

Tolls thereat.
&c.

roads under their control, without paying tolls, to erect upon any of the roads under their control, Check Toll-Gates, through which it shall be permitted to pass, by means of Checks which shall be given at the other Toll-Gates to those parties who shall have passed through them on the same day, and at which shall be taken the same tolls as those required at the nearest Toll-Gate, entitling persons paying the same to receive a Check by means of which they shall be entitled to pass through the nearest Toll-Gate during the same day without paying tolls.

Checks.

The above roads to be constructed at the same time as the roads under 14 & 15 V. c. 132.

. XIII. And be it enacted, That it shall be the duty of the said Trustees to proceed to the making and improvement of the roads described in the eighth Section of this Act, at the same time as and conjointly, and as nearly as possible in equal proportion, with those mentioned and described in the Act passed during the last Session of Parliament, chapter one hundred and thirty-two, and after the completion of the roads, described in the said Act conjointly with and at the same time, and as far as possible in the same proportion as those mentioned and described in the other clauses of this Act.

C A P . C C X X X V I .

An Act to make more ample provision for the incorporation of the Town of St. Hyacinthe, and to extend its limits.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS it has become necessary to make better provision for the internal government of the Town of St. Hyacinthe, and to enable the Council of the said Town to lay out larger sums of money than they have hitherto done for the improvement of the said Town: 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 Act passed in the thirteenth and fourteenth years of Her Majesty's Reign, chaptered one hundred and five, and intituled, *An Act to provide more fully for the incorporation of the Village of St. Hyacinthe*, is hereby repealed; and the inhabitants of the Town of St. Hyacinthe, within the limits hereinafter prescribed, and their successors, shall be and are hereby declared to be a body politic and corporate, in fact and in law, by the name of "The Mayor and Town Council of St. 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 Courts, and

13 & 14 V.
c. 105 re-
pealed.

The inhabitants of the Town of St. Hyacinthe declared a body corporate:

in

in all actions, causes and suits at law whatsoever, and shall have a common seal, with power to alter or modify the same at their will and pleasure; and shall be in law capable of receiving by donation, acquiring, holding and departing with any property, real or moveable, for the use of the said Town; of becoming parties to any contracts or agreements in the management of the affairs of the said Town; and of giving or accepting any notes, bonds, obligations, judgments, or other instruments or securities, for the payment or for securing the payment of any sum of money borrowed or loaned, or for the execution, or for guaranteeing the execution of any duty, right or thing whatsoever.

General Corporation powers.

II. And be it enacted, That the said Town of St. 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 St. 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 St. 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 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

Limits of the Town.

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 St. 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.

Town divided
into four
Wards.

III. And be it enacted, That the said Town shall be divided into four Wards, which 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 No. 1.

"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 Sainte Marie Street;

Ward No. 2.

"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 No. 3.

"Ward Number Three," shall be bounded in front by the said River, in depth by the limits of the Town, on the North-east by Ward Number Two, and on the South-west by a line drawn through the centre of Sainte Anne Street;

Ward No. 4.

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

Provision for
the extension
of the limits
of the said
Town.

IV. Provided always, and be it enacted, That it shall be lawful for all and every proprietor of land situated immediately adjoining and contiguous to any of the boundaries of the said Town of St. Hyacinthe, upon notice given by such proprietor to the Municipal Authorities of the said Town, and the assent thereto of the said authorities, by a By-law to be by them made therefor in the usual manner, to demand and have the inclusion of the said property within the limits of the said Town, and so on successively for other proprietors having property adjoining to the property so successively included as aforesaid, and upon such inclusion, declared by a By-law as aforesaid, the said proprietors having property so included shall have and possess all the Municipal advantages, and be subject to all the Municipal dues, duties and charges imposed upon persons and property originally included within the limits of the said Town: And provided also, that upon the Petition of a majority of the proprietors, in number and value of property, and residing therein, possessing by authentic titles lands in that extent of territory contained between the road commonly called the road of the

Further pro-
vision for the
extension of
the said
Town,

Petit

Petit Rang and the division line between Joseph Chabot and Pierre Edouard Leclerc, and bounded in front by the River Yamaska, and in rear by the line of the lands of the *Petit Rang*, it shall be lawful for the said Town Council to annex to the said Town the said extent of Territory; and when once the said extent of Territory shall have been included by a By-law of the said Town Council, upon the petition as aforesaid of a majority of the proprietors, the said proprietors whose properties shall have thus been declared included, shall possess all the Municipal advantages, and be subject to all the dues, duties and charges imposed upon property and persons originally included in the said Town: Provided nevertheless, that after the annexation of the said extent of Territory to the said Town as above prescribed, the said proprietors residing in the said extent of Territory shall be, and shall continue to be eligible to and capable of holding any Municipal office in the Municipality of the County of St. Hyacinthe.

Proviso.

V. And be it enacted, That the number of Councillors of the said Town shall be eight; two Councillors being elected by each Ward: Provided always, that as soon as the extent of Territory of which mention is made in the next preceding Section shall have been included as provided by the said clause in the limits of the said Town, the said extent of Territory shall form a Ward by the name of "Ward Number Five," and the Municipal Electors residing in the said extent of Territory, shall elect in the same manner and at the same time as the other Wards of the said Town, two Councillors to the said Town Council: And provided also, that when any one of the Wards of the said Town shall contain more than two hundred and fifty Municipal Electors, such Ward shall have the right to elect three Councillors.

Number of Councillors to be eight.
Proviso.

Proviso.

VI. And be it enacted, That the said Councillors shall be chosen from among the inhabitant proprietors and householders of the said Town, of the age of twenty-one years, and freeholders therein to an assessed value of One Hundred Pounds currency; or such persons as shall have built on a leasehold property, a dwelling house which will *bonâ fide* rent for Three Pounds currency per annum: and that no person shall be capable of being elected to or of performing the duties of a Member of the said Town Council, if he shall not at the time be a resident of the Town.

Qualification of Councillors.

VII. And be it enacted, That the persons entitled to vote at the Municipal elections of the said Town, shall be the male inhabitant freeholders and householders, of the age of twenty-one years, rated upon the Assessment-Roll of the said Town and residing therein, possessed at the time of real property in the said Town, of the yearly value of Twenty Shillings currency; and tenants of the age of twenty-one years, who shall have resided in the said Town, and paid rent, during the six months immediately preceding the election, on a dwelling house or

Qualification of Municipal electors.

part

part of a dwelling house therein, at the rate of not less than Three Pounds currency per annum; and also, leaseholders of the age of twenty-one years who shall have built a dwelling house on such leasehold, which would *bonâ fide* rent for a sum of Three Pounds currency per annum; Provided always, that no person qualified to vote at any Municipal Election in the said Town, shall have the right of having his vote registered, unless he shall have paid his Municipal taxes due before such Election; and it shall be lawful for any Municipal Elector of the said Town, to require the production of the receipt of the Secretary-Treasurer of the said Town, for such Assessment so due as aforesaid.

Proviso.

The present Mayor and Councillors continued in office.

Present officers to continue.

By-laws continued.

Substitution of Council for present Council.

Municipal Elections to be held the first Monday in July.
Notice.

By whom signed.

