

The Provincial Statutes of Lower-Canada, Being the sixth session of the of the Special Council, begun and holden at the City of Montreal, in the said Province of Lower Canada, fifth day of November, 1840, and ending the ninth day of February, 1841. Quebec: John Carleton Fisher & William Kemble, Law Printer to the Queen's Most Excellent Majesty, 1841.

4 Victoria – Chapter 4 (Session 6)

An Ordinance to provide for the better internal Government of this Province, by the establishment of local or municipal authorities therein.

Whereas for the better protection and management of the local interests of Her Majesty's subjects in this Province, and for the advancement of the internal prosperity thereof, it is expedient and necessary that Municipal authorities, be established in the several Districts of the said Province:—Be it therefore Ordained and Enacted by His Excellency the Governor of this Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs thereof, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, "An Act to make temporary provision for the Government of Lower Canada," and also by virtue and under the authority of a certain other Act of the same Parliament passed in the Session held in the second and third years of the Reign of Her present Majesty, intituled, "An Act to amend an Act of the last Session of Parliament, for making temporary provision for the Government of Lower Canada;" and also by virtue and under the authority of a certain other Act of the same Parliament, passed in the Session held in the third and fourth years of the Reign of Her present Majesty, intituled, "An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada;" and it is hereby Ordained and Enacted by the authority of the said Acts of Parliament, that it shall be lawful for the Governor of this Province, by his Proclamation under the Great Seal thereof, to be issued by and with the advice of Her Majesty's Executive Council, in this behalf, to erect and constitute such and so many Districts in this Province for the purposes of this Ordinance, as to him shall appear expedient, and to fix, appoint and declare the limits of such Districts respectively, and also by Proclamation and by and with such advice as aforesaid, from time to time, as circumstances may render necessary, within two years from the passing of this Ordinance, to alter the limits of any such District.

II. And be it further Ordained and Enacted, that each of the Districts so erected and constituted shall be, and is hereby constituted a Body Corporate, and, as such, shall have perpetual succession and a common seal, with power to break, renew and alter the same at pleasure, and shall be capable in law, of suing and being sued, and of purchasing and holding lands and tenements, situated within the limits of such District, for the use of the inhabitants thereof, and of making and entering into such contracts and agreements as may be necessary for the exercise of its corporate functions, and that the powers aforesaid shall be exercised by and through and in the name of the Council of every such District respectively.

III. Provided always, and be it further Ordained and Enacted, that it shall not be lawful for any District incorporated as aforesaid, to exercise any other powers of a corporation except such as are herein mentioned, or such as shall be expressly conferred by the Legislature of this Province, or such as shall be necessary for the due execution of the powers herein granted.

IV. And be it further Ordained and Enacted, that there shall be a District Council in each of the Districts to be erected and constituted as aforesaid, which District Councils shall consist of a Warden and Councillors, to be appointed and elected as hereinafter provided.

V. And be it further Ordained and Enacted, that it shall be lawful for the Governor of this Province, by Letters Patent to be issued under the Great Seal of this Province, to appoint from time to time, as occasion may require, one fit and proper person to be Warden of and in each of the said Districts, for the purposes of this Ordinance, which Warden shall hold his office during pleasure.

VI. And be it further Ordained and Enacted, that at the first meeting of the Inhabitant householders of the several Parishes and Townships, or reputed Parishes and Townships or Unions of Parishes and Townships, and of reputed Parishes and Townships, in the respective Districts in this Province, to be held in pursuance of a certain Ordinance made and passed in the present year of Her Majesty's Reign, intituled, "An Ordinance to prescribe and regulate the election and appointment of certain officers in the several Parishes and Townships in this Province, and to make other provisions for the local interests of these divisions of the Province," there shall be elected by the said Inhabitant householders, assembled and qualified in the manner prescribed by the said Ordinance, one or two Councillors, to be members of the said District Councils, respectively, according as such local divisions as aforesaid, may by reason of the amount of their population, and according to the provisions hereinafter contained, be empowered and required to elect one or two Councillors; and at each succeeding annual meeting to be held as aforesaid, there shall be elected by the Inhabitant householders assembled and qualified as aforesaid, a Councillor or Councillors to supply the place of the Councillor or Councillors (if any there be) who, having been elected for the local division for which the meeting shall be held, shall have vacated his or their seat or seats, in the manner hereinafter provided; and a Councillor to represent such local division in the District Council, if such local division shall, since the then last election, have become entitled to elect two such Councillors instead of one.

