said valuation, the valuator may require the services of the clerk of the council, or employ any clerk whom they may think proper to appoint.

20th SECTION.

Valuation roll to be made and sent to G.-Voyer.

When to be in force: and for what purposes.

1. A valuation-roll shall be drawn up and signed by the said valuator or by such of them as shall have assisted in making the valuation, and shall be delivered to the *grand-voyer* within eight days from the making thereof and shall remain of record in his office;

2. The said valuation (which may however be amended in the manner hereinafter provided) shall, so soon as the valuation-roll shall have been delivered to the *grand-voyer*, be binding on all parties concerned and be considered as the basis of any apportionment or assessment which may from time to time be made; of any sum or sums to be levied or of the quantity and kind of materials to be furnished, or of the number of days work to be performed in the municipality, either under this act or any other act or law whatsoever relating to the municipal system.

21st SECTION.

In default, G.-Voyer to appoint valuator and how.

Their powers and duties.

1. If the valuator mentioned in the eighteenth section of this act have not made the said valuation or transmitted the valuation-roll to the *grand-voyer*, within months from the date of their appointment, the *grand-voyer* himself shall thereupon be authorized to appoint three other valuator; and he shall make the said appointment in the manner above provided by the tenth section of this act for the appointment of a mayor, in the case of the council failing to elect that officer.

2. Such three valuator shall make the said valuation in the same manner as the valuator who ought to have made the same in the first place, and shall exercise the

Same powers and authority; perform the same duties, and be subject to the same penalties in the event of any failure or neglect on their part;

3. The valuation which the three last mentioned valua-  
 5 tors or the majority of them shall make as aforesaid, shall  
 be made at the expense of the former valuator who should  
 have made the same; an allowance at the rate of  
 shall accordingly be made to each of the said three last valua-  
 10 tors, for each and every day during which he shall be em-  
 ployed in making the said valuation; the amount of the  
 said allowance shall be determined and taxed by the *grand-*  
*voyer*, whose certificate to that effect, stating the amount of  
 the said allowance, shall be deemed an authentic document  
 15 to all intents and purposes; and the *grand-voyer* shall be  
 entitled for such certificate to receive from the valuator to  
 whom he shall deliver the same, a fee of shillings  
 currency.

They are to make the valuation at the cost of those who have failed to make it.

4. Each said valuator shall have a right of action against  
 the said valuator, who shall have so failed as aforesaid,  
 20 jointly and severally in any court of competent jurisdiction,  
 for the recovery of the amount of the said allowance so  
 determined and taxed as aforesaid, and also for the recovery  
 of the fee paid by him to the *grand-voyer*, with costs of suit.

Costs may be recovered from valutors in default.

## 22nd SECTION.

1. The Owners of real property mentioned or described  
 25 in the valuation-roll or in any such act of apportionment  
 or assessment roll shall respectively, pay such sum or fur-  
 nish such quantity and kind of materials, or such number  
 of days work, as according to the established value of such  
 lands, they shall be from time to time required to pay in  
 30 proportion to the said value, as their share of any assess-  
 ment authorised by this act, or by any other act or law  
 whatsoever relating to municipal purposes.

Owners of property to pay all sums, assessed upon it.

2. It is hereby declared that whenever any such sum of  
 money, quantity or kind of materials, or number of days  
 35 of labour shall be so assessed, the said sum of money, or  
 the price of the said materials, or the value of the said num-  
 ber of days labour, shall from the day of their being so  
 assessed be a special charge in preference to all other charges  
 whatsoever, (not even excepting debts due to the crown)  
 40 which shall not require in order to its preservation that  
 it be registered in any registry office established for the  
 registering of privileges and hypothecs.

All assessments to be the first charge on the land, and not subject to registration.

## 23rd SECTION

Valuation to be submitted to the local council for revision.

1. Immediately on receipt of the valuation-roll, the *grand-voyer* shall submit a true copy thereof, duly certified by him, for the examination and revision of the council, by transmitting the said copy to the mayor of the municipality or the clerk of the council; and it shall be lawful for the council at any time within 5 months next after such copy shall have been so transmitted, to amend the said valuation in the cases hereinafter mentioned and in the manner hereinafter provided.

When and in what respect the council may amend it.

2. If the council shall be of opinion that the valuation of any real property in the locality has been made under its true value so as to prejudice the owners of other property in the locality, or above its value so as to prejudice the owner thereof, then it shall be lawful for the said council to amend the said valuation-roll by determining such sum as they shall think just and reasonable, to be the value of the property respectively, which shall have been valued as aforesaid either above or below its real value; 10

Period for amendment limited.

3. If the said period of 20 months during which the said valuation-roll may be so amended, shall be allowed to elapse without the council amending the same, then the said valuation-roll shall remain in force as originally made by the valuator;

Mayor to return it to G.-Voyer within a certain time.

4. It shall be the duty of the mayor to deliver or cause to be delivered to the *grand-voyer* the copy of the said valuation-roll on or before the fourth day next after the expiration of the said 25 months; and in default of his so doing he shall incur a penalty of £

Penalty for default.

currency; and in such case the said valuation-roll shall be considered as not having been amended and shall remain in force as originally made by the valuator as aforesaid. 30

Amendments, if any, to be entered by the G.-Voyer.

5. If the said copy of the said valuation-roll be returned to the *grand-voyer* amended within the period above mentioned, then the *grand-voyer* shall make such alterations and modifications in the original of the said valuation-roll, as shall be necessary to make the said original correspond with the said amendments, and shall certify the same on the said original; and every such valuation-roll so amended, shall continue to be binding to all intents and purposes, but only as amended, and as such, only from the date of the certificate of the said amendments. 35

To be enforced as amended.

6. Before proceeding to the examination or revision of the said valuation, the council shall give notice, by their clerk, to the inhabitants of the municipality, of the day on 40

Council to notify when the valuation will be considered

which they will commence the examination of the said valuation-roll; the clerk shall publish and post up the said notice at the places appointed in the fourth section of this act for the publication and posting up of the notice calling  
 5 a meeting of the inhabitants for the election of councillors; and shall deliver to the council a certificate of the said publication and posting up, in due form;

7. Between the day of the said day of publication and posting up and the day appointed for commencing the  
 10 examination of the said valuation-roll an interval of at least            days, shall be allowed.

Length of notice.

8. It shall be the duty of the clerk, at all reasonable hours of the day, to allow any party interested, to take communication of the aforesaid copy of the valuation-roll;

Public may inspect the valuation.

15 9. It shall be the duty of the Council in proceeding as aforesaid to the examination of the said valuation-roll, to hear the parties interested in its revision as well as the valuers who have made the valuation, if the said parties and the said valuers shall attend for that purpose.

Parties and valuers to be heard.

24th SECTION

20 1. Every valuation-roll may also be amended by the municipal council of the county, in the case hereinafter mentioned and in the manner hereinafter provided;

Amendment by county council in certain cases.

2. On a representation being made to the *grand-voyer*, either by a resolution of the municipality of any locality  
 25 or by a petition signed by at least            proprietors in the said locality, setting forth that the valuation of the property in the said locality has been made generally above its real value, or that the valuation of the property in the said county has been made generally below its real value, so as in  
 30 either case to be prejudicial to them, then it shall be the duty of the *grand-voyer* to submit the valuation-roll so complained of, to the consideration of the county municipal council, by transmitting to the mayor of the county municipal council, a copy duly certified by him of the said  
 35 valuation-roll; whether such valuation-roll have been amended or have not been by the municipal council of the said locality in the case provided for in the preceding section;

How the county council may be required to revise the valuation.

Duty of G.-Voyer.

3. If two thirds or more of the members of the municipal council of the county in session assembled, shall be of  
 40 opinion that the valuation of the real property in the locality in question is generally above or under its true value, so as to be prejudicial as aforesaid, then the said council is hereby authorised and required to amend the  
 45 valuation-roll of the said locality by adding to or deduct-

A majority of two thirds required for amending.

ing from the valuation therein contained such per centage as in their opinion will make the said valuation just and conformable to the true value of the said property.

#### 25th SECTION.

Period during which any valuation shall be in force.

1. Every such valuation-roll made or amended according to the provisions of this act, shall remain in force 5 during                    years next after the date of the appointment of the valutors who shall have made the same, and further after the expiration of the said                    years 10 until the day on which a new valuation-roll shall have been returned to the *grand-voyer* by the valutors who shall have made the same; which second valuation-roll, as well as any other subsequent one, shall respectively remain in force during a like period with that for which the said first valuation-roll might or ought to have remained in force.

#### 26th SECTION.

Valutors may inspect property and require information.

1. The valutors, in making the valuation of property 15 in each locality, which they are above required to make, shall have power to proceed to the residence of the owners thereof and to require them to furnish such information as they shall deem calculated to assist them in making the said valuation; and any person who shall refuse to allow 20 the said valutors to proceed, or who shall prevent them or any of them from proceeding to make the said valuation or who shall refuse to give them such information as aforesaid, shall incur for such refusal or prevention a penalty of £                    currency. 25

#### 27th SECTION.

Powers of councils.

The powers and authority of each parish or township, municipal council shall extend to the following objects:

Property.

1. The purchasing and acquiring of movable or immovable property for the use of the municipality; Provided always, that such immovable property shall be situate 30 within the limits of the municipality;

Buildings.

2. The construction, leasing or repairing of any building required by the municipality, either for the sessions of the council or for other municipal purposes within the scope of their functions; but the plan of any such building shall 35 be approved by the *grand-voyer* before the same shall be constructed;

Roads, bridges, &c.

3. The opening, making, widening, altering, changing, repairing or maintaining of roads, streets, bridges, water-courses, ditches and fences, within the municipality, in con- 40

fornity with the rules and regulations in force for the said purposes; and providing for the indemnity to be paid to the proprietors of lands taken for the said purposes, in any case in which they shall by law be entitled to such indemnity;

5 4. The purchasing and acquiring from the government gratuitously, or for consideration, of any public road or public bridge made or erected at the expense of the province, within the limits of the municipality, or of such portion of any such road or bridge as may be within the said limits, together with the lands and dependencies required for the use of the same;

Acquiring roads &c. from the government.

15 5. The establishment of public pounds for the safe keeping of animals found astray or doing damage on the public roads or bridges, or on the lands of others than the owners of such animals; the estimating of the damages payable by the owners of such impounded animals in the event of their not being claimed within a reasonable time, or in case the damages, fines and expenses shall not have been paid according to law or to the municipal regulations for the said purpose;

Pounds.

6. The preventing of fires by regulating the mode of placing stoves and stove-pipes, flues, furnaces and ovens in any house or other building, and the safe keeping of ashes;

Preventing fires.

25 7. The dividing of the municipality into inspectors' divisions, and the subdividing of any such division into overseers sections; Provided the number of such divisions shall not be more than ten nor less than the number the *grand-voyer* shall have thought proper to determine in the manner prescribed by the section of this act, and the number of overseers' sections in each division shall not exceed ; but one road inspector or one inspector of fences and ditches may be appointed for one or more divisions; and one overseer for one or more of the said sections;

Dividing the municipality for certain purposes.

35 8. The borrowing of any sum of money necessary for any of the purposes which by law shall come within the scope of the functions of the council;

Borrowing money.

9. The depositing or investment at interest of the funds of the municipality in any bank or public security of the province, or otherwise;

Investing money.

10. The remuneration of their officers, in addition to any fees, penalties or per centage which they may be entitled to under the authority of this Act or of any other;

Payment of officers.

45 11. The defining of the duties of all the officers appointed by the council or by the *grand-voyer* when they shall not have been appointed by the council, and the imposing of fines or penalties upon the said officers for neglect of

Assigning duties of officers

duty in cases in which such fines and penalties shall not be determined by law; but no such fine or penalty shall in any case exceed the sum of £ currency;

Taking security.

12. The requiring of sufficient security, whenever the same shall not have been specially regulated by law, from all persons accountable for the moneys of the municipality, and from all contractors with the council or their said officers, in such manner and to such amount as the council shall think proper to determine;

#### 28th SECTION.

Inspector of roads to collect assessments.

1. The inspector of roads for each inspector's division, shall be the collector of all the assessments imposed within the limits of the said division either under this act or under any act or law relative to the municipal system, except in any case in which, by virtue of any special provision of any such act or law, the said assessments are required to be collected by any other officer, or in any other manner;

How he shall dispose of monies collected.

2. The said inspector shall without delay pay over all moneys received by him in his said capacity into the hands of the treasurer of the municipal council of his locality, whether such moneys shall have been levied by an assessment in money upon the assessable inhabitants of his division, or shall be the proceeds of the price and value of their respective shares when the same shall have been in materials or labour upon the said inhabitants;

He shall account for materials &c.

3. Whenever any such assessment which shall have been apportioned in materials or labour among the inhabitants liable to be assessed, shall have been furnished in materials or in labour by the parties assessable, it shall be the duty of the said inspector, or of any other officer to whom it shall appertain, to render an account thereof to the said council and to the *grand-voyer* through the treasurer.

How assessments may be recovered.

4. In the event of the failure by any party assessable to pay the amount of his assessment, within the time required, it shall be the duty of the said inspector to sue for the recovery thereof in his own name as inspector of roads for the said division, before any court of competent jurisdiction; and any judgment rendered in such suit, shall be so rendered with costs, which said costs shall include such reasonable sum as the court shall think fit to grant and is hereby authorized to grant and tax to the personal profit of the said inspector who shall bring such suit, to indemnify him for his trouble in bringing the same, whether such indemnity shall have been demanded or not, in the said action.

Costs.

## 29th SECTION.

Every such inspector of roads as assessment collector of any division, or any other person who shall have filled that office, may be sued by the municipal council of the locality or by the *grand-voyer* of the county before any court of competent jurisdiction, to compel him to render an account of the assessments levied by him; and the said inspector may in any such action be condemned to pay to the municipality of the locality, the amount of the assessments in money, and the price and value of the assessments in materials and days' labour then due in such division, unless he shall shew, to the satisfaction of the court, proof of sufficient diligence having been used by him for recovering the said assessments; and if he shall render an account of such assessments, he shall be condemned to pay such sum as he shall acknowledge or as shall be declared to be in his hands, and such further sums as he ought to have received, or as the court shall think he ought to be held accountable for, for want of proof of sufficient diligence on his part for the recovery thereof; every judgment pronounced in any such action shall include interest at twelve per cent on the amount thereof, by way of damages, together with costs of suit; and in every such action a copy of the assessment roll of the division, certified to be correct and signed by the said *grand-voyer*, shall to all intents and purposes be *prima facie* evidence against the said inspector.

Inspector may be sued in account.

And condemned to render an account.

Or to pay the balance and damages.

Evidence.

## 30th SECTION.

1. All sums of money due and payable to the municipality of any locality, by virtue of any assessment-roll in any case by law provided for, or otherwise, shall be paid over to the treasurer of the municipal council of the locality; and all such moneys shall be at the disposal of the municipal authorities for municipal purposes, in the manner by law prescribed;

How moneys levied shall be paid over and applied.

2. The said Treasurer shall pay out of the said moneys all drafts or orders drawn upon him, in such cases as are provided by law, either by the *grand-voyer* of the county or by the mayor of the municipality of the county, or by the mayor of the municipality of the locality, for the payment of any sum of money due by the municipality of the said locality; but no such draft or order shall be lawfully paid by the said treasurer, unless the same shall shew sufficiently the use to be made of the sum mentioned in such draft or order, or the nature of the debt to be paid by the said sum, nor unless such use relates to municipal purposes, or such debt has been contracted, or sub-

Treasurer to pay certain drafts.

Drafts to contain certain particulars.

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sists by virtue of the provisions of this Act, or of some Act or law, relating to the municipal system;

Treasurer to keep books.

3. The treasurer shall keep in due form; a book of receipts and a book of expenditure; in which he shall respectively enter each item of receipt and expenditure, according to dates, mentioning at the same time the names of the persons who shall pay any moneys into his hands, or to whom he shall make any payment, respectively; he shall keep in his office all vouchers for expenditure; 5

And vouchers.

To render accounts.

4. The treasurer shall render to the municipal council of his locality and to the *grand-voyer* of the county, every six months, or oftener if the *grand-voyer* shall require it, a detailed account of receipt and expenditure attested by him on oath. 10

Books to be open to inspection of councillors.

5. The treasurer's books of receipt and expenditure and his accounts and vouchers shall be open for inspection at all reasonable hours, to the municipal council of the locality, and to each of the members thereof, and to the municipal officers by them appointed, and to the *grand-voyer* and the officers appointed by the latter; they shall also be open to the inspection of any assessable party on any order or written authority to that effect given by any of the persons above declared to be entitled of full right to such inspection; and any treasurer who shall, in any such case, refuse such inspection, shall for every such refusal incur a penalty of £ currency. 20 25

And to rate-payers in certain cases.

Treasurer may be sued in account.