Councillor to be appointed

VIII. And be it enacted, That the Mayor and Councillors of the said Town, now in office, and who have been so since the Municipal Election held in the month of July of the year one thousand eight hundred and fifty-two, shall remain and are hereby continued in office during the whole period for which they have been elected, under the provisions of the Act thirteenth and fourteenth Victoria, chapter one hundred and five, notwithstanding the repeal of the said Act; and the Officers appointed by the said Mayor and Town Council shall remain, and are hereby continued in their respective offices until their appointments shall be regularly revoked by the said Council, or until their powers shall have naturally expired; and all By-laws, Orders, Agreements, Provisions and Obligations whatsoever, passed, entered into or agreed to by the said present Mayor and Council, or their predecessors in office, shall continue in full force and effect as if the said Act thirteenth and fourteenth Victoria, chapter one hundred and five, had not been repealed, and until such By-laws, Agreements and Engagements shall have been regularly repealed and rescinded; and the said Council, as constituted under the provisions of this Act, shall succeed to and be substituted for the said Town Council of St. Hyacinthe, as constituted by the thirteenth and fourteenth Victoria, chapter one hundred and five, in all the rights and claims of the said Town Council.

IX. And be it enacted, That the Municipal Elections of the said Town shall take place on the first Monday of July in each year, or if such Monday be a Statutory Holiday, then on the day following; and public notice thereof shall be posted up at the Parish Church on the two preceding Sundays, and read after Parochial Mass, and shall also be read in the Market Place of the said Town on the two Saturdays preceding the election: which notice shall be signed by the Mayor or the Secretary-Treasurer of the said Council, and shall contain the day, hour and place of holding such election in each of the Wards of the said Town.

X. And be it enacted, That before publishing the notices of such Annual Municipal Election, the said Town Council shall appoint

appoint one of their Members (not being one of those who are to go out of office) to preside over and conduct the said Election ; such Councillor shall have a Deputy under him for each of the Wards of the said Town in which the Election shall be held, who shall be appointed and paid by the Council ; and the polls shall be kept open in each of the Wards for receiving and entering votes, from nine o'clock in the forenoon until five o'clock in the evening of the day fixed for the election, (in the event of the said Election not taking place by acclamation) ; and at the close of the poll, the said Deputies shall declare such person or persons duly elected as Members of the said Town Council as shall have polled the greatest number of votes ; and in the event of the votes in favor of the Candidates of any Ward being equally divided, then the Deputy acting in such Ward shall give his vote in favor of one of the Candidates ; and the Councillor presiding at the Election shall give notice in writing, of their election, to the persons elected, within three days after such Election.

to conduct Election.
 Shall have Deputies.
 Polls.
 Casting vote.
 Councillor presiding to give notice.

XI. And be it enacted, That after each Annual Municipal Election, the Members of the said Council shall meet within the eight days next after the Election, the Member who shall have presided thereat presiding as their Chairman, to proceed to the verification of their powers, and to elect one from their number to be Mayor of the said Town ; and such Mayor shall preside and keep order at their meeting, and shall have the right of giving his advice (but not of voting) on all questions submitted to the said Council ; Provided however, that when the said Councillors, after having voted on any question whatsoever, shall be equally divided, then, and in such case only, the Mayor shall decide the question by his vote, stating his reasons for voting, if he shall think proper ; and neither the Mayor nor the Councillors shall receive any salary or emolument out of the Town Funds for the time during which they shall remain in office.

Members elected to meet within eight days.
 Mayor to preside, but not to vote.
 Proviso.
 Mayor and Councillors to receive no salary.

XII. And be it enacted, That every person who shall have been elected a Councillor of the said Town, shall, before taking his seat as such, take the Oath of Office hereafter mentioned, before the Councillor who shall have presided at the Annual Municipal Election, or in his absence, before any one of the Justices of the Peace residing in the said Town, who is hereby authorized to administer the same, to wit :

Every Councillor to take oath of office.

“ I, A. B., do solemnly swear that I will faithfully discharge
 “ the duties of a Member of the Town Council of St. Hyacinthe,
 “ to the best of my knowledge and ability. So help me God.”

Form.

XIII. And be it enacted, That the Election of the new Councillor, who, in accordance with the provisions of this Act, is to represent the said Ward Number Two, shall only be made at the time of making the Annual Municipal Elections, that is

First Election in Ward No. 2.

to say, the first Monday of the month of July of this present year one thousand eight hundred and fifty-three.

Councillors
elected for
two years.

XIV. And be it enacted, That the persons chosen at the Annual Municipal Elections as Members of the said Town Council, shall in every case be elected for two years, and at each such Annual Election, one of the Members for each Ward shall go out of office ; and the Member who shall go out of office, shall invariably be one whose election shall have taken place two years before, subject however to the exceptions contained in the next Section.

Order of
Councillors
retiring from
office.

XV. And be it enacted, That in order to render the rotation of the Members of the said Council regular within the meaning of the preceding Section, the Councillors representing Wards Numbers One and Four, who were elected in July one thousand eight hundred and fifty-one, shall go out of office in July one thousand eight hundred and fifty-three, and those who were elected for the said Wards in the month of July of the year one thousand eight hundred and fifty-two, shall continue in office until the month of July one thousand eight hundred and fifty-four, and for the Ward Number Two, which shall hereafter elect two Councillors, the new Councillor for such last Ward shall continue in office until the month of July last aforesaid, and the Councillor elected in virtue of this Act in the month of July next after the passing this Act, shall continue in office until the month of July one thousand eight hundred and fifty-five ; and inasmuch as the two Councillors representing the Ward Number Three, were both elected in the year one thousand eight hundred and fifty-two, one of them, to be selected by lot, shall vacate his office in the month of July now next ensuing, the other remaining in office for two years from the time of his election, so that a Councillor shall be elected annually in each Ward.

Vacancy in
the office of
Councillor
how to be
filled.

Proviso.

XVI. And be it enacted, That whenever a vacancy shall occur in the said Council by reason of absence from the Town for a longer period than three months, which shall in itself be a cause of disqualification, or by reason of sickness, legal incapacity, death, or removal out of the Town, which shall also be in itself a cause of disqualification, and provided always such vacancy shall occur before the first day of April in each year, it shall be lawful for the Mayor to call the electors of the Ward in which such vacancy shall occur, by public notices to be posted up and read as provided by the ninth Section, to fill such vacancy by the election of another Councillor, and in such case the Mayor, or in his absence, one of the Councillors, to be appointed by the Council, shall act as Returning Officer, and the Secretary-Treasurer shall act as Deputy ; and the Councillor so elected to fill the vacant seat shall take the oath before the Mayor or the Councillor who shall have presided at the election, and he shall remain in office during the whole time for
which

which the Member in whose stead he shall be elected would himself have remained in office in the ordinary course of affairs ; and if the said Mayor shall neglect to call the electors of the Ward in which such vacancy shall have occurred, he is hereby required so to do so soon as a requisition to that effect, signed by ten of the electors of the said Ward, shall have been presented to him.

Provision if the Mayor neglect to call the Electors.

XVII. And be it enacted, That before any person shall proceed to hold an election in conformity with this Act, he shall take the following oath, which any Justice of the Peace residing in the said Town is hereby authorized to administer, that is to say :

Oath taken by person holding Election.

“ I do solemnly swear that I will faithfully and impartially to the best of my judgment and ability, discharge the duties of Presiding Officer at the Election which I am about to hold for persons to serve as Members of the Town Council of Saint Hyacinthe. So help me God.”