VII. And be it further Ordained and Enacted, that the said Inhabitant householders shall at every such meeting first proceed to the election of a Councillor or Councillors; and the Poll for such election if demanded by any candidate or by any three electors then present, shall be kept open to an hour not later than three in the afternoon of the first day of such meeting, and shall then finally close. And the name of each elector voting at such election shall be written in Poll Lists, to be kept at such election by the Justice of the Peace or other person holding the same; and after the final close of such Poll, such Justice or other person shall forthwith proceed publicly to declare the number of votes given for each candidate,

and shall declare the person or persons having the majority of votes in his or their favour, to be duly elected Councillor or Councillors as aforesaid; and if there should be at such final closing of the Poll, an equal number of votes polled for two or more persons to be Councillors as aforesaid, it shall be lawful for such Justice or other person holding such election, and he is hereby required, whether otherwise qualified or not, to give a vote for one or other of the persons having such equality of votes, and so determine the election; and the Poll Lists kept at such election, shall, by such Justice of the Peace or other person, be delivered, after the conclusion of every such election, to the Clerk of the District for which such election shall have been held.

VIII. And be it further Ordained and Enacted, that the number of Councillors, to be elected for each of the said districts, shall be regulated as follows, that is to say:—Every Parish and Township, or reputed Parish and Township in which the population shall be above three hundred and not exceeding three thousand souls, shall elect one Councillor, and every Parish and Township, or reputed Parish or Township, in which the population shall exceed three thousand souls, shall elect two Councillors; and no parish or Township shall be entitled to elect more than two Councillors: Provided always, that the Unions of Parishes and Townships and of reputed Parishes and Townships, to be made in pursuance of the said Ordinance, passed in the fourth year of Her Majesty's Reign, shall be taken and considered to constitute Parishes and Townships for all the purposes of this Ordinance.

IX. And be it further Ordained and Enacted, that it shall be lawful for the Governor of this Province, before the first Monday in January, in the year of our Lord one thousand eight hundred and forty-two, to fix and determine by Proclamation under the Great Seal of the Province, in this behalf to be issued, by, and with the advice and consent of Her Majesty's Executive Council, the number of Councillors which, according to the amount of their population, shall be elected for each and every Parish and Township, or reputed Parish and Township in the several districts in this Province, and by Proclamation and Proclamations to be issued thereafter as occasion may require, to determine when any parish or Township, or reputed Parish or Township, by reason of its augmented population, shall be entitled to elect two Councillors instead of one, according to the provisions of this Ordinance, and also when any Parish or Township, or reputed Parish or Township, forming part of a Union as aforesaid, shall be respectively and separately entitled to elect a Councillor or Councillors by reason of its augmented population.

X. And be it further Ordained and Enacted, that every person to be elected a member of a District Council, as aforesaid, shall be resident within the Parish or Township, or reputed Parish or Township, for which he shall be elected, and shall be seized and possessed to his own use in freehold or in fief; or in roture, of lands and tenements within the District in which such local divisions respectively, shall be situated, or within some, one or other of the Districts next adjoining such District, of the value of three hundred pounds currency, over and above all charges and incumbrances, due and payable upon or out of the same.

XI. And be it further Ordained and Enacted, that no person being in Holy Orders, or being a Minister or Teacher of any dissenting or religious sect or congregation, nor any Judge or Judges of any court of justice, nor any military, naval, or marine officer in Her Majesty's service, on full pay, nor any person accountable for the District revenues, nor any person receiving any pecuniary allowance from the District for his services, nor any person having directly or indirectly by himself or his partner, any contract, or any share or interest in any contract, with or on behalf of the District, shall be qualified to be elected a Councillor in any District Council in this Province.

XII. And be it further Ordained and Enacted, that no person shall be capable, of being elected a Councillor, in any of the District Councils in this Province, who shall have been attainted for treason or felony, in any court of law in any of Her Majesty's Dominions.

XIII. And be it further Ordained and Enacted that every person duly qualified, who shall be elected to the office of Councillor, in any District Council within, this Province, shall accept such office, or in default thereof shall pay to the Treasurer of the District in which he shall have been so elected, a fine not exceeding, the sum of ten pounds currency, or such other fine instead thereof as may hereafter, be provided by a by-law of such Council, to be made in this behalf; and the said fine, if not duly paid shall, together with the reasonable costs of recovering the same, be levied by distress and sale of the goods and chattels of the person so refusing to accept office, in execution of the warrant of any Justice of the Peace having jurisdiction within the District, who is hereby required on the application of the Council, and after the conviction of the person so making default, by confession, or on the oath of one or more credible witnesses,-to issue such warrant; and the fine so recovered, shall be accounted for by the said Treasurer as part of the District funds in his hands. Provided always, that no person disabled by permanent infirmity of body, or mind, nor any person above the age of sixty-five years, nor any person who within five years from the day on which he shall have been so elected, shall have already served the said office of Councillor, or paid a fine for not serving the same, shall be liable to such fine as aforesaid.

