



ANNO TERTIO-DECIMO & QUARTO-DECIMO
V I C T O R I Æ R E G I N Æ .

C A P . C V .

An Act to provide more fully for the incorporation of Village of St. Hyacinthe.

[10th August, 1850.]

WHEREAS it is necessary, from the considerable increase of the population and the progressing importance of the Village of Saint Hyacinthe, in the District of Montreal, to provide more ample provisions for its internal government than are now in force under the existing Laws: 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-write 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 inhabitants of the said Village of Saint Hyacinthe within the limits hereinafter prescribed, and their successors, shall be and are hereby declared a body corporate and politic in fact and in law by the name of the "Mayor and Town Council of the Town of Saint Hyacinthe," 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 actions, causes and 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 uses of the said Village, which is hereby declared to be a Town under the name of "The Town of Saint Hyacinthe."

Preamble.

Town of St. Hyacinthe incorporated.

Corporate name and powers.

II. And be it enacted, That the said town of Saint Hyacinthe shall be bounded as follows, to wit: on the south-west by a line drawn from the River Yamaska passing through the centre of Bourdages Street as far as its junction with Saint James Street, and thence, continuing along the line water-course separating the *Petit Rang* road from the *Fabrique* lands, as far as the lands in the *Petit Rang*, on the north-west by the separation line between the river lands and the lands of the *Petit Rang* from the road of the *Petit Rang* as far as the line between the lands belonging to the corporation of the College and those of Antoine Charron *dit* Cabana, on the north-east by the lands of Antoine Charron *dit* Cabana, and on the south-east by the centre of the River Yamaska; commencing on the north-west bank of the River Yamaska in the centre of Bourdages Street, thence, along the centre of the said Street, until it intersects Saint James Street, and thence continuing along the line water-course situated between the road of the *Petit Rang* to the north-east and the *Fabrique* lands to the south-west, magnetically north, thirty-two degrees ten minutes west (variation eleven degrees fifteen minutes west) for the space of thirty arpents, more or less, as far as the line separating the River lands from those of the *Petit Rang*; thence, along the said line, south, fifty-seven degrees twenty-five minutes east, four arpents and twelve feet, more or less, there forming an angle; thence, north, twenty-eight degrees twenty minutes east, two arpents six rods and nine feet, more or less, there forming an angle; thence, north, nine degrees fifty minutes east, two arpents nine rods and four feet, more

Boundaries of the town.

or

or less, to the south-west line of the lands belonging to the corporation of the College; thence, along the said line, north, forty-five degrees forty minutes west, seven rods and six feet, more or less, to the north-west line of the said lands belonging to the Corporation of the said College; thence, along the said line, north, eighteen degrees, five minutes east, two arpents eight rods and nine feet, more or less, to the line separating the said lands from those of Antoine Charron *dit* Cabana; thence, along the said line of separation, south, forty-five degrees forty minutes east, thirty arpents, more or less, to the River Yamaska; and thence, continuing as far as the centre of the River; thence, towards the south-west, running up the centre of the said River, to where it intersects by a prolonged line the centre of Bourdages street; and thence, following the said prolongation, north, thirty-two degrees, ten minutes west, to the bank of the river and point of departure; the said Town of Saint Hyacinthe, so bounded and limited, containing six hundred and seventy-five arpents more or less in superficies: any law, usage, or proclamation to the contrary notwithstanding.

Superficial extent.

Town divided into four wards.

Boundaries and names of the wards.

III. And be it enacted, That the said Town shall be divided into four Wards, and the same shall be respectively known and designated as "Ward Number One", "Ward Number Two", "Ward Number Three" and "Ward Number Four", and bounded as follows, that is to say:

"Ward Number One" shall be bounded in front by the River Yamaska, on the north-east and in depth by the limits of the said Town, and on the south-west by the rear line of the emplacements lying on the north-east side of Saint Marie Street;

"Ward Number Two" shall be bounded in front by the said River, in depth by the limits of the said Town, on the north-east by Ward Number One, and on the south-west by a line drawn through the centre of Mondor Street;

"Ward Number Three" shall be bounded in front by the said River, in depth by the limits of the said Town, on the north-east by Ward Number Two, and on the south-west by a line drawn through the centre of Saint Ann Street;

"Ward Number Four" shall be bounded in front by the said River, in depth and on the south-west by the limits of the said Town, and on the north-east by Ward Number Three.

Seven councillors to be elected.

Their qualification.

IV. And be it enacted, That the number of Councillors of the said Town shall be seven; and the said Councillors shall be chosen from among the inhabitant householders of the said Town who shall be subjects of Her Majesty, and of the age of twenty-one years, and freeholders therein to an assessed value of one hundred and fifty pounds currency, or such persons as shall have built on a leasehold property a dwelling house, and residing therein, which would *bonâ fide* rent for fifteen pounds currency per annum; and no person shall be capable of being elected to or of performing the duties of a member of the said Council if he shall not at the time be a resident of the said Town.

Who may vote at elections of Councillors,

V. And be it enacted, That the persons entitled to vote at the Municipal Elections of the said Town shall be the male freeholders and inhabitant householders of the said Town, residing therein, of the age of twenty-one years, and being subjects of Her Majesty possessed of real property in the said Town of the yearly value of twenty shillings currency, or tenants being like subjects of Her Majesty, of the age of twenty-one years, and rated upon the assessment roll of the said Town, and who shall have paid, six months before the said election, rent for their dwelling house within the said Town at the rate of not less than three pounds currency per annum; and leaseholders, being like subjects of Her Majesty, of the age of twenty-one years, who shall have built a dwelling house on such leasehold, and residing therein, which would *bonâ fide* rent for the sum of five pounds currency per annum.

Number of Councillors for each Ward.

