

*Laws of His Majesty's Province of Upper Canada*, passed in the year 1857. Toronto: Stewart Derbshire & George Desbarats, 1857.

20 Victoria – Chapter 129

**An Act to make more ample provision for the incorporation of the Town of Three-Rivers. Assented to 10th June, 1857.**

Whereas the provisions of the Lower Canada Municipal and Road Act of 1855, and the Act amending the same of 1856, do not meet the present wants of the Town of Three-Rivers, and it has become necessary to make more ample provision for the internal management of the said Town: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. 1. The Act passed in the Session held in the fifty-seventh year of the Reign of His late Majesty, George the Third, chapter sixteen, intituled, *An Act more effectually to provide for the regulation of the Police in the Cities of Quebec and Montreal, and the Town of Three-Rivers, and for other purposes therein mentioned*, and the Ordinance of the seventeenth year of the Reign of His late Majesty George the Third, chapter thirteen, intituled, *An Ordinance for preventing accidents by fire*, the Lower Canada Municipal and Road Act of 1855, and the Act of 1856 amending the same, are hereby repealed, in so far as they relate to the Town of Three-Rivers;
2. The inhabitants of the Town of Three-Rivers, and their successors shall be and are hereby declared to be a body politic and corporate, in fact and in law, by the name of the "Corporation of the City of Three-Rivers," and by the same name they and their successors shall have perpetual succession, and shall have power to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and in all actions, causes, suits at law whatsoever, and shall have a Common Seal, with power to alter and modify the same at their will and pleasure; and shall be in law capable of receiving by donation, acquiring, holding and departing with any property, real or moveable, for the use of the said City; of becoming parties to any contracts or agreements in the management of the affairs of the said City; and of giving or accepting any notes, bonds, obligations, judgments; or other instruments or securities, for the payment of, or securing the payment of any sum of money borrowed or loaned, or for the execution or guaranteeing the execution of any duty, right or thing whatsoever;
- 3rd., Upon the said Corporation shall devolve all the powers, privileges and duties conferred or imposed upon the Municipal Council of the said Town, by the Act passed in the thirteenth and fourteenth years of Her Majesty's Reign, chapter one hundred and four, intituled, *An Act to transfer to the Municipal Council of the Municipality of the Town of Three-Rivers the administration of the Common of the said Town, and for other purposes*.
- II. The said City of Three-Rivers shall be bounded as follows, to wit: in front by the River St. Lawrence, in rear by a line parallel to the general course of the said river, at a distance of one hundred and sixty chains from, the west point of the mouth of the river St. Maurice, on the east side by the east bank of the said river St. Maurice, and on the west side by a line at right angles to the said rear-line,

commencing from a point therein, at a distance of one hundred and sixty chains from the west bank of the said river St. Maurice, until it reaches the said river St. Lawrence, including the Islands in the river St. Maurice within the said limits.

III. 1st. For the purposes of this Act, the said City of Three-Rivers shall be and is hereby divided into four wards, which shall respectively be called and known as "St. Philip's Ward," "St. Louis Ward," "St. Ursule Ward," and "Notre-Dame Ward," and shall be bounded as follows, to wit:

2. St. Philip's Ward shall be bounded in front by the river St. Lawrence, on the south-west and in rear by the limits of the City, on the north-east by the rear line of the building lots situated upon the north-east side of St. George and Bell streets;

3. St. Louis Ward shall be bounded in front by the river St. Lawrence, on the south-west by St. Philip's Ward, in the rear by the limits of the City, and on the north-east by a line passing through the centre of Bona venture and Caserne streets, to the river;

4. St. Ursule Ward shall also be bounded in front by the River St. Lawrence, on the south-west by St. Louis Ward, on the north-west by the rear line of the building lots situate: to the north-west of St. Joseph street and that crossing from the south-east of the Court House, continued in a straight line as far as the east bank of the river St. Maurice;

5. Notre-Dame Ward shall be bounded on the south-west by St. Louis Ward, on the north-west and north-east by the limits of the City, and on the south-east by St. Ursule Ward.

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

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

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

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

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

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

VI. The persons entitled to vote at the Municipal Elections of the said City shall be the male inhabitant freeholders and householders of the age of twenty-one years, rated upon the assessment roll of the said City and residing therein, possessed at the time, of real property in the said City, of the yearly value of twenty shillings currency; and tenants, of the age of twenty-one years, who shall have resided in the said City, and paid rent during the six months immediately preceding the election, on a dwelling-house or part of a dwelling-house, at the rate of not less than three pounds currency per annum; and also leaseholders of the age of twenty-one years, who shall have built a dwelling-house on such leasehold, which would *bonâ fide* rent for a sum of three pounds currency per annum; Provided always, that no person qualified to vote at any Municipal Election in the said City shall have the right of having his vote registered, unless he shall have paid his Municipal taxes due before such election; and it shall be lawful for any candidate at the said election and the person presiding, or any one of his deputies for the said election, to require the production of the receipt of the Secretary-Treasurer of the said City, for such assessment so due as aforesaid, and no municipal elector shall be entitled to vote in any other Ward than that in which he shall reside at the time of the said election.