XIV. And be it further Ordained and Enacted, that no person elected a Councillor as aforesaid, shall be capable of acting as such until he shall have taken and subscribed before the Warden of the District, or the Justice of the Peace or other person who shall have presided at the election (who are hereby authorized to administer the said oaths,) the oath of allegiance to Her Majesty, her heirs and successors, and also an oath in the words or to the effect following, that is to say, "I, A. B, having been elected a Councillor in the District Council of _____ do hereby sincerely and solemnly swear that I will faithfully fulfil the duties of the said office, according to the best of my judgment and ability; and that I am seized, and possessed, to my own use, of lands held in freehold (or in fief or in roture, as the case may be) within the District of _____ of the value of three hundred pounds currency, over and above all charges and incumbrances due and payable upon or out of the same; and that I have not fraudulently or collusively obtained the same for the purpose of qualifying me to be elected as aforesaid. So help me God."

XV. And be it further Ordained and Enacted, that every person duly qualified, who shall be elected to the office of Councillor as aforesaid, shall take and subscribe the oaths hereinbefore mentioned, within ten days after notice of his election; and in default thereof, such person shall be deemed to have refused to accept the said office; and shall be liable to pay the fine aforesaid as for non-acceptance of office, and the said office shall thenceforward be deemed to be vacant, and shall be filled up by another election.

XVI. And be it further Ordained and Enacted, that in cases where any duly qualified person. elected to the office of Councillor in any of the said Districts shall refuse to accept such office, or shall refuse or neglect to take and subscribe the above mentioned oaths, it shall be lawful for the Justice of the Peace, or other person who shall, have presided at the election at which such person was elected, as often as such case of refusal or neglect shall occur, to proceed, after four days notice in this behalf, to the electors qualified as aforesaid, to be posted at two or more of the most public places in the said Parishes or Townships, or reputed Parishes or Townships, to another election of a fit and proper person to supply the place of the person who shall have so refused or neglected to accept office, or to take and subscribe the said oaths; and the Councillor who may be elected at such new election, shall hold office until the time at which the person in whose place he may have been elected, would, according to the provisions hereinafter contained, have' gone out of office, and no longer, but shall be capable of immediate re-election, unless otherwise disqualified as aforesaid.

XVII. And be it further Ordained and Enacted, that if a vacancy or vacancies in any of the said Councils, whether arising, from the death of any of the Councillors, or other cause, shall occur before the annual period of election as hereinbefore prescribed, it shall be lawful for the Warden of the District in which such vacancy or vacancies shall have occurred, to issue in the name of Her Majesty, her heirs or successors, his warrant tinder his hand and seal, directed to one of the Justices of the Peace, or to some other discreet and competent person, resident in the: Parish or Township or reputed Parish or Township in which such vacancy or vacancies shall have occurred, requiring such justice or other person to proceed, after due notice in this behalf to the electors qualified as aforesaid, in causing an election to be made of a Councillor or Councillors, to supply such vacancy or vacancies; which warrant shall by such Justice of the Peace or other person, be duly executed and every Councillor elected under such warrant, shall vacate his seat in the Council, at the time when the person in whose stead he shall have been chosen would, according to the provisions hereinafter contained, have vacated his seat, but shall be capable of immediate re-election, if not otherwise disqualified; Provided always, that no such warrant shall be issued as aforesaid, after the third quarterly meeting in any year.

XVIII. And be it further Ordained and Enacted, that on the second Monday in January, in the year next following that in which the first election shall be had, and on the same day in every succeeding year, one third part of the entire number of Councillors in every district shall go out of office; and at the last quarterly meeting of each and every District Council, in the year in which such first election shall be had, it shall be determined by lot, which among the

Councillors shall go out of office for that year, and for the next, succeeding year; but thenceforward in all future years, those persons who shall have, been Councillors, without re-election, for the longest time, shall vacate their seats, Provided always, that when any District Council shall consist of a number of Councillors not divisible into three equal parts, it shall be lawful for such District Council, by a by-law to be made in this behalf, to fix and determine the number of Councillors to go out of office annually, which number shall be as near one third thereof as may be and the number so to go out of office annually, shall be so regulated by such by-law, that at the end of three years, none of the said Councillors shall remain in office; and provided also, that every Councillor who shall so go out of office shall, if not otherwise disqualified, be capable of being immediately re-elected.

