



ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. XL.

An Act to repeal certain Ordinances therein mentioned, and to make better provision for the establishment of Local and Municipal Authorities in Lower Canada.

[29th March, 1845.]

WHEREAS experience hath demonstrated that the Ordinances hereinafter mentioned, are not and cannot be adapted to the present state of Lower Canada, and that it is necessary to make other Legislative provision for the establishment of Municipal Institutions in that portion of this Province: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Ordinance of the Governor and Special Council for the affairs of the late Province of Lower Canada, passed in the fourth year of Her Majesty's Reign, and intituled, *An Ordinance to provide for the better Internal Government of this Province, by the establishment of Local or Municipal Authorities therein*; and the Ordinance of the said Governor and Special Council, passed in the same year of the same Reign, and 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 the Inhabitants of these divisions of the Province*, shall be, and the said Ordinances, from and after the first day of July next, are hereby repealed.

Preamble.

Ordinances of
L. C. 4. Vict.
caps. 3 and 4,
repealed.

FIRST

FIRST PART.

PARISHES AND TOWNSHIPS.

Inhabitants of each Parish or Township incorporated.

Their Corporate powers.

II. And be it enacted, That the inhabitants of every Parish or Township, or other Territorial Division recognized or designated as a Municipality in the manner hereinafter provided, (and any such Territorial Division shall be included by the words "Parish" and "Township" wherever they occur in this Act,) shall be a body politic or corporate, by the name of "*The Corporation of the Parish (or Township) or Municipality of* (as the case may be,)" and shall by that name have perpetual succession, and may or may not, as to the said Corporation shall seem meet, have a common seal, and may sue and be sued, and may acquire and hold and enjoy real property within the limits of such Parish or Township or Municipality, not exceeding in amount the yearly value of two hundred pounds currency, and alienate the same, and shall have all such other corporate powers, as, though not expressly mentioned in and granted by this Act, shall be necessary for the due performance of the duties and the due exercise of the powers which are hereby imposed or conferred upon the Corporation.

Each Corporation to be represented by a Council.

III. And be it enacted, That each of the said Corporations shall be represented by, and its duties performed and powers exercised, by and through a Parish Township or Municipality Council, to be chosen and appointed as hereinafter provided.

Actions by or against the Corporation how to be brought.

IV. And be it enacted, That every action brought by or against the Corporation shall be brought by or against the same by its corporate name as aforesaid; and in all such actions, service of process on the Secretary-Treasurer, for the time being, of such Corporation, shall be a good and valid service thereof; but the Council may appoint and change at pleasure the Advocate or Attorney to be employed in any such case.

First Election of Councillors.

Number of Councillors.

V. And be it enacted, That on the second Monday in the month of July next, the inhabitants of each Parish or Township shall hold a meeting, at which the senior Justice of the Peace resident therein and present, shall preside, (or in default of a Justice of the Peace, such person as the majority of the persons present at the meeting shall appoint,) and shall, after this Act shall have been read, proceed to elect seven persons qualified to vote, to be Councillors, and to compose the Parish, Township or Municipality Council mentioned in the third section.

How and by whom the elections are to be conducted and determined.

VI. And be it enacted, That the said inhabitants being 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 electors then present, shall

shall be kept open to an hour not later than Five in the afternoon of the first day of such meeting, and from Ten in the morning of the following day, until Five in the afternoon, 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 Council for which such election shall have been held.

Case of equality of votes.

Poll Lists to be delivered to Clerk of the Council.

VII. And be it enacted, That the first meeting in each Parish or Township shall be called by a notice to be given publicly at least eight days previous, at the door of the churches or other places of public worship, or if there be no churches or places of public worship, then at two of the most frequented places therein, by any one of the persons who under the fifth section may preside at the meetings therein mentioned, or by any three electors of such Parish or Township : Provided that any meeting may be legally held, and proceedings aforesaid may be had thereat, even without any previous calling thereof, if there be sixty electors or upwards present at such meeting.

How the meeting for the first Election shall be called.

Proviso, as to meetings at which 60 Electors shall attend.

VIII. And be it enacted, That at each subsequent general meeting of the inhabitants of any Parish or Township, which shall be held in every year on the second Monday in July, the senior Councillor present thereat shall preside ; and it shall be the duty of the Council to provide that there be at least one Councillor present at each such meeting.

At subsequent elections the senior Councillor present shall preside.

IX. And be it enacted, That no person shall vote at any such general meeting, unless he be of the male sex, of the full age of twenty-one years, and a subject of Her Majesty by birth or naturalization, nor unless he be in possession as proprietor, and for his own proper use and benefit of a real estate in the Parish or Township, held in *franc aleu*, free and common soccage, *en fief*, or *en roture*, of the yearly value of forty shillings currency, or upwards, or shall hold as a tenant or lessee, or otherwise occupy an estate of the yearly value of at least five pounds currency, nor unless,

Who shall vote at such elections.