6. The treasurer or any other person who shall have filled the said office, may be sued by the municipal council of his locality or by the *grand-voyer* of the county before any court of competent jurisdiction, to compel him to render an account; and in any such action he may be condemned to pay the sum sued for by way of damages in case he shall fail to render such account; and if he shall render an account, he shall be condemned to pay such balance as he shall acknowledge or as he shall be declared to have in his hands, together with such other sums as he ought to have debited himself with, or as the court shall think he ought to be held accountable for; and every judgment pronounced in any such suit, shall include interest at twelve per cent on the amount thereof, by way of damages, together with costs of suit; 30 35 40

And condemned in balance and damages.

Contrainte per corps.

7. It is hereby declared that every such judgment shall carry *contrainte par corps* against the said treasurer; according to the laws in force in such cases in Lower Canada, if such *contrainte* be demanded in the action to compel the rendering of the said account. 45

31st SECTION.

1. All assessments for municipal purposes, which shall be imposed under this act or under any other act or law relating to the municipal system, shall be due, payable, and furnished not only by the owner of the property upon which they shall be imposed, but also by the possessor or occupant of the said property as owner, and by the tenant or lessee of such property, at the period at which the payment of such assessment, after the same shall have become due, shall be demanded or sued for, according to law, subject nevertheless to such modification of this provision as may be contained in any of the following sections of this act or in any other act as above mentioned;

Who shall pay the assessments.

2. In the event of the payment or contribution of the said assessments by the tenant or lessee of any such property, either voluntarily or after condemnation, he shall have a right of personal action against the owner of the said property; or the holder or occupier of the same as owner, as aforesaid, for the recovery with interest and costs of the amount of the said assessments, or of the price or value thereof, paid or contributed by him;

Recourse saved against any party who ought to have paid.

3. In any such case, such tenant shall be fully subrogated, without any formality whatsoever, in the rights and privileges of the municipality upon the property in question;

Subrogation.

4. It is nevertheless hereby declared that when the said assessments shall be imposed in labour, no more than one year's arrears thereof shall be recoverable.

As to arrears of labour.

C O U N T I E S.

And be it further enacted as follows:

32nd SECTION.

1. From the day on which this act shall come into force, the inhabitants of each county in Lower Canada, shall be a corporation or body politic by the name of "The Municipality of the County of" (*here insert the name of the county;*)

Counties incorporated.

2. Each of the said municipalities, as such, shall have perpetual succession and may or may not have a common seal, as they shall deem expedient;

Perpetual succession, &c.

3. Each municipality may sue and be sued in all courts of justice;

Suits.

4. Any action brought, or proceeding had by or against any such municipality, shall be so had or brought against

Service of process.

the same, by the above mentioned name of "The Municipality of \_\_\_\_\_" (as above prescribed); and service of process in any such action or proceeding when the same shall be necessary, shall be valid if made upon the mayor of the said municipality or the clerk of the municipal council of the county in person, or at their respective domiciles:

Property. 5. Every such municipality may acquire, hold and possess by purchase, donation, devise or otherwise, any lands, tenements and hereditaments or other property whatsoever, either movable or immovable; and enjoy and alienate the same;

Contracts. 6. Each municipality may make such contracts and agreements as shall be necessary or relative to the exercise of their powers and authority, in all matters within the scope of their functions;

General powers. 7. Lastly, every such municipality shall enjoy all such other corporate rights and authority, as, though not expressly mentioned or granted by this act, shall be necessary for the due performance of the duties and the due exercise of the powers imposed or conferred upon the said corporation by this act or by any other act or law whatsoever, concurring the municipal system.

### 33rd SECTION.

County council. 1. Each county municipality shall be represented by a council, to be composed in the manner hereinafter prescribed; the said council shall be called "The Municipal council of the county of \_\_\_\_\_ (*here insert the name of the county*);"

Corporate powers how to be exercised. 2. The rights and powers of the said municipality shall be exercised and their duties and obligations performed by the said council, or by the *grand-royer* of the county or his deputy as the case may be; and also, in case it shall be necessary, by the municipal council of any locality of the county and by the several officers of both councils, respectively.

### 34th SECTION.

Members must attend sessions. 1. The members of the municipal council of each county, shall meet in the said county, as such, in quarterly or special sessions at the places and times appointed by this act, or by any adjournment of the sittings of the council, or by a special notice of meeting given in the manner herein after prescribed.

Time and place of first session. 2. The first quarterly session of the said council which shall take place in the year one thousand eight hundred

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and fifty-two, shall be held at the place to be fixed for that purpose by the *grand-voyer*, either by the notice mentioned in the 4th section of this act, calling a meeting of the inhabitants of each parish or township or municipality, 5 for the purpose of electing councillors, or by a special notice under the hand of the *grand-voyer*, addressed to each member of the municipal council of the county, a duplicate of which notice, he shall serve or cause to be served upon every such member, in person or at their res- 10 pective domiciles, and a return of such service shall be written on the other duplicate, by the person who shall have made the same, and together with the said duplicate, shall remain of record in the office of the *grand-voyer*;

session how appointed.

3. The *grand-voyer* himself shall preside at the first 15 quarterly session, or in his stead, such one of the members of the council then and there assembled, as shall be chosen for that purpose by the majority of votes; and if in the latter case the votes are equally divided, the senior in age of the members present, shall preside;

Who shall preside at it.

4. The members of the municipal council of the county 20 shall, at the said first session, choose one among their number to be the mayor of the municipality of the county; and if there shall be an equal number of votes, the person presiding at the said session, shall give the casting vote; 25 and if the *grand-voyer* shall preside at the said session, he shall also in case of an equal division, have the casting vote, although he shall not be otherwise entitled to vote; and the *grand-voyer* shall cease to have the right to pre- 30 side, so soon as the said mayor shall have been so appointed; a minute of the said appointment shall be drawn up in duplicate, and signed by the person who shall have so presided; and a duplicate thereof shall be delivered by him to the mayor, and another to the *grand-voyer*; and in de- 35 fault thereof, such person shall incur a penalty of £

Mayor to be chosen and how.

Mayor to preside when chosen.

Election to be recorded, &c.

5. If no election of a mayor shall take place in the manner above prescribed, at the said first session of the council, then the *grand-voyer* himself shall appoint, without delay, one of the members of the said council to be mayor 40 of the municipality of the county; and the said appointment shall be made by letter in duplicate, under the hand of the *grand-voyer*, and addressed to the said member; on whom he shall serve or cause to be served personally, or at the domicile of the said member, a duplicate of the said 45 letter, and the return of the said service shall be inscribed on the other duplicate, by the *grand-voyer*, if he shall have made such service, or by such other person as shall have made the same; and the said duplicate, together with the

In default of election Grand-Voyer to appoint a mayor.

said return, shall remain of record in the office of the *grand-voyer*;

Appointment  
to be recorded.

6. It shall be the duty of the mayor to cause the said letter of appointment to be transcribed in the register of the council, by the clerk thereof, so soon as the said clerk shall have been appointed, and in default of his so doing the said mayor shall incur a penalty of £  
5  
currency;

Term of of-  
fice.

7. The mayor appointed by the *grand-voyer* in the case above provided, shall alone be entitled to take upon himself the quality of mayor of the municipality of the county, and to act as such during the whole time for which he shall remain in office as a member of the said council;

Penalty for  
not acting.

8. The member so elected or appointed mayor, shall accept the said office, and act as such during the whole time for which he shall be a member of the council as aforesaid, and in case of his refusal or neglect to do so, he shall incur for every such refusal or neglect, a penalty of £  
15  
currency.

### 35th SECTION.

Council how  
composed.

1. The municipal council of the county shall be composed of the mayors of the different parish, township and village municipalities of the county;

Term of office  
of members.

2. The members of the said council, shall enter upon and be considered as having entered upon their duties as such, from the day on which they shall respectively have been elected or appointed mayors of the municipalities of their respective parishes, townships or villages, and shall go out or be considered as having gone out of office when they shall cease to be mayors as aforesaid.

### 36th SECTION.

Quarterly  
sessions, when  
to be held.

1. A session of the municipal council of the county, shall be held without special notice, once every three months of each year, to wit, on the second monday of the months in march, june, september and december; and whenever any such monday shall happen to be a *fête d'obligation*, then the said session shall commence on the next day following, not being a *fête d'obligation*; and on the first day of every such session, the sittings shall begin at the hour of ten in the morning unless another hour of meeting shall be fixed in the manner hereinafter provided;

Special ses-  
sions, how  
called.

2. Special sessions of the municipal council of the county may also be held as often as the *grand-voyer* or the mayor of the municipality of the county shall deem it necessary; both of the said officers are hereby authorized to convene

any such special meeting, which shall be convened by a notice in duplicate signed by the *grand-voyer* or by the mayor, or by the clerk, by order of either of them, and addressed to each of the members; a duplicate of the said notice shall be served on each of them in person or at his domicile; and a return of the service of the said notice shall be inscribed on the other duplicate by the person who shall have made such service, and together with the said duplicate, shall remain of record in the office of the clerk of the council;

3. Every such notice shall mention the object for which any such special session is convened;

Object to be mentioned.

4. The council may, at any of their quarterly or special sessions, if they see fit, adjourn their sittings from day to day, or to such subsequent day as they shall determine, and the members shall meet in session on the day fixed by any such adjournment, without any other notice whatsoever;

Power to adjourn.

5. The council shall, at any time after the opening of their first session, and the election or appointment of the mayor, have power from time to time to fix and determine as they think fit, the place and time of holding its sittings during the said session or any other subsequent session of the council; and when the hour of meeting shall not be determined, the sitting shall commence at the hour of ten in the forenoon;

And to fix hours and place of meeting.

6. The sittings of the council shall be public;

Sittings public.

7. Every council shall have power to make and from time to time to alter such rules and regulations as they shall deem requisite for the conduct and good order of their proceedings;

Rules and regulations.

8. If at the time appointed for the holding of any of the sessions of the council, any such session should not take place, the said council shall not for such reason be deemed to be dissolved, but they may meet again at the several times and in the manner prescribed by this act, as if every such session had taken place;

Failure to meet not to dissolve corporation, &c.

9. If any member of the municipal council of the county, present at any session thereof, shall refuse or neglect to take a part in the proceedings of the said council, he shall for every such neglect or refusal, incur a penalty, of £ currency.

Members present must vote.

Penalty.

37th SECTION.

1. The mayor of the municipality of the county shall preside at all meetings of the said municipal council, and in his absence, such one of the members as shall be chosen for that purpose by the majority of his colleagues, shall preside;

Mayor to preside if present.

What may be done at quarterly or special sessions.

Mode of deciding questions.

Quorum.

Adjournment for want of quorum.

A quorum may act notwithstanding vacancies.

Minute of proceedings to be kept.

Vacancies in office of mayor how filled.

Appointment of a clerk.

How to be made.

Clerk may be removed in certain cases.

2. At all quarterly sessions of the council, at which there shall be a *quorum*, the members may proceed and deliberate upon all questions and matters whatsoever within the scope of their functions; but at all special sessions, upon those questions or matters only respecting which such special session shall have been called; all questions shall be determined by the majority of the members present; and in case of an equal division, the chairman shall give the casting vote; 5

3. Five members of the council shall form a *quorum*; when there is no *quorum* the member or members present may, if he or they shall think proper, adjourn the said sitting of the council to the following day; 10

4. At the first quarterly session of the municipal council of the county which shall be held after the time fixed for the general election of councillors in the different localities of the county, the said council shall be competent to proceed to the exercise of their functions, if there be a *quorum*, although any councillors may not have been then elected or appointed in any locality or localities; 15 20

5. A minute of the proceedings at each session of the council, shall be kept, and shall be signed by the president or the clerk or both, and shall be entered in a register to be kept for that purpose by the said clerk who shall be custodier thereof. 25

38th SECTION.

1. Whenever a vacancy shall occur in the office of mayor of the municipality of the county, in any of the cases provided by the section of this act, the members of the municipal council of the said county shall, at the first session next after such vacancy shall have occurred, choose another mayor in the manner above prescribed; and in default of their so doing, the *grand-voyer* shall be entitled to make the said appointment, as provided in the 34th section of this act. 30

39th SECTION.

1. The municipal council of the county shall appoint a clerk who shall be called "the clerk of the municipal council of the county of \_\_\_\_\_" (*here insert the name of the county*); 35

2. The said appointment shall be made by a resolution of the council; and any copy of the said resolution, certified to be true, by the mayor, or by the clerk, shall be deemed authentic to all intents and purposes; 40

3. The council shall have power to dismiss the said clerk and appoint another in his stead; but the resolution

- dismissing him, shall have no effect until it shall have been approved by the *grand-voyer*, who shall serve or cause to be served such approval upon the said clerk by a letter in duplicate; one duplicate shall be addressed to the said officer, and the return of the service of the said letter shall be inscribed on the other duplicate by the person who shall have made the said service, and together with the said duplicate shall remain of record in the office of the *grand-voyer*;
- 10 4. The office of clerk of the county municipal council shall not be incompatible with that of clerk of the municipal council of a locality; Certain offices not incompatible.
5. The clerk shall be subject to the control of the council, and bound to obey their orders and carry their by-laws into effect, and to perform all duties attached to his office whether by this act or by any other act or law whatsoever; Duty of clerk.
- 15 6. The clerk shall have charge of the records, books, registers, plans, maps and other documents and papers of the council; it shall be his duty to attend at all sittings of the council, to keep a minute of their proceedings and resolutions and to enter the same in the register of the council; Further duties.
- 20 7. If two sessions of the council shall elapse without any appointment of a clerk being made by them, then the *Grand-Voyer* shall have power to appoint one himself if he shall deem it expedient so to do; and he shall make the said appointment in the manner prescribed by the 10th section for the appointment of a Mayor in case of the non-election of the said officer by the council. Grand-Voyer may appoint in default of council.
- 25 8. The clerk so appointed by the *Grand-Voyer* may be removed by the council, subject nevertheless to the condition in such case provided in the third-paragraph of this section. As to removal in such case.
- 30

## 40th SECTION

1. The municipal council of every county may acquire any movable or immovable property whatsoever for the use of the municipality of the county; Provided always, that all such immovable property shall be situate within the limits of the said municipality; Immovable property.
- 35 2. The council shall have power to construct, lease or repair any building required by the municipality for the sessions of the council or for any other municipal purposes within the scope of their functions; Building for holding sessions.
- 40 3. They shall have power to make rules and regulations for the prevention or removal of abuses prejudicial to agriculture, in any case not otherwise specially provided by
- 45 Council may make by-laws for

certain purposes.

law; concerning the running at large of animals and poultry, and the impounding of the same; for determining the periods of the year when such animals and poultry may be allowed to run or prevented from running at large; but in such cases only, however, as are not specially provided 5 by law; and all such rules and regulations shall have full force and effect in all the localities within the county;

May require owners of circuses &c., to pay a certain sum before exhibition.

4. The said council may, by a by-law for that purpose, oblige any circus company, or proprietor of any travelling exhibition or menagerie, coming into any locality in the 10 county, to pay before commencing any such exhibition, a sum not exceeding £                      currency, to the treasurer of the municipal council of the said locality, for the use of the said locality, under a penalty of £                      for any 15 infraction of such by-law; which penalty may be recovered summarily before a justice of the peace, in the name of the municipal council of the locality, from any person forming part of any such company, or from the proprietor of any such exhibition or menagerie, or any person attached to 20 their service, and in default of payment of the said penalty, the person so condemned to pay the same, shall, upon a warrant of the said justice of the peace, be imprisoned in the common gaol of the district during one calendar month; and the said penalty may at the same time be recovered, 25 with the costs of prosecution, by seizure and sale, upon the warrant of the said justice of the peace, of the goods and effects of any such company or proprietor as aforesaid;

Powers given by sect. 24e.

5. The said council shall also have the powers and authority mentioned in the 24th section of this act, respecting the valuation-rolls. 30

## CONTESTED ELECTIONS.

### 41st SECTION.

Circuit court to decide.

1. If the election of the five councillors or of one or more councillors be contested, the said contestation shall be decided by the circuit court sitting within the circuit within the limits of which the place of election shall be situate;

Who may contest.

2. Every such election may be so contested by one or more of 35 the candidates at the said election, or by one or more of the inhabitants qualified to vote at the said election;

Contestation how made.

3. The said contestation shall be brought before the said circuit court, sitting as aforesaid, by a petition signed by the petitioner or petitioners, setting forth in a clear manner the facts and grounds in 40 support of the said contestation;

Notice to those whose seats are contested.

4. A true copy of the petition, with a notice stating the day on which the said petition will be presented to the court, (such notice

to be signed by one or more of the petitioners,) shall be first duly served upon the councillor or councillors whose election shall be impeached or contested, at least \_\_\_\_\_ days before the day on which the said petition shall be presented to the said court; and a return of the said service shall be drawn up and signed in due form upon the original of the said petition, by the person who shall have made the said service;

5. If the court is of opinion that the facts and grounds set forth in the petition are sufficient to justify its pronouncing the election null and void, it shall order proof to be adduced, and the parties interested to be heard on the nearest day which it shall deem expedient; the court shall proceed in a summary manner to hear and try the said contestation; and the evidence may be taken down in writing or given orally, in whole or in part, as the court shall order;

If the allegations are deemed sufficient court to proceed to proof.