XIX. And be it further Ordained and Enacted, that in order to determine, in each of the said Councils, what Councillors are to vacate their seats as aforesaid, in the first and second years after the first election under this Ordinance, the Clerk to be appointed as hereinafter provided, in each of the said Districts; or other officer to be appointed for that purpose by the Council, shall, at the last quarterly meeting of such Council, to be held in the year in which such first election as aforesaid shall be had, write the name of each of the Councillors on a piece of paper, and place the same folded up in a glass or box, from which the names shall be drawn by some person appointed by the Council for that purpose; and the third of the said Councillors, or the number of Councillors to go out in pursuance of such by-law as aforesaid, who shall vacate their seats in the year then next following, shall be those whose names shall be first drawn, and the third of the said Councillors, or the number to go out of office in pursuance of such by-law as aforesaid, who shall vacate their seats in the next succeeding year, shall be those whose names shall be next drawn.

XX. And be it further Ordained and Enacted, that at all meetings of every such Council, the Warden of the District shall preside; and, in case of his absence, death or incapacity to act, or of any accidental vacancy in the office of Warden, the members shall choose, from the Councillors present, one of their number to be temporary Chairman in the place of such Warden, during his absence, or during such accidental vacancy in the office of Warden.

XXI. And be it further Ordained and Enacted, that there shall be in each year, four quarterly meetings of every District Council in this Province, which meetings shall be held on the first Tuesday in the months of March, June, September, and December respectively; and the said meetings shall not at any time be held for a longer period than five successive days; and at no meeting of any such Council, shall any matter be deliberated or determined on, except such matters as fall within the scope of the powers and jurisdiction of such Council.

XXII. Provided always, and be it further Ordained and Enacted, that extraordinary meetings of any such Councils may be held, by and under the authority of the Governor of this Province, signified in writing to the Warden of the District, who shall give due notice thereof to the Councillors of the District; and such extraordinary meeting shall not continue beyond the period of five days; and no matters shall be deliberated or determined on, at any such extraordinary meeting, except those for which the same shall have been specially convened.

XXIII. And be it further Ordained and Enacted, that it shall be lawful for the Governor of this Province, by and with the advice of the Executive Council, by his Proclamation under the Great Seal of the Province, in that behalf to be issued, to appoint and determine, and to alter from time to time, as occasion may require, the place of meeting for every such District Council.

XXIV. And be it further Ordained and Enacted, that all acts whatsoever, authorized or required by virtue of this Ordinance, to be done by the Council of any of the said Districts, and all questions of adjournment or other questions that may come before any meeting of such Council, may and shall be done and decided, by the majority of votes of the members present at such meeting, other than the Warden; and the Warden, or in the absence of the Warden, the temporary Chairman shall, in all cases of equality of votes, have a casting vote; and in order to constitute a quorum, there shall be present at every such meeting, a majority of the entire number of Councillors, elected to serve in such Council.

XXV. And be it further Ordained and Enacted, that minutes of the proceedings of all the meetings of the said Councils, shall be drawn up and fairly entered in a book to be kept for that purpose by the Clerks of the said Councils, respectively; which minutes shall be signed by the Warden or temporary Chairman, who shall preside thereat; and the said minutes shall be open to inspection by any elector of the district, at all seasonable times, on payment of a fee of one shilling.

XXVI. And be it further Ordained and Enacted, that it shall be lawful for each of the said Councils to appoint, from and out of the Councillors elected, to serve in such Council, such and so many Committees, consisting of such number of persons as they may think fit. Provided always, that it shall not be lawful for such Committees to sit or meet on any days except those appointed for the meetings of the said Council; and that such Committees shall be subject in all things to the authority, control, and approval of the said Council.

XXVII. And be it further Ordained and Enacted, that from and out of a list of three fit and proper persons, to be Submitted by each of the said Councils to the Governor of this Province, it shall be lawful for the said Governor to select one, to be and be called the District Clerk; and every such Clerk shall be appointed by an instrument to be issued under the Great Seal of this Province, and shall hold his office during pleasure: Provided always, that if at the first meeting under this Ordinance, or at the next quarterly meeting after any vacancy shall have occurred in the office of District Clerk, or at any extraordinary meeting to be called for the purpose of filling up such vacancy, any such Council shall fail to agree upon the three names to be submitted as aforesaid to the said Governor, then it shall be lawful for the said Governor to appoint some fit and proper person to be such Clerk. And provided also, that it shall be lawful for the Warden to appoint a person to act as Clerk until such time as a Clerk shall be appointed in the manner hereinbefore provided.