VI. And be it enacted, That the resident inhabitants in each Ward who shall be entitled to vote at the said Elections, shall elect two Councillors in their respective Wards, except the inhabitants of Ward Number Two, who shall only be entitled to elect one Councillor.

Mayor and Secretary-Treasurer to be elected.

VII. And be it enacted, That the members of the said Town Council so elected, or a majority of them, shall at their first meeting choose one of their number to be Mayor, who

who shall preside and keep order at their meetings; the Town Council shall also choose a qualified person to be Secretary-Treasurer; the Mayor shall not vote on any question submitted to the Council unless there be an equal number of votes, and in such case, he shall give his casting vote.

Vote of Mayor.

VIII. And be it enacted, That the first Municipal Election for the said Town shall take place on the first Monday in the month of October next, and the annual Elections to be held thereafter shall take place on the first Monday in July of each year, and public notice thereof shall be posted up and read at the Parish Church door, after parochial High Mass, on the two Sundays preceding such Election, and shall be also read in the market place of the said Town on the two preceding Saturdays; which notice shall for the first election be signed by the senior Justice of the Peace who shall have been present at the appointment of the Returning-Officers as hereinafter provided, and for all subsequent Elections, the said notice shall be signed by the Secretary-Treasurer of the said Town Council, and shall contain the day, hour and place of holding such Election; and such Election shall be held in the respective Wards in which the said Councillors shall be respectively elected.

Times of first and subsequent elections.

Notice to be given.

IX. And be it enacted, That in order to proceed to the first Municipal Election for the said Town, the Justices of the Peace resident therein shall assemble at the Court House of the said Town at the hour of Ten in the forenoon, to appoint a Returning-Officer for each of the said Wards, and such appointment shall be made by the majority of the said Justices of the Peace, the senior whereof shall, in case of an equal division, have the casting vote, and if there be only one Justice of the Peace present, he shall proceed to appoint the said Returning-Officers: Provided always, that the said Returning-Officers shall be electors for any one of the said Wards, but they may be chosen as aforesaid in any of the said Wards, provided they be resident within the limits of the said Town.

Place of election.

Appointment of returning-officers for the first election.

Proviso.

They shall be electors.

X. And be it enacted, That at all Elections of Councillors, subsequent to the first Election, one of the Councillors then in office, who shall be appointed by the Council shall preside, and such Councillor shall have a Deputy under him for each of the said Wards in which any such Election shall be held, who shall be appointed and paid by the Council; and the Poll shall be kept open for receiving and entering votes for the Election of Members of the said Town Council, from nine o'clock in the morning until five o'clock in the evening of the said day, (in case the said Election shall not be made by acclamation,) and at the close of the Poll at the hour above mentioned, the said Deputies shall declare such person or persons duly elected as Members of the said Town Council as shall have the greatest number of votes; and in case the votes in favour of the said Candidates shall be equally divided, the Returning-Officer, or the Deputy appointed as aforesaid, shall give his vote in favour of one of the said Candidates; and the said Councillor shall give notice of their Election to the persons so elected within three days after such Election; and the said Council shall regulate from time to time the time and place at which such Elections of its Members shall be held and all other proceedings to be adopted thereat; and the Members of the said Town Council so elected shall remain in Office until the first Monday in July after such Election, and the Members elect shall take the Oath of Office hereafter mentioned before any Justice of the Peace for the District of Montreal, who is hereby authorized to administer the same, to wit:

Who shall preside at subsequent elections.

Days and hours of polling.

If the votes be equally divided, &c.

Term of office, oath, &c.

"I, A. B., do solemnly swear that I will, well, faithfully and impartially discharge the duties of a Member of the Town Council of Saint-Hyacinthe to the best of my knowledge and ability: So help me God."

The oath.

XI. And be it enacted, That whenever a vacancy shall occur in the said Council by the absence, incapacity, death of any of its Members, or otherwise, or by the removal of any of its Members out of the said Town, which shall in itself be a cause of disqualification, provided such vacancy shall occur before the first day of May in any year, it shall be lawful for the Mayor to call the electors of the said Town by notices to be posted up and read as provided by the seventh section, to fill such vacancy by the Election

Vacancies in council how filled.

Election of another Councillor, and such Election shall be conducted as above provided; and such Councillor so elected in the stead of another shall remain in Office during the whole time for which the Member in whose stead he shall have been elected would have remained in Office, and neither the Mayor or the Councillors shall receive any salary nor emolument for the time during which they shall remain in Office.

Order in which councillors shall retire from office.

XII. And be it enacted, That three Councillors, to be determined by lot, out of the seven who shall be appointed in the year one thousand eight hundred and fifty, shall go out of office on the first Monday in July of the year one thousand eight hundred and fifty-one, and shall be replaced or re-elected at the annual Municipal Elections for a period of two years; and the four remaining Councillors shall remain in office until the first Monday in July, one thousand eight hundred and fifty-two, and shall then be replaced or re-elected for two years; and the said Council shall thus be renewed in two years by following the said rotation; Provided always, that not more than one of the Councillors elected in each Ward shall go out of office in the years in which three of the said Councillors shall have to go out of office.

Proviso.

Poll Books to be certified on oath.

XIII. And be it enacted, That in all Elections held under this Act, the Poll Books containing the names of voters, and other matters, shall be certified by affidavit of each of the Officers who shall have held such elections before any Justice of the Peace for the District of Montreal, which oath such Justice is hereby empowered to administer; and the said oath of the correctness of the said Poll Books shall be in the following form:

“ I, A. B., do swear that the Poll Book kept by me at the Municipal Election for Ward No. _____ of the Town of Saint Hyacinthe, is just and correct according to the best of my knowledge and belief: So help me God.”

Oath of person presiding at any election.