XVIII. And be it enacted, That every Presiding Officer at any Municipal Election in the said Town, 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 St. Hyacinthe, so soon as the same shall be erected into a Common Gaol, any person making or creating any disturbance, fighting or rioting at such election, practising 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 parties present at such election, or of any Constable or Peace Officer in the said Town, who are hereby required to give such assistance in apprehending and committing any person creating any such noise, interruption, disturbance or disorder as aforesaid ; Provided always, that no such committal shall extend beyond the period of one calendar month ; and the Sheriff and Gaoler who may be in charge of the said Common Gaols, are hereby required to receive all such offenders upon the *Committimus* of the Presiding Officer at any such election ; and every Deputy shall, in the absence of the Officer presiding at the election, have the same powers in his own Ward as the said Presiding Officer.

Power for preserving the peace.

Proviso : Committals limited.

XIX. 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

Officer presiding to examine Candidates at Elections if required.

upon oath (*or* affirmation) any person tendering his vote at any election, and the oath to be administered by the Presiding Officer in both cases shall be in the form following :

Form of oath
of Candidate.

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

Questions to
him.

And the Presiding Officer shall himself put the questions which he shall deem necessary, or which the electors present shall desire to put to the Candidate or Voter.

Certificate of
poll book by
Deputy Re-
turning Offi-
cers.

XX. And be it enacted, That at all the elections held under this Act, the Poll Books containing the names of the Voters and other matters, shall be certified on oath by each of the Deputies or Clerks who shall have presided at such election in the respective Wards of the said Town, each of the said Clerks or Deputies certifying his own, before any Justice of the Peace residing in the said Town, which oath such Justice is hereby authorized to administer, and the said oath shall be in the form following :

Form of oath.

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

Wilful for-
swearing,
&c., to be per-
jury.

XXI. 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 shall suffer as in other cases of wilful and corrupt perjury.

Parties ne-
glecting or
refusing to
take oath of
office.

XXII. And be it enacted, That if any of the persons to be hereafter elected to represent the different Wards of the said Town, after regular notice thereof as aforesaid, shall refuse, before the first meeting of the Council after any Municipal Election, to take the Oath of Office required by the Twelfth Section of this Act, provided such person be not suffering from illness, or absent from the Town at the time, or disqualified for any cause whatsoever, he shall, for such refusal, forfeit the sum of Five Pounds currency, to be recovered with costs on the complaint of one elector of the Ward for which such person shall have been elected, before any Justice of the Peace for the District of Montreal, or residing in the said Town : Provided always, that no person who has discharged the duties of a Member of the said Town Council during the four years immediately preceding the said Election, shall be subject to the penalty hereinbefore stated for his refusal to act.

Proviso.

XXIII. And be it enacted, That no Clergyman or Minister of any religious denomination whatsoever, no Judge or Clerk of any Court, nor any Member of the Executive Council of the Province, nor any person responsible for the moneys of the said Town, nor any person receiving a salary for his services from the said Town Council, nor any Officer actually presiding at any Municipal Election, nor any Deputy nor Clerk employed by him, shall be capable of being elected Councillor for the said Town.

Who may not
be elected
Councillors.

XXIV. And be it enacted, That the said Town Council shall meet 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 building shall have been provided, at such place as the said Council shall determine ; and that an absolute majority of the Town Council shall be a *quorum* for the despatch of business : Provided always, that one or several Members, not sufficient in number to form a *quorum*, may adjourn any meeting of the Council which may not have taken place for want of a *quorum*, and such Members, though not forming a *quorum*, are hereby authorized to compel the attendance of absent Members at the regular or adjourned Meetings as aforesaid, and to impose such penalties upon such absent Members, for a repetition of the offence, as may be provided by any By-law of the said Town Council for that purpose.

Council to
meet once a
month.

Quorum.

Proviso.

Compelling
attendance of
Members.

XXV. And be it enacted, That it shall be lawful for the Mayor of the said Town, whenever he shall deem it necessary or useful, to call Special Meetings of the said Council, and that whenever two Members shall be desirous of obtaining such Special Meeting, they may apply to the Mayor to call such Meeting, and in the absence of the Mayor, or on his refusal to act, they may call such meeting themselves, on stating in writing to the Secretary-Treasurer of the said Council their object in calling such Special Meeting, and the day on which they are desirous that it shall be held, and the said Secretary Treasurer shall, upon receipt of such written notification, communicate the same to the other Members of the Council.

Special Meet-
ings may be
called by
Mayor.

If the Mayor
be absent or
refuse to act.

XXVI. And be it enacted, That in the event of a vacancy occurring in the office of Mayor of the said Town from any cause whatsoever, the Members of the said Council shall elect another of their number to fill the office of Mayor, and the Councillor so elected shall hold the office until the termination of the then current Municipal year.

Vacancy in
the office of
Mayor.

XXVII. And be it enacted, That the Mayor of the said Town, when he shall not go out of office as Councillor, shall retain the exercise of all his powers as Executive Officer of the Town Council until the meeting of the said Council held eight days after the Annual Municipal Election ; and when the said Mayor

Mayor to re-
tain the exer-
cise of his
powers,
during a cer-
tain period.

Mayor shall go out of office as Councillor, then his powers as Executive Officer of the said Town Council shall be exercised by the Councillor who shall have been appointed to preside at such Annual Municipal Election.

Contested Elections to be determined by the Council.

XXVIII. And be it enacted, That any election contested 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 contested, and the Scrutiny shall take place within fifteen days after the election complained of; and notice of every such contestation shall be served in writing upon the Councillor presiding at the election, by at least three electors of the Ward in which the election complained of shall have taken place, on the same day on which such election shall have taken place, or before noon of the following day; and in the event 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 twenty days after that on which such contested election shall have been decided; and such election shall be given notice of, presided over and conducted as provided by this Act.

New Election.

Power to punish Councillors guilty of violence.

XXIX. And be it enacted, That the said Council shall have power to punish by imprisonment not exceeding fifteen days, or by a fine which shall not exceed, but may be less than Fifteen Pounds currency, or by both, any Councillor who may be guilty of serious disturbance or violence during its sitting, either by action, by word, or in any manner whatsoever.

Meetings of Council to be public.

XXX. And be it enacted, That all meetings of the said Council shall be public, excepting only when the said Council shall enquire into the conduct of any Members of their own body for any cause whatsoever, in which case it shall be lawful for the said Council to sit with closed doors; and the said Council shall determine the mode of their proceedings, and shall have power to cause order to be observed by persons present during their sittings, and to punish by fine and imprisonment or by one of the two, any act of contempt committed by any such person present; Provided always, that no such fine shall exceed the sum of Five Pounds currency, and that no such imprisonment shall exceed the period of fifteen days.

Proviso.

Provision for case of Failure to elect on the day fixed.

XXXI. And be it enacted, That in case it shall at any time happen that an Annual Municipal Election shall not be had, for any reason whatsoever, on the 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, and it shall be lawful for such members of the said Council as shall not have retired from office, to meet again, the Mayor if he shall have remained in office as Councillor acting as Chairman, (or if there be no Mayor, then the Councillor who shall have been appointed

appointed to preside at the election shall act as Chairman,) for the purpose of fixing as early as possible a day for the holding of such Annual Municipal Election; and in such case the notices and publications required by this Act shall be published, posted and read on one Saturday and one Sunday only, instead of two.

Notices.