XXVIII. And be it further Ordained and Enacted, that it shall be lawful for the Governor of this Province, to appoint in each of the said Districts, one fit and proper person to be and be called the District Treasurer; and such appointment shall be made by an instrument to be issued under the Great Seal of this Province, after the person named by the said Governor, shall have first given good and sufficient security, to be ascertained and determined by the said Governor, for the due execution of the office of Treasurer, and for the faithful accounting for all the monies which may come into his hands by virtue of the said office.

XXIX. And be it further Ordained and Enacted, that it shall be the duty of the Treasurer of each of the said Districts, respectively, to receive all monies which shall be raised under any by-law, to be made, as hereinafter provided, by the Council of the District wherein he shall have been appointed Treasurer, and also all monies which, under any act of competent Legislative authority within this Province, have been, or shall be directed to be paid to or, received by any such Treasurer, and to apply and account for the same in such manner as may be prescribed by any by-law of such Council, or by any act of such competent Legislative authority as aforesaid.

XXX. And be it further Ordained and Enacted, that every District Treasurer shall, in books to be kept for that purpose, enter true accounts, of all sums of money by him received and paid, and of the several matters for which the same shall have been received and paid; and the books so kept shall, at all reasonable times, be open to the inspection of every member of the Council; and all such accounts, together with all vouchers and papers relating thereto, shall, four times in every year, that is to say, within one month after every quarterly meeting, be submitted, together with an abstract of such accounts for the last year, by the Treasurer, to the District Auditors (to be appointed as hereinafter provided) for the purpose of being by them examined and audited; and if the said accounts shall be found to be correct, the same shall be approved and allowed by the said Auditors; and after the said accounts shall have been so examined and audited, the said Auditors shall make their report thereon to the Council at its next quarterly meeting; and every such abstract and report shall be open, at all seasonable times, to the inspection of any Inhabitant of the District, who shall also be entitled to copies thereof, on payment of a reasonable fee for the same.

XXXI. Provided always, and be it further Ordained and Enacted, that no District Treasurer shall be entitled to any salary or remuneration whatever, unless and until his accounts shall have been duly audited, approved and allowed by the District Auditors; and in every bond and other security, given by such Treasurer for the due execution of his office, it shall be expressly conditioned, that he shall render true accounts to such Auditors, within the time and times prescribed by this Ordinance, or within the time and times which shall be prescribed by any other law which shall be in force in that behalf.

XXXII. And be it further Ordained and Enacted, that there shall be appointed at the first quarterly meeting in each year for each District, two persons to be and be called "District Auditors," one of whom shall be appointed by the Warden of the District, and the other elected by the Council: Provided always, that no person shall be appointed or elected

Auditor, who shall be a member of the Council, or the Clerk, or Treasurer, or Surveyor of the District, nor any person who shall have directly or indirectly, by himself or in conjunction with any other person, any share or interest in any contract or employment with, by or on behalf of such Council: And provided also, that no person appointed or elected an Auditor for the District, shall be capable of acting as such, unless he shall have previously made and subscribed, before any two of the Councillors for such District, (who are hereby authorized to administer the same) an oath in the words, or to the effect following, that is to say:—"I, A. B., having been appointed (or elected, as the case may be,) to the office of Auditor for the District of _____ do hereby promise and swear, that I will faithfully perform the duties thereof, according to the best of my judgment and ability; and I do hereby solemnly declare and swear, that I have not, directly or indirectly, any share or interest whatever, in any contract or employment with, by, or on behalf of the Council of this District. So help me God."

XXXIII. And be it further Ordained and Enacted, that every person authorized by law to make an affirmation, instead of taking an oath, shall make such affirmation in every case in which by this Ordinance an oath is required to be taken; and if any person taking any oath required by this Ordinance, or making any affirmation instead of taking such oath, shall wilfully swear or affirm falsely, such person shall be deemed guilty of wilful and corrupt perjury, and be subject to the pains and penalties by law provided for that offence.

XXXIV. And be it further Ordained and Enacted, that it shall be the duty of the Auditors in each of the said Districts, to examine, settle and allow all accounts which may be chargeable upon their Districts respectively; and also to examine and audit the accounts of the Parish and Township officers, or officers of reputed Parishes or Townships, appointed or hereafter to be appointed in pursuance of the aforesaid Ordinance, passed in the present year of Her Majesty's Reign, and the accounts of all other persons, against their respective Parishes and Townships.