XIV. And be it enacted, That before any person shall proceed to hold an Election under this Act he shall take the following oath, which any Justice of the Peace for the District of Montreal, is hereby authorized to administer, that is to say:

“ I do solemnly swear that I will faithfully and impartially to the best of my ability discharge the duty of presiding Officer at the Election which I am about to hold for a Member or Members of the Town Council of Saint Hyacinthe: So help me God.”

Powers of persons presiding at elections, for preserving order, &c.

XV. And be it enacted, That every presiding Officer at any such Election of a Member or Members, shall have power and he is hereby required to preserve peace and order at such Election, and for such purpose he shall and may, during its continuance, commit to the Common Gaol of the District of Montreal, or to the Gaol of the County of Saint Hyacinthe (so soon as the same shall be erected into a Common Gaol) any person or persons making or creating any disturbance, fighting or rioting at such election, practising any malicious mischief, or using any threats of violence to deter any Elector from coming forward to vote, retiring from voting, or remaining quietly at such Election; and shall and may require and command the assistance of all persons present at such Election, or any Constable or Peace Officer in the said Town who are hereby required to give such assistance in apprehending and committing the person or persons making or creating any such noise, interruption, disturbance or disorder as aforesaid: Provided always, that no such committal shall extend beyond the period of one month.

Electors and Candidates may be examined on oath as to their qualification.

XVI. And be it enacted, That the Officer presiding at any Election under this Act shall have authority and 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 Town 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 when the party if allowed by law to affirm) any person tendering his vote at any Election respecting his right to vote; and that the oath to be administered for either of the purposes shall and may be in the following form:

“ You

“ You shall true answer make to all such questions as the Presiding Officer at this Election shall put to you respecting your qualification to be elected at this Election, (or respecting your qualification to vote at this election, as the case may be) : So help you God.”

And the affirmation shall be in the common form of an affirmation to the same effect.

XVII. And be it enacted, That 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 guilty of wilful and corrupt perjury, and on conviction thereof he shall suffer as in other cases of wilful and corrupt perjury.

False swearing to be perjury.

XVIII. And be it enacted, That if either or any of the members elected as aforesaid, after notice thereof, shall neglect or refuse for the space of ten days to take the oath of office herein contained, which any one of the said members so elected as aforesaid is empowered hereby to administer to the others, he shall for such neglect or refusal forfeit the sum of Five pounds currency, to be recovered with costs by information before any Justice of the Peace for the District of Montreal, who is hereby authorized to proceed in the same manner as hereinafter is provided for the recovery of any penalty for the transgressing of any order or regulation of the said Town Council; Provided that no person having been re-elected a member of the said Town Council during his absence from the Town (unless such member shall have previously given his consent to be put in nomination), nor any person who has discharged the duties of a member of the said Town Council within three years of the said election, shall be subjected to the penalty hereinbefore stated for the refusal to act.

Penalty on any person elected failing to take the oath of office.

Proviso : as to persons re-elected.

XIX. And be it enacted, That the said Town Council, as soon as they shall have chosen a Mayor, shall have the power of enacting such laws and regulations for the internal government of the Town as to them may seem expedient and necessary, and shall have the power of appointing all such Officers, Constables and Policemen as shall be required for the due execution of the laws to be by them enacted, and of requiring such security to be given by each of the said Officers as to the Town Council may seem meet, and of removing any of the said Officers at pleasure.

Security may be required from Town Officers.

XX. And be it enacted, That for the purpose of raising funds to provide for the purchase of any real estate for the use of the said Town to erect a Market-House, Town-Hall and other buildings, to procure Fire Engines, and for lighting and paving and repairing the streets and side-walks of the said Town, and also for paying the necessary expenses of the said Town Council, and for all other purposes which the said Town Council may deem expedient and necessary for the welfare and improvement of the said Town, it shall and may be lawful for the said Town Council to levy by assessment, annually, upon the persons rated or liable to be rated upon any valuation for property real and personal in the said Town, any sum not exceeding one penny in the pound; and it shall be the duty of the said Town Council to cause an assessment to be made of the property in the said Town as soon as the same shall have been organized, and thereafter, once in every three years.

Council may raise money by assessment for certain purposes.

Rate limited.

XXI. And be it enacted, That such rates as shall be so imposed shall be collected by the Officer to be appointed by such Town Council, according to such By-laws as shall be enacted for that purpose by the said Town Council, and be paid into the Treasury of the said Town Council.

Rates how collected.

XXII. And be it enacted, That the property liable to taxation within the limits of the Town of Saint Hyacinthe, shall be (except as hereinafter provided) :

What property liable to assessment.

Firstly. All lands, town lots and parts of town lots, with all buildings and erections thereon, at their real value ;

Realty.

Secondly. The following moveable property at the value herein specified :

Personalty.

Every horse kept for the purpose of covering mares, at One Hundred Pounds ;

Every horse kept for hire or gain, at Fifteen Pounds ;

Every horse, mare or gelding above the age of three years, at Seven Pounds Ten Shillings ;

Every Bull or Ram, at Five Pounds ;

All other horned cattle, except milch cows, which shall be exempt from taxation, at Two Pounds;

Every close carriage with four wheels kept for pleasure, at Fifty Pounds;

Every open carriage with four wheels kept for pleasure, at Twenty Pounds;

Every curricule or light waggon kept for pleasure, at Ten Pounds;

Every two horse sleigh kept for pleasure, at Fifteen Pounds;

Every one horse sleigh kept for pleasure, at Ten Pounds.

Stock in trade.

Proviso.

Seigniors.

Proviso.

Real value to be taken.

What property shall be exempt from taxation.

Proviso.

Appointment of Assessors.

Penalty on Assessors neglecting their duty.

Appeal given to parties assessed.

Proviso: as to property suffering diminution in value.

Proviso: as to indigent persons.