XXXII. And be it enacted, That any witness who, on the Trial of any Municipal Election, being duly summoned to attend upon such Trial or Scrutiny, or upon any complaint regularly brought before the Town Council, for any cause whatsoever, shall wilfully neglect or refuse to attend, shall, on conviction thereof before one of the Justices of the Peace, residing in the said Town, be liable to be imprisoned, on the commitment of such Justice, in the Common Gaol of the District of Montreal, or in the Gaol of the said Town, if there be one, 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, he shall be deemed guilty of wilful and corrupt perjury.

Refusal of witnesses to appear: they may be punished.

False swearing to be perjury.

XXXIII. And be it enacted, That the Mayor and the Members of the said Town Council are hereby authorized to examine under oath, all witnesses summoned to appear before the said Council, and to administer the oath to such witnesses.

The Town Council may examine witnesses on oath.

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 thereof under the authority thereof.

Sheriff, &c., shall safely keep persons committed.

XXXV. And be it enacted, That whenever the Mayor shall not be present at a Regular or Special Meeting of the said Town Council, the Councillors present shall choose one of their number to discharge the duties of Chairman during the meeting.

Chairman to be appointed in absence of Mayor.

XXXVI. And be it enacted, That the said Town Council shall have power, at the commencement of every period of three years, to appoint Assessors or Valuers of property, three in number, and it shall be the duty of the said Assessors to estimate the rateable property according to its real value, and within the periods which shall be fixed by the said Town Council.

Assessors: their appointment and general duties.

XXXVII. And be it enacted, That every person so appointed Assessor, shall be bound before proceeding to the valuation of any property in the said Town, to take the following oath before the Mayor of the said Town, or in his absence, before two Councillors, to wit:

Oath to be taken by Assessors.

The oath.

“ I, _____, having been appointed one of the Assessors for the Town of St. Hyacinthe, do solemnly swear, that I will diligently and honestly discharge the duties of that office to the best of my judgment and ability. So help me God.”

Qualification of Assessors.

XXXVIII. And be it enacted, That the Assessors who shall be appointed for the said Town, shall be proprietors of real estate in the said Town of the value of at least Two Hundred and Fifty Pounds currency of this Province.

Assessment-Roll to be deposited with Secretary-Treasurer.

XXXIX. And be it enacted, That when the Assessors shall have made a valuation of all the rateable property of the said Town, they shall deposit the Assessment-Roll with the Secretary-Treasurer of the said Town; and at the next ensuing meeting of the said Council the said Assessment-Roll shall be produced, and if they desire it, examined by the Councillors; and the Assessment-Roll shall be deposited in the office of the Secretary-Treasurer for the period of one month, dating from such meeting; and during that period it shall remain open to the inspection of all persons whose property shall have been valued, or their representatives; and within that period, persons considering themselves aggrieved may give notice in writing to the Secretary-Treasurer of their intention to appeal to the said Town Council, complaining of any excessive valuation; and such appeal shall be tried by the said Council at the first meeting which shall be held after the expiration of the said month above mentioned; and the said Council, after having heard the parties and their witnesses under oath, which shall be administered by the Mayor or Presiding Councillor, shall confirm or alter the valuation, the change whereof shall have been prayed for, as to them shall seem just; and at the same meeting the said Assessment-Roll shall be declared closed for three years; unless, however, from the number of appeals, the Council shall be compelled to adjourn, in which case the said Assessment-Roll shall not be declared closed, until all the appeals shall have been heard and determined; Provided always, that if after the said Assessment-Roll shall have been declared closed as aforesaid, any property in the said Town should suffer any considerable diminution in value, either through fire, demolition, accident or any other reasonable cause, it shall be lawful for the said Council, upon the petition of the proprietor, to instruct the Assessors to reduce their valuation of such property to its then actual value; And provided also, that if any omission shall have been made in the said Assessment-Roll, the said Council may order the Assessors to value any property so omitted, in order to its being added to the Roll.

To be open to inspection;

Complaints against.

How tried and determined.

To last for 3 years.

Adjournments.

Proviso.

Proviso.

Auditors to be appointed and sworn.

XL. And be it enacted, That at the first meeting of the said Town Council after each Annual Municipal Election, two persons shall be appointed by the said Town Council to be Auditors of the Accounts of the said Council; and such Auditors shall

shall take the following oath before any Justice of the Peace residing in the said Town, that is to say :

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

Oath of office.

XXI. And be it enacted, That it shall be the duty of the Auditors to examine, settle, approve or disapprove of and report upon all Accounts which may be entered in the Books of the said Council or concerning them, and which may relate to any matter or thing under the control of, or within the jurisdiction of the said Town Council, which may then remain unsettled ; and to publish a detailed Statement of the Receipts and Expenditure and of the Assets of the said Council, in two Newspapers (one in the French and the other in the English language) published in the District of Montreal or in the said Town, when there shall be any published therein, at least fifteen days before each Annual Election.

Duties of Auditors.

XLII. And be it enacted, That the Auditors who shall be appointed for the said Town, shall be proprietors of real estate therein of the value of at least One Hundred and Twenty-five Pounds currency ; Provided always, that neither the Mayor, Councillors, Secretary-Treasurer of the said Town, nor any person receiving any salary from the said Council, either for any duty performed under their authority or on account of any contract whatsoever entered into with them, shall be capable of discharging the duties of Auditor for the said Town.

Their qualification.

Proviso : Person disqualified.

XLIII. And be it enacted, That every person who shall be regularly elected or appointed to any of the offices of Councillor, Auditor, or Assessor for the said Town, shall accept such office, unless such person shall prefer to pay the fine hereinafter established ; in which case he shall be exempt from serving in the same manner and for the same period as he would have been if he had accepted the office.

Penalties for refusal to accept office.

The fine for a person elected Councillor, who shall refuse to act, shall be Five Pounds currency ;

Councillor.

The fine for a person appointed Auditor, and who shall refuse to act, shall be Two Pounds Ten Shillings currency ;

Auditor.

The fine for a person appointed Assessor, and who shall refuse to act, shall be Three Pounds Fifteen Shillings currency.

Assessor.

XLIV.

Secretary-Treasurer may receive penalties without previous suit.

XLIV. And be it enacted, That it shall be lawful for the Secretary-Treasurer of the said Council, without any previous formality, to receive from every such person who shall have incurred a penalty for refusal to act, the amount of the fine imposed by the preceding section; and if any such person, having so incurred such fine, shall not pay the amount into the hands of the said Secretary-Treasurer, within the fifteen days subsequent to the notice which he shall have received that he has been appointed to such office, then it shall be lawful for the said Council to take proceedings for the recovery thereof in the Magistrates' Court in the said Town, and the said fine shall be levied in the ordinary course, by the seizure of the moveable effects of such person.

Mayor and three Councillors to be ex-officio Justices of the Peace.

XLV. And be it enacted, That the Mayor of the said Town of St. Hyacinthe shall be, during the term of his office, a Justice of the Peace for the District of Montreal; and three of the Councillors of the said Town, chosen by the said Council, at their first meeting after every Annual Municipal Election, shall exercise respectively the jurisdiction and powers of Justice of the Peace within the limits of the said Town; and the said Mayor shall enjoy within the District of Montreal, and the said Councillors shall enjoy within the limits of the said Town, during the term of their office as Councillors and Mayor, all the rights, privileges and prerogatives of Justices of the Peace, appointed directly by Her Majesty, or Her Representative in this Province; and they shall be entitled to issue Warrants, and to sit conjointly with the other Justices of the Peace for the District of Montreal, and to take cognizance of any case or action within the jurisdiction of a Justice of the Peace in this Province.