Property qualification.

Residence.

unless, in either case, he shall have resided in the Parish or Township during the year next preceding such meeting and election, nor unless he shall have paid all rates or local taxes due by him at any time before the election.

Exemptions.

X. And be it enacted, That none of the following persons shall be elected a Councillor, or appointed to any office in the appointment of the Council: 1st. Persons in Holy Orders, or being Ministers of any religious denomination; 2dly. Judges or Clerks of any Courts of Justice, or Clerks of Commissioners' Courts for the trial of Small Causes, but any such Clerk may with his own consent be appointed a Secretary-Treasurer to the Corporation; 3rdly. Officers of Her Majesty's Army or Navy on full pay, Practising Physicians, Surgeons and Apothecaries. And the following persons shall be exempt from serving in any such office, except with their own consent: 1stly. Schoolmasters actually engaged in teaching; 2ndly. Any Miller who shall be the only one employed in a mill; 3rdly. Persons of more than sixty years of age; 4thly. Persons who have served in any of the said offices, or paid the penalty for refusal to accept, shall be exempt during the four years next after such service or payment.

Term of service.

XI. And be it enacted, That the seven persons chosen as before mentioned, and duly qualified as aforesaid to be Councillors, shall form the Council, and shall have the management of all the affairs of the Corporation; and such Councillors shall be elected for three years, with the exception mentioned in the next following section.

Two Councillors to retire at the end of each year.

XII. And be it enacted, That at the end of the first year after their election, two of the Councillors (to be determined by lot) shall go out of office; two more (to be determined in like manner,) shall go out at the end of the next following year, and the Chairman or Mayor and the two remaining Councillors shall go out at the end of the third year; and at the first meeting of the Council, the two Councillors who are to go out at the end of the first and second years respectively, shall be determined by lot; but any Councillor so going out may be re-elected with his own consent.

Person presiding at general meeting to administer oath.

XIII. And be it enacted, That the person presiding at the general meeting, shall require the Councillors elected and then present, to take before him the oath of office mentioned in the next section; and he may also, at the request of any Candidate, require the oaths in the Schedules to this Act, or any of them, to be taken by any person offering to vote; and he shall, for the purpose of maintaining order, enforcing obedience, and committing for contempt of his authority, have all the powers which are or may be then by Law vested in the Returning Officer at the election of a Member to serve in the Legislative Assembly of this Province.

XIV.

XIV. And be it enacted, That the Councillors elected at any general meeting, but not present thereat, shall within eight days after their election shall have been notified to them by the person presiding at such meeting, take before the said person an oath of office in the following form: "You, A. B. promise and swear (or affirm) that you will faithfully, and to the best of your judgment and ability discharge the duties of Councillor of the Parish (or Township or Municipality) of

Councillors elected must take an oath of office within eight days. Oath.

: So help you God." And any person elected a Councillor for any Parish, Township, or Municipality, shall, after having taken the said oath, or made the said affirmation, be deemed to be legally appointed to the said office, and shall be bound to perform the duties thereof.

XV. And be it enacted, That a like oath (or affirmation) of office shall be made before the Mayor or Secretary-Treasurer of the Council, or a Justice of the Peace, (each of whom is hereby authorized to administer the same,) by each Officer or Functionary appointed by the Council; and mention of the taking of such oath or affirmation shall be made in the Journal of the Council.

A like oath of office to be taken by each officer of Council.

XVI. And be it enacted, That if any Parish, Township or Municipality shall refuse or neglect to elect Councillors in the manner hereinbefore provided, the Governor shall appoint them *ex-officio*, and the Councillors so appointed shall be subject to the same duties and penalties as if they had been elected at a general meeting; and will go out of office and be replaced as ordained by the twelfth section of this Act.

Governor to appoint Councillors if the Parish or Township do not.

XVII. And be it enacted, That every person elected or appointed to the office of Councillor in any Parish, Township or Municipality shall, within eight days at farthest after receiving notice of his election or appointment, accept the said office, and take the oath of office prescribed by the fourteenth section of this Act, under a penalty of not less than five pounds nor more than ten pounds, currency, which penalty, if not forthwith paid, may be forthwith sued for in the manner hereinafter mentioned, and may be levied at any time after the expiration of eight days after such refusal or neglect, by distress and sale of so much of the offender's goods and chattels as may suffice, by virtue of a Warrant under the Hand and Seal of the Mayor or temporary Chairman of the Council, or of any Justice of the Peace within or near the place, to be issued at the instance of the Secretary-Treasurer, or of any inhabitant elector of the Parish, Township or Municipality, upon the oath of any one competent witness; and one-third of such penalty shall belong to the prosecutor, if he be not a Public Functionary or Officer, and the remaining two-thirds to the Corporation; and if the prosecutor be a Public Functionary or Officer, the whole shall belong to the Corporation.

Penalty on persons elected Councillors and refusing to serve.

How levied.