6. The court may on such contestation confirm the said election or declare the same to be null and void, and may in either case condemn to the payment of the costs of the said contestation, such party or parties thereto, as the court shall deem just; and the said costs shall be taxed and recovered in the same manner, and by the same means; as costs are taxed and recovered in actions of the first class brought in the said circuit court; the court may order its judgment to be served upon the *Grand-Voyer* by such person as it shall appoint for that purpose, and at the expense of the party or parties condemned to payment of costs as aforesaid;

Court may confirm or invalidate the seat, and award costs.

Judgment to be notified to Grand-Voyer.

7. If the petition should set forth as grounds of contestation, any defect or irregularity in the formalities prescribed for the convening of the meeting of inhabitants in order to proceed to make the said election, the said circuit court shall be authorised to take them into consideration and to admit or reject the objections founded on them, according, as in the opinion of the said court, such defects or irregularities may or may not have materially affected the said election;

As to effect non-observance of any formalities.

8. If by the judgment of the circuit court, such election shall be declared null and void, then it shall be the duty of the *grand-voyer* himself, so soon as he shall have cognizance thereof, to proceed to the election of another councillor or councillors in the stead of the councillor or councillors whose election shall have been so declared null and void; and in proceeding to such new election, he shall follow as nearly as possible the formalities above prescribed in the case of a non-election of councillors by reason of the absence from the meeting of the person authorised and required to preside thereat, or his refusal to act;

New election if contestation be maintained.

9. The election of the mayor of any municipal council may also, if there be any grounds therefor, be objected to and contested, and such contestation may be proceeded upon and decided in the same manner, by the same means, and with the same consequences as an election of councillors and the contestation of such election; but no such election of a mayor shall be so objected to or contested by any other than a member of the council who shall have elected such mayor, or by the *grand-voyer*;

Contestation of election of mayor.

10. If by the judgment of the circuit court the election of a mayor be declared null and void, then it shall be the duty of the *grand-voyer* himself, so soon as he shall have cognizance thereof, to appoint another mayor, and in so doing, he shall observe as nearly as possible the formalities prescribed by the 4th paragraph of the 10th section of

Grand-Voyer to appoint if the contestation is maintained.

this act, with respect to the mayor of the municipality of any locality, or those prescribed by the 5th paragraph of the section of this act, with respect to the mayor of the municipality of any county.

## COUNCIL OF DELEGATES.

### 42th SECTION.

- Cases to which its powers shall apply. 1. There shall be a council, to be called "The Council of Delegates" whose authority and functions shall extend, within certain limits, to the municipal works which shall concern the inhabitants or any number whatsoever of the inhabitants of one or more county municipalities, or of the municipality of one or more parishes or townships in two or more counties. 5
- Who shall be members. 2. Five delegates shall be sent from each county municipality to the said council, namely: the *grand-voyer* and the mayor of the said municipality, who shall *ex officio* be two of the said delegates, and three other members of the county municipal council, who shall be appointed as such delegates in the manner hereinafter prescribed. 10
- Elective members how appointed. 3. At the first quarterly session of the municipal council of each county which shall take place after the time appointed for the general election of councillors in the different localities of the county, the members of the said council shall choose three from among their number, to be the three other delegates of the county municipality as aforesaid; and in case of an equal division of votes, the person presiding at the said session shall give his casting vote; the appointment of the said delegates shall be made by a resolution of the council; and the said three delegates as well as their successors, after their appointment by the council, shall be required to act as such without any service upon them of the resolution appointing them; 20
- Delegates bound to act. 4. If at the first sitting of the council, no election of delegates shall take place in the manner above prescribed, then it shall be the duty of the *Grand-Voyer* himself, without delay, to appoint three of the members of the said council, delegates as aforesaid; which said appointment shall be made by a letter in duplicate, under the hand of the *Grand-Voyer*, and addressed to each of the said delegates, upon each of whom he shall serve or cause to be served a copy of such letter, in person or at their respective domiciles; and the return of the service of the said letter shall be inscribed on the other duplicate thereof by the *Grand-Voyer*, if he shall have made the said service, or by the person who shall have made the same; and the said duplicate together with the said return shall remain of record in the office of the said *Grand-Voyer*; 25
- In default of election Grand-Voyer to appoint them and how. 5. The delegates appointed by the *Grand-Voyer* in the case above mentioned, shall alone be authorised, together with the *Grand-Voyer* and the Mayor, to take upon themselves the duties of delegates of the municipality of the county, and to act as such, during the whole time they shall respectively remain in office as members of the municipal council of the said county; 30
- No others to act. 6. The delegates appointed either by the municipal council or by the *Grand-Voyer*, shall respectively enter and be considered as having entered upon the duties of their office as such upon and from the day of their said appointment; and the five delegates shall go out or be 35
- Term of office of delegates. 45

considered as having gone out of office, upon and from the day on which they shall respectively cease to be *Grand-Voyer*, or Mayor, or member of the municipal council of the county ;

7. Whenever a vacancy shall occur in the office of delegate, in any  
5 of the cases provided in the section of this act, the members  
of the municipal council of the county, shall at the first session of the  
said council which shall take place after the said vacancy shall have  
occurred, choose another delegate in the manner above prescribed ;  
and in default thereof, the *Grand-Voyer* is hereby authorised to make  
10 the said appointment as in the case mentioned in the 4th paragraph of  
this section.

Vacancies  
how filled.

## PROCÈS-VERBAL OF THE GRAND-VOYER FOR THE OPENING OF PUBLIC ROADS, &c., &c.

### 43rd SECTION.

1. Whenever the word "road" shall occur in this act, it shall  
mean any road by law declared to be a public road, and shall include  
all such bridges and other works whatsoever. as are by law declared  
15 to form part of any such road ;

Word "Road"  
defined.

2. This act shall not apply, however, to roads and bridges under  
the control of the Commissioners of Public Works, nor to any turn-  
pike roads or toll bridges which by any law, or by virtue of any  
special privilege granted by any competent authority, are now or  
20 shall hereafter be under the control of commissioners, trustees or other  
public officers, or do now or shall hereafter belong to any private  
party or public or private company.

Certain roads  
excluded.

### 44th SECTION.

1. The opening, constructing, widening, altering, keeping up and  
repairing of any public road, and of every thing which by law is  
25 declared to form part thereof, shall, (except when it shall be other-  
wise especially provided by law), be regulated in the first place  
by a *procès-verbal* of the *Grand-Voyer*, on a representation made to  
him for the said purpose, in the manner hereinafter prescribed, setting  
forth the necessity of any of the said municipal works, to wit :

Application to  
*Grand-Voyer*.

30 On such representation being made, either by a resolution of the  
municipal council of the county, or of the municipal council of any  
locality in such county, or by a petition signed by at least  
proprietors of real estate within such county, when it  
shall be alleged in such representation that the performance of the said  
35 works interests the inhabitants or any number whatsoever of the  
inhabitants of more than one locality ; and in such case, the service  
hereinafter required of the *procès-verbal*, shall be made upon the  
Mayor of the municipality of the county ;

By whom  
made, &c, if  
more than one  
municipality  
be concerned.

40 On such representation being made, either by a resolution of the  
municipal council of the locality, or by a petition signed by at least  
proprietors of real estate within the said locality, when it  
shall be alleged in such representation that the performance of the  
said works interests the inhabitants of the said locality only, or

And if no  
more than  
one.

merely a certain number of them, and in such case, the service hereinafter required of the said *procès-verbal*, shall be made upon the Mayor of the municipality of such locality.

Grand-Voyer to visit the spot.  
Notice of visit. &c.

2. On the receipt of any such representation, it shall be the duty of the *Grand-Voyer*, to visit according to law, the places where such public works are to be made and to draw up and sign a *procès-verbal* of the said visit; but before making such visit, the said *Grand-Voyer* shall give notice to the inhabitants of every locality interested in the performance of the said work, of the place, day and hour at which he will commence the said visit; and he shall publish and post up the said notice or cause the same to be published and posted up in every such locality, at the places provided by the 4th section of this act for the publication and posting of the notice calling a meeting of the inhabitants for the election of councillors; and the *Grand-Voyer* shall keep a certificate in due form of the publication and posting of the said notice;

Length of notice.

3. A period of at least \_\_\_\_\_ days shall be allowed to intervene between the publication and posting of the said notice and the day appointed for the commencement of the said visit;

Parties to be heard.

4. It shall be the duty of the *Grand-Voyer*, in proceeding to make the said visit, to hear the parties interested in the performance of the said work if they shall attend for that purpose;

Procès verbal, how made and notified.

5. Every such *procès verbal* shall be in duplicate; one duplicate thereof shall remain of record in the office of the *Grand-Voyer*, who shall serve or cause to be served another duplicate either upon the Mayor of the municipality of the county or upon the Mayor of the municipality of the locality, as above prescribed; and the return of every such service, drawn up by the party who shall have made the same, shall remain of record in the office of the *Grand-Voyer*;

Municipal council may homologate, amend or reject it, during a certain time.

6. Every such *procès-verbal*, shall from the day on which it shall have been so served, be considered as submitted to the examination and consideration of the municipal council of the municipality upon the Mayor whereof it shall have been so served, and such council may homologate or reject it altogether, or amend it and afterwards homologate it as amended, within \_\_\_\_\_ from the date of such service;

Notice to be given.

but before so proceeding to the examination of the said *procès-verbal*, the said council shall cause their clerk to give notice to the inhabitants of the localities or locality interested in the said *procès-verbal*, of the day on which they will commence the examination of the said *procès-verbal*; and the said clerk shall publish and post the said notice or cause the same to be published and posted at the places provided by the 4th section of this act, for the publication and posting of the notice calling a meeting of the inhabitants for the purpose of electing councillors, and shall deliver to the said council a certificate in due form of the publication and posting of the said notice;

Length of notice.

7. A period of at least \_\_\_\_\_ days shall be allowed to intervene between the day on which the said notices shall be published and posted, and the commencement of the examination of the said *procès-verbal*;

Procès-verbal to be open to public inspection.

8. The mayor on whom the said *procès-verbal* shall have been served as aforesaid, shall deliver the same, within eight days from the service, to the clerk of the municipal council whose province it shall be to examine the said *procès-verbal*; and it shall be the duty

of the said clerk, to allow any interested party to take communication of the said *procès-verbal*, at all reasonable hours of the day ;

9. It shall be the duty of the said municipal council, in so proceeding to examine the said *procès-verbal*, to hear the parties interested in its homologation or rejection in part or in the whole, or to its revision or amendment in part, and also the *grand-voyer*, if the said parties and the *grand-voyer* shall attend for that purpose ;

Council to hear parties interested.

10. It shall be the duty of the mayor upon whom the said *procès-verbal* shall have been so served, to return or cause the same to be returned to the *grand-voyer*, on or before the day next after the expiration of the months mentioned in the sixth paragraph of this section, and in default thereof, the said mayor shall incur a penalty of £ currency ; and in such case, the said *procès-verbal* shall, to all intents and purposes whatsoever, be considered as having been homologated by the council, and in force as originally made by the *grand-voyer* ;

*Procès-verbal* to be returned to Grand-Voyer.

Penalty for default.

11. If any such *procès-verbal* shall be returned to the *grand-voyer*, homologated or rejected altogether by the said municipal council, within the period above mentioned, it shall be considered as being or as not being in force according as it is homologated or rejected ; but if the said *procès-verbal* be returned to the *grand-voyer* within the said period, amended only, it shall be considered in force, but only as amended ;

*Procès-verbal* returned to be in force or not, &c. according to decision of council.

12. When the duplicate of the *procès-verbal* shall have been returned to the *grand-voyer* by the mayor, amended as aforesaid, the said *grand-voyer* shall within the period aforesaid, make such alterations or modifications as shall be necessary to make it correspond with the said amendments, upon the other duplicate of record in his office, (which shall serve as an original,) and shall certify them thereupon.

Grand-Voyer to alter original in case of amendments.

#### 45th. SECTION.

1. When the *procès-verbal* in question shall concern only one locality, the decision of the municipal council of the said locality upon the said *procès-verbal*, may be appealed from to the municipal council of the county, whatever the said decision may be ;

Appeal to county council.

2. The said appeal shall be instituted within fifteen days from the date of the said decision, and not afterwards, by a petition addressed to the *grand-voyer* of the county, and signed by one or more of the parties interested in the *procès-verbal* ; it shall be alleged in the said petition that the decision appealed from is an unjust one, (the grounds upon which the said injustice is alleged, being set forth in a clear and precise manner), and that the parties appealing pray for the revision of the said decision, and the examination of the said *procès-verbal* by the municipal council of the county.

How and when to be brought.

3. It shall be the duty of the *grand-voyer* to submit the said *procès-verbal* to the consideration and examination of the municipal council of the county within days from the receipt of the said petition, by serving or causing to be served in the manner above prescribed in such cases, upon the mayor of the municipality of the county, a true copy of the said petition, duly certified by the said *grand-voyer*, and the duplicate of the said *procès-verbal* returned to him by the mayor of the municipality of the locality in

Grand-Voyer to submit the *procès-verbal* to county council.

question, together with the said decision appealed from, or else another true copy of the said *procès-verbal*, in case the said duplicate shall be lost or mislaid;

Proceeding of  
the county  
council on  
such appeal.

4. Upon the said appeal, the county municipal council shall proceed within next after the day of the service required in the case mentioned in the last preceding paragraph, and not afterwards, to the examination of the said *procès-verbal*, (and, if the case require it, to the revision of the decision appealed from,) as in the case of a *procès-verbal* interesting more than one locality and consequently directly submitted to the consideration of the said council; and in so doing, the said mayor and municipal council of the county shall observe the same formalities and perform the same duties and obligations; but in this case the notice to be given of the day on which the said council will commence the examination of the said *procès-verbal*, shall be given by their clerk to the inhabitants of the locality interested in the said *procès-verbal*;

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Proces-verbal  
and decision to  
be returned to  
Grand-Voyer.

5. The decision rendered on the said appeal by the municipal council of the county, shall, from the day on which the same shall have been returned with the said duplicate or copy of the said *procès-verbal*, by the mayor to the *grand-voyer* as above required in such cases, be considered final to all intents and purposes, in the same manner as the decision of the said council on a *procès-verbal* which shall interest more than one locality, in the case above provided; and the *grand-voyer* shall be bound to act accordingly.

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#### 46th SECTION.

As to works in  
which the in-  
habitants of  
more than one  
county are  
concerned.

1. The municipal works mentioned in the 1st paragraph of the 44th section of this act, and every thing relating thereto, when the said works shall interest the inhabitants or any number of the inhabitants of more than one county municipality, or of one or more parish or township municipality in two or more counties, shall be regulated by a *procès-verbal* of the *Grand-Voyer* of one of the said counties, on a representation being made to him setting forth the necessity of performing any of the said public works, by a resolution of the municipal council of one of the counties interested, or of the municipal council of any parish or township in one of the said counties, or by a petition signed by at least proprietors of real estate in one of the said counties.

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To what  
grand voyer  
application  
shall be made.

2. Every such resolution shall be addressed by the municipal council who shall have adopted the same, and every petition by the signers thereof, to the *Grand-Voyer* of their county and to no other.

Grand-Voyer  
to visit the spot  
and make a  
proces-verbal.

3. After the receipt of any such resolution or petition, when it shall be alleged therein that the performance of the work mentioned therein interests as aforesaid the inhabitants or any number whatsoever of the inhabitants of more than one county municipality, or of one or more parish or township municipality in two or more counties, it shall be the duty of the *grand-voyer* to proceed according to law to visit the places where such public work is to be done if it be ordered to be performed, and to make and sign a *procès-verbal* of the said visit; he shall also give notice of the said visit to the inhabitants of every municipality interested in the performance of the said work, and in making such visit he shall proceed in the same manner and according to the formalities prescribed by the 2nd, 3rd, and 4th paragraphs of the 44th section of this act;

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4. It shall be lawful for the *grand-voyer* of each other county interested as aforesaid in the making of the said visit and the performance of the said work, if he shall think fit, to accompany in the said visit, the *grand-voyer* who shall have given notice as aforesaid, and to sign, if he shall approve the same, the *procès-verbal* which the latter is required to make.

Grand-Voyer of any other county concerned may attend, &c.

5. Every such *procès-verbal* shall be in duplicate; a duplicate thereof shall remain of record in the office of the *grand-voyer* who shall have made the same; and another duplicate duly certified by him, shall be served upon the mayor of the municipality of each county interested in the said *procès-verbal*; every such mayor shall deliver the same to the clerk of the municipal council of the county, and it shall be the duty of the said clerk to allow any interested party to take communication of the same, at all reasonable hours of the 15 day;

Where duplicates of the *procès-verbal* shall be deposited.