Thirdly.—The stock in trade of all descriptions, kept by Merchants and Dealers exposed for sale on shelves in shops, or kept in vaults or store houses: Provided always, that no annual rate shall be declared or collected on such stock, to exceed one fourth part of one per centum, on the estimated value of such stock, and the Seigniors of the censive within which the said Town is situate shall pay in proportion to their lucrative rights one fortieth part of the sum imposed upon the said Town, 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 demesne and mills of such Seigniors.

XXIII. And be it enacted, That the land and real property in the said Town shall be valued and estimated at their real value.

XXIV. And be it enacted, That the following property shall be exempt from taxation in the Town of Saint Hyacinthe; all lands and property belonging to Her Majesty, Her Heirs and Successors, or vested in or held by any public body, office, person or party in trust for the uses or service of Her Majesty, Her Heirs and Successors, whether held in fee simple or for any less estate during the continuance of such estate, and all Provincial Property and Buildings; every place of Public Worship; every Burying-Ground; every Public School-House and School-Lands, and all other Educational Establishments as well as the ground on which the same are or shall be constructed; all buildings, ground and property occupied by Hospitals or Charitable Institutions, or for the public uses of the Corporation, or held by the Corporation, or held by the Corporation and not in the possession of the tenant or tenants of the Corporation; the Court House and Gaol and the grounds attached thereto; Provided always, this exemption shall not extend to Lots or to Buildings built upon, leased or occupied by tenants under the Government or the Ordnance Department in the said Town, but the same shall be valued and assessed in like manner as other property, and such rate or assessment shall be paid by the tenant or tenants thereof.

XXV. And be it enacted, That it shall be the duty of the Town Council, as soon as it shall have been organized, and thereafter, at the expiration of every three years, to appoint three competent persons resident free-holders whose individual property shall be worth not less than Two Hundred and Fifty Pounds, to appraise and value all the rateable property (not herein exempted) according to its real value; and when notified by the Secretary-Treasurer of the said Town of such appointment, they shall, as directed, proceed to discharge the said duties, and for every neglect, refusal or delay, shall forfeit and pay a sum not exceeding Four Pounds, except a good and sufficient excuse is offered and accepted, in which case the Town Council may appoint another valuator instead, and when the valuation or assessment Roll is placed in the hands of the Town Council it shall be deposited in the Office of the Secretary-Treasurer, and for the space of fifteen lawful days be open to public inspection; and parties within that period may record an appeal to the Town Council for excessive valuation, which appeal may be determined upon by the said Town Council at their next meeting, receiving such allegations by parties and their witnesses upon oath to be administered by the Mayor or person presiding, after which they shall declare and collect the rate for the next three years; Provided always, that if any assessed property should suffer a considerable diminution in value by fire or from any other accident or means of destruction, it shall be lawful for the said Council, on a petition from the proprietor thereof, to reduce the estimate of such property to any sum representing its then value: And provided also, that the said Council shall have power to remit a portion or even the whole of the

the amount due for assessment, by indigent or sick persons applying for such reduction or exemption.

XXVI. And be it enacted, That the said Town Council of Saint Hyacinthe shall have full power and authority from time to time to make, revise, alter and amend, administer and enforce such By-laws as they may deem proper for making, gravelling, planking, flagging, ditching, levelling, raising, repairing, mending, lighting, macadamising and cleansing and opening any of the streets, squares, lanes, alleys, walks, side-walks, cross-walks, roads, highways, bridges, public wharves, docks, slips, shores and sewers now laid out or to be erected within the limits of the said Town ; or to regulate or restrain cattle, horses, sheep, goats, swine and other animals, geese and other poultry from running at large within the limits of the said Town ; and to prevent and regulate the running at large of dogs, and to impose a reasonable tax upon the owners or possessors thereof ; to regulate or prevent the encumbering or injuring of the streets, squares, lanes, walks, side-walks, cross-walks, roads, highways, bridges, public wharves, docks and slips with any wheel-barrows, carts, carriages, lumber, stones, merchandize or other materials whatsoever ; to prevent the selling or vending by retail in the public highways, any meat, vegetables, fruits, cakes, cider, beer or other beverage whatsoever ; to prevent the sale of any strong or intoxicating drink to any child or apprentice or servant without the consent of his legal protector ; to prevent the immoderate riding or driving of horses or other cattle in any of the public highways of the said Town ; to prevent the leading, riding or driving of horses upon the side-walks of the streets or other improper places ; to regulate the standing and fastening of horses in the streets and open sheds of the said Town ; to regulate wharves or quays ; to prevent all obstructions in or on the canals, wharves, slips or bridges near or opposite to any dock, wharf or slip ; to prevent or regulate bathing and swimming in and about the docks, wharves, slips, shores and river within the limit of the said Town ; to prevent charivaris ; to enforce the due observance of the sabbath ; to regulate the licensing of or to prevent the exhibition of wax figures, wild animals, mountebanks and all other shows exhibited by common showmen ; to prevent the excessive beating or other inhuman treatment of horses, cattle or other beasts ; to regulate all games and bowling alleys, all public billiard tables, roulette-tables as well as any species of gambling apparatus whatsoever, and to regulate and license all theatres kept for profit, auctioneers, butchers, cartmen and cartage and the fares to be charged by them, hawkers and pedlers and all persons exhibiting for gain or profit any puppet show, wire dance, circus riding or any other idle acts or feats which common showmen, circus-riders, mountebanks or jugglers usually practice or perform ; and to limit the number and provide for the purpose of licensing the same ; to regulate and prevent the firing of guns, pistols and other fire arms, and to prevent the making of bonfires or the firing of squibs and crackers ; to regulate or prevent the erection of slaughter-houses and tanneries ; to abate or cause to be removed any nuisances or houses of ill-fame within the said town ; to regulate all or any taverns, ale-houses, victualling-houses, and all houses where fruit, oysters, clams or victuals may be sold to be eaten or drunk therein, and all other places for the reception and entertainment of the public, and to limit the number of them and to provide for the proper licensing of them at such rates as to the said Town Council may seem expedient—the proceeds of such licenses to form part of the public funds of the said Town, and to be disposed of in such manner as to the said Town Council may seem meet for the benefit of the said Town ; to regulate the place and manner of selling and weighing hay, and the selling of fish ; to regulate the weighing and measuring of coal, cord wood and other fuel, salt and lime exposed for sale in any part of the said Town ; to regulate and assize the price of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto ; to regulate the vending of meat, vegetables and fruit ; to regulate any market or markets that may be hereafter erected in the said Town ; to regulate and enforce the erection of party-walls and line and division fences ; to provide for the permanent improvement of the said Town in all matters whatsoever, as well ornamental as useful ; to enforce the sweeping and cleaning of chimneys, and to