VII. The Mayor and Councillors of the said City who are at present in office, and have been so since the municipal election in the month of July, (1855) one thousand eight hundred and fifty-five, shall remain and are hereby authorized to remain in office until the elections which are to take place by virtue of this Act, and all By-laws, ordinances, agreements, dispositions and engagements whatever, passed and entered into by the Municipal Council of the town of Three-Rivers, shall continue to have full and entire force to all intents and purposes as though this Act had never been passed, and until such time as the said By-laws, agreements or engagements shall be formally rescinded, abolished or fulfilled, and the said Corporation, as constituted under this Act, shall succeed and be substituted for all purposes

whatsoever, in the engagements, rights and trusts of the Municipal Council of the Town of Three-Rivers, as constituted by the Lower Canada Municipal and Road Act of 1855 as amended by the Act amending the Lower-Canada Municipal and Road Act of 1856.

VIII. The municipal elections for the said City, in virtue of this Act, shall be held on the first Monday in July of each year, or on the day following if the said Monday be a holiday, and public notice thereof shall be given at least eight days previous to such election in the French and English languages, in one or more newspapers published in the said City, and also shall be posted up in the most public and frequented places in each of the Wards of the said City; and the said notice shall be signed for the first election in virtue of this Act, by the Registrar of the registration division of Three-Rivers, whose duty it shall be to preside at the said first election, and for all subsequent elections the said notice shall be signed by the Mayor or the Secretary-Treasurer of the said Council, and shall specify the day, place and hour upon which the said elections are to take place in each of the Wards of the said City.

IX. 1. It shall be the duty of the Registrar of the registration division of Three-Rivers to preside at the first election which shall take place on the first Monday of July next, and to appoint a deputy in each of the wards of the said City in which the election is to take place; and the polls shall be open in each of the wards for the reception and registration of votes from ten of the clock in the forenoon until four of the afternoon of the day appointed for the said election; provided the election shall not have taken place by acclamation; and at the said election each elector shall be entitled to vote in his ward for two Councillors for the said ward, and shall be entitled at the same time to vote for a Mayor of the said City; and at the closing of the poll, the said deputies shall declare the two persons who shall have obtained the greatest number of votes to be duly elected members of the said City Council, and in cases in which the candidates in any ward shall have an equal number of votes, then, and in that case, the Deputy acting in the said Ward shall give his vote in favor of one or two candidates in such a manner that two Councillors shall be elected for the said ward;

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

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

4. The subsequent annual elections of a Mayor and a Councillor for each Ward shall take place in the same manner and within the same delays as the first, with the exception, however, that the said elections, instead of being presided over and conducted by the Registrar, shall be so by one of the

members of the Council, who shall not retire from office, and who shall be appointed by the Council one month previous to the time fixed for the said election, and the said Councillor so chosen to preside at the said election shall appoint deputies to keep the Polls in each Ward, in the same manner as the Registrar shall do for the first election, and the said Councillor and his deputies shall make a proclamation of the persons elected in the same manner, at the same hour, and in the same place as the Registrar and his deputies for the first election, and the said Councillor and his deputies for all purposes relating to elections, shall have the same powers and the same duties as the Registrars and their duties have, for the first election;

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

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

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

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

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

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

4. The Mayor and Councillors elected at the elections subsequent to the first, shall enter into office on the day of their nomination, and a meeting of the Council shall take place within eight days after, in the same manner as after the first election, and the Mayor and Councillors elected shall take the same

oath,, and those absent without just cause shall be held to have refused the office, and shall be liable to the penalty provided in like cases, unless they be persons who are exempted from serving;

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

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

XI. 1. In any case in which one of the persons elected shall refuse to act as Mayor or Councillor, or that his election being contested shall be declared null, the Ward for which the said Councillor shall have been elected, shall proceed to a new election, and elect a person to replace the said Councillor within one month after the said refusal shall have been made necessary, or that the said election shall have been declared null; and if it be the Mayor who shall refuse to accept, or whose election shall have been declared null, the electors of the City shall proceed to a new election for such Mayor, within the same delay; and in such case the Poll shall be held only at the City Hall, and the said election shall be conducted in the same manner as annual elections;

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

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

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

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

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

tendering his vote to any election, and the oath to be administered by the presiding officer in both cases shall be in the form following, viz:

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

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

XIV. At all the elections held under this Act, the poll books containing the names of the voters and other matters, shall be certified on oath by each of the deputies or clerks who shall have presided at such election in the respective wards of the said City, each of the said clerks or deputies certifying his own, before any Justice of the Peace residing in the said City, which oath the said Justice of the Peace is hereby authorized to administer, and which shall be in the form following:

“I, A. B., do swear that the Poll Book kept by me at the Municipal Election for Ward No. \_\_\_\_\_, of the City of Three-Rivers, is just and correct to the best of my knowledge and belief: So help me God.”