Distribution of penalty.

XVIII.

Councillors refusing to take the oath, shall be replaced by another election.

XVIII. And be it enacted, That after the refusal or neglect as aforesaid of any person elected as a Councillor, to take the oath of office, it shall be lawful for any one of the other Councillors, having taken the oath of office, and they are respectively hereby required, to call a general meeting of the Parish, Township or Municipality, to elect another Councillor in the place of such person, by public notice given eight days previously, in the manner provided by the seventh section; and after the refusal of any Officer or Functionary appointed by the Council, such Council shall appoint another in his stead.

Other Functionaries refusing.

Vacancies occasioned by death, illness, &c., how to be filled.

XIX. And be it enacted, That in case of a vacancy in the office of any such Councillor, Functionary, or Officer, by reason of his death or permanent absence from the Parish, Township, or Municipality, or of his absence for more than six months, or serious illness or incapacity happening after his election or appointment, such vacancy shall be filled either by election at a general meeting called as aforesaid, or by the Council, as the case may require.

Council to elect a Chairman or Mayor.

XX. And be it enacted, That within eight days at latest after all the Councillors shall have taken the requisite oath of office, they shall meet and choose from among themselves a Chairman, whose place in case of absence at any time may be filled by a temporary Chairman, to be chosen by the Members present; and such Chairman shall be designated by the name of "*The Mayor of the Parish (Township or Municipality) of* " adding the name of the Parish, Township or Municipality.

Questions to be decided by majority. Casting vote.

XXI. And be it enacted, That all questions arising in any Council, shall be decided by the majority of votes; and in case of equal division, the Mayor or temporary Chairman shall have the casting vote, the said Mayor or temporary Chairman having in no other case a right to vote.

Quarterly meetings.

And others.

Notice of meetings.

Sittings to be public. Exception.

XXII. And be it enacted, That there shall be four regular quarterly sittings of each Council in every year, to be held on the first Monday in each of the months of June, September, December and March; besides which regular sittings, each Council may meet so often as they may deem it expedient so to do for the despatch of business; and they shall themselves fix the time of all except the quarterly sittings, and the place and hour of all, and shall give public notice accordingly; and their sittings shall be public; but they may, nevertheless, in all cases where they shall deem secrecy important, deliberate with closed doors, and cause the public to withdraw.

Councils to make rules.

XXIII. And be it enacted, That each Council shall have power to make, and from time to time to alter such rules and regulations as they shall deem requisite for the conduct and good order of their deliberations.

XXIV.

XXIV. And be it enacted, That each Council shall appoint three Assessors, who shall be also the Valuers of all property liable to assessment and rates; a Secretary of the Council, who shall at the same time be the Treasurer of the Corporation; one or more Collectors, and so many Surveyors and Overseers of roads and bridges, Inspectors of fences and ditches, Pound-keepers and other public Officers, as they shall deem convenient, useful and necessary for the due execution of the Laws relative to matters under their administration and superintendence.

Councils to
appoint certain
Officers.

XXV. And be it enacted, That each Council shall have power, after a previous estimate of the expenses necessary to be incurred for any purposes within their jurisdiction, to raise and assess such sum as may be necessary to cover the amount of such estimate, and to cause the same to be apportioned by rate, upon the owners of property liable to assessment and being within the Parish, Township or Municipality, whether such owners be or be not resident therein, in proportion to the value of their respective rateable property in the Parish, Township or Municipality: Provided that such rates shall not in any one year exceed in the whole three pence in the pound on the value of such property.

After a pre-
vious estimate,
Council may
assess the sum
requisite for
any purpose
upon the inha-
bitants.

XXVI. And be it enacted, That the said rates shall be payable by and recovered from the owner, occupant or possessor of rateable property, and shall, if not paid for want of personal property, or goods or chattels, to be sold or disposed of as provided in the thirty-fifth Section of this Act, be a special charge, bearing *hypothèque* and not requiring registration to preserve it, on all immovable property, which said property, or so much thereof as may be necessary, will be liable to be sold after a lapse of five years, whatever be the amount due.

Rates how
payable or re-
coverable.

XXVII. And be it enacted, That the Councils of the several Municipalities shall cause the necessary assessments to be equally rated upon all the immovable property within their jurisdiction in proportion to the value of such property respectively: Provided that unconceded lands in Seigniories shall be free from assessment; but that all Seigniors shall pay one-fortieth part of the sum assessed in the Parish or portions of Parishes of which they are Seigniors.

Assessments
on immovable
property and
Seigniories.

XXVIII. And be it enacted, That the powers and authority of each Council shall extend to the following objects:

Duties and
powers of
Council.

First. The opening, construction, alteration or removal of the Highways and Public Bridges within the Parish, Township or Municipality, conformably to Law.

Roads and
Bridges.

Secondly. The Division of the Parish, Township or Municipality into Surveyor's and Overseer's Districts.