- Council may make By-laws for certain purposes.
- Streets, &c.
- Animals at large.
- Incumbering streets.
- Selling in streets, &c.
- Spirituuous liquors.
- Side-walks.
- Wharves, &c.
- Bathing.
- Charivaris.
- Sabbath.
- Exhibitions.
- Cruelty to animals.
- Gaming.
- Theatres, Auctioneers, &c.
- Carters.
- Hawkers.
- Guns and fireworks.
- Nuisances.
- Taverns, &c.
- Hay and fish, coal, fuel, &c.
- Assize of bread.
- Meat, &c.
- Markets.
- Fences.
- Improvements.
- Chimneys.

regulate and license chimney sweepers, and to regulate all chimneys hereafter to be built ; and to regulate and raise one or more Fire Companies ; to regulate and require the safe construction of deposits for ashes, and to regulate the manner of depositing and keeping ashes at the time they are taken from the fire places or stoves ; to regulate, remove or prevent the construction or erection of any fire places, hearth, chimneys, stove, stove pipe, oven, boiler, kettle or apparatus used in any house, building, manufactory or business which may be dangerous in causing or promoting fires ; to regulate the keeping and transporting of gunpowder or other combustible or dangerous materials, and the use of light and candles in livery and other stables ; to regulate or prevent the keeping of smoke-houses, and the carrying on of manufactories dangerous in causing or promoting fires ; to regulate the conduct of inhabitants at fires ; to provide for the keeping of fire buckets, ladders, and fire hooks and battering rams ; to preserve, erect and regulate public wells and cisterns, and other conveniences for stopping or preventing fires ; to provide for the preservation of property exposed at fires, and to prevent goods and other effects from being purloined thereat ; to adopt and establish all such other regulations for the preservation from and suppression of fires as they may deem necessary or expedient ; to provide for the security of the public and of the property of the said Town ; to regulate all cemeteries ; to establish and regulate a town watch, and to prescribe the powers of watchmen ; to license and appoint by warrant under the common seal of the said Town, or otherwise, such and so many inferior officers other than those mentioned in this Act, as shall from time to time be found necessary or convenient, to enforce and execute such By-laws and Regulations as may hereafter be made by the said Town Council, and to displace all or any of them as often as the said Town Council shall think fit ; to prevent and remove encroachments, buildings, fences or any thing else of whatsoever nature in any street or public ground ; to establish a public library ; to regulate public hospitals ; to establish and support a house of industry, and enforce labor and discipline in the same ; to establish and regulate one or more pounds ; to provide, establish and regulate a town prison or place of confinement ; to direct the returning and keeping of bills of mortality ; to regulate the police of the Town ; to prevent the injuring or destroying of trees planted or growing for shade or ornament in the said Town ; to prevent the pulling down or defacing of sign boards and the defacing of buildings, walls, fences, gates, posts ; to prevent and punish the breaches of the peace, and generally to prevent and punish vice, drunkenness, profane swearing, obscene language and every other species of immorality, and to preserve good order in the town ; to preserve the wells, pumps and cisterns, and to provide for the supply of good and wholesome water to the said Town, and to prevent the waste of water, or the throwing or carrying of filth in the river or near thereto ; and to regulate the bonds, recognizances and other securities to be given by all Municipal Officers for the faithful discharge of their duties, and the amount for which the same shall be taken ; to inflict reasonable penalties and fines for the refusing to serve in any municipal office when duly elected or appointed thereto, and for the infringement of any and every law of the said Town ; to regulate the time and place of holding elections for such Municipal Officers as are elective, and to make provision for a register of persons qualified to vote for Members of the Town Council, whereby the right to vote at any election or elections may be determined ; to impose a duty or duties by a By-law or By-laws on all grocers, butchers, bakers, livery stable keepers or carters within the said Town, and all merchant stores or shops, and to classify the same, and all manufactories carried on or exercised or in operation within the said Town ; on all grist, flour, saw and card mills, breweries and distilleries ; on all soap and candle factories, and on all tanneries and slaughter houses within the said Town ; and provided that the said duty or duties shall in no case exceed one penny in the pound in each year, and to regulate the mode by which such assessments shall be collected and paid ; and to make regulations for governing the conduct of apprentices, domestics, servants receiving wages and daily laborers, and also the conduct of masters and mistresses towards such apprentices, domestics, servants receiving wages and daily laborers ; and generally to make all such laws as may be necessary and

Ashes.

Fire-places, &c.

Gunpowder, &c.

Fires.

Cemeteries.

Watch.

Town Officers.

Encroachments.

House of industry.

Prison.

Bills of mortality.

Trees.

Sign-boards, &c.

Breaches of the peace, &c.

Water.

Security from officers.

Penalties.

Elections.

Registry of voters.

Tax on certain trades.

Proviso : tax limited.

Apprentices and servants.