Proceedings of the Council to be entered in a Minute Book.

Book to be open to inspection.

Extracts and certificates, &c., to be evidence.

XLVI. And be it enacted, That the proceedings at each of the Regular or Extraordinary Meetings of the said Council shall be carefully entered and inscribed in a Book to be kept for that purpose, and to be called the "Minute Book of the Town Council of St. Hyacinthe," and the said Book shall be open to the inspection or reference of all persons qualified to vote at the Municipal Elections for the said Town, upon payment of the sum of One Shilling to the Secretary-Treasurer, with whom the said Book shall be deposited; and all Extracts from the said Minute Book, or from any of the Records and Documents of the said Council, shall be delivered by the Secretary-Treasurer, who shall be entitled to receive for such Extracts the sum of Six Pence for every hundred words; and all Extracts from the said Book, or from the Records and Documents of the said Town Council, and generally all Certificates, Documents and Paperwritings signed by the Mayor of the said Town and countersigned by the Secretary-Treasurer, or signed by one of them singly in the absence of the other, and sealed with the Common Seal of the said Corporation, shall be authentic in all Courts of Justice in this Province, and shall be held and acknowledged by such Courts as *prima facie* evidence of the facts contained

or established in all such Extracts, Documents, Certificates and other Papers.

XLVII. And be it enacted, That every person holding the office of Councillor of the said Town who shall be declared bankrupt or shall become insolvent, or who shall apply for the benefit of any of the laws made for the relief or protection of insolvent debtors, or who shall enter into Holy Orders, or become a Minister of religion in any religious denomination, or who shall be appointed a Judge or Clerk of any Court of Justice, or a Member of the Executive Council, or who shall become responsible for the revenues of the Town, in whole or in part, or who shall absent himself from the said Town, without the permission of the said Council, for more than two consecutive months, or who shall not be present at the meetings of the said Council for a like period of two consecutive months, shall, by virtue of any one of these causes, become disqualified, and his seat in the said Council shall become vacant; and such person shall be replaced in accordance with the provisions of this Act.

Who shall be disqualified to be Councillor.

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

The Council may pass By-Laws for the good government of the Town;

XLIX. And be it enacted, That it shall be lawful for the Town Council to appoint, remove and replace when they shall think proper, such Officers, Constables and Policemen as they shall deem necessary for the due execution of the By-laws to be by them enacted, and to require from all persons employed by them in any quality whatsoever, such security as to them shall seem meet to ensure the due execution of their duties.

And appoint Policemen, &c.

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

Local Taxes may be imposed in the said Town.

1. On all lands, Town lots and parts of Town lots, whether there are or not buildings on such lots, with all buildings and erections thereon, the sum of One Penny in the Pound on their whole

On real estate.

Proviso. whole real value, as entered on the Assessment-Roll of the said Town; Provided that no land under cultivation, or kept as a farm within the limits of the said Town, shall be taxed in virtue of this Act.

On moveables of certain kinds. 2. On the following moveable property, a like sum of One Penny in the Pound at the value herein specified :

Every horse kept for the purpose of covering mares, shall be rated One Hundred Pounds ;

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

Every horse above the age of three years, and kept for domestic purposes, Ten Pounds ;

Every bull or ram, at Ten Pounds ;

Every head of horned cattle, aged two years and more, at Two Pounds ;

Every close carriage with four wheels, Fifty Pounds ;

Every open carriage, with four wheels and two seats, at Twenty Pounds ;

Every Curricule, or light waggon with one seat, at Ten Pounds ;

Every two horse sleigh, at Fifteen Pounds ;

Every one horse sleigh, at Five Pounds ;

Proviso. Provided always, That all winter or summer vehicles, used solely for the purpose of drawing loads, and all vehicles commonly called draught vehicles, together with one milch cow for each family, and every other head of cattle rated at not more than Five Pounds, shall be exempt from any tax whatsoever ;

On Stock in trade. 3. On the Stock in trade of all descriptions, kept by merchants and dealers, exposed for sale on shelves in shop, or kept in store-houses, a tax of a quarter per cent on the average estimated value of such Stock in trade ; 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 levied upon the immoveable property in 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 and other private property of such Seigniors ;

Proviso.

4. On all tenants paying rent in the said Town, an annual sum equal to One Shilling and Three Pence in the Pound on the amount of rent ; On tenants.

5. On each male inhabitant, of the age of twenty-one, who shall have resided in the said Town during six months, and not being a proprietor, tenant, apprentice or domestic, an annual sum of Five Shillings ; Personal Tax.

6. On every dog kept by persons residing in the said Town, an annual sum of Five Shillings. Dogs.

And it shall be lawful for the said Council to impose certain duties or annual taxes on the proprietors or occupiers of houses of public entertainment, taverns, coffee-houses and eating-houses ; and on all retailers of spirituous liquors, and on all pedlars and petty chapmen bringing for sale, into the said Town, any articles of commerce of any kind whatsoever ; and on all proprietors, owners, agents, managers or keepers of theatres, circuses, billiard-tables, ball-alleys, or other games or amusements of any description ; and on all auctioneers, grocers, bakers, butchers, hucksters, carters, livery stable keepers, brewers and distillers ; on all traders and manufacturers ; on all proprietors or keepers of wood or coal yards and slaughter houses in the said Town ; on all money changers or money brokers, pawn-brokers and their agents ; on all bankers and their agents ; on all assurance companies or their agents ; and generally, on all trades, manufactories, occupations, arts and professions which have been or may be exercised and introduced in the said Town, whether the same be or be not mentioned herein : and the workshops of mechanics shall be divided into first and second classes, and every workshop which shall be placed by the Assessors in the first class shall be rated at Five Shillings annually, and those of the second class at One Shilling and Three Pence, annually, and each person exercising a liberal profession shall be rated at Fifteen Shillings annually. Taxes on persons exercising certain callings.

Workshops divided into two classes ; tax on each limited.

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

LI. And be it enacted, That the said Council shall also have power to make By-laws : By-laws concerning—

For establishing one or more new market places ; or for extending the market places now existing or which may be hereafter Markets ;

hereafter established; Provided that all damages which may be incurred by parties in consequence of their respective lands being encroached upon by such extension, be paid by the said Council;

Clerks of markets and other market officers;

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

Weighing and measuring;

Vehicles;

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

Preventing selling in streets, &c;

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

Weight and measure of wood, grain, &c;

For regulating the weighing and measuring of all cord-wood, coals, salt, grain, lime and hay, bought or sold in the said Town, by strangers or persons residing therein; for determining in what manner the said articles and all others shall be sold and delivered, whether by quantity, measure or weight, and for obliging all persons to observe in the above matters the By-laws which the said Council shall hereafter deem useful to establish;

Obstructions;

For preventing obstructions of any nature whatsoever in the streets;

Sales on the highway;

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

Sale of intoxicating liquors;

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

Violent driving, barbarous treatment of horses, &c;

To prevent the driving of vehicles at an immoderate pace in the said Town, or riding on horseback on the side-walks of the said Town, or the barbarous or inhuman treatment of horses or other beasts, such as beating them excessively in order to oblige them to draw burthens of too great a weight;

Bread;

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

For

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

Apprentices
and Servants ;

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

Gaming
houses, &c ;