Parish, &c.
Divisions.

Thirdly.

- Statute Labour.** Thirdly. The direction of the labour required by law for the making, repairing, and gradual improvement of the Highways and Public Bridges.
- Public Pounds.** Fourthly. The establishment of Public Pounds for the safe keeping of animals found doing damage or astray on the highways and public bridges, or on the lands of others than the owners of such animals.
- Water-courses.** Fifthly. The regulation of the manner in which fences, ditches, and water-courses, either between neighbours, or by the side of highways or of roads between neighbours, or other water-courses whatsoever, shall be made and kept in order.
- Toll-Roads, &c.** Sixthly. The establishment and construction, erection and keeping in order of Toll Roads and Toll Bridges within their local limits, and the fixing of the Tolls to be paid, which Tolls shall not be levied until they shall be sanctioned and approved by the Governor in Council.
- Borrowing money.** Seventhly. The borrowing and giving security for any sum of money to be applied to any of the purposes for which the said Councils are constituted, subject to the restrictions contained in the twenty-fifth Section.
- Requiring security.** Eighthly. The requiring of sufficient security from all persons accountable for the Parish, Township or Municipality monies, and from all Contractors with the Council, and the fixing of the amount of such security.
- Contracts.** Ninthly. The making of all contracts relative to matters under their control, which, after being duly considered by the Council, shall be signed by the Mayor and countersigned by the Secretary-Treasurer.
- Imposing rates.** Tenthly. The imposing of any rate payable in money, produce or work, which may be required for the benefit of the Corporation.
- Time and mode of levying rates.** Eleventhly. The fixing and altering, as occasion may require, the times at which the contributions or rates are to be paid by the parties liable, and the mode of levying them.
- Rating Assessments.** Twelfthly. The superintendence of the due rating or apportionment of all sums or contributions assessed or imposed by them.
- Ferries.** Thirteenthly. The granting of Licenses for Ferries, and fixing and levying the Tolls at such Ferries.

Fourteenthly.

Fourteenthly. The purchasing and acquiring of immovable property, and the management thereof; and the acquisition from the Province gratuitously, or for consideration and on condition of keeping the same in proper repair, of any portion of a highway or of a public bridge, made or erected by the Province, within the limits of the Parish, Township or Municipality.

Acquiring property.

Fifteenthly. The advantageous investment or deposit, either in Savings' Banks or in public securities, or otherwise, so as to create income for the Corporation, of any balance of monies which at any time may be in their hands.

Investment of monies.

Sixteenthly. The determining what Officers it may be expedient to pay, and the fixing the amount of their salaries, and the time and mode of paying them.

Paying Officers.

Seventeenthly. The fixing and determining as occasion may require, the times, places, and hours of their sittings, in addition to the quarterly sittings prescribed by the twenty-second section of this Act.

Times and places of their sittings.

Eighteenthly. The causing to be made by the Assessors or other proper persons, a valuation of the ratable immovable property of the inhabitants of the Parish, Township or Municipality, according to the twenty-fifth section of this Act, once in every five years, such valuation to be considered as the basis for the assessments, rates and contributions to be levied in the Parish, Township or Municipality, under any law whatsoever.

Valuation of property liable to assessment.

Nineteenthly. The selection and appointment of fit and proper persons to take the Census of the Parish or Township, at the periods and in the manner provided by Law, which persons may, with their own consent, be taken from without the limits of the Parish, Township or Municipality.

Census Officers.

Twentiethly. The making of rules and regulations for ensuring the due execution of all Laws which it may be their duty to carry into effect, and the imposing of fines and penalties on persons contravening such rules and regulations, no such penalty exceeding in any case two pounds, ten shillings, currency.

Regulations for carrying laws into effect.

Penalties limited.

Twenty-firstly. The obliging each wholesale or retail Trader to take out a License for keeping his Store or Shop, and the proportioning of the sums to be paid for the same, which shall not be less than forty shillings, nor more than one hundred shillings, currency; and the augmenting the amount to be paid on Tavern-Keepers' Licenses to any sum not exceeding twelve pounds, ten shillings, currency.

Licenses for Traders.

Twenty-secondly. The granting of Licenses to keep Temperance Houses of public entertainment, the sum to be paid for which shall not be less than twenty shillings nor more than seventy-five shillings currency.

Temperance houses.

Twenty-thirdly.

Causing ac-
counts to be
rendered.

Twenty-thirdly. The causing proper accounts to be rendered to the Council at fixed periods, by any Justice of the Peace, or by the proper Officer of any Court of Civil Jurisdiction, of all penalties imposed by the Council and recovered before such Justice or Court within the Parish or Township or Municipality, and for causing the amount to be paid over to their Secretary-Treasurer.

Twenty-fourthly. The making Rules and Regulations for trying Contested Elections of Members of their own Body, and the trying of the said Contested Elections.

District of
Gaspé.