XV. If any person being examined upon oath or affirmation under this Act as to his qualification to vote or to be elected, shall wilfully forswear himself, he shall be deemed guilty of wilful and corrupt perjury, and on conviction thereof, shall be subject to the same penalties as in cases of other wilful and corrupt perjury.

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

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

XVIII. 1. If the election of all, or of one or more of the Councillors be contested, such contestation shall be decided by the Circuit Court for the Circuit of Three Rivers;

2. Every such election may be so contested by one or more of the Candidates, or at least ten of the electors of the said City;
  3. The said contestation shall be brought before the Court, by a petition signed by the petitioner or petitioners, or by any Attorney duly authorized, setting forth in a clear manner the grounds of such contestations;
  4. A true copy of the petition, with a notice stating the day on which the said petition will be presented to the Court, shall be first duly served upon the Mayor, Councillor or Councillors whose election is contested, at least eight days before the day on which the said petition shall be presented to the Court; and a return of the service shall be drawn up and signed in due form upon the original of the said petition by the Bailiff who shall have made such service; but no such petition shall be received after the term next following the election thereby contested, unless such election took place within the fifteen days next preceding the first day of such term, in which case any such petition may be presented on the first day of the second term, but not later; nor shall any such petition be received, unless security for costs be given by the petitioners in the presence of a judge of the Superior or Circuit Courts or of the Clerk of the Circuit Court for the said Circuit of Three-Rivers, or his deputy;
  5. If the Court be of opinion that the grounds set forth in the petition are sufficient in law to void the election, it shall order proof to be adduced if proof be necessary, and the parties interested to be heard, on the nearest day which it shall deem expedient; and shall proceed in a summary manner to hear the said contestation; the evidence may be taken down in writing or given orally in whole or in part, as the Court shall order; And if the trial of such contestation be not concluded at the close of the term of the Court during which it began, the Judge shall continue the same in vacation: and shall adjourn from day to day until he shall have pronounced his final judgment upon the merits of the same: And every such judgment so pronounced and all proceedings had in any such case in vacation shall have the same effect as if the same had been pronounced or had in term;
  6. The Court may, on such contestation confirm the election or declare the same to be null and void, or declare another person to have been duly elected, and may, in either case award costs to or against either party, which costs shall be taxed and recovered in the same manner, and by the same means, as costs are taxed and recovered in actions of the first class brought in such Circuit Court; and the Court may order its judgment to be served upon the Secretary-Treasurer of the Council, at the expense of the party condemned to payment of costs, as aforesaid;
  7. If any defect or irregularity in the formalities prescribed for the said election be set forth in any such petition, as a ground of contestation, the Court may admit or reject the objection, according as such defect or irregularity may or may not have materially affected the election.
- XIX. In case it shall at any time happen that an Annual Municipal Election shall not be held, for any reason whatever, on the day when, in pursuance of this Act, it ought to have been held, the said City Council shall not, for that cause be deemed to be dissolved, and it shall be lawful for such members of the said Council as shall not have retired from office, to meet again, for the purpose of fixing as early as possible a day for the holding of such Annual Municipal Election; and in such case, the notices and



publications required by this Act shall be published, and posted up not less than one clear day before the election: And if it be the first election which has not taken place, then it shall be the duty of the Registrar to have it take place within the shortest possible delay.

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

XXI. All meetings of the said Council shall be public, excepting only when the said Council shall enquire into the conduct of any members of their own body, for any causes whatsoever, in which case it shall be lawful for the said Council to sit with closed doors; and the said council shall determine the mode of their proceedings, and shall have power to cause order to be observed by persons present during their sittings, and to punish by fine and imprisonment, or by one of the two, any act of contempt committed by any such persons present: Provided always, that no such fine shall exceed the sum of five pounds currency, and that no such imprisonment exceed the period of fifteen days.

XXII. The Sheriff and Gaoler of the District of Three-Rivers shall be bound, and they are hereby authorized and required to receive and safely keep until duly discharged, all persons committed to their charge by the said City Council, or any member or officer thereof under the authority thereof.

XXIII. Whenever the Mayor shall not be present at a regular or special meeting of the said City Council, the Councillors present shall choose one of their number to discharge the duties of Chairman during the meeting.

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

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

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

4. He shall furnish two sureties, whose names shall be approved by a resolution of the Council, before they shall be admitted as such: All such sureties shall be jointly and severally bound together with the Secretary-Treasurer, and their obligation shall extend to the payment of all sums of money for which the Secretary-Treasurer may, at any time be accountable to the Corporation, including principal,

interest and costs, as well as the penalties and damages to which he shall become liable in the exercise of his office;

5. Every security bond shall be made by an Act before<sup>1</sup> a Notary and accepted by the Mayor, and it shall be the duty of the Secretary-Treasurer to transmit to the Mayor a copy of the same;

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

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

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

9. The Secretary shall render to the<sup>1</sup> Council every six months, that is to say, in the months of June and December in each year, or oftener, if required by such Council, a detailed account of his receipt and expenditure, attested by him under oath;

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

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

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

13. The Council shall have power and authority to appoint such other officers as may be necessary for carrying into effect the provisions of this Act, or of any By-law or regulation of such Council;

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

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

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

XXV. The said City Council shall have power whenever they may deem advisable to appoint three assessors or valuers of property, and it shall be the duty of the said assessors to estimate the rateable property in the said City according to its real value, and within the periods which shall be fixed by the said City Council.