To establish as many Public Pounds as the said Council shall deem expedient to open, for the impounding of animals of any species which may be running at large in the said Town ;

Public
Pounds ;

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

Police ;

To prohibit interments within the limits of the said Town, or fix the places at which the same may take place ; to compel the taking up of any body interred within the said limits contrary to this provision : Provided always, that this section shall not extend to prevent the interment in the Catholic Churches in the said Town, of Catholic Priests or Nuns ;

Interment ;

Proviso ;

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

Enclosure of
real property ;

To compel the occupants of unfenced lots of land in the said Town, having stagnant or filthy water upon them, to drain or raise such lands so that the neighbours may not be incommoded, nor the public health endangered thereby ; and in the event of the proprietors of such lands being unknown, or having no representative or agent in the said Town, it shall be lawful for the said Council to order the said lands to be drained or raised, or to fence in and enclose them at their cost, if they are not already fenced in and enclosed ; and the said Council shall have a like power if the proprietors or occupiers of such lands are too poor to drain, raise or fence in the same ; and in every case, the sum expended by the said Council in improving such lands, shall remain as a special hypothec on such lands, and have priority of privilege over all other debts whatsoever ;

Stagnant water ;

May inclose
and drain
lands and
recover the
cost : hypo-
thec for sum
so expended ;

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

Encroach-
ments upon
the streets ;

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

Pulling down
dilapidated
and dangerous
buildings ;

be

be pulled down, demolished or removed, and by whom the expense thereof shall be borne ;

Width and levels of the streets ;

Damages to be paid ;

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

Town Gaol ;

For establishing and regulating a Town Gaol or place of confinement, for detaining therein from time to time such persons as shall be committed thereto for contravening the By-laws of the said Council, or guilty of loose, idle and disorderly conduct, or other offences.

The furnishing of water and light ;

Proviso ;

Proviso ;

For defraying out of the Funds of the said Town, the expense of furnishing the citizens with water, and of lighting the said Town with Gas or in any other manner, and for obliging the proprietors of real property in the said Town, to allow the necessary works to be performed for such objects on their property, and for obliging all proprietors to allow the necessary pipes, lamps and posts to be fixed in or upon their houses : Provided always, that in all such cases, the expense of all such pipes, lamps, and other works, shall be defrayed by the said Council ; and provided also, that the solidity of the buildings on and near to which they shall be so placed, shall be in no wise affected ;

Common sewers ;

Proviso ;

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

Sweeping and watering the streets ;

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

Destruction of property by riots ;

To assess, over and above all other rates specially established by this Act, all the citizens of the said Town, to meet the expenses of any indemnity which the said Council may be obliged to pay to persons in the said Town, whose houses or buildings

buildings of any description whatsoever shall be destroyed or damaged by any riot or tumultuous assembly ; and if the said Council shall neglect or refuse, within six months after such destruction or damage caused to any property in the said Town, to pay a reasonable indemnity, to be established by Arbitrators, if one of the parties shall so desire, then the said Council shall be liable to be sued for such damage in any of the Courts of Justice of this Province ;

To prevent the erection of any manufactures or mechanism, worked by steam, in the said Town ; Steam engines ;

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

LII. And for the better protection of the lives and property of the inhabitants of the said Town, and for more effectively preventing accidents by fire, Be it enacted, That the said Council may make By-laws for the following purposes, that is to say : Accidents by fire.

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

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

For preventing thefts and depredations which might be committed at any fire in the said Town, and for punishing any person who shall resist or maltreat any Member or Officer of the said Council in the execution of any duty assigned to him by the said Council under the authority of this Section ; Thefts at Fires ;

For establishing, or authorizing and requiring to be established, after each fire in the said City, a judicial enquiry into the cause and origin of such fire, for which purpose the said Council or any Committee thereof authorized to the effect aforesaid, may summon and compel the attendance of witnesses, and examine them on oath, which oath shall be administered to them by any of the Members of the said Council or Judicial enquiry into cause of fires ;

of such Committee ; and they may also deliver over to be imprisoned in the Common Gaol of the District, any person against whom well grounded cause of suspicion may be found of his having maliciously originated the said fire ;

Sweeping of chimneys ;

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

Ashes and quick-lime, fires in streets, &c ;

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

Persons present at fires ;
Ladders, &c ;

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

Assistance to persons in employ of Council, wounded or perishing at a Fire ;

For defraying out of the Funds of the said Town any expense which the said Council shall deem expedient to incur, in aiding or assisting any person in their employ, who shall have received any wound or contracted any severe disease at any fire in the said Town ; or in assisting or providing for the family of any person in their employ, who shall perish at any fire ; or in bestowing rewards in money or otherwise upon persons who shall have been particularly useful, or who shall have devoted themselves at any fire in the said Town ;

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

Demolition of houses to stop fires ;

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

Appointment of fire officers ;

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

Visitation of houses.

LIII. And be it enacted, That any person enrolled and serving in any fire, hose, hook or ladder, or property protecting company, shall, during the time he may so continue to serve, be exempted from serving as a Juror, Constable or Militiaman, excepting during any war or invasion ; and any fireman who shall have served during five consecutive years, shall upon producing a Certificate thereof, signed by the Mayor of the said Town, be for ever exempt from serving as a Juror, Constable or Militiaman.

Exemptions to firemen.

LIV. And be it enacted, That if any person residing in the said Town who shall have been assessed at any sum of money by virtue of this Act, shall neglect or refuse to pay the sum imposed upon him as aforesaid, for a period of thirty days after the Secretary-Treasurer or Collector of the said Council shall have demanded the same, the said Secretary-Treasurer or Collector may and he is hereby required to levy the same, in the ordinary course of proceeding before one or more Justices of the Peace ; and if, after judgment shall have been rendered in favor of the said Council by such Justice of the Peace, for any claim for money made by virtue of this Act, such person shall still refuse or neglect to pay his assessments, then such Justice of the Peace may and he is hereby required to issue at the instance of the said Secretary-Treasurer, a Writ of Execution against the moveable effects of such person refusing or neglecting to pay his assessments, and the amount of such assessments shall be paid over by the party levying the same, into the hands of the said Secretary-Treasurer, after having first deducted therefrom the costs of suit, distress and sale of such moveable effects.

Mode of levying taxes in case of refusal or neglect to pay the same.

Execution.

Taxes from whom recoverable.

Proviso.

Recovery of taxes on property of non-residents.

Proviso :

Owners of property sold under this sect. may redeem it within a certain time.

Proviso : as to surplus of proceeds of sale.

LV. And be it enacted, That every tax or assessment imposed by virtue of this Act upon any property or house in the said Town, may be recovered either from the proprietor, tenant or occupier of such property or house ; and, if such tenant or occupier be not bound by lease or other stipulation to pay such tax or assessment, such tenant or occupier may and shall be entitled to deduct the sum so paid by him for assessment as aforesaid out of the rent which he would have to pay for the possession of such property : Provided always, that when a judgment shall have been obtained and execution issued either against the proprietor or against the occupier, it shall not prevent the party who shall have paid such assessments, without being bound so to do by express agreement, from proceeding against the other party, if the said sum so paid cannot be otherwise recovered.