XXIX. And be it enacted, That in the District of Gaspé each such Council shall, in addition to the power and authority hereby given, have also the power and authority to provide rules and regulations for the Salmon and other local Fisheries carried on upon the Shore, or upon any River Stream adjacent to or passing through the Township, locality or place subject to its jurisdiction.

Powers of
Grands Voyers
vested in
Councils.

XXX. And be it 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 the Legislature of Lower Canada, were formerly vested in and would have been legally exercised by the *Grands Voyers* of the said Province, or by any Magistrate, with regard to any Highways or Bridges, except in so far as the same are inconsistent with or repugnant to any of the provisions of this Act, shall, from and after the first election or appointment of Councillors under the provisions of this Act, become and be vested in the several Parish, Township or Municipality Councils hereby established, within their respective limits; and in the exercise of such powers and authorities it shall in no case be requisite that a *Procès-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 or 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; 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 Parish, Township or Municipality Councils respectively as aforesaid; any law, usage or custom to the contrary thereof notwithstanding.

Parishes, &c.
having less
than 300 souls
to be united to
others.

XXXI. And be it enacted, That any Parish or Township, having a population of less than three hundred souls, may be united to one of the adjacent Parishes, Townships or Municipality in the same County, as provided for in other cases by the fortieth section of this Act, to be again separated therefrom when its population shall amount to three hundred souls, except only in the cases provided for in the forty-first section.

XXXII.

XXXII. And be it enacted, That the Secretary Treasurer of the Council shall keep a Book, in which shall be entered the Minutes of the proceedings of the Council and the Rules and Regulations made by the same; and shall also keep a Register of all Papers and Documents on which any action shall have been taken by the Council; and such Minutes and Registers shall be signed at each sitting by the Mayor or temporary Chairman of the Council, and countersigned by the Secretary-Treasurer; and copies of such Documents so signed as aforesaid shall be received in evidence in all Courts of Justice in this Province.

Minutes and Registers to be kept.

XXXIII. And be it enacted, That every Officer or Functionary appointed by the Council, shall be bound to return to them, at the time they shall prescribe, all Papers and Documents which shall have been furnished to him, or which he shall have prepared or caused to be prepared in the performance of his duties, under such penalty as the Council, or the Court before whom any prosecution shall be brought against him for neglect or refusal to return the same, shall in its discretion inflict upon him.

Documents and Papers belonging to the Parish or Township, to be returned to the Council.

XXXIV. And be it enacted, That any such Council may, by action before any competent Court, compel any party having any Papers or Documents, or any property moveable or immovable belonging or which ought to belong to the Corporation, to restore the same; and the Court may further, in its discretion, condemn any Defendant who shall have wilfully or negligently refused to restore the same, to pay a fine not exceeding twenty-five pounds, currency.

Action to compel the delivery of such property.

XXXV. And be it enacted, That every Court of Commissioners for the trial of Small Causes, held within the County in which the Parish or Township shall be situate, or any Justice of the Peace residing in such Parish or Township, or in any adjacent Parish or Township, shall be and is hereby declared a competent Tribunal to take cognizance of, hear and determine any contest which may arise relative to the carrying into effect of this Act, or any part thereof, whatever be the nature or amount of the claim preferred, or of the fine or penalty to be imposed, and to enforce the same eight days after judgment by distress and sale of so much of the goods and chattels of the Defendant as may suffice, saving always the right of appeal as provided for in the next following section.

What shall be a competent Tribunal to try cases arising under this Act.

XXXVI. And be it enacted, That an Appeal shall lie from such judgment to the nearest Circuit Court or nearest Court of Queen's Bench in Inferior Term, on the Appellant's giving security that if the Appeal be dismissed, the costs incurred and the sum or thing touching which the Appeal is brought, shall be paid, delivered or reimbursed.

Appeal to the Circuit Court.

XXXVII.

Notice of Appeal.

Such Appeal to be prosecuted without delay.

XXXVII. And be it enacted, That the Appellant shall give notice of his intention to Appeal, within three days after the rendering of the judgment, to the Court who shall have rendered it, and such Appeal shall be begun and prosecuted before such Circuit Court, or nearest Court of Queen's Bench in Inferior Term, at its then first sitting, provided there shall intervene at least fifteen days before the said sitting, and if less than fifteen days shall intervene, then at the next sitting of the said Circuit Court or Court of Queen's Bench.

Certain parts of the Parishes of Quebec, Montreal and St. Roch, excepted.

XXXVIII. And be it enacted, That nothing in this Act shall extend to those portions of the Parishes of Quebec, St. Roch and Montreal, which are within the limits of the Cities of Quebec and Montreal, respectively.

False swearing or affirming to be perjury.

XXXIX. And be it enacted, That any person who shall wilfully swear or affirm falsely in any matter in which an oath or affirmation is required by this Act, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to be punished accordingly.

Recital as to Boundaries.

Governor in Council may declare and alter boundaries of Parishes and Townships.