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

“I, \_\_\_\_\_, having been appointed one of the assessors of the City of Three-Rivers, do solemnly swear, that I will diligently and honestly discharge the duties of that office to the best of my ability: So help me God.”

XXVII. The assessors who shall be appointed for the said City, shall be proprietors of real estate in the said City of the value of at least two hundred and fifty pounds currency of this Province.

XXVIII. When the assessors shall have made a valuation of all the rateable property of the said City, they shall deposit the assessment roll with the Secretary-Treasurer of the said City, and notice of such deposit shall be given by the Secretary-Treasurer in a newspaper published in the said City: And at the next ensuing meeting of the said Council, the said assessment roll shall be produced, and if they desire it, examined by the Councillors; and the assessment, roll shall be deposited in the office of the Secretary-Treasurer for the period of one month, dating from such meeting; and during that period, it shall remain open to the inspection of all persons whose property shall have been estimated, or their

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

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

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

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

XXXI. The Auditors who shall be appointed for the said city, shall be proprietors of real estate therein of the value of at least one hundred and twenty pounds currency; Provided always, that neither the Mayor, Councillors, Secretary-Treasurer of the said city, nor any person receiving any salary from the said Council, either for any duty performed under their authority or on account of any contract whatsoever entered into with them, shall be capable of discharging the duties of Auditor for the said city.

XXXII. The Mayor of the said City of Three-Rivers, shall, during the period of his office, be a Justice of the Peace, in and for the District of Three-Rivers notwithstanding any disqualification he may be subject to by law.

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

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

XXXV. It shall be lawful for the said City Council to appoint, remove and replace when they shall think proper; all such Officers, Constables and Policemen as they shall deem necessary for the due execution of the laws and by-laws now in force or to be by them enacted hereafter, and to require from all persons employed by them in any quality whatsoever; such security as to them shall seem meet to ensure the due execution of their duties.

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

1. On all lands, City lots, and parts of City lots, whether there be, buildings erected thereon or not, with all buildings and erections thereon, the sum of one penny in the pound on their whole value, as entered on the Assessment Roll of the said City;
2. On the following moveable property a like annual sum of one penny in the pound at the value herein specified;

Every horse kept for covering mares shall be rated at one hundred pounds;

Every horse kept for hire or gain, at fifteen pounds;

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

Every bull or ram, at ten pounds;

Every head or homed cattle; aged two years and more, at ten pounds;

Every covered carriage with four wheels, fifty pounds;

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

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

Every two horse sleigh, at fifteen pounds;

Every one horse sleigh, at five-pounds;

Provided always, that all winter and summer vehicles used solely for the purpose of drawing loads, and all vehicles commonly called draught vehicles, and also one milch cow for each family, and any-animal of a less value than five pounds, shall be exempt from any tax whatsoever;

3. On the stock in trade of all descriptions, kept by merchants and dealers, exposed for sale in shops, or kept in vaults or store-houses, a tax of one eighth per cent, on the average estimated value of such stock in trade and the Seigniors of the *censive* within which the said City is situate shall pay in proportion to their lucrative rights, one fortieth part of the sum levied upon the immoveable property in the said City, each Seignior paying in proportion to the interest held by him in the said *censive*: Provided always, that the total sum, the fortieth part whereof shall have been so taken, shall not include the sum which shall have been imposed upon the domaine and other private property of such Seigniors;

4. On all tenants paying rent in the said City, an annual sum equal to six pence in the pound on the amount of rent;

5. On each male inhabitant of the age of twenty-one, who shall have resided in the said City during six months, and who shall not be liable to the payment of any tax in virtue of this; Act, an annual sum of five shillings;

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

7. And it shall be lawful for the said Council to impose certain duties or annual taxes on the proprietors or occupiers of houses of public entertainment, taverns, coffee-houses, and eating-houses; and on all retailers of spirituous liquors, and on all pedlars and petty chapmen bringing for sale into the said City, any articles of commerce of any kind whatsoever; and on all proprietors, occupiers, agents, managers or keepers of Theatres, circuses, manageries, billiard-tables, ball-alleys, or other games or amusements of any description; and on all auctioneers, grocers, bakers, butchers, hucksters, carters, livery stable keepers, brewers and distillers; on all traders and manufacturers; on all proprietors or keepers of wood or coal yards and slaughter-houses in the said City; on all money changers, or money brokers, pawnbrokers and their agents, on all bankers and their agents; on all assurance companies or their

agents, and, generally, on all trades, manufactories, occupations, arts and professions which have been or may be exercised and introduced in the said City, whether the same be or be not mentioned herein; and the stores or workshops of mechanics shall be divided into a first and second class, and every ware-room or workshop which shall be declared by the Assessors to rank in the first class, shall be assessed at the rate of five shillings per annum, and those of the second class at one shilling and three pence per annum;

And the said Council shall also have power to fix the amount of personal commutations, that is to say, of the sum payable by each person liable to statute labour on the streets and side walks of the said City, and to refuse the labour of such person for the said purpose, if the Council shall think proper to undertake the same; Provided always, that every such sum demanded for personal commutation shall be equitably established in proportion to the labour to be done, by arbitrators, if any one of the parties shall require it.