6. The service of the said *procès-verbal*, as required by the preceding paragraph, shall be accompanied by a notice in writing to be given to each of the said mayors by the said *grand-voyer*, of the place at which and of the day and hour when the said *procès-verbal* will be submitted by the latter to the consideration and examination of the delegates of each county interested as aforesaid, assembled in council in the manner prescribed by this act; and a notice in writing of the said place, day and hour appointed for the said meeting of delegates, shall be given within days from the service of the said *procès-verbal* upon him, by any such mayor himself, or by the clerk of the municipal council of his county, by order of the said mayor, to the inhabitants of the different localities comprised in the said county and interested in the said *procès-verbal*; and the said mayor or clerk shall publish and post the said notice or cause the same to be published and posted up in each of the said localities, respectively, at the places provided in the 4th section of this act, for the publication and posting of the notice calling a meeting of the inhabitants for the election of councillors; and it shall be the duty of the said mayor to deliver a certificate in due form, of the publication and posting of the said notices, to the *grand-voyer* who shall have so made the said *procès-verbal*, on or before the day appointed for the said session of delegates; and in the event of any such mayor failing to deliver any such certificate to the said *grand-voyer* within the period aforesaid, he shall incur, for every such failure, a penalty of £ currency;

Notice to be given of the time when *procès-verbal* will be submitted to council of delegates.

How such notice shall be published.

Certificates of publication.

7. It shall also be the duty of any such mayor, within the said days from the service upon him of the *procès-verbal*, as aforesaid, to serve or cause to be served upon each of the other delegates from the municipality of his county, in person or at their respective domiciles, a notice in writing of the said place, day and hour appointed as aforesaid by the *grand-voyer* for the said session of delegates; and it shall be the duty of every such mayor to deliver to the said *grand-voyer*, on or before the first day of the said session of delegates, a certificate in due form of the said service, with a duplicate of the said notice, and in default of the delivering of any such certificate to the said *grand-voyer* by any such mayor, within the period above mentioned, he shall, for any such default, incur a penalty of £ currency.

Notice to be given to the delegates, &c.

Penalty for default.

## 47th SECTION.

What delegates may attend the session.

1. No one but the delegates of each county interested as aforesaid in the said *procès-verbal* of the *grand-voyer*, shall attend at and take part in the proceedings of the aforesaid session of the council of delegates, called together by the *grand-voyer* in the manner prescribed in the next preceding section; the said session shall be open to the public, and presided over by the *grand-voyer* who shall have made the said *procès-verbal*, and may be adjourned from day to day; and if it be deemed necessary, the session may be adjourned to any other place which the council shall determine by each of their adjournments;

Quorum.

2. Five of the delegates assembled at the said session of the council shall form a *quorum*; and when there is a *quorum*, the proceedings and deliberations of the delegates shall be decided by the majority of votes present; and in case of an equal division of votes on any question, one of the said votes may be struck out by the *grand-voyer* presiding at the said session; but he shall only decide such striking out, by lot and publicly, in presence of the delegates assembled at the said session, and the vote so decided by lot to be struck out, shall to all intents and purposes be considered as not having been given on such division by the delegate who shall have given the same, as if the said delegate had not been present at the said session;

Majority.

Case of equality of votes.

Grand Voyer to keep a minute of proceedings.

3. It shall be the duty of the *grand-voyer* presiding at the said session to keep a minute of the proceedings of thereat, which shall be signed by him and by at least two other delegates, and it shall also be the duty of the said *grand-voyer* having the custody of the same, to enter the said minute upon his registers.

## 48th SECTION.

Delegates may amend or reject *procès-verbal*.

1. On the day appointed for the aforesaid session, it shall be the duty of the *grand-voyer* to submit to the consideration and examination of the delegates so assembled in council his said *procès-verbal* of the visit and of the works in question; the said council of delegates may homologate the said *procès-verbal* or reject it altogether, or amend it and then homologate it as amended; and in such case the said *procès-verbal* shall be considered as being in force or not in force, according as it may be homologated or rejected as aforesaid;

Parties interested to be heard.

2. It shall be the duty of the council of delegates, in so proceeding to the examination of the said *procès-verbal*, to hear the parties interested in its homologation or rejection in the whole, or in its revision and amendment in part, if the said interested parties shall attend for the said purpose;

Procès verbal to be valid if the session breaks up without amending or rejecting it.

3. If on the day appointed, the said session of the council of delegates shall not take place for want of a *quorum*, or if it shall take place and no decision of the council be come to either for the homologation or the rejection in the whole, or the homologation with amendments, of the said *procès-verbal*, then the said *procès-verbal* shall, from the last day of such session, be considered to all intents and purposes homologated by the said council, and in force as originally drawn up by the said *grand-voyer*; and such session shall be considered closed from the day on which the said council shall have declared the same to be closed, or shall have risen without adjourning;

When the session shall be deemed closed.

4. It shall be the duty of the *grand-voyer* who shall have the custody of every *procès-verbal* homologated as aforesaid, to deliver a copy thereof duly certified by him, to the *grand-voyer* of every other county interested in the said *procès-verbal*.

Grand-Voyer, of other counties concerned to have copies of *procès-verbal*.

EXECUTION, MAINTENANCE AND REPAIRING OF MUNICIPAL WORKS.

49th SECTION.

5 1. All municipal works, a *grand-voyer's* *procès-verbal* whereof shall have been homologated as aforesaid, shall be executed, maintained and repaired under the charge of the said *grand-voyer* or of the municipal officers, in the manner prescribed by this act or by any other act or law relating to the municipal system.

Grand-Voyer to see to execution of work.

10 2. When the work required to be performed shall be the construction of a bridge or its reconstruction in part, or the opening or widening of a road which shall interest the inhabitants or any number whatsoever of the inhabitants of the municipalities of more than one county, or of one or more parishes or townships in two or more counties;  
15 if the said works are to be undertaken by the job, under agreement or contract, for a price in money or partly for money and partly by means of materials and days' labour to be contributed by the assessable inhabitants, it shall be the duty of the *grand-voyer* who shall have drawn up the *procès-verbal* of the said work, to give out or cause the same  
20 to be given out by competition;

Grand-Voyer to give out contracts for execution of work, concerning inhabitants of two or more counties.

3. For the said purpose, he shall publish and post up or cause to be published and posted in each locality interested in the said work, at the places mentioned in the 4th section of this act for the publication and posting of the notice calling a meeting of the inhabitants for the  
25 election of councillors, a notice specifying clearly the work to be so given out, and stating that until a certain day to be mentioned in the said notice, the said *grand-voyer* will receive tenders for the performance of the said work; and it shall be the duty of the *grand-voyer* to keep a certificate in due form of the publication and posting  
30 of the said notice; he may also publish the said notice in the newspapers if he shall think fit;

What notice he shall give.

Certificate of notice.

4. Between the day of the publication and posting of the said notice and the day up to which the said tenders may be received, an interval of at least \_\_\_\_\_ months shall be allowed; and the *grand-voyer* shall have authority to cause the said notice to be published and  
35 posted by the clerk of the municipal council of the locality or by one of the road inspectors in the said locality; and in default thereof, any such officer failing so to do shall incur a penalty of £ \_\_\_\_\_ currency;

Length of notice.

Mode of publication.

40 5. The contract for the said work shall be adjudged by the *grand-voyer* to the party who shall have tendered for the lowest price and on the most favorable terms, provided he shall have fulfilled the conditions and given the guarantees required for the execution thereof;

To whom the contract shall be adjudged.

45 6. Every contract or agreement relative to any such undertaking shall be entered into or considered as having been entered into with the said *grand-voyer* in his name and capacity of *grand-voyer* of

Grand-Voyer, to be a party to the contract.

the county of *(here insert the name of the county)*; it may be accepted by the said *grand-voyer*, or in his name and capacity aforesaid, by the mayor or by any of the inspectors of roads of any locality interested in the said work, if they be specially authorised thereto by the *grand-voyer*; and every such bargain or contract shall be binding on each municipality interested; and every such municipality may sue in its own name to enforce the performance thereof in any court of competent jurisdiction, in case the said *grand-voyer* shall fail so to do in his name and quality aforesaid, within a reasonable time; the municipality shall not, however, be entitled to bring such action before fifteen days have elapsed from the time the council of the said municipality shall have informed the said *grand-voyer* of the necessity of instituting the said suit; and in the latter case, if the court in rendering judgment on the action brought by the said municipality, shall condemn the municipality to pay costs, it may by such judgment if it shall think proper, declare that the said costs shall be paid by the *grand-voyer*; and under any judgment containing such declaration, the municipality shall have a right of action against the *grand-voyer*, personally, in any court of competent jurisdiction, for the recovery of the said costs, with interest and the costs of the said action.

7. The party to whom any contract for work shall be given, shall furnish good and sufficient security to the satisfaction of the *grand-voyer* for the performance of the said work, and the payment of all damages, interest, costs and expenses, in the event of his not fulfilling the conditions of his contract; and every such security may be accepted in the same manner as the agreement or contract relative to the said undertaking and either in the same instrument, or by a separate one;

8. The said *grand-voyer* shall be authorised to require any of the inspectors of roads in the locality in which the said work is to be executed or in the neighbouring locality, to superintend the performance thereof; and every such inspector shall obey all such orders as he shall receive for purpose, either verbally or in writing, from the *grand-voyer*; and in case of his refusal or neglect so to do, such inspector shall, for every such refusal or neglect incur a penalty of £ currency.

Municipality bound and may compel performance in default of Grand-Voyer.

Costs against Grand-Voyer in certain cases.

Contractor to give security.

Grand-Voyer may order any inspector to superintend the work.

#### 50th SECTION.

1. In the case mentioned in the next preceding section, it shall be the duty of the *grand-voyer*, to make an apportionment among the different localities interested, by an instrument under his own hand, of the contributions required for the performance of the said work, establishing the proportion of the said contribution to be borne by the inhabitants of every such locality (or by such of them as are bound to bear the same) either in money, materials or days' labour;

2. The said *grand-voyer* shall keep in his possession the instrument establishing such apportionment, and shall serve or cause to be served a copy thereof duly certified by him, on the *grand-voyer* of every other county interested, and he shall file the return of such service in his office;

3. In every such deed of apportionment, it shall be the duty of each *grand-voyer*, in so far as regards the proportion of the contributions aforesaid to be borne by the inhabitants of any locality in his county, to make, by an assessment roll under his hand and

Grand-Voyer to apportion the contributions.

Copies of apportionment to be given to Grand-Voyer of other counties concerned.

Each Grand-Voyer to make the assessments in his own county.

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based upon the valuation roll of the lands in the said locality, an apportionment of the said proportion among all the inhabitants of the said locality (or such of them as shall be obliged to furnish the said contributions) to secure the performance of the works in question: the whole in conformity with the law according to the tenor of the *procès-verbal* of the said works;

4. A duly certified copy of every such assessment roll shall be served by the *grand-voyer* who shall have made the same, upon the inspector of roads in each division in each locality of his county interested in the works in question: and the said *grand-voyer* shall file the return of such service in his office;

5. It shall thereupon be the duty of every such inspector to collect or sue for the recovery of all such assessments imposed upon the parties assessable within his division, as required by the 29th section of this act: and in any action brought by him for the recovery of the said assessments, a true copy of the said assessment roll, certified by the *grand-voyer* who shall have made the said roll or an extract only of the said roll, or of the said copy thereof, certified and signed by the treasurer or by the clerk of the municipal council of the locality, which extract shall contain the name of the party sued and the amount in money, materials or days' labour for which he shall be assessed, shall be *prima facie* evidence of the existence of the debt resulting from the said assessment, as demanded in the action, without its being necessary for the inspector who shall bring the action, to prove the ownership, possession or occupation of the party sued.

Assessment to be notified to inspectors.

Inspectors to collect assessments.

Proof in suits for assessments.

#### 51st SECTION.

1. All the provisions of the two next preceding sections shall extend in so far as the same may be applicable, to cases in which the work to be so given out by contract, mentioned in the 2nd paragraph of the 49th section, shall concern one locality only or any portion of such locality.

2. In such case, the *grand-voyer* shall at once proceed by an assessment-roll under his own hand, based upon the valuation-roll of the lands in the said locality, to make an apportionment among all the inhabitants of the said locality, or such of them as shall be obliged to furnish the contributions required for the performance of the said works, of the proportion of the said contributions to be borne by them respectively.

When the work concerns only one locality.

Grand-Voyer to make an assessment.

#### 52nd SECTION.

1. When the work mentioned in the 2nd paragraph of the 49th section and in the first paragraph of the preceding section shall not be given out by contract,—it shall be the duty of the *grand-voyer* who shall have drawn up the *procès-verbal* of the said work, in all cases in which no other special provision shall have been made by any act or law, to cause the said works to be performed under his own supervision by workmen and labourers employed and paid by him for that purpose, as he shall deem expedient; and he shall be authorised to require any of the inspectors of roads in the locality in which the said work is to be performed, or in the neighbouring locality, to superintend the performance thereof; and every such inspector is hereby required to obey all such orders as he shall receive from the *grand*

When the work is not to be done by contract.

Inspectors to superintend execution.

Penalty.  
Provisions of two preceding sections to apply.

voyer for the said purpose, either verbally or in writing, and in case of his refusal or neglect so to do, every such inspector shall for each such refusal or neglect, incur a penalty of £                      currency.  
2. All the provisions of the two last preceding sections shall extend, in so far as the same may be applicable, to the case provided for by the first paragraph of this section. 5

53rd SECTION.

As to maintenance and repairs of municipal work.

1. The maintaining and repairing of the municipal works mentioned in the first paragraph of the 49th section, shall be performed by the parties who shall be required to perform the same or to contribute towards the performance thereof, either by law or by the *procès-verbal* duly homologated of the said works, or, in case the law or the *procès-verbal* shall not provide for the same, then by a by-law of the municipal council of the locality ; and in such manner as shall be directed by law, or by such *procès-verbal* or such by-law. 10

Mode of contribution.

2. The said parties may be required to contribute to the said maintenance and repairs, either in money, materials or day's labour. 15

Inspectors and overseers to superintend.

3. The said maintenance and repairs shall in each inspectors' division, be under the supervision of the inspector of roads for the said division, and under that of the overseers of the sections in the said division, acting under the orders of the said inspector. 20

TOWNS AND VILLAGES.

54th SECTION.

Inhabitants of existing towns and villages incorporated.

1. From and after the commencement of this act, the inhabitants of each town or village, then being a body corporate or politic, duly incorporated as such under the laws in force at any time before the commencement of this act, and shall continue to be, to all intents and purposes a corporation or body politic, by the name of "The Municipality of the Town of                     ," (*here insert the name of the Town*) or, as the case may be, "The Municipality of the Village of," (*here insert the name of the Village.*) 25

Corporate name.

2. The inhabitants of every town or village duly incorporated thereafter in the manner by this act prescribed, shall be a corporation or body politic, by the name of "The Municipality of the Town of                     ," or, as the case may be, "The Municipality of the Village of                     ," (*here insert the name given to the said Town or to the said Village.*)

Perpetual succession.

3. Each of the municipalities mentioned in the two next preceding paragraphs, shall have perpetual succession; and may or may not, as shall be deemed expedient, have a common-seal. 35

Suits.

4. Each Municipality may sue and be sued in any court of justice.

Service of process.

5. All actions brought or proceedings had by or against any such municipality, shall be brought or had by, or against the same by the 40 name aforesaid of "The Municipality of                     ," (*as aforesaid*) ; and any service of process which shall be made in any such action or proceeding when such service shall be necessary, shall be valid if the same be made upon the mayor of the said municipality or upon the clerk of the municipal council thereof, in person or at his domicile ; 45

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6. Every such municipality may acquire, hold and possess whether by purchase, donation, devise or otherwise, any lands, tenements and heriditaments or other real or personal property, and enjoy or alienate the same ;

Property.

7. Every such municipality may enter into all such contracts or agreements as may be necessary to or connected with the exercise of its powers and authority in matters within the scope of its functions ;

Contracts.

8. And lastly, every such municipality shall have all such other collective rights and powers as, although not expressly designated or granted by this act, shall be necessary for the due performance of the duties and the due exercise of the powers and authority which are hereby imposed and conferred upon the corporation, by this act or any other act or law relating to the municipal system.

General powers.

55th SECTION.

1. Every town or village municipality shall, for all the purposes of this act or of any act or law relating to the municipal system, be considered as a parish or township municipality ; it shall enjoy the same rights, powers, authority, privileges and functions and perform the same duties and obligations, as if the said municipality were called and were really a parish or township municipality, in so far as the said rights, powers, privileges and functions, and the said duties and obligations may be applicable to every such town or village municipality, and subject also to such alterations and additions thereto, as may be provided by this act, or by any other such act as aforesaid whatsoever.