XXXV. And be it further Ordained and Enacted, that it shall be lawful for the Wardens of each of the said Districts respectively, with the approbation of the Governor of the Province for the time being, to appoint in each of the said Districts, some fit and proper person to be and be called "The District Surveyor," whose duty it shall be to superintend the execution of all works undertaken in pursuance of any by-law of the Council of such District, and to take care of all fixed property belonging to the said District, and to examine and report upon all estimates of proposed works, and to enforce the observance of all contracts for the execution of works undertaken for, or on behalf of the said District, and to report annually, or oftener if need be, to the said Warden, upon the state of the works in progress, and of the fixed property belonging to such District; and all such annual or other reports shall be laid, by the said Wardens, before the District Council, at the quarterly meeting next after any such report shall have been received, together with an estimate of the probable expense of carrying on such works, and managing such fixed property, during the then current or next ensuing year: Provided always, that no person shall be appointed to be such Surveyor, unless and until he shall have been examined and declared qualified for the office, by the Board of

Works for this Province, or by some other competent person or persons to be named for that purpose, by the Governor of this Province.

XXXVI. And be it further Ordained and Enacted, that it shall not be lawful for any person to hold, at the same time, more than one of the district offices hereby created; nor shall it be lawful for the partner of any such district officer to hold any district office in the same district wherein such officer shall be employed; nor shall it be lawful for any such officer to have, directly or indirectly, any share or interest whatsoever, either by himself or his partner, in any contract for executing any work to be undertaken by, for, or on behalf of the Council of such district.

XXXVII. And be it further Ordained and Enacted, that it shall be lawful for each of the said Councils, in the said Districts respectively, to make by-laws for all or any of the following purposes, that is to say:—

For making, maintaining, or improving of any new or existing road, street, or other convenient communication and means of transit within the limits of the District, or for stopping up, altering or diverting of any road, street or communication, within the limits aforesaid.

For the erection, preservation, and repair of new or existing bridges and public buildings. For the purchase of such real property, situated within the limits of every such District respectively, as may be required for the use of the inhabitants thereof.

For the sale of such part or parts of the real property belonging to such Districts respectively, as may have ceased to be useful to the said Inhabitants.

For the superintendance and management of all property belonging to the said Districts respectively,

For providing for the establishment of, and a reasonable allowance for the support of Parish and Township Schools.

For raising, assessing, levying and appropriating such monies as may be required for the purpose of carrying into effect all or any of the objects for which the said District Councils, respectively, are hereby empowered to make by-laws; which monies shall be raised, either by means of tolls, to be paid in respect of any public work or works, within the limits of the said Districts respectively, or by means of rates or assessments to be assessed and levied on real or personal property, or both, within the limits of such Districts or, in respect of such property, upon the owners, and occupiers thereof.

For the collection of, and accounting for all tolls, rates and assessments imposed, or raised under the authority of any such Council, and of the revenues belonging to such Districts respectively.

For imposing and determining reasonable penalties to be recovered from such persons, as having been elected to offices, as hereinbefore provided, shall refuse to serve the same, or refuse or neglect to take and subscribe the oaths of office, as hereinbefore prescribed for such officers respectively.

For determining the amount and manner and time of payment of all salaries or other remuneration of District Officers, to be appointed under the authority of this Ordinance. For determining the amount of salary, fees or emoluments which shall be received by the several Parish or Township Officers within the limits of such districts respectively, to be appointed or elected in pursuance of any Ordinance or other law now in force, or which may hereafter be in force, in this Province.

For providing the means of defraying the expense of maintaining an effective system of Police within such Districts respectively.

And for providing for any other purpose, matter or thing, which shall be specially subjected to the direction and control of the said District Councils respectively, by any act of the Legislature of this Province, or of the Province of Canada.

XXXVIII. Provided always, and be it further Ordained and Enacted, that it shall not be lawful for any such District Council as aforesaid, to impose, lay, or levy any rate or assessment whatever on any lands or tenements, goods or chattels, real or personal estates belonging to Her Majesty, her heirs or successors.

XXXIX. Provided also, and be it further Ordained and Enacted, that it shall not be lawful for any such District Council as aforesaid, to impose, lay or levy any rate or assessment whatever on any uncultivated lands in the several Seigniories [Seigneuries] in this Province, which have been and continued since the original grants of such Seigniories, ungranted and unoccupied, in cases where the persons seized or possessed of such Seigniories, may be made subject or liable to an assessment or rate on the annual value of such Seigniories respectively.