XL. And inasmuch as in certain parts of Lower Canada there are Parishes legally established as such for the Roman Catholic and Protestant Communions, respectively, the limits whereof do not coincide, or which include parts of several Townships, and Townships in which the several Settlements have no actual and direct means of communication with each other, in all which localities great difficulty may occur in carrying this Act into effect; For remedy thereof, Be it enacted, That the Governor in Council shall have power from time to time to define by Proclamation the boundaries which are to circumscribe any tract which is to form a Municipality, either by declaring by Proclamation a Roman Catholic or a Protestant Parish to be a Municipality, or by uniting two Parishes, or a part of a Parish to another Parish, or divers parts of Parishes or Townships to each other, or a part or parts of any Township or Townships, or a Township to any other Township; and each tract of land so circumscribed and bounded, shall be deemed to be a Municipality, (that is to say, a Parish or Township,) for all the purposes of this Act, until the boundaries thereof shall be again altered in like manner by the Governor in Council.

Parishes or Townships may be permanently united.

XLI. And be it enacted, That upon petition to that effect from any two or more adjoining Townships or Parishes situated in the same County, the Governor in Council shall have power to unite permanently the same into one Municipality; and in case of such union of several Parishes or Townships in one Municipality, each shall be represented by three Councillors elected by each of them; and such Councillors and Council shall be regulated by the provisions of this Act.

XLII.

XLII. And be it enacted, That if any petition praying for such permanent union of Townships or Parishes is presented by the Municipal Council thereof alone, the same shall not be acted upon until confirmed by a general meeting of the Parish or Township duly called for that purpose ; and that no Parish or Township shall be permanently united to another, unless its consent be so expressed.

No Parish or Township to be so united against the wish of the inhabitants.

XLIII. And be it enacted, That nothing in this Act contained shall have the effect of delaying, annulling or preventing the operation of any *Procès-Verbal* or by-law of Municipal Council obliging the inhabitants of one or of several Parishes or Townships, or any of them, to perform labour on any public road, bridge or water-course out of their respective Parishes or Townships, but that such public road, bridge or water-course shall be kept up, maintained, repaired and constructed anew in such manner as may be directed in such *Procès-Verbal* or by-law, and that for this purpose the Municipal Council of the Parish or Township wherein may be situate the public road, bridge or water-course on which such non-resident inhabitants may be obliged by such *Procès-Verbal* or by-law to perform labour, shall have jurisdiction over such non-resident inhabitants, and is hereby authorized to oblige them by all lawful means to perform their respective portions of labour, as if they were resident inhabitants, until it be otherwise ordered.

This Act not to prevent the effect of certain *Procès-Verbaux*.

XLIV. And whereas some of the objects for which Municipal Institutions or Corporations are established by this Act cannot be obtained without the co-operation of two or more Townships or Parishes ; Be it therefore enacted, That when any Council shall conceive that for the due execution of any provision of this Act, they are entitled to require the co-operation of one or more of the neighbouring Townships or Parishes, the said Council shall, by an address to the Council or Councils, whose co-operation they may need, containing the names of two Delegates from their own body upon the matter for which they require such co-operation, request the nomination of two Delegates from each of such Council or Councils so addressed, to meet their own, with which address or request it will be the duty of each Council so addressed to comply within twelve days after the receipt of such address or request : the same request shall also be sent to the Mayor, or his substitute, and two of the Councillors of the most populous adjoining Township, Parish or Municipality not interested, and the said Mayor or his substitute shall preside at the said meeting of Delegates.

Provisions for cases in which the co-operation of two or more Municipalities shall be necessary.

XLV. And be it enacted, That the said Delegates shall meet in the first instance at the place of meeting of the addressing Council, the day and hour being previously determined by the Delegates of the addressing Council, the said hour not being earlier than ten of the clock in the morning nor later than two of the clock in the afternoon ; that the said Delegates shall deliberate among themselves on the

Meeting of Delegates and their proceedings.

Power to adjourn.

matter

Their decision to be binding.

† *Sic.*
Umpire in case of equal division.

Decision to be by majority.

Clerk of the meeting.

matter referred to them, and if they cannot come to a decision on the first day of their meeting they must adjourn to the next or any other day, and so on until they are agreed : their decision shall be binding on the Townships or Parishes for which they shall have been so delegated ; but in case of equal decision,† the Mayor shall be umpire, and his decision shall be final.

XLVI. And be it enacted, That in the meeting of Delegates, all matters shall be determined by a majority of votes ; no Delegate to absent himself from the meeting under a penalty of twenty shillings per day during such absence ; the Mayor presiding at the said meeting shall nominate the Clerk of the meeting.

SECOND PART.

VILLAGES, TOWNS AND BOROUGHS.

Inhabitants of a Village may address the Council to have limits assigned to it.