To have the powers of township municipalities, in so far as applicable.

2. All the provisions of this act, relating to parish and township municipalities, shall extend in so far as the same may be applicable thereto, to every such town or village municipality, excepting, nevertheless, that in applying the said provisions to any such last mentioned municipality, the word "Town," (or "Village," as the case may be) shall be considered as having been used in the said provisions in the place and stead of the word "Parish" or "Township"; and the word "Locality" whenever the same shall occur in the said provisions as meaning a parish or township, shall signify a town or a village, respectively.

Foregoing provisions to apply as far as applicable.

56th SECTION.

1. The erection of any portion of land into a Town or Village municipality, shall take place in the manner hereinafter provided.

Erection of a town or village.

2. On a petition being presented to the grand-voyer of any county, by at least ten inhabitants qualified to vote at the election of councillors for the municipality of any parish or township situate within the said county, setting forth that there is within the limits of the municipality of the said parish or township, a tract of land which ought to be erected into a distinct municipality, under the designation of a town or of a village, such tract of land being clearly defined in the said petition, it shall be the duty of the said grand-voyer to visit the tract of land in question, and to draw up a *procès verbal* under his hand ; but, before making such visit, the grand-voyer shall give notice to the inhabitants of the said parish or township municipality, interested in the erection of any such tract of land into a distinct municipality as aforesaid, of the time and place at

How to be effected. Petition to Grand-Voyer.

Visit and proces-verbal.

Notice.

which he will commence the said visit ; and he shall publish and post up the said notice, or cause the same to be published and posted up in the said locality, at the places provided by the fourth section of this Act, for the publication and posting of the notices calling a meeting of the inhabitants for the election of councillors ; and a certificate in due form, of the publication and posting of the said notice, shall be filed by the said *grand voyer* in his office. 5

Length of notice.

3. A period of \_\_\_\_\_ days at least, shall intervene between the publication and posting of the said notice, and the day of commencing the said visit. 10

Parties to be heard.

4. It shall be the duty of the *grand-voyer* on proceeding to make the said visit, to hear the parties interested in the erection of the tract of land in question, into a distinct municipality as aforesaid. 10

Grand Voyer to express his opinion.

5. The *grand-voyer* shall pronounce his opinion, affirmatively or negatively, upon the proposal of the petitioners to erect any such 15

And to draw up a description of proposed boundaries.

extent of land into a municipality ; and (whether his opinion respecting such proposal be in the affirmative or in the negative as aforesaid) he shall proceed to define clearly and in a precise manner in his *procès verbal*, (accompanying the same with a plan of the ground), the limits which, in his opinion it would be expedient to assign to the tract of land which may be upon the said petition erected as aforesaid, by the proper authorities, into a distinct municipality. 20

His powers as to such limits.

6. In the designation of the said limits, the *grand-voyer* shall not be confined to those mentioned in the said petition, but shall on the contrary, have a discretionary power to enlarge or contract them, as 25 he may deem advisable ;

Number of houses required within a certain space.

7. But no such tract of land, whether it be that originally described in the said petition, or whether it be afterwards defined in the *grand-voyer's* said *procès verbal*, shall be erected into a distinct municipality as aforesaid, unless, at the time the said *grand-voyer* 30 shall visit the place, there be upon some part of the said tract of land within a space not exceeding thirty superficial arpents or acres at least forty inhabited houses, nor unless such fact be established in the *grand-voyer's* *procès verbal* aforesaid.

Copies of procès-verbal to be record on whom and how.

8. Every such *procès verbal* shall be drawn up in duplicate ; one 35 duplicate thereof shall remain of record in the office of the *grand voyer*, who shall serve or cause to be served another duplicate upon the mayor of the municipality of the county and upon the mayor of the municipality of the parish or township whereof such tract shall form part ; and the return of every such service, drawn up by the 40 person who shall have made the same, shall remain of record in the office of the *grand-voyer*.

Procès-verbal to be considered by the county council.

9. Every such *procès verbal* so served shall, from the day of the said service, be considered as being submitted for the consideration and examination of the municipal council of the county, and such 45 council may homologate or amend the same by suggesting other limits than those suggested by the *grand-voyer*, and homologate it as amended within \_\_\_\_\_ months after the said service ; but before proceeding to the examination of the said *procès* 50

Notice to be given previously.

*verbal*, the said council shall cause their clerk to give notice to the 50 inhabitants of the locality, interested in the said *procès verbal*, of the day on which they will commence the examination of the said *procès verbal* ; and the said clerk shall publish and post the said notice, or

cause the same to be published and posted up at the places provided by the fourth section of this Act for the publication and posting of the notice calling a meeting of the inhabitants for the election of councillors ; and the clerk shall deliver to the council a certificate in due form of the publication and posting of the said notice, in default whereof he shall incur a penalty of \_\_\_\_\_ currency.

10. A period of at least \_\_\_\_\_ days shall intervene between the publication and posting of the said notice and the day appointed for the examination of the said *procès verbal*.

Length of notice.

10 11. The mayor of the municipality of the county, and the mayor municipality of the locality interested as aforesaid shall, within eight days after the service of the said *procès-verbal* upon them, deliver the same to the clerk of their respective municipal councils, and it shall be the duty of the said clerk to allow any party interested to

Procès-verbal to be open to inspection of inhabitants.

15 take communication of the said *procès verbal* at all reasonable hours.

12. It shall be the duty of the said municipal council of the county, on proceeding to the examination of the said *procès-verbal*, to hear the parties interested in its homologation in the whole, or in its revision or amendment in part, and also the *grand-voyer*, if the said parties and the *grand-voyer* shall attend for that purpose ;

Parties concerned to be heard.

13. It shall be the duty of the mayor of the municipality of the county to return the said *procès verbal* or cause the same to be returned to the *grand-voyer*, on or before the \_\_\_\_\_ day after the expiration of the \_\_\_\_\_ months mentioned

Return of procès-verbal to Grand-Voyer.

25 in the ninth paragraph of this section, in default whereof the said mayor shall incur a penalty of £ \_\_\_\_\_ currency, and in such case the said *procès verbal* shall, after the expiration of the said \_\_\_\_\_ days, be considered to all intents and purposes as having been homologated by the said council, as originally drawn up by the *grand-voyer*, if the said *grand-voyer* in such *procès-verbal* shall have recommended that the tract of land in question be erected into a municipality as aforesaid.

14. If the said *procès-verbal* be returned to the *grand-voyer* within the period aforesaid, homologated in the whole by the said municipal council or homologated with amendments, then the *grand-voyer* shall consider the said *procès-verbal* as homologated, and shall act accordingly ; and in case such *procès-verbal* shall have been amended as aforesaid, he shall enter upon the duplicate remaining of record in his office, (and which shall serve as an original,) the alterations or modifications necessary to make it correspond with the said amendments, and shall certify them upon such duplicate ;

Grand-Voyer to notice and enter amendments if any.

15. It shall be the duty of the *grand-voyer*, after the expiration of the \_\_\_\_\_ months mentioned in the 8th paragraph of this section, to transmit to the Provincial Secretary all the documents, (including the petition, *procès-verbal* and others) relative to the petition and to the proceedings adopted for the erection of the tract of land in question, into a municipality as aforesaid ;

Documents to be transmitted to Provincial Secretary.

16. It shall thereupon be lawful for the governor of this province by an order in council, to approve or reject the said *procès-verbal* of the *grand-voyer*, whether the same be amended or not by the said municipal council, or to modify or amend the same by the said order in council, in such manner as shall be deemed expedient ;

Governor in council may approve, reject or amend *procès-verbal*.

17 If, by the said order in council, the said *procès-verbal* be approved, with or without amendments or modifications as aforesaid,

If approved, proclamation to issue.

then it shall be lawful for the governor to issue a proclamation under his hand and seal, declaring the name to be given and defining the limits to be ascribed to such tract of land, as a distinct municipality;

And incorporation to take effect on 1st. January next after end of two months.

18. From and after the first day of the month of January next after the expiration of the two months immediately following the date of the said proclamation, every such tract of land the limits whereof shall have been so defined, shall be considered as detached from the municipality of the parish or township whereof it shall have theretofore formed part, and its inhabitants shall be a corporation or body politic, to all intents and purposes whatsoever, by the name of "The Municipality of" as above mentioned;

Publication, &c, of proclamation.

19. The said proclamation shall be published in the *Canada Gazette*, and at least two copies of the said Proclamation, duly certified by the Provincial Secretary, shall be by him sent to the said *grand-voyer*, whose duty it shall be to post or cause one of the said copies to be posted up at the places provided by the 4th section of this act for the publication and posting of the notice calling a meeting of the inhabitants for the election of councillors, and to file another copy in his office.

Local council may nevertheless sit in the place.

20. Whenever there shall be a town or village municipality within any parish or township, the municipal council of the said parish or township nevertheless may hold their sessions, if they think proper, in the said town or village municipality.

#### 57th SECTION.

By-laws may be made.

The municipal council of every town or village municipality shall have power and authority to make by-laws for the following purposes, to wit:

Markets.

1. For establishing markets or market places; for abolishing any market or market place existing at the date of the commencement of this act, or which shall thereafter exist within any such municipality, or for appropriating the whole or any part of the site of any market or market place for any other public use whatsoever; reserving nevertheless to any person or party aggrieved by any act of the said council respecting any such market or market place, any recourse which any such person or party may lawfully have against any such municipality for any damage suffered by any such person or party by reason of such act.

Clerks of markets and market regulations.

2. For regulating and defining the duties and powers of the clerks of the markets within the said municipality, and of all other officers employed on the said markets; and for leasing the stalls and all other stands for the sale and offering for sale of every description of objects or goods whatsoever upon the said markets or market places; and for imposing, regulating, fixing and determining the duties and taxes which may be imposed upon and required from all persons vending or retailing upon such markets any provisions, vegetables, butcher's meat of any description, grain, fowls, hay, straw and cordwood, or anything else whatsoever; and for regulating the conduct of all persons vending or purchasing upon the said markets; and for causing to be weighed or measured, if required, the different objects and articles sold or offered for sale upon the said markets, at the request of any interested party, by any officer appointed for the said purpose by the said council, and on payment of such fee as the said council may from time to time deem expedient to fix and determine for the said purpose.

Weighing and measuring.

3. For regulating vehicles of all descriptions whatsoever, in which objects shall be exposed for sale in any public market, or in any street or public place within the said municipality, and for imposing a duty or duties upon the said vehicles, and for establishing the manner in which such duty or duties shall be collected and paid.
4. For regulating the weighing or measuring of cordwood, coal and salt, and the weighing and measuring of all grain brought within the said municipality for sale and consumption therein; for regulating and determining whether any goods thereafter purchased or sold within the municipality shall be weighed or measured, or both; and for appointing persons to weigh and measure any such goods, and for fixing and determining the remuneration to be paid to such officers and the duties to be fulfilled by them.
5. For regulating, fixing and determining the weight, quality and price of bread sold or offered for sale within the said municipality.
6. For increasing the amount of personal commutation to be paid in each year by each person subject to perform statute labour on the highways and streets within the municipality, such amount not to exceed *five shillings* currency for each person; and for obliging each and every such person to pay the amount of such personal commutation so determined upon, without allowing any such person to offer his personal labour on the said highways in lieu of such personal commutation, and for exempting from the payment of such personal commutation any class of persons whom the said council shall deem it expedient to exempt by reason of their want of means.
7. For assessing the proprietors of real property for such sum or sums as may at any time be necessary to defray the expenses of making or repairing any common sewer under any public street or highway within the said municipality, and immediately in front of such property, and for regulating the manner in which such assessments shall be collected and paid.
8. For obliging the proprietor or proprietors of real property situate within the limits of the municipality to fence in and enclose or cause to be fenced in and enclosed every such real property.
9. For directing and requiring, at any time the removal of any door steps, porches, railings or other projections into or obstructions in any public street or highway within the said municipality, by and at the expense of the proprietors of the real property in or upon which such projection or obstruction shall be found.
10. For establishing or altering the level of the footpaths or sidewalks in any street or highway within the said municipality in such manner as the said council shall deem conducive to the convenience, safety and interest of the inhabitants of the said municipality; Provided always, that the said council may make compensation, out of the funds of the said municipality, to any person whose property shall be injuriously affected by any such alteration of the level of any footpath in front thereof;
11. For pulling down and removing so often as shall be deemed necessary, all old walls, chimnies or buildings in a state of dilapidation or decay; and for fixing, at what time, by what means and at whose expense such old walls, chimnies or buildings shall be so pulled down and removed;
12. For preventing accidents from fires and for regulating the conduct of persons present at any fire within the municipality; and

Public carriages.

Weighing and measuring wood, coals, &amp;c.

A size of bread.

Augmenting commutation for statute labour.

Exempting indigent persons, &amp;c.

Assessing inhabitants for certain purposes.

Fencing lots.

Removing encroachments.

Fixing level of footpaths, &amp;c.

Provide; as to changes of level.

Removing ruins.

Preventing fires, &amp;c.

- Stove pipes, &c. (among other By-laws for the same purpose) for regulating the mode of placing stoves, or stove-pipes, flues, furnaces or ovens, or the mode of keeping ashes; for obliging proprietors or occupiers of houses to provide themselves with proper fire-buckets, and to have ladders from the ground to the roofs of their houses, and from such roofs to the tops of the chimnies; for preventing any person from entering any stable, barn, shed or out-house with a candle or lamp unless such candle or lamp be well enclosed in a lantern, or from entering any such building with a lighted cigar or pipe, or from carrying into the same any fire not properly secured; for preventing any person from lighting or having any fire in any wooden shed or out-house or other wooden building unless the fire be placed in a chimney or in a stove of iron or metal, or from conveying fire in any street or public place, garden or yard, unless the said fire be confined in some metal vessel.
- Buckets. 5
- Candles and lights. 10
- Fires in wooden buildings. 10
- Fire engines, &c. 15
- Preventing thefts at fires, protecting officers, &c. 20
- Assisting persons injured at fires. 30
- Medals, &c. 25
- Demolishing buildings to stop fires. 35
- Apprentices and servants. 40
- Gambling. 45
- Compelling attendance of councillors. 40
- Boards of health. 50
- Contagious diseases. 50
13. For defraying, out of the funds of the municipality, all such expences as the council may deem it just to incur; for the purchase of engines, or any other kind of apparatus, or any article whatsoever that may be necessary for the prevention of accidents by fire, and for facilitating the means of arresting the progress of fires;
14. For preventing thefts and depredations at fires and for punishing any person who shall resist, oppose or ill-treat any member or officer of the council while in the execution of the duty assigned to him, or in the exercise of any power or authority with which he may be invested by and in virtue of any By-law made under the authority of this section;
15. For defraying out of the funds of the municipality any expense which may be incurred by the said council for assisting any person employed by the said council, who shall have received any wound or contracted any sickness or disease while attending at any fire; or for assisting or for providing for the wants of the family of any person who shall lose his life at any fire while so employed by the said council; or for granting rewards in money, medals or otherwise, to persons who shall have performed any meritorious action at any fire;
16. For investing the members of the said council and such officers as shall be designated in such By-laws with the power to cause to be pulled down or destroyed any building or fence which any such member or any such officer shall deem it necessary to direct to be pulled down or destroyed for the purpose of arresting the progress of any fire;
17. For regulating the conduct of apprentices, servants, labourers and hired persons in the said municipality and for regulating the conduct of masters and mistresses towards their said apprentices, servants, labourers or hired persons in the said municipality.
18. For preventing gambling and the keeping of gambling houses in the said municipality.
19. For obliging the members of the said council to attend the meetings of the said council and for ensuring the performance by the members of the said council, of their several duties;
20. For establishing a board or boards of health in the said municipality and for appointing the members of such board or boards and for securing the inhabitants of the said municipality from contagious and pestilential diseases or for diminishing the danger resulting from the existence of such diseases;

- 21. For appointing all such officers as such council may deem necessary for carrying into execution the above mentioned By-laws and for fixing the duties of such officers, and for providing for their adequate remuneration out of the funds of the said municipality; Municipal officers.  
Remuneration.
- 5 22. For authorising such officers as shall be appointed by the said council for that purpose, to visit and examine at suitable times and hours to be fixed in and by such By-laws, as well the inside as the outside of all houses, buildings and real property of any description in the said municipality, for the purpose of ascertaining whether the Examination of buildings to see that rules are obeyed.
- 10 By-laws to be made as aforesaid have been duly observed and conformed to, and for obliging all proprietors, possessors or occupants of such houses buildings or real property, to admit such officers and persons into and upon the same at the times and hours and for the purposes aforesaid ;
- 15 23. For preventing any baker, potter, blacksmith, brewer, manufacturer of pot or pearlshes or other manufacturer or person, from building, making or having any oven or furnace, unless such oven or furnace communicate with and open into a chimney of stone or brick which shall rise at least three feet higher than the top of the house or Fire places of bakers, potters and others.
- 20 building in which such oven or furnace shall be placed ;
- 24. For providing that gun powder be safely kept in boxes of copper, tin or lead, and for prohibiting the sale thereof after sun set ; Gunpowder.
- 25 25. For preventing persons from passing along the public streets or highways in or with any vehicle or on horseback at any faster pace than an ordinary trot. Violent driving.
- 26. For preventing the erection of furnaces for making charcoal and for regulating the manner in which quick lime may be kept or deposited ; Making charcoal and lime.
- 30 27. For preventing the throwing into any public street or highway, any sweepings, filth, dirt, rubbish or ordure and for enforcing the removal thereof ; also for preventing, and removing all encroachments and nuisances in or upon any street or highway. Throwing filth in street.