XL. Provided always, and be it further Ordained and Enacted, that it shall not be lawful for any such Council, to pass any by-law for erecting any public work, without having first received an estimate of such work prepared, or examined and reported upon by the District Surveyor; and if the cost of such work will, in the opinion of the said Surveyor, exceed the sum of three hundred pounds currency, such estimate shall also be examined and reported upon by the Board of Works in this Province, or by some other competent body or person for that purpose, to be appointed by the Governor of this Province; and provided also, that every such work, to be executed in pursuance of any such by-law, shall be executed under a contract in writing, in conformity with and subject to such general regulations as shall, from time to time, be made, touching the terms and the mode of execution of any such contracts by the Board of Works of this Province.

XLI. Provided always, and be it further Ordained and Enacted, that an authentic copy of every such by-law shall, forthwith after the passing thereof, be transmitted by the Warden of the District, or the Chairman of the District Council who may have supplied his place, to the Secretary of the Province, who shall, on receipt of the same, note on the copy so received the time of its receipt, and shall lay the same before the Governor of the Province, and no such by-law shall be of any force until the expiration of thirty days after an authentic copy thereof shall have been received as aforesaid; and it shall be lawful for the Governor of this Province, by and with the advice of Her Majesty's Executive Council, at any time within the said period of thirty days, by his order in Council, to declare his disallowance of any such by-law, or any part thereof; and such disallowance, together with a certificate under the hand of such Secretary of the Province, certifying the day on which such by-law was received as aforesaid, shall, with all convenient speed, be signified to the Warden of the District wherein such by-law shall have been passed; and thenceforward such by-law, or the part thereof so disallowed, shall be void and of no effect. Provided also, that it shall be lawful for the said Governor, if he shall think fit, with the advice of Her Majesty's Executive Council, by an order in Council as aforesaid, at any time within the said period of thirty days, to enlarge the time within which such by-law may be disallowed, and no such by-law shall, in that case, come into force or have effect, until after the expiration of such enlarged time. And provided also, that any by-law repugnant to the law of the land, or to any of the provisions of this Ordinance, shall be void and of no effect.

XLII. And be it further Ordained and Enacted, that the said District Councils, at their quarterly meetings aforesaid, shall have power to make such orders, relative to the property belonging to such Districts, respectively, as to them may appear expedient; and shall have power to settle and pay all accounts which may be chargeable against the said Districts respectively, and to authorize and direct the raising of such sums of money, as may be required for the payment of such accounts, by the several Parishes and Townships, or reputed Parishes or Townships within such Districts respectively, or as may be requisite for the payment of all salaries and accounts due to Parish and Township officers and other persons, by such Parishes and Townships or reputed Parishes and Townships respectively.

XLIII. And be it further Ordained and Enacted, that the Warden of each of the said Districts shall, at the end of each year, transmit to the Governor of this Province, a statement of the accounts of the District, exhibiting an abstract of the receipts and expenditure during the preceding year; and all such accounts so transmitted shall, by the said Governor, be laid before the two Houses of the Legislature of the Province of Canada, as the same shall be hereafter constituted in pursuance of an Act of the Imperial Parliament, intituled, "An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," at the Session thereof next following the transmission of the said accounts.

XLIV. And be it further Ordained and Enacted, that no Councillor shall, in any case, receive or be entitled to any wages, allowance, profit or emolument whatever, for his services as such Councillor, or by reason of his being such Councillor.

XLV. And be it further Ordained and Enacted, that all and every the powers and authorities which by any Act or Acts, Ordinance or Ordinances of the Legislature, or any Law or Laws of this Province, have been and are now vested in and may be lawfully exercised by the Grand Voyers of the several Districts of this Province, or by any Magistrates with regard to any Highways or Bridges, except in so far as the same are inconsistent with, or repugnant to the provisions of this Ordinance shall, from and after the first election of Councillors under the provisions of this Ordinance, become and be vested in the several District Councils aforesaid, within the limits of their respective Districts; and in the exercise of such powers and authorities, it shall in no case be requisite that a Proces Verbal for turning an old or opening a new highway, or a new by-road, or to change an old bridge, or mark out a new one, or for the making of ditches and outlets, or for any other purpose whatsoever, should be drawn up, or that the same should be confirmed or homologated by any Court of Quarter Sessions, as now by law required when such powers and authorities are exercised by the Grand Voyers; nor shall the intervention of any such court, or the exercise of its powers, be in any manner required, for or in respect of the legal and effectual exercise of the said powers and authorities, by the said District Councils respectively as aforesaid; any law, usage or custom to the contrary thereof notwithstanding.