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

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

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

For determining and regulating the duties of the Clerks of the markets in the said City, and all other persons they may deem proper to employ to superintend the said markets; and for letting the stalls and other places for selling, upon and about the said market places; and for fixing and determining the duties to be paid by any persons selling on any of the said markets, any provisions or produce whatever; and for regulating the conduct of all such persons in selling their goods; and to provide for the weighing or measuring as the case may require, by the officers named for that purpose by the said Council, and on the payment of such fees as the said Council may think fit to impose on that behalf, of any thing or things sold or offered for sale on the said markets;

For amending, modifying or repealing the regulations and By-laws, or such of them as they may deem advisable, made by the Court of General and Quarter Sessions of the Peace in and for the District of Three-Rivers on the tenth day of July, one thousand eight hundred and seventeen, and subsequently confirmed by the former Court of King's Bench for the said District on or about the thirtieth day of September, one thousand eight hundred and seventeen, and all other By-laws made by the Municipal Councils who have had the management of the internal affairs of the said City;

For regulating and placing all vehicles in which any articles shall be exposed for sale on the said markets;

For preventing persons bringing articles of any kind into the said City, from selling or exposing them for sale in any other place than the markets of the said City;

For regulating the weighing and measuring of all cord-wood, coals, salt, grain, lime and hay, brought or sold in the said City, by strangers or persons residing therein;

For determining in what manner the said articles and all others shall be sold and delivered, whether by quantity, measure or weight, and for obliging all persons to observe in the above matters the By-laws which the said Council shall hereafter deem useful to establish;

For preventing obstructions of any nature whatsoever in streets;

For preventing the sale on the public highway of any wares or merchandize whatsoever;

For restraining and prohibiting the sale of any spirituous, vinous, alcoholic or intoxicating liquor, or for authorizing such sale, subject to such restrictions as they may deem expedient;

For determining under what restrictions and conditions and in what manner the Revenue Inspector of the District of Three-Rivers shall grant Licenses to merchants, traders, shop keepers, tavern keepers, and other persons to sell such liquors;

For fixing the sum payable for every such License, provided that in any case it shall not be less than the sum which is now payable therefor by virtue of the laws at present in force;

For regulating and governing all shop-keepers, tavern keepers, and other persons selling such liquors by retail, and in what places such liquors may be sold, in such manner as they may deem expedient to prevent drunkenness;

For preventing the sale of any intoxicating beverage to any child, apprentice or servant;

For preventing the driving of vehicles at an immoderate pace in the said City, or riding on horseback on the sidewalks of the said City, or the barbarous or inhuman treatment of horses or other beasts, such as beating them excessively in order to oblige them to draw burthens of too great a weight;

For regulating, fixing and determining the weight and quality of bread sold or offered for sale within the limits of the said City;

For regulating the conduct and certain duties of apprentices, domestics, hired servants and journeymen in the said City, and also certain duties and obligations of masters and mistresses towards such servants, apprentices and journeymen;

To prevent the keeping of gaming-houses, places for gambling or any description of houses of ill-fame in the said City;



To establish as many public pounds as the said Council shall deem expedient to open for the impounding of animals of any species which may be running at large in the said City;

For regulating, arming, lodging, clothing and paying a Police Force in the said City, and for determining their duties;

For fixing and regulating the places in which interments may take place within the said City; for-compelling the taking up of any body interred within the said limits contrary to this provision: Provided always, that this paragraph shall not extend to prevent interments in the Churches in the said City;

To compel the proprietors or occupants of all land and real property within the said City, their agents or representatives, to enclose the same; and to regulate the height, description and material of every such enclosure;

To compel the proprietors or occupants of lots of land in the said City, having stagnant or filthy water upon them, to drain or raise such lands so that the neighbors may not be incommoded, nor the public health endangered thereby; and in the event of the proprietors of such lands being unknown, or having no representative or agent in the said City, it shall be lawful for the said Council to order the said lands to be drained, or raised, or to fence in and enclose them at their cost, if they are not already fenced in and enclosed; and the said Council shall have a like power if the proprietors or occupiers of such lands are too poor to drain, raise or fence in the same; and in every case the sum expended by the said Council in improving such lands, shall remain as a special hypothec on such lands, and have privilege over all other debts whatsoever, without it being necessary to register the same;