58th SECTION.

The municipal council of any town or village municipality may by any and by each and every By-law, which such council is by this Penalties limited.

35 act authorised to make, impose, for each and every violation, infraction or contravention of any such By-law, a fine not exceeding £ currency, in cases where no fine shall have been specifically imposed by this or any other law.

SIGNIFICATION OF THE WORD "PARISH," AND ANNEXATION OF PARISHES OR TOWNSHIPS.

59th SECTION.

For the purposes of this act the word "parish" used therein or Word "parish" interpreted.

40 in any other act or law relating to the municipal system, and shall be deemed to signify and shall signify every territory which at the date of the notice to be given by the grand-voyer, mentioned in the 4th section of this act, to notify the inhabitants to meet for the purpose

Extra parochial place how dealt with.

of electing councillors, shall be considered a parish, whether such territory, either wholly or in part, has or has not been originally erected into a parish, either by civil or ecclesiastical authority; and any extra parochial place in any county shall by a notice to be given by the *grand-voyer* in the manner prescribed for the convening a meeting for the election of councillors by him, for the purposes of this act, be annexed to one of the adjoining parishes in such county; and such extra parochial place shall thenceforth, for all the purposes of this act, form and be part of the said parish, and every such parish shall of itself form a separate municipality in the true sense and meaning of this act unless such parish be comprised within and included in a tract of land erected into a township, in which case it shall not of itself form a separate municipality, but shall for all municipal purposes, form a part of the municipality of the said township, as provided by the third paragraph of the present section.

Parish or township only partly within a county.

2. Whenever only a part of a parish, or a tract of land considered as a parish according to the meaning of the present section, or of a township, shall be situated in a county, no councillors shall be elected in such part, unless in the opinion of the *grand-voyer* there be at least

Annexation in certain cases.

souls therein, in which case the said part of such parish or township shall of itself form a municipality for all purposes, according to the true intent and meaning of this act, under the name of the municipality of (here insert the name of the parish or township); but if, in the opinion of the *grand-voyer*, such part contains less than souls, then it shall be annexed by the said *grand-voyer* to one of the neighbouring parishes or townships in the said county, in the manner hereinbefore prescribed for the annexation of an extra parochial place; and thenceforth it shall, for the purposes of this act, be and form a part of the said parish, or of the said township.

Township municipalities.

3. Every territory erected into a township beyond the limits of lands comprised and included in fiefs and seigniories, and wholly situate in one and the same county, (whether such township be or be not wholly or in part erected into a parish or reputed parish, or part of a parish) shall form but one and the same municipality for all municipal purposes whatsoever, under the name of the municipality of the township of (insert here the name of the township).

Townships not containing a certain number of souls.

4. But when, in the opinion of the *grand-voyer*, the population of a township does not amount to souls, such township shall not of itself form a municipality; it shall in such case be annexed by the *grand-voyer* to one of the adjoining parishes or townships in the said county, in the manner hereinbefore prescribed for the annexation of an extra parochial place; and thenceforth it shall for all municipal purposes be and form part of the said township, or of the parish to which it shall be thus annexed.

Provision if part of a parish be in a township.

5. When a part of a parish or of a tract of land considered a parish according to the meaning of the present section, which shall be wholly included in one and the same county, shall form part of a township as aforesaid, no councillors shall be elected in the other part of the said parish which shall be beyond the limits of the said township, except when in the opinion of the *grand-voyer* there is in such latter part a population of at least hundred souls, in which case, the said part of the said parish shall form by itself a municipality for all purposes, according to the true intent and meaning of this act,

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under the name of "The Municipality of (here insert the name of the parish)"; but if in the opinion of the *grand-voyer* the said part of the said parish contains less than hundred souls, then it shall be annexed by the *grand-voyer* to one of the 5 neighbouring parishes or townships in the said county, in the manner hereinafore prescribed for the annexation of an extra parochial place; and thenceforth it shall for all municipal purposes, be and form part of the said township or of the said parish to which it shall have been thus annexed;

10 6. It shall at any time be within the power and the duty of the county municipal council, by a by-law for that purpose, to revoke and annul any annexation either of a township or part of a parish in any of the cases hereinbefore provided, when the said council shall have proof, either by a general census made according to law or by a special 15 enumeration of the inhabitants of the locality so annexed, made by direction of the said council, by the *grand-voyer* or any other municipal officer in the county, that the said locality so annexed contains a population exceeding hundred souls; in which case the said locality shall, from and after the first day of the month of January 20 next after the date of the said by-law be considered to have ceased and shall cease to be annexed as aforesaid, and from that day forward the said locality shall for all municipal purposes, according to the true intent and meaning of this act, form a separate and distinct municipality.

How the annexation of any tract to another municipality may be revoked.

## CONTRACTS, DEBTS OR JUDGMENTS CONCERNING THE MUNICIPALITIES ERECTED BY THIS ACT.

### 60th SECTION.

25 1. Every contract or agreement made under and by virtue of the powers granted to any municipal council, shall in all cases, unless otherwise specially provided for by this act or by any other act relating to the municipal system, be made in the name of every such council and shall be accepted by the municipality in question, or by 30 the *grand-voyer* of the county; and every such contract or agreement shall, to all intents and purposes, be binding upon such municipality.

Contract how to be entered into.

### 61st SECTION.

1. It shall be the special duty of the mayor of each municipality, as also that of the *grand-voyer* of the county, to take care that all 35 debts due and all expenses incurred by such municipality be regularly and faithfully discharged; and in cases where no particular mode of paying or discharging such debts or expenses is specially provided by this act, or any other act relating to the municipal system, the following mode shall be adopted and shall be strictly observed by the parties 40 charged with the execution thereof.

*Grand-Voyer* and mayor to see that debts are acquitted. General provisions.

2. Whenever payment of any such debts or expenses, or of any part thereof, shall be demanded, and the treasurer of the municipal council of the locality shall be without the funds necessary to meet such payment, the mayor of the locality shall immediately signify the

Notice to *Grand Voyer* when the treasurer has not

money to pay any debt.

same to the *grand-voyer*, by a written notice under his own signature, in which shall be mentioned the amount of the sum to be raised for that purpose, and whether from the nature of the said debt or expenses so required to be paid, the said sum so payable is due or payable by all the inhabitants of the said locality, or by a part of them only, in which case the said notice shall distinctly set forth and shew the said fact. 5

Grand-Voyer to make assessment.

3. The *grand-voyer* shall, immediately after the receipt of such notice, by an assessment roll under his own signature, based upon the valuation-roll of the real property of the locality, make an apportionment of the said sum, (to which he shall first add per cent,) among all the residents of the locality, or among those only who shall be liable for the payment of the same, which apportionment shall establish the share of the said sum to be borne and payable by each of the said inhabitants respectively. 10 15

Additional sum to be levied.

Sect. 50 to apply.

Notice may be given to Grand-Voyer before the debt is exigible.

4. The provisions of the 50th section of this act shall, so far as they are applicable thereto, extend to the present section.

5. It shall be the duty of the mayor, on the receipt of an order to that effect from the municipal council of the locality, without any demand of payment of any of the said debts or expenses having been made, to give to the *grand-voyer* the notice required by the second paragraph of this section, and the *grand-voyer* shall thereupon be bound to take thereon the steps hereinbefore prescribed; and the said order may be given to the mayor by a resolution of the said municipal council, whenever the Council shall be of opinion that at the time when such payment ought to be made there will not be in the hands of the Treasurer sufficient funds to meet such payment. 20 25

Treasurer to pay on order of mayor.

6. The payment of all debts or expenses may be made by the said treasurer, on an order or warrant drawn upon him at any time by the *grand-voyer*, in conformity to the provisions contained in the second paragraph of the 30th section of this act. 30

62nd SECTION.

County debts by whom payable.

1. The debts contracted and the expenses incurred by the county municipal council of a county, in the exercise of their lawful powers, shall be paid by all the rate payers of the county in such case;

Notice to Grand-Voyer.

2. It shall be the duty of the mayor of the county municipality, upon an order to that effect given to him by the council to give to the *grand-voyer* of the county to give a written notice, under his own hand, which notice shall setforth the amount of the sum to be raised for the discharge of such debts or expenses; 35

Grand Voyer to make assessment and how.

3. The *grand-voyer* on the receipt of such notice, shall immediately proceed to make by an assessment-roll under his own hand based upon the valuation roll of the real property of each locality, among all the assessable parties in proportion to the property owned or occupied by them respectively, an apportionment of the share they are respectively to bear of the sum thus to be raised for the purpose of discharging either wholly or in part, as the case may be, the said debts or expenses, after adding to the said sum thus to be raised per cent upon the amount thereof; 40 45

Sect. 50 to apply.

4. The provisions of the 50th section of this act shall, so far as they are applicable thereto, extend to the present section; 50

5. The payment of all such debts or expenses shall be made by the treasurer upon an order or draft drawn upon him by the *grand-voyer*, in conformity to the conditions contained in the 2nd paragraph of the 30th section of this act.

Treasurer to pay on order of Grand-Voyer.

63rd SECTION.

5. 1. Any judgment rendered against a municipality may be served on the *grand-voyer* of the county by the person in whose favour the judgment shall have been rendered.

Judgments may be served on Grand-Voyer.

2. If the *grand-voyer*, upon such service being made upon him, has reason to believe that the treasurer of the municipal council of the locality in question has not in his hands funds sufficient to discharge the said judgment, or the share thereof for which such locality shall be liable if the judgment be against the county municipality, he shall immediately proceed by an assessment roll under his own signature, based upon the of valuation roll of the real property of the said locality, to make an apportionment among all the inhabitants of the said locality, or among such of them upon whom the amount or any part whatever of the said judgment, according to its nature, ought originally to have been levied, of the share which each one of them should respectively bear of the said judgment, in principal, interest and costs, after he shall have added per cent to the said sum so to be raised ; but if the *grand-voyer* has reason to believe that the treasurer has in his hands funds sufficient to discharge the said judgment, or the portion thereof for the payment of which any such locality shall be liable, he may, previously to making such apportionment issue his order or warrant upon the treasurer for the payment of the sum in question, and whenever the treasurer shall fail to pay to the bearer upon demand the amount of the said order or warrant, it shall be considered that the said treasurer has not in his hands funds sufficient to meet the same.

Proceedings if the treasurer is not supposed to have funds in his hands.

3. It shall be the duty of the *grand-voyer* in the latter case, as soon as it shall come to his knowledge that his said order or warrant has not been paid in full, or has been paid but in part, to proceed immediately to make the apportionment in the manner hereinbefore prescribed, of the sum to be raised to discharge the judgment or such balance thereof as may remain undischarged ;

And if he is supposed to have funds. If Grand-Voyer's order on him be not paid.

4. The provisions of the 50th section of this act shall, so far as they are applicable thereto, extend to the present section ;

In case of non-payment, Grand-Voyer to make an assessment.

5. Every payment shall be made by the said treasurer on an order or warrant drawn upon him by the *grand-voyer* conformably to the provisions of the 2nd paragraph of the 30th section of this act ; and the said *grand-voyer* is hereby authorised to issue such order or warrant after service of the said judgment upon him at any time before or after he shall have made the apportionment hereinbefore mentioned.

Sec. 50 to apply. Treasurer to pay on Grand-Voyer's order.

MONIES, DEBTS AND PROPERTY OF MUNICIPALITIES HEREBY ABOLISHED.

64th SECTION.

1. All monies which at the time this act shall come in force, shall be or ought to be in the hands of the treasurer of any municipality,

Monies to be paid over to

Grand-Voyer  
of the county.

under the act hereinbefore cited, and numbered chapter seven of the acts passed in the session of the parliament of this province held in the tenth and eleventh years of Her Majesty's reign, and which monies shall belong to any such municipality which will then cease to exist, shall be paid into the hands of the *grand-voyer* of the county in which such municipality was situated and shall be at the disposal of the municipal council of the said county, to be applied firstly to the discharge of the debts and expenses of any such municipality so ceasing to exist, and afterwards to the discharge of those which the said municipal council may have itself contracted ;

G.-Voyer to  
have right of  
action.

2. The *grand-voyer* shall have a right of personal action against whomsoever it may concern, for the recovery and payment to him of all such monies as aforesaid ; and the said monies shall be afterwards by him employed or paid according to the order which he may receive from the said municipal council :

Assessments  
due, to be re-  
coverable.

3. All assessments or rates of any kind whatsoever, which at the time this act shall come into force, shall be due to any such municipality mentioned in the first paragraph of this section, shall continue to be so due and demandable ; but in such case they shall belong respectively, in their due proportion, and shall be paid and belong to the municipality of the locality, within the limits of which they shall have been imposed, and not to the municipality of the county, in the same manner as if the said assessments or rates had been imposed in the said locality by and in virtue of the present act, and shall be recoverable in the same manner and by the same means ;

Property and  
liabilities  
transferred.

4. From and after the day when this act shall come into force, all the property moveable as well as immoveable, which shall then belong to any such municipality mentioned in the first paragraph of this section, shall belong to the municipality of the said county created by, and in virtue of this act, in the same manner as if the said property had been acquired by the said last mentioned municipality ; and all debts then due and all contracts or agreements made by the said municipality, shall from the said day become respectively the debts, contracts or agreements of the said municipality of the said county, in the same manner as if the said debts had been contracted and the said contracts or agreements had been made by the latter municipality.

## S E I G N I O R S .

### 65th SECTION.

Lands held  
and fief and  
seigniorial pro-  
fits to be sub-  
ject to assess-  
ment.

If part only of  
a seignory be  
in the munici-  
pality.

1. All lands held as a fief or seignory in the municipality of a locality, as well as all seigniorial rights yielding profit or advantage, shall form part of the property liable to the assessments allowed to be imposed by this Act, or by any other Act or Law whatsoever concerning the municipal system ; and the valuation thereof shall be made in the manner hereinafter prescribed ; but if a fief or seignory be partly within the limits of any such municipality and partly within the limits of another, the said valuation to be made, in so far as the said municipality is concerned,

shall only refer to such part of the fief or seigniory that shall be within the limits thereof, and to the said seigniorial rights thereon dependent, including the profits arising from the banal mills hereinafter designated which may be erected on the said part of the fief or seigniory.

2. Unconceded lands in any such fief or seigniory or in any such part of a fief or seigniory, shall be valued by the valuator of the municipality, apart and separately from the rest of the said fief and seigniory or of the said part thereof: and by the words "unconceded lands," shall be understood all such lands as are commonly called wood lands (*terres en bois debout*) or such other uncultivated lands in the possession of a seignior as are not reserved or kept by him under the name of a domain.

Unconceded lands to be valued separately.

3. All the lands of any such fief or seigniory or of any such part thereof which shall be kept, cleared or cultivated by the seignior either under the name of "domain," or as farms, or otherwise, whether they have or have not been originally conceded, shall be valued by the said valuator separately and apart from the rest of the said fief or seigniory or of the said part thereof, and in the same manner as any other real property included within the said fief or seigniory, and being the private property of a person liable to be assessed in the said municipality, may and is to be valued by the said valuator; but there shall not be included in the said valuation either the seigniorial grist-mills having the right of banality (*banalité*) and which are commonly called banal mills (*moulins banaux*) or the land, banks, dykes, dams or other works necessary for the working of the said mills.

Domains and lands worked by the seignior to be valued separately.

Grist-mills excepted.

4. The valuator shall afterwards make a valuation of the rest of the said fief or seigniory or of the said part thereof, consisting of all the said seigniorial rights yielding profit or advantage, including the profits of the said banal mills receivable by the seignior, and this independently of the value of the lands which, by the two preceding paragraphs, are rendered liable to a distinct and separate valuation.

Other seigniorial property and profits and grist-mills.

5. The valuation required by the preceding paragraph shall be based upon the price which, in the opinion of the said valuator, might be obtained by the seignior in case of a sale at the time of making the said valuation.

Value how calculated.

6. If the seignior be dissatisfied with the valuation made by the valuator, in accordance with the two preceding paragraphs, he shall in lieu and place thereof be allowed to make another valuation, by a written declaration signed by himself and declared under oath to be

Seignior dissatisfied may give in valuation on oath.