XLVII. And be it enacted, That the inhabitants entitled to vote at elections of Parish or Township Councillors, in each Village or Town not already incorporated, containing sixty houses or upwards, within a space of thirty superficial arpents or acres, shall be entitled to hold a meeting, at which the Senior Justice of the Peace or Senior Officer of Militia shall preside, on being thereunto requested by any three land-owners in such Village or Town and may at such meeting determine whether a requisition shall or shall not be made to the Council of the Parish or Township, praying them to fix limits and boundaries for such Village or Town for the purposes of this Act.

Justice of the Peace may call a meeting.

Notice of such meeting.

XLVIII. And be it enacted, That it shall be the duty of the Senior Justice of the Peace, on being thereunto requested by any thirty landowners in any Village or Town containing sixty houses, within a space of thirty superficial arpents or acres, to call, by public notice to be given at the door of the Parish Churches and Places of the Public Worship, (and if there be no place of Public Worship, then at two of the most frequented places in the Parish or Township in which the Village or Town shall be situate,) a meeting of the land-owners, and of the tenants paying respectively a rent of not less than five pounds, currency, resident in the Village or Town, to consider whether it be or be not expedient to apply to the Council of the Parish or Township to fix limits and boundaries to such Village or Town.

Petition to be acted upon forthwith by the Council.

XLIX. And be it enacted, That in the first session of the Council held after the presentation of the said petition, provided such session be not held before the expiration of eight days after such presentation, it shall be the duty of the Council of the Parish or Township to fix the limits and boundaries of the Village or Town so applying, and to describe the same in writing, and the Governor in Council

shall

shall have power; on receipt of a duly attested record of the proceedings had by such Parish or Township Council, and after ascertaining the sufficiency of the description of the limits and boundaries therein set forth by Proclamation, to declare the same to be such limits and boundaries, and copies of such Proclamation shall be posted up during two consecutive weeks, at the door of the Church or Place of Public Worship of the most numerous religious denomination in such Parish or Township, or at two of the most frequented places therein, if there be no Place of Public Worship; and a further copy thereof shall be transmitted to the Justice of the Peace or Officer of Militia, who shall have presided at the meeting in the Village or Town, to be by him delivered to the Mayor thereof, whenever the Council of such Village or Town shall be constituted in the manner hereinafter provided: Provided always, that nothing herein contained shall authorize the Council of any Parish or Township to diminish the limits of any Town, Borough or Village already fixed by competent authority.

Description of boundaries to be published.

L. And be it enacted, That after the publication of the limits assigned to any Village, Town or Borough, by the Council of the Parish or Township, one of the Councillors of such Parish or Township shall call a public meeting of the landowners and tenants in such Village or Town, by a public notice to be posted up during eight days before the meeting, at two of the most frequented places in the Village, and shall preside at such meeting, at which five persons resident therein, and being electors, shall be elected to be Councillors for such Village or Town, if there be not more than sixty houses therein, and seven such persons shall be so elected to be Councillors if there be more than sixty houses: Provided always, that no elector for any Village or Town shall, after the incorporation thereof, vote at any election under this Act, for the Parish or Township in which such Village or Town may lie, nor shall any elector for the Parish or Township thereafter vote at any election for such Village or Town, nor shall any person vote at any election held under this Act for any place within which he shall not be resident.

First Election in the Village or Town, how called, and proceedings.

Councillors to be elected.

Proviso, no person to vote in any place where he is not resident.

LI. And be it enacted, That forthwith after such election shall have been completed by the taking of the oath of office by the Councillors elected, the inhabitants of such Village or Town shall be and are hereby constituted a body politic and corporate, by the name of "*The Corporation of the Village (or Town) of* as the case may be"; and such Corporation shall, within the limits of the Village or Town, have the same privileges and powers as the Corporation of any Parish or Township hath within the limits thereof, and shall be represented by the Council elected in conformity with the next preceding section; and such Village or Town shall thereafter be wholly detached from the Parish or Township, the Council whereof shall have thereafter no jurisdiction in such Village or Town.

After the Election the Inhabitants of the Village shall be incorporated.

Corporate powers.

Mayor to be chosen.

LII. And be it enacted, That forthwith, after having taken the oath of office, the Councillors for such Village or Town shall meet and choose from among themselves a Chairman, who shall be the Mayor of the Village or Town, and from that time they shall have within the limits of such Village or Town the same powers and functions, in so far as they may be applicable, as the Councils of Parishes or Townships have within the limits thereof, and shall, moreover, have power to form one or more organized companies of firemen for extinguishing or arresting the progress of fires, and to make regulations for the internal Police of such Village or Town, and the right ordering, establishment or construction of Markets; any law or custom to the contrary notwithstanding.

Powers and functions of the Council of any Village to be the same as those of any Parish.

Until a Village or Town be so detached, the Parish Council to have like power.

LIII. And be it enacted, That until any Village or Town shall be actually separated from the Parish or Township under the provisions of this Act, the Council of the Parish or Township shall have in such Village or Town the same powers and authority, and for the same purposes as are conferred on the Councils of any Village or Town.