To oblige all proprietors or occupants of houses in the said City, to remove from the streets all encroachments or obstructions of any sort, such as steps, galleries, porches, posts or other obstacles whatsoever;

To cause to be pulled down, demolished and removed, when necessary, all old, or dilapidated walls, chimneys and buildings of any description that may be in a state of ruin, and to determine the time and manner in which the same shall be pulled down, demolished or removed, and by whom the expense thereof shall be borne;

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

For defraying out of the funds of the said City, the expense of furnishing the citizens with water, and of lighting the said City with gas, or in any other manner, and for obliging the proprietors of real property in the said City to allow the necessary works to be performed for such objects on their respective properties, and for obliging all proprietors to allow the necessary pipes, lamps and posts to be fixed in

or upon their houses; Provided always, that in all such cases, the expense of all such pipes, lamps, and other necessary works, shall be defrayed by the said Council; And provided also, that the solidity of the buildings on and near to which they shall be so placed, shall be in no wise affected, and that any damages that may be caused shall be paid by the said Council and that every proprietor shall be indemnified by the said Council;

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

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

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

To fix the place for the erection of any manufactories or machinery worked by steam in the said City;

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

XXXVIII. For the better protection of the lives and property of the inhabitants of the said City, and for more effectually preventing accidents by fire; the said Council may make Bylaws for the following purposes, that is to say:

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

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

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

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

For regulating the manner in which and the periods of the year when chimneys shall be swept, and for granting licenses to such numbers of chimney sweeps as the said Council shall think proper to employ, and for obliging all proprietors, tenants or occupants of houses in the said City to allow their chimneys to be swept by such licensed chimney sweeps; and for fixing the rates to be paid for sweeping chimneys, either to the Council or such licensed chimney sweeps; and for imposing a penalty of not less than five shillings nor more than twenty-five shillings on all persons whose chimneys may have caught fire after any refusal to allow them to be swept, such penalty to be recovered before any Justice of the Peace of the said City: and whenever any chimney which shall have caught fire as aforesaid, shall be common to several houses, or be used by several families in the same house, the said Justice of the Peace shall have power to impose the above penalty in full on each house or family, or to divide the same among them in proportion to the degree of negligence shewn on proof before him;

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

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

For defraying out of the funds of the said City, any expense which the said Council shall deem expedient to incur, in aiding or assisting any person in their employ, who shall have received any wound or contracted any severe disease at any fire in the said City; or in assisting or providing for the family of any person in their employ who shall perish at any fire; or in bestowing rewards in money or

otherwise upon persons who shall have been particularly useful, or who shall have devoted themselves at any fire in the said City;

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

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

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

XXXIX. 1. The Secretary-Treasurer, when he shall have completed his collection-roll, shall proceed to collect the rates therein mentioned, and for that purpose shall give or cause public notice to be given on the following Sunday that the collection-roll is completed and deposited in his office, and that all persons therein mentioned, liable to the payment of assessments are required by him to pay the amount thereof at his office within the twenty days which follow the publication of the said notice;

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

3. If any person neglect to pay the amount of assessments imposed upon him for a period of fifteen days, after he shall have been requested to do so as aforesaid, the Secretary-Treasurer shall levy the said assessments with costs, by a warrant under the hand of the Mayor, authorizing the seizure and sale of the goods and chattels of the person bound to pay the same, or of all the goods and chattels in his possession, wherever they shall be found within the limits of the said City, addressed to one of the sworn bailiffs for the District of Three-Rivers, of the Superior Court of Lower Canada, who is hereby authorized to seize and sell the said goods and chattels in the ordinary manner; and no claim founded on a right of ownership or privilege upon the same shall prevent the sale or the payment of the assessments and expenses out of the proceeds of such sale; Provided always, that it shall be lawful for any person who shall think himself aggrieved by the said seizure to file an opposition to the same at any time before the sale of the goods so seized, which he shall deliver to the officer seizing, who shall

be bound to report his proceedings to the Circuit Court of the Circuit of Three-Rivers, where the said opposition shall be heard and decided according to law and the rules of practice, and the party failing shall be condemned to pay the costs.

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

XLI. In all cases where the persons who shall be rated in respect of any vacant ground or other real property within the City, shall not reside within the said City, and the rates and assessments payable in respect of such vacant ground or property, shall remain due and unpaid for the space of six years, then it shall be lawful for the said City Council, after having obtained a judgment before the Circuit Court in and for the Circuit of Three-Rivers, or any other Court, to sell and dispose such property by public sale, or so much thereof as shall be judged sufficient for the payment of the sum due, with costs; and the Sheriff of the District of Three-Rivers is hereby authorized and required to advertise such sale to be made under the authority of this section, in a French and English newspaper, or, in an English and in a French newspaper, published in the City of Three-Rivers, and the said Sheriff is also required to employ, for the purpose of effecting such sale, a bailiff residing in the said City of Three-Rivers, who shall be designated by the said Council; Provided always, that all owners of property sold under the authority of this section shall be allowed to resume possession of the same within the space of one year next after the date of such sale, on paying to the purchaser the full amount of the purchase money, with legal interest thereon, on condition, however, that the said purchaser shall have kept the said property in the same state and condition in which it was at the time of the purchase, and shall not have damaged it or allowed it to deteriorate; together with the cost attendant upon such sale, with an additional five per centum on the purchase money; And provided also, that if after such sale of property belonging to persons residing out of the City, any surplus shall remain over and above the sum due to the said Council, for assessment and costs, the Secretary-Treasurer aforesaid shall pay over such surplus to the said City Council, to whatever sum the same may amount, and the said surplus shall be deposited in the funds of the said City, as a loan, at the rate of six per cent, until called for and claimed by the party to whom it shall belong, to whom the same shall be paid.