11. Upon the report of the said arbitrators, the court shall order either that the original valuation contained in the said declaration be confirmed, or that the one suggested by the arbitrators be substituted in its place, according to the circumstances of the case; but if it appear to the court that the seignior or agent has refused to assist the said arbitrators in their proceedings, the said court shall allow no costs to the seignior, not even in cases where his own valuation is confirmed—and in such cases the court may condemn the seignior to pay the costs, either in full or in part.

Judgment.  
Costs.  
If the seignior has refused information.

12. But the said valuation contained in the said declaration shall be confirmed by the court, if by the report of the arbitrators it appear that is not more than below what it ought to be.

Seignior's valuation maintained if within—of the truth.

66th SECTION.

1. Whenever any fief or seigniori is held jointly by two or more seigniors *par indivis*, the declaration mentioned in the preceding section may be also made, under oath, by all the said joint seigniors together, if they be of age, or if any of them be minors, by the joint seigniors being of age and the tutor of the minors, when they shall be agreed on the valuation so to be made and shall think fit so to do by one and the same declaration; but each of the said joint seigniors being of age, and the tutor of the minors shall be entitled to make the said valuation by a distinct and separate declaration;

Case of co-seigniors *par indivis* provided for.

2. If within the prescribed time the *Grand-Voyer* receive several such declarations of valuation, he shall choose from among them the one which in his opinion contains the most just valuation, which shall in such case be substituted for that made by the valuator (the others being considered as not having been made) and shall be the only one binding upon the said joint seigniors, even for such of them by or for whom no such declaration has been made;

If several declarations are made *Grand-Voyer* to select.

3. The curator to a vacant estate shall have the same right to make the said declaration as the tutor to minors;

Curators may make declaration.

4. In the cases provided in the foregoing paragraphs the said declaration may be also made by the agent of the seignior or by the person appointed by him to receive the seignorial dues and profits, in the manner prescribed by the seventh paragraph of the foregoing section.

And the agent of the seignior.

67th SECTION.

1. Every seignior shall within twelve months from the day this act shall come into force, cause to be made, by a

Each seignior to make a plan

of his seigniority.

What it shall show.

And as to unconceded lands.

One duplicate of the plan to be deposited with the Grand-Voyer.

If this seigniority extend into two counties.

Grand-Voyer to make plan in default of seignor and at his cost.

Duplicate to be filed of record.

sworn surveyor, a plan or map of his fief or seigniority, or of any part of a fief or seigniority which he may possess,—which plan shall clearly show—the conceded and unconceded lands, the names of the present proprietors, possessors or occupants; the lands conceded but abandoned by the grantees or their successors; the seignorial manor; the lands held, cleared or cultivated by him either under the name of the “Domain” or as farms or otherwise, whether they were or were not originally conceded; the banal mill as well as the lands, dikes, dams or other works necessary for the working of the said mill; the roads, by-roads, streets and public places; the rivers, rivulets or large streams of water, the parishes, towns and villages, situate either wholly or in part in the said seigniority; the said plan shall also exhibit, with reference to the unconceded lands, the course or direction of the concessions to be made therein in such a manner as to shew, in case of the opening of roads through the said lands, which of such roads will be front roads or by-roads;

2. The said plan shall be in duplicate, and each duplicate shall be certified dated and signed by the said surveyor; one of the said duplicates shall remain in the hands of the seignor and the other shall within the twelve months mentioned in the foregoing section, be transmitted by the seignor to the *Grand-Voyer* of the county within the limits of which such said fief or seigniority or such part of a seigniority may be situated; and if any such fief or seigniority or any such part of a fief or seigniority be situated partly in one county and partly in another, then a duplicate of the said plan or map duly certified, dated and signed as aforesaid, shall be transmitted, within the aforesaid time, to the *grand-voyer* of each of the said counties;

3. If the seignor fail to cause the said plan or map to be made or to transmit to the *grand-voyer* within the prescribed time a duplicate thereof; such *grand-voyer* shall have the power to cause such plan or map to be made in the same manner, as far as possible, as the seignor ought to have made it; and the said *grand-voyer* shall sign the said plan or map and transmit a duplicate thereof to the said seignor and another to such other *grand-voyer* as shall be entitled to it; the whole at the cost and expense of the seignor, for the payment of which costs and expenses the *grand-voyer* shall have a right of action in any court of competent jurisdiction.

4. The duplicate of every such plan or map shall remain of record in the office of the *grand-voyer*.

5. If there be joint-seignors as aforesaid, the said plan or map may be made in the same manner and by the same persons as are authorised under similar circumstances to make the declaration of valuation mentioned in the 66th section of this act, and if several plans or maps be sent to the *grand-voyer*, he shall have the right to choose such one of the said plans or maps as shall appear to him best suited to guide him in the exercise of the duties of his office.

Case of co-seignors provided for.

## PROFESSIONAL MEN AND TRADESMEN.

### 68th SECTION.

- 10 1. Every merchant or trader, carrying on trade or commerce in a locality, whether resident therein or not, or possessing or not possessing therein any real property, shall be considered by reason of his so trading, liable for all the purposes of this act or of any other act whatsoever
- 15 concerning the municipal system or the road system, as liable to assessment in the said locality; the value of his business shall be estimated by the valutors of the locality as a distinct property; but such value can in no case be estimated at a higher sum than £                      currency;
- 20 2. The provisions of the preceding paragraph shall also apply to every advocate, notary, physician, surgeon or surveyor residing in a locality and there practising his profession; the value of such practice shall also be estimated for the same purposes, by the valutors, as a distinct pro-
- 25 perty; but such value can in no case be estimated at a higher sum than £                      currency;
3. Each and every one of the persons designated in this section shall be liable to pay upon the said valuation the same rates as other rate payers in the same locality, in the
- 30 same manner as if such valuation were the valuation of real property in the said locality.

Value of their business to be estimated.

Levitation.

Value of certain professions to be estimated.

Levitation.

Assessment on such valuations.

## PROPERTIES AND PERSONS EXEMPTED FROM PAYMENT OF RATES.

### 69th SECTION.

1. All public buildings intended for the use of the civil government, for military purposes, for the purposes of education or religious worship, all parsonage houses, burying
- 35 grounds, charitable institutions, and hospitals incorporated

Public buildings.

by act of parliament, and the lands upon which such buildings are erected shall be exempt from all assessments or rates imposable by and in virtue of this act or of any other act concerning the municipal system ;

Indigent persons.

All persons who, by reason of their poverty or the scantiness of their means, shall at any time in any year, by a by-law of the municipality of their locality, be declared exempt from the payment of the said assessments or rates imposed during and for the said year, shall be thereby exempted from the payment thereof. 5 10

### COURTS IN WHICH SUITS FOR ASSESSMENTS OR PENALTIES SHALL BE BROUGHT.

#### 70th SECTION.

Penalties may be recovered before justices of the peace or commissioners courts.

10. Whenever it shall be necessary to sue for the recovery or payment of fines or penalties imposed by this act, or by any other act concerning the municipal system, or the road system, or by any by-law made by competent authority in and by virtue of this act, or of any other like act, 15 every such suit shall be brought, except in cases where special provision to the contrary may be made, before any justice of the peace in the locality in which the party sued shall reside, and if there be no justice of the peace in such locality, then before any one of the justices of the peace in 20 any one of the localities adjacent to that in which the party thus sued resides ; and any one justice of the peace in either of the localities in which such suit may be thus brought, shall for such purpose constitute a court of competent jurisdiction in such matter, to hear and determine any such 25 suit ; and every such suit may in like manner be brought before the court of commissioners for the summary trial of small causes, sitting in such said locality ; and in such case the said court of commissioners shall constitute a court of 30 competent jurisdiction in such matter to hear and determine any such suit, and all the fines or penalties incurred by any such person may be included in the same suit.

And assessments also, up to a certain amount.

2. The preceding provisions shall apply in like manner to suits for the recovery or payment of any rates or assessments, either in money, materials, or day labour, or for the 35 recovery or payment of any other kind of tax payable in any locality, either in virtue of this act or of any other act whatsoever concerning the municipal system or the road system, provided the amount sued for do not exceed £ 40 currency, in which case such suit shall be brought either the superior court or the circuit court, as the case may be.

Exception.

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3. Every judgment rendered in any such suit in the cases provided by the two foregoing paragraphs, shall be so rendered with costs, and execution may issue thereon at the expiration of eight days from the date of such judgment ;  
 5 and it shall be the duty of every such magistrate, or of one of the commissioners of the said commissioner's court, to issue such execution under his own signature, on demand made for the same.

As to execution and costs.

4. The clerk of the municipal council of the locality in  
 10 which such suit shall be brought, shall be *ex officio* in every such suit, clerk to the justice of the peace, and it shall be his duty to keep in a faithful and correct manner, a register in which he shall enter the judgments of the justices of the peace in any such suit ; and the summons and every other  
 15 proceeding relating to the said suit shall remain of record in the office of the said clerk.

Clerk of the municipality to act as clerk of J. P.

5. On the day of the return of the summons, and at every other stage of the proceedings thereon, the justice of the peace who shall have signed the summons shall have  
 20 the right to sit in the case, in preference to and to the exclusion of any other justice of the peace present.

What J. P. may hear the case.

6. There shall be an interval of at least three days between the day of the service of the summons and the day of the return thereof.

Delay.

7. Every such suit shall be decided upon the oath of  
 25 any municipal councillor, or of any inspector or other municipal officer, or upon the oath of any other credible witness, which said oath every such court is hereby authorised to administer.

Evidence.

8. The party condemned in any such suit brought before  
 30 a justice of the peace, shall be liable to pay the same costs to which he would have been condemned in a like case before the commissioners' court.

Costs before justices of the peace.

71st SECTION.

1. Every suit for the recovery of fines or penalties mentioned in the preceding section, shall be brought, either by  
 35 the *grand-voyer* or the clerk or treasurer of the municipal council of the locality in which such fines or penalties shall have been incurred, in their said qualities respectively ; and every such suit may be commenced within six months of  
 40 the day on which such fine or penalty shall have been incurred, and not after.

By whom and within what time the prosecution may be brought.

Appropriation  
of penalties.

2. All the said fines or penalties paid either before or after suit as aforesaid shall belong one half to the *grand-voyer* and the other half in equal shares to the said clerk and the said treasurer, when those duties are performed by two separate persons, or the whole to any person who may hold both offices; the whole amount of every such fine shall be paid to any one of the said officers who shall account therefor to the other or others. 5

## SALE OF REAL PROPERTY FOR THE PAYMENT OF ASSESSMENTS.

### 72nd SECTION.

Annual state-  
ment of taxes-  
due to be  
made by  
*Grand-Voyer*.

1. It shall be duty of the *grand-voyer* to make out, annually, in the month of January, a statement of the rates or assessments due and payable in any locality, which statement shall shew the real property upon which the said rates or assessments were imposed and the amount or balance thereof still due; 10

Publication to  
be made and  
notice to be  
given.

2. He shall publish the said statement or an extract therefrom in the *Official Gazette*, twice in the month of february following, with a notice in the english and french languages, under his own signature, notifying the parties concerned that the said properties respectively will be by him publicly sold in the month of june following for the payment of the taxes aforesaid, including all costs and expenses whatsoever; and the said *grand-voyer* shall publish and post up or cause to be published and posted up in the locality in which such real properties shall be situated, at the places in which, by the fourth section of this act, the notice for the meeting of the inhabitants for the election of councillors is to be published and posted up, and the said *grand-voyer* shall keep a certificate in due form of every such publication and posting; 15 20 25

Particulars to  
be stated in  
the notice.

3. The said notice shall specify the place, day and hour at which such sale shall commence and shall also shew (opposite or after the number or the description of every real property so for sale) the amount of the sum to be raised by the said sale for the discharge of the said assessments as aforesaid; and every such property, if the same be situated in a township, shall be designated by its range and number, and if it be within the limits of a fief or seigniory by its metes and boundaries; and the said sale shall be 30 35

held at the place where the last session of the municipal council of the locality was held, or at such other place within the said locality as the *grand-voyer* shall think proper to appoint;

5 4. All the lots thus for sale in the same locality may be included in the same statement and in the same notice.

One notice to suffice for a locality.

5. Every such sale may take place either before or after suit for the recovery of the payment of the said assessments; but it shall not take place if in the interim the party liable for the payment of the said taxes pay to the *grand-voyer* the amount of the sum thus to be raised, together with his just proportion of the costs, and expenses incurred for effecting the said sale, which said share shall be fixed by the *grand-voyer*.

Suit for taxes not to prevent or be necessary to a sale.

15 6. At the place, day and hour appointed for the said sale, the *grand-voyer* shall make known the amount of the sum to be raised as aforesaid upon each such property, to which amount he shall add the just proportion of the costs and expenses to be borne by each such property; 20 the person who shall then and there offer to pay to the *grand-voyer* the amount of the said sum thus to be raised, for the smallest part, quantity or portion of the said property, shall be considered the purchaser, and such said part, quantity or portion of the said property shall be ad- 25 judged to him by the *grand-voyer*; the said quantity thus sold, unless it forms the whole of the said property, shall not embrace a frontage of greater extent than a sixth part of the depth thereof if situated in a seigniory, and if situated in a Township it shall have no greater frontage than 30 the third of its depth, and in both cases the said quantity shall be measured off from one or other of the front angles of the entire property; and at any subsequent sale of another portion of the said property, the *grand-voyer* shall commence by a tract of equal width with the former, 35 measuring backwards from the rear line of the tract previously thus sold.

Mode of selling property for taxes.

What part shall be sold if the whole lot be not sold.

7. In every case which, from the position or description of the property so to be sold the mode described in the preceding paragraph cannot in the opinion of the *grand-voyer* be advantageously pursued, then it shall be in the 40 discretion of the said *grand-voyer* to sell such portion of such property as shall appear to him best for the interest of the proprietor or occupant of the said property.

Discretionary power to the Grand-Voyer.

8. If any purchaser shall fail to pay on the day of sale 45 the amount of the said purchase, it shall be lawful for the

Re-sale if the purchaser does not pay.

*grand-voyer* to adjourn the sale to any day not more than eight days distant, by giving all persons present notice of such adjourned sale, in an audible and intelligible voice in both the English and French languages; and on the day of such adjourned sale it shall be lawful for the *grand-voyer* again to put up the said property to auction, and to sell the same or any additional portion thereof, unless the first purchaser shall in the meantime have paid the full amount of assessments and charges due thereon. 5

Certificate to the purchaser.

9. On payment by the purchaser of the said amount of 10 purchase the *grand-voyer* shall give him a certificate under his signature, specifying the particulars of such sale, and the said purchaser may forthwith enter upon and take possession of such lot or parcel of land; but if within twelve calendar months from the time of such sale the proprietor 15 of the lot, or any one on his behalf shall pay to the *grand-voyer* the amount levied together with twenty per cent in addition to the same, then he shall be entitled to receive possession of the lot or parcel of land so sold and the *grand-voyer* shall on demand pay to the purchaser thereof 20 his heirs, assigns or representatives, the full amount received by him from the original proprietor; and the right acquired by such purchaser shall thenceforth wholly cease and determine;

Right of redemption reserved to the owner.

Deed to purchaser when term of redemption expires.

10. If at the expiration of twelve calendar months from 25 the time of such adjudication, the land so adjudged shall not be redeemed as aforesaid, then the *grand-voyer* on demand by the purchaser, his heirs, assigns or representatives, and upon proof of the payment of the arrears of any other assessments which may in the meantime have become 30 due thereon, shall execute a deed of sale in due form of law to such purchaser, his heirs or legal representatives; and such deed of sale shall be, to all intents and purposes a legal conveyance of the said property and shall discharge not only all privileges and hypothecs, but also every other right 35 or title arising or resulting from dower, substitution or any other legal cause whatsoever.

Its effect.

# MONTREAL, QUEBEC, THREE RIVERS AND ST. HYACINTH.

## 73rd SECTION.

1. The provisions of this act shall not extend to that portion of the parish of Montreal which forms the city of Montreal as incorporated by law; nor to those portions of the parishes of Quebec and St. Roch respectively which form the city of Quebec as incorporated by law; nor to that portion of the parish of St. Hyacinth which form the town of St. Hyacinth as incorporated by law;
2. So that the municipality of the parish of Montreal shall comprise only that portion of the said parish which is without the limits of the said city of Montreal; the municipality of the parish of Quebec shall comprise only that portion of the said parish which is without the limits of the said city of Quebec; the municipality of the parish of St. Roch shall comprise only that portion of the said parish which is without the limits of the said city of Quebec; the municipality of the parish of St. Hyacinth shall comprise only that portion of the said parish which is without the limits of the said town of St. Hyacinth;
3. It is declared that the provisions of this act shall extend to the municipality of the town of Three Rivers, as it now is, as if the said municipality had been erected into a town municipality according to the formalities prescribed by this act in such case; and from and after the commencement of this act the said municipality shall be to all intents and purposes considered as a new town municipality created by this act, and all the powers, functions and duties vested in or imposed upon the municipal council of the said town by the act passed in the session of the parliament of this province held in the 13th and 14th years of Her Majesty's Reign, chapter 104, are hereby vested in the said municipality;
4. So that the municipality of the parish of Three Rivers shall comprise only that portion of the said parish which is without the limits of the said town of Three Rivers; and for the purposes of this act, the parish of Three Rivers shall be understood to comprise all that tract of country now actually ministered unto (*desservi*) as the parish of Three Rivers, including the several concessions upon the St. Layrence or back from it, up to the tract actually comprised within the ministration of the parish of Pointe du Lac, and as far as the *fief* St. Etienne.