General purposes.

and proper for carrying into execution the powers hereby vested or hereafter to be vested in the said Town Council or in any department or office thereof, for the peace, welfare, safety and good government of said Town as they may from time to time deem expedient, such laws not being repugnant to this Act, or the general laws of the Province: Provided always, that no person shall be subject to be fined more than five pounds for the breach of any By-law or regulation of the said Town, and in default of payment of such fine and of a sufficient distress being found for collection thereof, to be imprisoned in the Common Gaol of the District of Montreal or in the Town Gaol or other place of confinement for a period of more than thirty days.

Proviso: fines and imprisonment limited.

XXVII. And be it enacted, That it shall be lawful for the Town Council when in session, or by any By-law enacted by them, to order and authorize the Inspector of the said Town to give notice of at least ten days to parties who may have made encroachments by buildings, fences or any other obstructions of whatsoever nature upon any of the streets or public grounds in the said Town, specifying and describing such encroachments in such order or By-law, and in such notice; and if the same be not removed by such parties within the time specified in such notice, the said Inspector shall immediately remove the same, taking with him sufficient assistance if need shall be, and shall be allowed his necessary expenses and the usual and customary fees for such services, to be paid in the first instance by the said Town Council and recovered by the Corporation from the party having made such encroachment or obstruction, in the same manner as other moneys due to the Corporation.

Proceedings for removal of encroachments on streets, &c.

XXVIII. And be it enacted, That before any By-law or regulation of the said Town Council for the infringement whereof any penalty may be incurred, shall have force or effect, such By-law or regulation shall be twice read on two consecutive Sundays at the door of the Parish Church immediately after High Mass, and in the market place on two consecutive Saturdays, and posted up in the place of holding the sittings of the Town Council during fifteen consecutive days; and that there shall also be published before the election in each and every year, a statement of all moneys received and in the Treasury shewing the amount of and the objects for which any sums shall have been expended.

Publication of By-laws;

and of statement of moneys received and expended.

XXIX. And be it enacted, That if any person shall transgress any order or regulation made by the said Town Council under the authority of this Act, such person shall for every offence, forfeit the sum which in every order, rule or regulation shall be specified, with costs, to be recovered by information before any one or more Justices of the Peace to be levied of the goods and chattels of such offender, and in default of such goods and chattels, the offender shall be liable to be committed to the Common Gaol of the District of Montreal, or to the Town Gaol, for a term not exceeding one month in the discretion of the Court before whom such offender shall have been convicted, 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 Town of Saint Hyacinthe: Provided always, that the information and complaint for any breach of any order or regulation of the said Town Council shall be made within fifteen days next after the time of the offence committed, and 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 be for more than one calendar month, and the costs of transport in effecting such imprisonment shall be made at the expense of the Corporation.

Proceedings against persons contravening By-laws.

Proviso.

XXX. And be it enacted, That all the penalties recovered under the provisions of this Act shall be paid into the Treasury of the said Town Council, and the proceeds of all Licenses granted under this Act, and any income of whatsoever nature, shall form part of the public funds of the said Town,—any law, usage or custom of this Province to the contrary notwithstanding,—and shall be applied in the same manner as other moneys coming into the said Treasury may be applied for the public uses of the said Town.

Application of penalties, proceeds of licenses, &c.

XXXI. And be it enacted, That if any person shall neglect or refuse to pay the sum or rate for which he or she stands rated in the manner hereinbefore mentioned for the space

Recovery of taxes.

space of thirty days after demand duly made of the same by the Collector or other Officer to be appointed by the said Town Council for that purpose, the said Collector or other Officer shall and he is hereby required to levy the same in the ordinary course before one or several Justices of the Peace and by distress and sale of the goods and chattels of the person so neglecting or refusing to pay, after having obtained a judgment and a warrant for that purpose from some one of the said Justices of the Peace who are by this Act authorized to grant the same after judgment as aforesaid, and to render the surplus (if any) over and above the said rate, to the owner thereof, after deducting the legal charges of the suit and of the distress and sale.

Recovery of taxes on
lands of non-residents.

XXXII. And be it enacted, That in all cases where the person who shall be rated in respect of any vacant ground or other real property within the Town shall not reside within the said Town, 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, and no distress shall be found therein (except as hereinbefore provided), then and in such case it shall and may be lawful for the said Town Council to issue a Precept under the Corporate Seal of the said Council to the Sheriff of the District of Montreal, commanding him to sell and dispose of such property by public sale, or so much thereof as shall be necessary for the payment of arrears of taxes, together with all costs accruing by reason of such default, and the Sheriff is hereby authorized and required to dispose of the whole or part of such property by public sale, in the ordinary manner; and all owners of property sold under the authority of this section of this Act shall be allowed to resume possession of the same within the space of one year next after the date of such sale, on paying or tendering to the purchaser the full amount of the purchase money, with legal interest thereon, together with the costs attendant upon the default and sale, with an additional five per centum on the purchase money.

Sale of the property or
part thereof.

Redemption allowed.

Meetings of the
Council.

XXXIII. And be it enacted, That the said Town Council shall assemble at least once in each month for the transaction of the business of the said Town, and shall hold their sittings in the Town-Hall, when such a building shall have been provided, and until such a suitable public building shall have been provided, the said Town Council shall determine on the place of meeting, and that a majority of the said Town Council shall be a quorum for the despatch of business: Provided always, that a smaller number may adjourn from time to time, and are hereby authorized to compel the attendance of absent Members in such manner and under such penalties as may be provided by any By-law of the said Town Council; And provided also, that it shall be lawful for the Mayor to call special Meetings whenever urgent business may require.

Place of meeting.

Quorum.

Proviso.

Proviso.

Gaoler to receive per-
sons committed.

XXXIV. And be it enacted, That the Sheriff and Gaoler of the District of Montreal 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 Town Council, or any Member or Officer thereof under the authority thereof.

Contested elections
how determined.