XLVI. And be it further Ordained and Enacted, that the respective Grand Voyers of the several Districts in this Province, and the persons who shall or may have ceased to hold the said offices or any of them, and any Magistrates as aforesaid shall, within twenty days after the issuing of the first Proclamation under the provisions of the first section of this Ordinance, deliver to the Prothonotaries of the Courts of King's Bench for the said Districts respectively, all and every the Records, Books, Proces Verbaux, Judgments, Plans, Documents, Instruments and Writings in their custody, possession or power, appertaining to the said offices of Grand Voyers respectively, as aforesaid, or relating to any highways or bridges, to be and remain in the custody of the said Prothonotaries respectively, for the use and benefit of all persons interested therein; and in case any such Grand Voyer, or person who shall have ceased to hold the office of Grand Voyer, shall refuse or neglect to deliver to the said Prothonotaries respectively, all Records, Books, Proces Verbaux, Judgments, Plans, Documents, Instruments and Writings, every such Grand Voyer, or person who shall have ceased to hold the office of Grand Voyer, so refusing or neglecting, shall be held to be guilty of a misdemeanor, and shall, besides be liable to make satisfaction to the parties aggrieved or injured, for all such damages and costs as he, she or they shall sustain by reason of such refusal or neglect.

XLVII. And be it further Ordained and Enacted, that it shall be lawful for the Governor of this Province, on any claim which may be made by any of the persons holding offices which will become and be abolished expressly or virtually under the provisions of this Ordinance, for compensation for loss by reason of such abolition, to determine by and with the advice of the Executive Council of this Province, whether any such claim have, or have not a reasonable and just foundation, and if such claim be admitted to be well founded and just, to assess and award thereupon such compensation as by the said Governor, with such

advice as aforesaid, may be deemed reasonable and proper, regard being had to the tenure under which the said offices have been held, and to the appointment which might be made of the said persons, if qualified, to offices of a similar or other nature, and to all such circumstances as may and ought to be considered in relation to such claim; and the compensation that may be assessed and awarded as aforesaid, shall be paid out of the unappropriated monies for public uses, in the hands of the Receiver General of this Province.

XLVIII. And be it further Ordained and Enacted, that it shall be lawful for the Governor of this Province for the time being, by Proclamations to be issued by and with the advice and consent of the Executive Council of the Province, when and as often as circumstances shall, in his and their opinion, warrant such a measure, to dissolve all or any of the aforesaid Councils; and in every case of a dissolution of such Council or Councils, the Warden of the District wherein such dissolution shall have taken place shall, within ten days after such dissolution, issue his Warrant in the name of Her Majesty, her heirs or successors, under his hand and seal, directed to one of the Justices of the Peace, or to some other discreet and competent person, resident in each of the several Parishes or Townships comprized within the said District, requiring such Justice or other person to proceed, after due notice in this behalf to the Electors qualified as aforesaid, in causing elections to be made in each of the Parishes and Townships of the said District, of a Councillor or Councillors, according as such Parish or Township may by the provisions hereinbefore contained, be empowered to elect one or two Councillors; and such new elections shall be governed by the same rules and provisions as are hereinbefore provided for the election of Councillors; and in all cases where such new election of Councillors after a dissolution shall take place as aforesaid, the period at, from and after which Councillors shall vacate their seats, in certain proportions as hereinbefore provided, shall commence upon and be accounted from the second Monday in January next following such Elections. And the retirement of Councillors in the first and second years after such elections, shall in all respects be regulated by the provisions hereinbefore contained with respect to the retirement of Councillors to be elected at the first election to be held under and by virtue of this Ordinance, in the first and second years after such election.

XLIX. Provided always, and be it further Ordained and Enacted, that nothing in this Ordinance contained shall extend, or be construed to extend, to the Cities of Quebec and Montreal, as by law incorporated.

L. And be it further Ordained and Enacted, that the words "Governor of this Province," wheresoever they occur in this Ordinance, shall be understood as meaning and comprehending the Governor, Lieutenant Governor, or the person authorized to execute the office or functions of Governor of this Province.

LI. And be it further Ordained and Enacted, that this Ordinance and the provisions herein contained, shall not cease or expire on the first day of November, which will be in the year of our Lord one thousand eight hundred and forty-two, but shall be and remain a permanent

Law, and in full force until the same shall be repealed or altered by competent Legislative authority.

SYDENHAM.

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the Twenty-ninth day of December, in the Fourth year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the year of Our Lord one thousand eight hundred and forty.

By His Excellency's Command,
W. B. LINDSAY,
Clerk Special Council.