Act not to extend to certain parts of the parishes of Montreal, Quebec, St. Roch and St. Hyacinth.

Municipalities of those parishes to consist of the remainder only.

Town of Three Rivers incorporated.

Certain powers vested in the corporation.

Of what the municipality of the parish of Three Rivers shall consist.

## GASPÉ.

## 74th SECTION.

Additional powers of municipal councils in Gaspé.

In the district of Gaspé the municipal council of each county municipality shall, in addition to the powers and functions hereby vested in the municipal councils of counties, have power to make by-laws for regulating the salmon fisheries and other fisheries there carried on, either upon the sea shore or upon the waters of the rivers adjacent to or passing through such municipality. 5

## APPOINTMENT OF GRAND-VOYER, &amp;c., &amp;c.

## 75th SECTION.

Style, &c., of Grand-Voyer.

1. There shall be a *grand-voyer* for each county in Lower Canada, who shall be called, "The *Grand-voyer* of the county of \_\_\_\_\_" (*here insert the name of the county*); 10

How and when he may be appointed.

2. Such *grand-voyer* shall be appointed by the governor by letters patent under the great seal of the province; he may be so appointed at any time after the passing of this act and before the time appointed for its coming into force, and such appointment shall in that case, have the like validity and the like effect to all intents and purposes, as if it had been made after the said day, and the *grand-voyer* shall be held to enter of full right upon the exercise of his office upon the day appointed for the commencement of this act; 15

Tenure of office. Powers.

3. Every such *grand-voyer* shall hold his office during pleasure; he shall have all such rights and powers as by this act or by any other act or law are vested in any county *grand-voyer*, and shall perform all the duties and fulfil all the obligations of the office; 25

May appoint a deputy. His powers.

4. The *grand-voyer* shall have power, by an instrument under his hand to appoint a deputy, and such deputy is hereby empowered to exercise all the functions of the *grand-voyer*, whenever he shall be by him thereunto required, and shall continue to exercise them in the case of the decease, removal, suspension and resignation of the *grand-voyer*, until his successor in office shall have been appointed: and the instrument appointing any such *deputy* 30

*grand-voyer* shall be entered at full length in the register of the *grand-voyer* : it shall be lawful for the *grand-voyer* at any time to remove his deputy by an instrument under his hand entered as aforesaid, and to appoint another in his stead ;

May be removed.

5. The *grand-voyer* shall keep a register in which he shall enter or cause to be entered at full length, all *procès-verbaux* made by him or his deputy, and all other documents which are or shall hereafter be required by law to be entered therein :—he shall have the custody of all registers, *procès-verbaux*, apportionments or assessment rolls, judgments, resolutions, maps, plans, returns, papers and documents whatsoever, which by law ought to remain of record in his office :—he shall keep a duplicate of all letters, instructions, orders or drafts by him written or issued in the exercise of his functions, and such duplicate shall remain of record in his office ;

Grand Voyer to keep a register.

To have charge of certain documents, &c.

6. The *grand-voyer* shall also keep a repertory in which he shall refer in a summary manner, and as far as may be in the order of their dates, to all registers, *procès-verbaux*, apportionments or assessment-rolls, judgments, resolutions, maps, plans, returns, notices, letters and papers whatsoever which may come into his possession in the exercise of his functions ; and at the expiration of each year, it shall be his duty to transmit to the provincial secretary, to remain of record in the office of the said secretary, a copy by him duly certified of all the entries made in his repertory during the said year ; and every such copy so certified by the *grand-voyer*, and every copy of or extract from the same certified by the said provincial secretary, shall be *prima facie* evidence of the contents thereof ;

To keep a Repertory ; its contents.

7. It shall be the duty of the *grand-voyer* to deliver to any person who shall apply for the same, a copy of any document which shall be in his possession or custody as *grand-voyer*, or of record in his office ; and every such copy certified by him as correct shall be *prima facie* evidence of the contents thereof.

G.-V. to give copies of documents.

8. Every municipal officer of any locality, whether appointed by the municipal council of such locality or by the *grand-voyer*, shall be under the control of the latter, and bound to carry into effect such orders as he may give him from time to time, within the scope of his functions and authority as *grand-voyer*.

All municipal officers to obey his orders.

His powers as to the number of Inspector's divisions.

9. The *grand-voyer* may at any time if he thinks proper, as provided by the 7th paragraph of the 27th section, fix the least number of inspector's divisions which in his opinion there ought to be in any locality; and in this case the municipal council shall not divide such locality into a less number of divisions, but may increase such number up to ten; and such least number may be so fixed by a letter from the *grand-voyer* to the mayor of the municipality of the locality. 5

#### 76th SECTION.

Certain proces verbaux and other documents to be delivered to the Grand-Voyer by whoever may have them.

1. Immediately after the commencement of this act, all registers, *procès-verbaux*, apportionments or assessment-rolls, judgments, resolutions, maps, plans, returns, papers and documents whatsoever, in any manner relating to the municipal system or to the road laws, at any time theretofore in force in Lower-Canada, which at the commencement of this act shall be or ought to be according to the laws in force up to that time, in the possession or keeping or under the control of the municipal authorities of any county constituted under the act passed in the session of the legislature of this province held in the tenth and eleventh years of Her Majesty's Reign, chapter seven, or in the possession or keeping or under the control of any officer appointed by the said municipal authorities, or of any other person whomsoever, shall be delivered up to the *grand-voyer* of such county, to remain of record in his office; 10 15 20 25

Penalty on persons having such documents and not delivering them to G.-V.

2. Any such officer or other person as is mentioned in the next preceding paragraph, who at the commencement of this act, or at any time thereafter, shall have in his possession or keeping or under his control, any of the documents, papers or things mentioned in the next preceding paragraph and the delivery whereof to the *grand-voyer* is thereby required, shall be bound within one month from the commencement of this act, to bring and to deliver the same to the *grand-voyer*; and in default of his so doing every such officer or other person shall incur a penalty of currency; 30 35

Grand-Voyers, &c, to deliver up official documents to their successors.

3. Every person who shall have held the office of *grand-voyer*, and every person who shall have held any municipal office in any municipality under the operation of this act or any other act concerning the municipal system, shall be bound, within one month after going out of office, to bring and deliver to his successor in office all books, documents 40

and papers whatsoever appertaining to his said office, which at that time shall be or ought to be in his possession or keeping or under his control; and in default of his so doing every such person shall incur a penalty of \_\_\_\_\_ currency;

5 4. The foregoing provisions shall extend to the heirs, legatees or other legal representatives of any such person as is mentioned in the next preceding paragraph and under the same penalty;

Legal representatives bound.

10 5. There shall also lie, for compelling such delivery as is required by this section in the cases therein mentioned, a civil personal action in the superior court or in the circuit court, on the part of the person to whom such delivery ought to be made, against any person who is bound to make such delivery, in which action the plaintiff may also recover 15 damages and costs; and every judgment in any such action by which delivery or the payment of damages or both shall be ordered, may be enforced by *contrainte par corps* against the party condemned, according to the laws in force in such cases in Lower Canada, if by the declaration in the 20 action such *contrainte* is demanded.

Civil action given for the recovery of such documents.

## OATHS.

### 77th SECTION.

1. In all cases where no special provision in that behalf is made by this act, any oath or affirmation required by this act may be made before the *grand-voyer* of the county or his deputy; or before the mayor of the municipality or 25 before a justice of the peace;

Before whom oaths may be taken.

2. Every person before whom an oath or affirmation may be made under the provisions of this act, is hereby empowered and required to administer such oath or receive such affirmation, and without payment or fee;

Oath to be administered without fee.

30 3. All returns of service, or of publication and posting up, and all certificates required under this act in the several cases therein provided for, shall be made on oath in the manner hereinbefore prescribed by the person who shall have served, published or posted up the document in ques- 35 tion or granted the certificate, whenever such person shall not be the *grand-voyer* or his deputy, or one of the municipal councillors or officers, or a bailiff duly admitted to act as such by some court of justice.

Returns to be made on oath in certain cases.

Voluntary  
false swearing  
to be perjury.

4. Every person required by this act to take any oath or to make any affirmation, and who shall wilfully serve or affirm falsely, shall be guilty of wilful and corrupt perjury and punishable accordingly.

FEEES TO THE GRAND-VOYER.

78th SECTION.

1. The *grand-voyer* shall be entitled to receive and demand from the party to whom it may appertain to pay the same, the fees hereinafter mentioned and fixed, that is to say

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- For the original, in both languages, of every notice of a meeting for the election of councillors, when such notice shall contain no annexation of a township or parish, or of part of a township or parish.
- For such original, if the notice contains such annexation.....
- For each copy required of such notice in either of the cases above mentioned.....
- For the letter of deputation in duplicate, mentioned in the 4th section of this act.....
- For the original of the *grand-voyer's* notice to the councillors elected, notifying them of their election .....
- For each copy required of the said notice .....
- For an original of any instrument or letter appointing any councillor, mayor or delegate, or any municipal officer whatsoever .....
- For each copy required of such instrument or letter..
- For the original of any notice calling a special session of the municipal council, either of the county or of any locality therein, or a session of the council of delegates .....
- For every copy required of such notice.....
- For having presided at any election of councillors, or at a session of the municipal council, whether of the county or of any locality, or at a session of the council of delegates .....
- For the original of each *procès-verbal* of the *grand-voyer* concerning any public road, and all things making part thereof, or for the erection of any tract of land into a town or village municipality.

- For each copy required of any such *procès-verbal* or of any valuation roll made by the valuers of any locality, including, when the case shall happen, any declaration of the value of any fief or seignior, or of any portion of a fief or seignior, making part of such valuation roll; for each hundred words in such copy.....
- For the original of each notice of a visit to the spot, to be given to the inhabitants previously to the drawing up of a *procès-verbal*, in the cases provided for by this act.....
- For each copy required of any such notice.....
- For making to the original of any *procès-verbal* of the *grand-voyer*, or of any valuation roll, the alterations and additions necessary to render the original conformable to the amendments made to such *procès-verbal* by competent authority in any of the cases provided for by this act, viz., for each hundred words in such amendments.....
- For every act of apportionment of the contributions required for the execution of any municipal work, when several localities are interested therein....
- For each assessment roll fixing the sum payable by each of the inhabitants of any one locality, either for the execution of any work, or for the payment of any debt or costs.....
- For each copy required of any such act of apportionment or of any such assessment roll, or of any part of either; viz., for each hundred words in such copy.....
- For the original of any yearly return of assessments due and exigible, in the case provided for by this act.....
- For each copy of or extract from such return the publication whereof in the *Official Gazette* is required by this act.....
- For the original (in both languages) of the notice to be given to the parties interested, of the public sale of lands for the payment of assessments, in the case provided for by this act.....
- For each copy required of the said notice.....
- For each certificate of adjudication by him delivered to the purchaser of any parcel of land sold at such public sale.....

- For receiving from the original owner the sum necessary to enable him to re-enter into possession of any such parcel of land; (this fee payable by such owner to the *grand-voyer*).....
- For executing a deed of sale to the purchaser of any such parcel of land, in the case provided for by this act; (this fee payable by such purchaser to the *grand-voyer*).....
- For transmitting to the provincial secretary, all the documents relative to the projected erection of a town or village municipality.....
- or posting up the proclamation of the governor relative to the erection of such municipality.....
- For the original of his letter to the mayor of any locality fixing the number of inspectors' divisions, in the case provided for by this act.....
- For the copy of such letter.....
- For every draft or order upon the treasurer of the municipal council of any locality, for the payment of money, in the cases provided for by this act.....
- For the original of each notice of the adjudication of municipal work to be given out by contract.....
- For each copy of such notice .....
- For receiving and examining all tenders made for any work to be so given out by contract.....
- For having made no accepted, in the cases provided for by this act, any contract or bond of suretyship concerning any municipality.....
- For drawing up and transcribing in his register, the minute of proceedings at any session of the council of delegates at which he may have presided..
- For each return or certificate either of service or of publication and posting up, in any case where such return or certificate is required by this act, and ought according to the provisions thereof to remain in the custody of the *grand-voyer* or of record in his office, whether such return or certificate be made by the *grand-voyer* himself, or by some other person.....
- For receiving and depositing in his office, in each case provided for by this act, whether coming into his hands by service, transmission or delivery, any

£ s. d.

instrument or document whatsoever whereof the *grand-voyer* is to have the custody according to the provisions of this act; excepting nevertheless the cases provided for by the preceding paragraphs of this section, and that provided for by this section.....

For each day which the *grand-voyer* shall have necessarily spent in visiting the spot previously to drawing up any *procès-verbal*, or in accompanying the *grand-voyer* of another county in any such visit in the case specially provided for by this act, or in superintending the execution of any municipal work not given out by contract, or in selling lands as aforesaid for the payment of assessments, or in attending the sittings of any municipal council at the time of the consideration, by such council, of any *procès-verbal* of the *grand-voyer*, or of any valuation-roll, or in taking a census of the population of a locality annexed to another, in the case specially provided for by this act.....

For a copy of any document in his possession or keeping or of record in his office, delivered to any person demanding the same, and not already mentioned in this tariff; viz., for each hundred words in such copy (this fee payable by the person demanding the copy).....

For every mile travelled within the county concerned, to effect any service, publication or posting up, in cases where the same are required by this act; whether such service, publication or posting up be effected by himself or by some other person.....

To remunerate him for his care and trouble about any action or suit brought by him in his quality of *grand-voyer*, such remuneration not to exceed shillings for each day which, in the opinion of the court the *grand-voyer* shall have usefully spent for such purpose, but to be nevertheless only allowed in the discretion of the court; such remuneration when allowed, to make part of the costs in the action or suit and to be paid by the defendant if the judgment be against him.....

For receiving or for the deposit in his hands, in the cases provided for by law, of monies belonging to any municipality; viz., a commission of per cent on such monies.....

Governor in council may reduce the fees. 2. It shall always be lawful for the governor by an order in council to reduce the fees in the foregoing tariff;

Fees (except in special cases) to be paid by the municipality interested.

3. The said fees, except in the special cases above mentioned in which there is in the tariff some other provision in that behalf, shall be due and payable to the *grand-voyer* by the municipality of every locality concerned in the proceedings and matters mentioned in each article of the tariff, in respect whereof such fees are allowed, and shall be recovered and paid as any other debt of such municipality due by all the inhabitants thereof; and in cases where two or more localities shall be concerned in such proceedings or matters, the *grand-voyer* shall apportion the said fees among such localities on the same principle according to which in similar cases the contributions to be furnished by the several localities towards any municipal work are to be apportioned; and in such case the share which each locality, according to such apportionment, ought to bear of the fees so due and payable as aforesaid to the *grand-voyer*, shall be recovered and paid as any other debt of the municipality of such locality due by all the inhabitants thereof;

May be recovered as a debt.

Grand-Voyer may require an advance in certain cases.

4. The *grand-voyer* of any county, when required in the manner provided by this act, to make a visit to the spot preparatory to the making of a *procès-verbal* for effecting the erection of any town or village municipality, or the execution of any municipal work, shall not be bound to make such visit unless the sum of £ currency be advanced to him, to ensure the payment of his fees, and to be accounted for by him to the proper parties in due time and place.

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#### 79th SECTION.

Word "locality" interpreted.

1. The word "locality" whenever it occurs in this act or in any other act relating to the municipal system or to the road laws, shall be held to include and shall be interpreted as including any territory erected by virtue of this act into a parish or township municipality or a town or village municipality; the word "owner" when used in any such act shall be held to include and shall be interpreted as including all persons or corporations whatever who shall occupy any real property within the limits of a locality, as proprietors, or as usufructuaries, or as lessees under leases made for terms not exceeding nine years.

Word "owner" interpreted.

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80th SECTION.

1. This act shall commence and take effect from and after the thirty-first day of december next; it shall be deemed a public act and shall apply only to Lower Canada; Commencement of Act.

5 2. It shall be the duty of the provincial secretary, immediately after the passing of this act, to cause a sufficient number of copies thereof to be printed, and to be distributed in the several parishes and townships, without waiting for the ordinary printing and distribution of the other 10 acts. Act to be printed and distributed immediately.