LVI. And be it enacted, That in all cases where the persons 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, then it shall be lawful for the said Town Council, after having obtained a judgment before the Circuit Court in the Saint Hyacinthe Circuit, or any other Court, to sell and dispose of such property by public sale, or so much thereof as shall be judged sufficient for the payment of the sum due, with costs ; and the Sheriff of the District of Montreal is hereby authorized and required to advertise such sale to be made under the authority of this Section, in an English and in a French newspaper, published in the said Town or in the District of Montreal, and the said Sheriff is also required to employ, for the purpose of effecting such sale, a Bailiff residing in the said Town of St. Hyacinthe, who shall be designated by the Council ; Provided always, that all owners of property sold under the authority of this Section shall be allowed to resume possession of the same within the space of one year next after the date of such sale, on paying to the purchaser the full amount of the purchase money, with legal interest thereon, on condition, nevertheless, that such purchaser shall have kept up such property in the same state and condition as at the purchase thereof, and that he has not injured the same nor allowed it to be injured, together with the costs attendant upon such sale, with an additional five per centum on the purchase money ; And provided also, that if after such sale of property belonging to persons residing out of the Town, any surplus shall remain over and above the sum due to the said Council for assessment and costs, the Secretary-Treasurer aforesaid shall pay over such surplus to the said Town Council, to whatever sum the same may amount, and the said surplus shall be deposited in the Funds of the said Town as a loan, at the rate of six per cent. until called for and claimed by the party to whom it shall belong, to whom the same shall be paid.

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

Remission of taxes to indigent persons.

LVIII. 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 such offence forfeit the sum which in every Order, Rule or Regulation shall be specified, with the costs to be allowed by the Justices of the Peace who shall try such offences, and to be levied 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, for a term not exceeding one month, but which may be less, in the discretion of the Court: and no person shall be deemed an incompetent witness upon any information under this Act, by reason of his being a resident of the said Town of St. 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 one month next after the time of the offence committed; and provided also that no fine or penalty shall be inflicted for any such offence, which shall be less than Five Shillings or more than Five Pounds; and that no imprisonment for any such offence shall, in any case, be more than one calendar month, and the costs of transport in effecting such imprisonment shall be borne by the said Town Council, and the said Council shall also have power to punish by forfeiture of their goods, articles and provisions, all persons exposing them for sale on the markets or in the streets of the said Town, and infringing at the same time the By-laws of the said Council as regards the weight and quality of such goods, articles and provisions.

Punishment of parties transgressing orders of Council.

Proviso: Time for bringing suits under this section.

Imprisonment limited, &c

Forfeitures of goods illegally sold, &c.

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

Debts due Council for taxes, to be privileged debts.

Proviso.

LX. And be it enacted, That all the fines and penalties recovered under the provisions of this Act, shall be paid into the hands of the Treasurer of the said Town Council and the proceeds of all Licenses granted under this Act, shall form part of the Public Funds of the said Town; any law to the contrary notwithstanding.

Fines to be paid to Secretary-Treasurer.

Publication of
By-laws.

LXI. 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 be binding, such By-law or Regulation shall be twice read, that is to say : on two consecutive Sundays at the door of the Parish Church, immediately after Parochial Mass, and also two consecutive Saturdays in the forenoon, upon the market place of the said Town, and every By-law of any nature whatsoever shall be posted up in the place of holding the sittings of the Town Council during fifteen days after the passing thereof.

Power to raise
money by
Loan.

LXII. And be it enacted, That it shall be lawful for the said Town Council from time to time to borrow divers sums of money for effecting improvements in the said Town, for the purpose of building one or more market-houses or for draining the streets, or for furnishing the said Town with water, and generally for such purposes as the said Council shall deem useful or necessary.

Interest on
loans, and
provision for
paying the
same.

LXIII. And be it enacted, That whenever the said Council shall contract loans upon the credit of the said Town, they shall be bound and they are hereby required to provide immediately for the payment of the annual interest upon such loans, which annual interest shall not in any case exceed the legal rate of interest in this Province ; and the said Council shall set aside a portion of their revenues for the payment of such interest ; and the said Council shall also, whenever they shall contract a loan, provide for the establishment of a Sinking Fund, which Sinking Fund shall consist of a deposit made in a Savings Bank, annually, and at the periods when the interest on the said loan shall be paid, of a sum equivalent to a proportion of at least two per centum on the capital to be paid off ; and the sum arising annually from this Sinking Fund shall remain deposited in such Savings Bank, with the interest which shall accrue thereon, until it shall be equal to the total amount of the capital to be paid off: Provided always, that

Sinking Fund,
to be esta-
blished.

Proviso: total
sum due at
one time
limited.

when the interest and Sinking Funds united shall absorb the one half of the annual revenues of the said Council, then and in such case it shall not be lawful for the said Council to contract new loans, it being hereby intended that the said Council shall not be entitled to devote to the interest and Sinking Fund of their loans any sum exceeding the half of their revenues ; And provided also, that it shall be lawful for the said Town Council, if the lenders consent or require it, to deposit in the hands of such lenders instead of in a Savings Bank, the annual sums which shall have been agreed upon to form the Sinking Fund ; in which case the receipts given to the said Council shall be so drawn up as to define what amount shall have been paid for interest, and what other amount shall have been paid into the Sinking Fund.

Proviso.

LXIV. And be it enacted, That it shall be lawful 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 whom he shall find disturbing the peace within the said Town, and to confine him in a Watch-house, or other place of confinement, in order that such person may be secured until he can be brought before the Mayor or a Justice of the Peace, to be dealt with according to law.

Any Councilor may order apprehension of drunken or disorderly persons.

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

Powers and duties of Constables in the said Town.

LXVI. And be it enacted, That every person who shall assault, beat or forcibly resist any Constable or Peace Officer appointed by virtue of this Act, and engaged in the execution of his duty, or who shall aid or excite any other person to assault, beat or forcibly resist such Officer or Constable, every such offender shall, upon conviction thereof, before the Mayor or a Justice of the Peace, be liable to a fine of from Two to Ten Pounds currency, and to imprisonment not exceeding two calendar months, notwithstanding the provisions of the Fifty-eighth Section of this Act; Provided always, that it shall be lawful for the said Council or any other Officer, if the offence be serious, to proceed by indictment against any such offender; but only one proceeding at law shall be adopted.

Penalty for assaulting constables, or resisting them.

Proviso.

LXVII. And be it enacted, That the following property shall be exempt from taxation in the Town of St. Hyacinthe:

Property exempted.

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

All Provincial property and buildings;

Every place of public worship, and every burying ground;

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

Every educational establishment, as well as the ground on which the same is constructed;

All

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

Proviso :
Exemption not
to extend to
certain cases.

Every court house and district gaol, and the grounds attached thereto : Provided always, that this exemption shall not extend to lots or to buildings built upon lots leased or occupied by tenants under the Government, or the Ordnance Department in the said Town ; but such lands belonging to the Government or to the Ordnance Department occupied by tenants, shall be valued and assessed in like manner as other real property in the said Town, and such rate or assessment shall be paid by the said tenants or occupiers thereof.

Certificates
for Tavern
Licenses.

LXVIII. 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 the Secretary-Treasurer of the said Council, and sealed with the Seal of the said Council.

Proceeds of
Tavern
Licenses.

LXIX. And be it enacted, That the amount derived from Tavern Licenses, and all other licenses granted to persons resident in the said Town, authorizing them to sell spirituous liquors, shall be paid over in each year to the Secretary-Treasurer of the said Town by the Receiver General of this Province ; any law to the contrary notwithstanding.

Time for
bringing ac-
tions.

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

Encroach-
ments on
streets or
squares.