XXXV. And be it enacted, That any contested Election, either as to the qualification of the Members or that of the voters, or on any other ground whatsoever, shall be determined by the Member or Members whose return shall not be disputed, and the scrutiny shall take place within four days after the Election complained of, and in case of the same being declared void from any of the above causes, or from any riotous or disorderly proceeding at such Election, a new election shall take place within fifteen days thereafter—such Election to be announced, presided over and directed as provided by this Act; Provided also, that the Town Council are hereby empowered to expel, punish or fine any Member of the said Town Council for disorderly or improper conduct.

New election.

Oath of Councillors
trying the election.

XXXVI. And be it enacted, That before any Member of the said Town Council shall enter upon any such trial or scrutiny, he shall take an oath in the following form before one of the Justices of the Peace for the District of Montreal, that is to say:

“ I do solemnly swear that I will truly and impartially to the best of my judgment try and determine the merits of the complaint against the Election of A. B.: So help me God.”

XXXVII.

XXXVII. And be it enacted, That any witness who being duly summoned to attend upon such trial of scrutiny, or upon any complaint before the Town Council, shall wilfully neglect or refuse to attend, shall, on conviction thereof before one of Her Majesty's Justices of the Peace for the District of Montreal, having been duly summoned to answer such complaint, be liable to be imprisoned, on the commitment of such Justice in the Common Gaol of the said District or in the Gaol of the said Town for a space of time not exceeding one calendar month; and if any witness shall, upon any trial or scrutiny, wilfully and corruptly swear falsely (and the Members of the said Town Council are hereby empowered to examine all such witnesses on oath and to administer such oath), he or she shall be deemed guilty of wilful and corrupt perjury.

Penalty on witnesses summoned and not attending.

Perjury.

XXXVIII. And be it enacted, That in case it shall at any time happen that an Election of Members for the said Town Council shall not be had on any day when in pursuance of this Act it ought to have been had, the said Town Council shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other subsequent day to hold an Election of a Member or Members, in such manner as shall be regulated by this Act, or as shall have been regulated by the Laws and Ordinances of the said Town Council.

If any election be not had on the appointed day.

XXXIX. And be it enacted, That in case of a vacancy occurring in the office of Mayor of the said Town Council, either by his death, absence, or from any other cause, the Members shall elect another of their number to fill that office, and he shall hold the same until the vacancy is legally filled up.

Vacancy in the office of Mayor how filled.

XL. And be it enacted, That it shall and may be lawful for the said Town Council to borrow a sum not exceeding Five hundred pounds currency for the purpose of building a market-house or such other public buildings, improvements, or investment as the said Town Council may deem expedient.

Council may build a Market-House.

XLI. And be it enacted, That the said Town Council shall set apart so much of the assessments authorized by this Act to be raised for the use of the said Town as will be sufficient to pay the yearly interest of any such sum or sums of money as may be borrowed, and to liquidate the principal in a term not longer than ten years from and after the time when such loan shall have been made.

Provision for interest on debts contracted.

XLII. And be it enacted, That if any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months next after the fact committed, and not afterwards, and the defendant or defendants in such action or suit may plead the general issue and give this Act and the special matter in evidence on the trial.

Limitation of actions for things done under this Act.

XLIII. And be it enacted, That no Clergyman or Minister of any denomination whatever, shall be capable of being elected or serving as a Member of the said Town Council.

Clergymen not to be Councillors.

XLIV. And be it enacted, That it shall and may be lawful for the Town Council from time to time to appoint so many of the Members thereof or other fit and proper persons as they shall deem proper to form a Board of Health to aid and assist the Mayor of the Town of Saint Hyacinthe to carry into effect the provisions of the By-laws which now are or may be passed to preserve the health of the said Town, and to prevent the introduction and spreading of infectious and pestilential diseases in the same; and the said Town Council, in conjunction with the Mayor, shall have the like power and authority for the purposes aforesaid as are vested in the Boards of Health established under the provisions of the laws now in force or which may hereafter be in force in this Province relative to this subject.

Board of Health.

Powers.

XLV. And be it enacted, That all proprietors, lessees and others who shall let for rent premises in the said Town, shall themselves, as well as the occupiers of such premises, be liable and responsible for the rate and assessment aforesaid on such premises, and such assessment shall and may be recovered from the lessee or occupant if any in the first place, and in default of distress, then from the proprietor by the Collector or Collectors of the said Town under any By-law made for that purpose by the said Town Council.

Proprietors and lessees to be liable for assessments.

Poll tax imposed,

XLVI. And be it enacted, That each unmarried male inhabitant above the age of twenty-one years and below the age of sixty years, and who shall not be a proprietor nor a lessee, nor a servant, and who shall have resided above six months in the said Town, shall be assessed and taxed in the annual sum of two shillings and six pence to five shillings.

Tax on Money Brokers and Pawn-Brokers.

XLVII. And be it enacted, That the said Town Council shall have power to assess and tax, in the first place, all Money-Brokers at an annual sum not less than fifty shillings nor more than five pounds each ; secondly, all Pawn-Brokers, at an annual sum not exceeding ten pounds currency.

Penalty for granting fraudulent receipts for rent, or otherwise deceiving assessors.

XLVIII. And be it enacted, That from and after the passing of this Act, every landlord, proprietor, factor or agent, who shall wilfully grant a certificate or receipt which contains 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 Assessor as aforesaid or otherwise alter or publish such a receipt or certificate in order to procure a lessening or abatement of such rate or assessment, shall be liable to a penalty not exceeding ten pounds currency, to be recovered and disposed of in the same manner as other penalties are recovered and disposed of in the said Town for the breach of any of the By-laws or Regulations thereof.

Apprehension of drunken or disorderly persons.

XLIX. And be it enacted, That it shall and may be lawful to and for any one of the Members of the said Town Council, individually, to order the immediate apprehension of any drunken or disorderly or riotous person or persons whom he shall find disturbing the peace within the said Town, and to confine him in a watch-house, lock-up house or other place of confinement, in order that such person may be secured until he can be brought before a Justice of the Peace to be dealt with according to law, or may give bail for his or her appearance before such Justice of the Peace.