Town Council to have certain powers for improving the streets, &c.

LIV. And be it enacted, That the Council of any Village or Town shall also have power to make by-laws for the laying out, straightening, levelling, draining, or gradually widening of the streets therein, as they shall deem expedient or necessary for the health and embellishment of the Village or Town; provided they oblige no party, without his consent, to pull down any building without compensation, or to furnish without compensation the ground which may be deemed requisite for making such streets, or for any public squares.

All assessments to be hereafter paid to the Treasurer of the Village or Town.

LV. And be it enacted, That the proceeds of all assessments or taxes theretofore laid upon the Village or Town by the Council of the Parish or Township, shall be paid by the parties liable therefor to the Treasurer of the Village or Town, until repealed or altered by the Council thereof.

Order and time in which the Councillors shall go out of office.

LVI. And be it enacted, That two of the Councillors of each Village or Town shall go out of office at the end of the first year, and shall be replaced or re-elected at a general meeting, for three years; two shall go out of office at the end of the second year, and the two remaining Councillors and the Mayor shall go out at the end of the third year; and after so going out, those elected in their stead, or themselves, if re-elected, shall remain respectively three years in office.

Election of Mayor, &c.

LVII. And be it enacted, That the election of a Mayor shall take place once in three years only; and in case of his absence from the Council, his place shall be filled by a temporary Chairman elected by the members of the Council then present; and the *quorum* of any such Council shall be an absolute majority of the total number of Councillors, including the Mayor.

Quorum.

LVIII. And be it enacted, That the Council of each Village or Town shall also have power to make by-laws for the prevention of fires, either by regulating the mode of placing stoves or stove-pipes in any house, or the mode of keeping ashes ; and they shall have power to prescribe the manner in which vacant lots in and near the Village or Town shall be distributed and divided, and to fix the width of any streets to be made on such vacant lots.

Regulations
for preventing
fires.

As to vacant
lots and streets
through them.

LIX. And be it enacted, That it shall be the duty of the Provincial Secretary forthwith after the passing of this Act, to have printed a sufficient number of copies of the same, and to see them distributed to all the Parishes or Townships.

Printed copies
of Act to be
distributed.

LX. And be it enacted, That this Act shall extend only to Lower Canada.

Extent of this
Act.

LXI. And be it enacted, That the words " Lower Canada," wherever they occur in this Act, shall mean all that part of this Province which formerly constituted the Province of Lower Canada ; the word " Town" shall include any Borough in Lower Canada ; and words importing the singular number or the masculine gender only, shall include more persons, matters or things than one of the same kind, as well as one person, matter or thing, and females as well as males, unless it be otherwise expressly provided, or there be something in the subject or context inconsistent with or repugnant to such construction ; and generally, all words and expressions herein used shall receive such fair and liberal interpretation as will best ensure the attainment of the objects for which this Act is passed, according to the true spirit, intent and meaning thereof.

Interpretation
Clause.

LXII. And be it enacted, That no Councillor nor Assessor shall be elected or appointed or enabled to act under the provisions of this Act, unless he shall be a qualified voter resident in such Parish, Township or Municipality, and holding real property therein to the value of two hundred and fifty pounds, currency, over and above every charge or incumbrance thereon.

Qualification.

LXIII. And be it enacted, That this Act shall continue and be in force for and during the period of two years, and from thence to the end of the then next ensuing Session of the Provincial Parliament, and no longer.

Duration of
Act.

SCHEDULES.

SCHEDULES.

No. 1.

Oath of a Proprietor.

You swear (or affirm) that your name is _____ that your addition, (profession or trade) is _____ that you are an inhabitant householder resident in the Parish of _____ (or as the case may be) that you have been so resident during the year next preceding the election, that you are seized and possessed to your own use of a land and tenement held in free and common soccage (*franc aleu, fief or roture, as the case may be*) in the said Parish (or as the case may be) adjoining on the one side to the property of _____ and on the other side to the property of _____ and that such land and tenement so possessed by you is of the clear annual value of forty shillings, currency, over and above all rents and charges payable out of or affecting the same; that you have paid all rates and local taxes due by you before this election, that you are of the full age of twenty-one years, and that you have not already voted at this election : So help you God.

No. 2.

Oath of a Tenant or Lessee.

You swear (or affirm) that your name is _____ that your addition (profession or trade,) is _____ that you are an inhabitant householder resident in the Parish of _____ (or as the case may be,) that you have been there resident during the year next preceding this election, that you hold, as tenant or lessee, a land or tenement yielding you (or for which you pay) a yearly income (or rent) of five pounds, currency, in money or produce, which said land or tenement is bounded on the one side by the property of _____ and on the other side by the property of _____ that you have paid all rates and local taxes due by you before this election, that you are of the full age of twenty-one years, and that you have not already voted at this election : So help you God.