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

LXXII. And be it enacted, That from and after the passing of this Act, every Landlord, Proprietor 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 Assessors of the said Town, such a Receipt or Certificate, falsely representing the value of the rent paid by such Tenant, in order to procure a lessening or abatement of his assessment, shall be liable on conviction thereof, before the Mayor or a Justice of the Peace, to a penalty of Five Pounds currency, or less, and to imprisonment during One Calendar Month, or less, according to the judgment of such Mayor or Justice of the Peace.

Parties granting false receipts to evade taxes.

LXXIII. And be it enacted, That it shall be lawful for the said Council whenever any house shall encroach upon any of the streets or public squares of the said Town, to prevent the proprietor of such house from rebuilding on the site occupied by the demolished house, and it shall be lawful for the Council to purchase any such lot encroaching upon any street, or to require the proprietor of such land to dispossess himself thereof, in consideration of indemnity therefor, and such indemnity shall be fixed by Arbitrators appointed respectively by the said Council and by the party they are desirous of dispossessing; and the said Arbitrators in case of a difference of opinion shall appoint a third; and the said Arbitrators, after having been sworn by a Justice of the Peace, shall take cognizance of the matter in dispute, and after visiting the place in question, shall decide upon the amount of indemnity to be granted to such proprietor; and the said Arbitrators shall be authorized to decide which of the parties shall pay the costs of arbitration.

Council may prevent proprietors building in certain cases.

Council may purchase the property, paying compensation.

LXXIV. And be it enacted, That the said Council shall have full and unlimited power to purchase and acquire out of the revenues of the said Town, all such lots, lands and real property whatsoever within the said Town, as they shall deem necessary for the opening or enlargement of any street, public square or market place, or for the erection of any public building, or generally for any object of public utility of what nature soever.

Council may acquire real property in the Town.

LXXV. And be it enacted, That when the proprietor of a lot which the said Council shall be desirous of purchasing for any object of public utility whatsoever shall refuse to sell the same by private agreement, or in case such proprietor shall be absent from the Province, or in case such lot of land shall belong to infants, issue unborn, lunatics, idiots or femes covert, the said Council may apply to the Circuit Court in the St. Hyacinthe Circuit, or to any other Court, for the appointment of an Arbitrator by the said Court, to make, conjointly with the Arbitrator appointed by the said Council, a valuation of such lot, with power to the said Arbitrators, in case of a difference

Arbitration if the parties be absent or refuse to sell, or have not power to sell in ordinary cases.

of

Payment of
award into
Court, &c.

of opinion, to appoint a third; and when the said Arbitrators shall have made their report to the said Council, at a regular meeting thereof, it shall be lawful to the said Council to acquire such lot on depositing the price at which it shall have been valued by the said Arbitrators, in the hands of the Prothonotary of the Superior Court in the District of Montreal, for the use of the person entitled thereto; and if no person entitled to such indemnity shall appear within six months after such amount shall have been deposited in the hands of such Prothonotary, to claim the sum so deposited, it shall then be lawful for the said Prothonotary and he is hereby required to remit such sum to the Secretary-Treasurer of the said Council, to be deposited by him with the moneys of the said Town; and such sum shall bear interest at the rate of six per centum; and both the capital and the interest accruing thereon shall be payable by the said Council to any person entitled to receive the same, within three months after a formal notification to the Mayor and the Secretary-Treasurer of the said Town to pay the same.

Ten per cent
added to
arrears of
taxes.

LXXVI. And be it enacted, That in all cases of non-payment of assessments imposed upon any immoveable property in the said Town, the sum of ten per centum upon the amount of the arrears of assessment shall be added each year to such amount, so long as such assessments shall remain unpaid.

Cheques,
&c., to be
signed by
Mayor.

LXXVII. And be it enacted, That no payment shall be made out of the Funds of the said Town, unless the Order or Cheque for such payment be signed by the Mayor and countersigned by the Secretary-Treasurer; or in the absence of the Mayor, every such Order shall be signed by two Members of the said Council appointed for that purpose, and countersigned by the Secretary-Treasurer.

Officers on
retirement
from office to
render their
accounts, and
deliver up
moneys, pa-
pers, &c., in
their hands.

LXXVIII. And be it enacted, That the Secretary-Treasurer of the said Council, and all the other Servants and Officers thereof shall, during their periods of office respectively, or in the course of the month which shall follow their retirement from office, and in such manner as the said Council shall direct, render to the said Council or to any person authorized by them, an exact account in writing of all matters committed to their charge or custody, by virtue of this Act, and also of all moneys which have been received by them, respectively, for the purposes of this Act, and of the amount of all moneys which shall have been paid out, or disbursed by them in favor, or subject to the control of the said Council, and for what purpose they were so paid out; and shall furnish Vouchers in support of their assertions; and every such Secretary-Treasurer, or other Officers retiring from office, shall be bound within the eight days next after the settlement of their respective accounts, to pay to the Secretary-Treasurer of the Council, all sums which shall be due by them; and in case any one of the said Officers shall refuse or purposely neglect to render such accounts

as aforesaid, or to deliver up the Vouchers having reference thereto, or to pay into the hands of the Secretary-Treasurer the sums in which he shall be indebted, or shall refuse or purposely neglect to deliver to the said Council, within three days after he shall have been duly notified to that effect, all Books, Records, Papers or Documents belonging to the said Council, then and in every such case, upon complaint made by the said Council on account of such refusal or negligence as aforesaid, before a Justice of the Peace for the locality wherein the said Officer or Officers shall then reside, the said Justice of the Peace shall be bound and he is hereby authorized and required to issue a Warrant under his hand and seal, to summon such Officer before any two Justices of the Peace for such locality, and upon the appearance of the said Officer, or upon his non-appearance, if he shall not have been found, it shall be lawful for the said Justices of the Peace to hear and determine the complaint in a summary manner; and if it shall appear to the said Justices that moneys remain due by the said Officer, the said Justices shall and they are hereby required upon the non-payment of such moneys to issue a Warrant under their hands and seals for the levying of the said moneys by seizure, distress and sale of the property and effects of such Officer; and if sufficient property and effects be not found to pay the said moneys and costs of seizure, or if it shall appear to the said Justices that the said Officer has refused or purposely neglected to deliver such Accounts or the Vouchers in support thereof, or that any of the Books, Records, Papers or Documents which had been in the charge and custody of the said Officer whilst engaged in the service of the said Council, have not been delivered over to the said Council, and are still purposely retained by him, then and in every such case the said Justices are required to commit the Officer to the Common Gaol of the locality in which he shall reside, there to remain without bail until he shall have paid the moneys as aforesaid, or faithfully delivered up his Accounts and Vouchers, and all Books, Documents or Papers as aforesaid, or satisfactorily answered the complaint brought against him by the said Council; Provided always, that no person shall be so detained in Gaol for more than one month, from inability to pay the amount of the costs of judgment and execution; and provided also, that nothing herein contained shall have the effect of preventing or restricting any judicial proceedings against any Officer of the said Council offending as aforesaid, or against any surety for such Officer.

Proceedings
of Council on
their refusal.

Hearing and
decision of the
complaint.

Execution.

Committal of
delinquent to
Gaol in cer-
tain cases.

Proviso.

Proviso.

LXXIX. And be it enacted, That this Act shall be considered and taken to be a Public Act, and shall be subject to the provisions of the Interpretation Act. Public Act.