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

XLIII. If any person shall transgress any order or regulation made by the said City Council under the authority of this Act, such person shall, for every such offence, forfeit the sum which in every order, rule, or regulation shall be specified, with the costs to be allowed by the Justices of the Peace who shall try such offences, and to be levied on the goods and chattels of the offender, and in default of such goods and chattels, the offender shall be liable to be committed to the Common Gaol of the District, for a term not exceeding one month, but which may be less in the discretion of the Court; and no person shall be deemed an incompetent witness upon any information under this Act, by reason of his

being a resident of the said city of Three-Rivers; Provided always, that the information and complaint for any breach of any order or regulation of the said City Council shall be made within one month next after the time of the offence committed; And provided also, that no fine or penalty shall be inflicted for any such offence, which shall be less than five shillings, or more than five pounds, and that no imprisonment for any such offence shall in any case be more than one calendar month, and the costs of transport in effecting such imprisonment shall be borne by the said City Council, and the said Council shall also have power to punish by forfeiture of their goods, articles and provisions, all persons exposing them for sale on the markets, in the streets of the said city, and infringing at the same time the By-laws of the said Council as regards the weight and quality of such goods, articles and provisions.

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

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

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

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

XLVIII. Whenever the said Council shall contract loans upon the credit of the said city, they shall be bound and they are hereby required to provide immediately for the payment of the annual interest upon such loans, which annual interest shall not in any case exceed the legal rate of interest in this Province; and the said Council shall set aside a portion of their revenues for the payment of such interest; and the said Council shall also, whenever they shall contract a loan, provide for the establishment of a Sinking Fund, which Sinking Fund shall consist of a deposit made in a Savings' Bank, annually, and at the periods when the interest on the said loan shall be paid, of a sum equivalent to a proportion of at least two per centum on the capital to be paid off; and the sum arising annually from this Sinking Fund shall remain deposited in such Savings' Bank, with the interest which may accrue thereon, until it shall be equal to the total amount of the capital to be paid off; Provided always, that when the interest and Sinking Funds united, shall absorb the one half of the annual revenues of the said Council, then and in such case, it shall not be lawful for the said Council to contract new loans, it being hereby intended that the said Council shall not be entitled to devote to the interest and Sinking

Fund of their loans any sum exceeding the half of their revenues; and provided also, that it shall be lawful for the said City Council, if the lender consent or require it, to deposit in the hands of such lenders instead of in a Savings' Bank, the annual sums which shall have been agreed upon to form the Sinking Fund; in which case the receipts given to the said Council shall be so drawn up as to define what amount shall have been paid on account of interest, and what amount shall have been paid into the Sinking Fund.

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

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

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

LII. The following property shall be exempt from taxation in the City of Three-Rivers:

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

All Provincial property and buildings;

Every place of public worship, and every burying ground;

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

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

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

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

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

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

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

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

LVII. It shall be lawful for the said Council whenever any house shall encroach upon any of the streets or public squares of the said City, to prevent the proprietor of such house from, rebuilding on the site occupied by the demolished house, and it shall be lawful for the Council to purchase any part of such lot encroaching upon any street, or to require the proprietor of such land to dispossess himself thereof, in consideration of indemnity therefor, and such indemnity shall be fixed by arbitrators appointed respectively by the said Council, and by the party they are desirous of dispossessing; and the said arbitrators. in case of difference of opinion shall appoint a third; and the said arbitrators after having



been sworn by a Justice of the Peace, shall take cognizance of the matter in dispute, and after visiting the place in question, shall decide upon the amount of indemnity to be granted to such proprietor; and the said arbitrators shall be authorized to decide which of the parties shall pay the costs of arbitration.