Council may purchase lands: amount limited.

L. And be it enacted, That it shall and may be lawful for the said Town Council to purchase grounds for the use of the said Town, as well for ornament as for use, and to make such conditions with respect to the payment of the price of purchase thereof as the parties shall agree upon between themselves, so that the whole amount of such price of purchase over and above that already contracted, shall not exceed the sum of Five hundred pounds ; and the said Council shall have full power to make such By-laws, Rules and Regulations for the improvement and superintendence of any such grounds as they may from time to time deem necessary, and to enforce such By-laws, Rules and Regulations in the same manner as they are above authorized with regard to other matters.

By-laws touching the same.

Act of U. C. 10 & 11 Geo. 4, c. 42, repealed.

LI. And be it enacted, That from and after the passing of this Act, the Act passed in the Session held in the tenth and eleventh years of the Reign of His Majesty King George the Fourth, and intituled: *An Act to establish a Market in the Village of Saint Hyacinthe*, shall cease to be in force, and shall be and is hereby repealed, in so much as the same shall relate to the powers vested in the Trustees appointed under the said Act for the management of the said Market, and all the right and authority of the said Trustees shall vest in the said Town Council, and all sums of money (if there be any in their hands) arising from the proceeds of the said Market, shall be paid over by the said Trustees to the Secretary-Treasurer of the said Council, within eight days after the notification to that effect made to them by the said Secretary-Treasurer, and all sums due to the said Trustees in their said quality shall be collected by the said Council, who are hereby authorized to recover the same from all parties indebted therein.

Rights of Trustees transferred to the Council.

Meetings of Council to be public.

Exception.

Certain powers conferred.

LII. And be it enacted, That all Meetings of the said Council shall be public, excepting only when the said Council shall inquire into the conduct of any of its Members, 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 its proceedings, and shall have power to cause order to be observed by persons present during its sittings, and to punish by fine and imprisonment (within the limits above mentioned) all persons guilty of any contempt during any such sitting.

LIII. And be it enacted, That the said Council shall have power, whenever any house shall encroach upon any of the streets of the said Town, to prevent the proprietors of such house from rebuilding a new house on the site occupied by such demolished house; and it shall be lawful for the said Council to purchase any such lot encroaching upon any street, or to require the proprietor of such lot to dispossess himself of, and abandon all such part of the said lot as shall encroach upon any street: Provided always, that whenever it shall be expedient so to dispossess any proprietor of any part whatsoever of his lot or lots, the said Council shall appoint an Arbitrator, and the party interested another Arbitrator; and it shall be lawful for the said Council, in case of a difference of opinion, to apply to the Judge of the Saint Hyacinthe Circuit Court, for the appointment of a third Arbitrator; and the said Judge is hereby authorized and required to appoint the same; and the said Arbitrators, after having been sworn before any Magistrate for the District of Montreal, shall take cognizance of the matter in dispute between the said Council and any such proprietor, and, after visiting the place in question, shall decide upon the amount of the indemnity to be granted to such proprietor; and the said Arbitrators shall be authorized, and they are hereby required to decide whether the costs of the arbitration shall be paid by the said Council or by such proprietor.

As to houses, &c., now encroaching on streets.

Proviso: arbitration allowed in certain cases.

Third arbitrator.

LIV. And be it enacted, That from and after the passing of this Act, the said Town 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 Secretary-Treasurer, and sealed with the Seal of the said Council.

Council to grant tavern licenses.

LV. And be it enacted, That for the purpose of watering the streets, a majority of the occupiers of houses on each street may obtain from the said Council, authority to cause such street to be watered, and to impose on all such occupiers a tax not exceeding one half-penny in the pound, of the sum at which each property situate in such street shall have been assessed.

Watering of streets.

LVI. And be it enacted, That there shall be appointed by the said Town Council at the first General Meeting of the said Town Council, after the first Municipal Election and after each Annual Election, two persons to be and be called Town-Auditors; Provided always, that no person shall be appointed or elected Auditor who shall be a Member of the Council or the Secretary-Treasurer, nor any person who shall have directly or indirectly by himself or in conjunction with any other person, any share or interest in any contract or employment, with, by, or on behalf of the said Council; And provided also, that no person appointed or elected an Auditor for the Town shall be capable of acting as such, unless he shall have previously made and subscribed before any Justice of the Peace an oath in the following words, that is to say:

Town-auditors to be appointed.

Proviso.

Qualification.

Oath of office.

“ I, A. B., having been appointed (or elected, as the case may be) to the office of Auditor for the Town of Saint Hyacinthe, do hereby promise and swear, that I will faithfully perform the duties thereof according to the best of my judgment and ability; and I do swear and 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 Town Council of the said Town of Saint Hyacinthe: So help me God.”

And such oath in the above form, and taken and subscribed by such Auditor before a Justice of the Peace as aforesaid, shall be deposited with and kept of record by the Secretary-Treasurer of the said Council.

How taken and recorded.

LVII. And be it enacted, That it shall be the duty of the Auditors, to examine, settle and allow, or report upon all accounts which may be chargeable upon or may concern the said Town, and which may relate to any matter or thing under the control of or within the jurisdiction of the said Town Council, and may then remain unsettled, and

Duties of auditors.

to publish a detailed statement of the receipts and expenditures and liabilities of the said Council in two newspapers published in the District of Montreal, at least a fortnight before each Annual Election.

Public Act.

LVIII. And be it enacted, That this Act shall be taken and deemed to be a Public Act, and that the interpretation Act shall apply to this Act.

TORONTO : Printed by STEWART DERBISHIRE & GEORGE DESBARATS,
Law Printer to the Queen's Most Excellent Majesty.