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

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

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

The office of Mayor, seven pounds ten shillings currency;

The office of Councillor, five pounds currency;

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

3. Every Member of Council, every Officer appointed by such Council, every Justice of the Peace, and every other person who shall refuse or neglect to do any act, or perform any duty required of, or imposed upon him by this Act, shall incur a penalty not exceeding five pounds and not less than one pound currency;
4. Every person who shall vote at any election of Mayor or Councillors without having, at the time of giving his vote at such election, the qualifications by law required to entitle him to vote at such election, shall thereby incur a penalty not exceeding five pounds currency;
5. Every inspector of roads who shall refuse or neglect to perform any duty assigned to him by this Act, or by the By-laws of the Council, shall, for each day on which such offence shall be committed or shall continue, incur a penalty of one pound currency, unless some other and heavier penalty be by law imposed on him for such offence;
6. Every person who shall hinder or prevent, or attempt to hinder or prevent, any officer of the Council in the exercise of any of the powers or in the performance of any of the duties conferred or imposed upon him by this Act, or by any By-law or Order of the said Council, shall incur a penalty of five pounds currency for every such offence, over and above any damages which he may be liable to pay;
7. Every person who shall wilfully tear down, injure or deface any advertisement, notice, or other document, required by this Act or by any By-law or Order of the said Council to be posted up at any public place for the information of persons interested, shall incur a penalty of two pounds currency for every such offence.

LXI. All the penalties imposed by this Act or by any By-law made by the Council may be recovered before the Circuit Court of the Circuit of Three-Rivers, or before any Justice of the Peace; all penalties and fines incurred by the same person may be included in the same action, and in any such action the party failing shall be condemned with costs of suit, in accordance with the tariff of such Court.

LXII. This Act shall be held and deemed to be a Public Act, and the Interpretation Act shall apply thereto.

#### Schedule No. 1.

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

Public Notice is hereby given that the Collection-Roll of the City of Three-Rivers is completed, and that it is now deposited in the office of the undersigned; all persons therein stated to be liable to the payment of assessments are required to pay the same to the undersigned at his office without further notice.

Three-Rivers,

A. B.  
Sec. Treas. of Council.

185\_\_\_\_\_.

[INSERT FORMATTING pg. 509]

No. 2.

Secretary-Treasurers Notice for payment of Assessment.

No. 2.

Secretary-Treasurer's Notice for payment of Assessment.

Corporation of the City of Three- Rivers.  Mr.  Copy of account.	Corporation of City of Three-Rivers. (Date of Notification.)  Mr. _____ owes to the Corporation of the City of Three-Rivers  <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 70%;"></th> <th style="width: 10%; text-align: center;">£</th> <th style="width: 10%; text-align: center;">s.</th> <th style="width: 10%; text-align: center;">d.</th> </tr> </thead> <tbody> <tr> <td>Assessment upon (here describe the property, such as house, land, &amp;c.) at _____ in the £.</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Add the other items . . . . .</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: right;">Total . . . . .</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		£	s.	d.	Assessment upon (here describe the property, such as house, land, &c.) at _____ in the £.				Add the other items . . . . .				Total . . . . .			
	£	s.	d.														
Assessment upon (here describe the property, such as house, land, &c.) at _____ in the £.																	
Add the other items . . . . .																	
Total . . . . .																	
Notification served.  Insert the date of notification.  Expenses. Notice . . £	Sir,  As you have neglected to pay the sum above mentioned within the delay prescribed by public notice, you are required to pay such sum at my office, within fifteen days from the date hereof, together with such costs as under. Failing so to do, seizure will be made of your property and effects.  <table style="width: 100%;"> <tr> <td style="width: 60%;">Expenses . . £</td> <td style="width: 5%; text-align: center;">}</td> <td style="width: 35%;"></td> </tr> <tr> <td>Notice . . . . .</td> <td style="text-align: center;">}</td> <td style="text-align: right; vertical-align: bottom;">A. B. Sec.-Treas.</td> </tr> </table>	Expenses . . £	}		Notice . . . . .	}	A. B. Sec.-Treas.										
Expenses . . £	}																
Notice . . . . .	}	A. B. Sec.-Treas.															

No. 3.

Distress Warrant for Assessment Dices.

Province of Canada, }  
District of Three-Rivers. }

The Corporation of the City of Three-Rivers, to wit:

To any of the Sworn Bailiffs in the District of Three-Rivers, of the Superior Court for Lower Canada.

Whereas (name of debtor) has been required by the Secretary-Treasurer of the City Council of Three-Rivers, to pay to him for and on behalf of the said Corporation, the sum of £ \_\_\_\_\_, being the amount due by him to the said Corporation, as appears by the Collection-Roll for the year 18 \_\_\_\_; And whereas the said A. B. has neglected and refused to pay to the said Secretary-Treasurer, within the delay required by law, the said sum of \_\_\_\_\_; These are, therefore, to command you forthwith to make distress of the goods and chattels of the said \_\_\_\_\_, and if within the period of eight days after the making of such distress, the sum above mentioned, together with the reasonable charges of the said seizure, be not paid, that then you do sell the said goods and chattels so by you detained and do pay the moneys arising from such sale to the Secretary-Treasurer of the said Council, and if no such distress can be made for want of property liable thereto, that then you do certify the same unto me in order that such proceeding may be had therein as to law doth appertain.

Given under my hand and the seal of the said Corporation, at Three-Rivers, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_.

Mayor of the said Corporation.