

Laws of Her Majesty's Province of United Canada, passed in the year 1847. Montreal:
Stewart Derbishire & George Desbarats, 1847.

10 & 11 Victoria – Chapter 7

An Act to make better provision for the establishment of Municipal Authorities in Lower Canada. 28th July, 1847.

Whereas it is expedient to abolish the Parish and Township Municipalities now established by Law in Lower Canada, and to substitute County Municipalities in their stead, and to make provisions in that behalf: 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 of the Legislature of Lower Canada passed in the fourth year of the Reign of King George the Fourth, intituled, *An Act to repeal a certain Act therein mentioned, and to provide for the Police of the Borough of William Henry and certain other Villages in this Province*; the Ordinance of the Governor and Special Council for the affairs of the late Province of Lower Canada, passed in the fourth year of Her Majesty's Reign, and intituled, *An Ordinance to provide for the better Internal Government of this Province, by the establishment of local or municipal authorities therein*; and the Ordinance of the said Governor and Special Council passed in the same year of the same Reign, and intituled, *An Ordinance to prescribe and regulate the election and appointment of certain Officers in the several Parishes and Townships in this Province, and to make other provisions for the local interests of the inhabitants of these divisions of the Province*; and the Act passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to repeal certain ordinances therein mentioned, and to make better provision for the establishment of local and municipal authorities in Lower Canada*; and the Act passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to divide the municipalities of Hochelaga and of Three Rivers into distinct municipalities, and further to provide for the support of schools and the management of local affairs therein*, so far as the said Act relates to the municipality of Hochelaga, or to the establishment of the municipality of the Banlieu of Three Rivers, save and except so far as hereinafter specially provided and reserved, shall be, and the said Acts and Ordinances are, from and after the first day of September next, hereby repealed: Provided always that all Acts and Ordinances or parts of Acts and Ordinances repealed by the said Acts or Ordinances shall remain repealed: And that each Parish, Township or place which immediately before the time when this Act shall come into force and effect shall be a municipality for the purposes of the Act passed, in the now last session, and intituled, *An Act to repeal certain enactments therein mentioned and to make better provision for Elementary Instruction in Lower Canada*, shall, notwithstanding any thing in this Act, continue to be deemed to be a municipality within the meaning of the said Act and for all the purposes thereof.

First Part.

Rural Municipalities Not Being Towns or Villages.

II. And be it enacted, That the inhabitants of each and every County in Lower Canada shall be a body politic and corporate, by the name of The Municipality of (naming the County, as the case may be) and by the name shall have perpetual succession, and may sue and be sued, and may or may not, as to the said Corporation shall seem meet, have a Common Seal, and shall have the power to take, hold and enjoy within the limits of such Municipality real property not exceeding the yearly value in amount of Two hundred pounds currency, and to alienate the same, and shall have all such other corporate powers, as, though not expressly mentioned in and granted by this Act, shall be necessary for the due performance of the duties, and the due exercise of the powers which are hereby imposed or conferred upon the Corporation; Provided always, that the Counties of Bonaventure, Montmorency, Rimouski, Saguenay, Dorchester and Beauharnois shall each be divided into and form two such Municipalities; and the Counties of Ottawa and Gaspé each into three such Municipalities; And it shall be lawful for the Governor in Council, to and for the purposes of this Act to define the local limits of such divisions, and each such division shall be a Municipality in the same manner as any County Municipality provided by this Act, and shall have and exercise and possess within such limits all and every the corporate or other powers given and granted by this Act to County Municipalities, and shall be known by the corporate name of The Municipality of (stating the name of the County with the number one, two or three, as the case may be) for distinction thereof, the number one in all cases to belong to and be the number of the division containing the greater amount of population according to the last Census in Lower Canada, the number two the division next in amount.

III. And be it enacted, That each of the said Corporations shall be represented by and have its duties performed and powers exercised by and through a Municipal Council, to consist of two Councillors to be respectively chosen or appointed as hereinafter provided by each Parish or Township into which such County or Municipality shall be divided for the election of a member to represent the County in the Provincial Parliament, and at which a separate poll may be opened and held for that purpose under the provisions of the law in force in Lower Canada.

IV. And be it enacted, That on the second Monday in the month of September now next, and at nine o'clock in the forenoon, the qualified inhabitants of each Parish or Township, shall hold a first meeting at the place at which such separate poll is required to be held according to law, at which the Senior Justice of the Peace resident in such Parish or Township, and present, shall preside, (or in default of such Justice, such person as the majority of the persons present at the meeting shall appoint,) and shall proceed to elect two persons to be Councillors qualified to act as such as hereinafter provided: Provided always, that such meeting shall be called by a notice to be given publicly at least eight days previous, at the doors of the churches or other places of public worship in each such Parish or Township, or if there be no churches or places of public worship, then at two of the most frequented places therein, by any one of the persons who by this Act may preside at the meetings therein, mentioned, or by any three electors of such Parish or Township.

V. And be it enacted, That the said inhabitants, being householders, shall at every such meeting proceed to the election of the said two Councillors, and the poll for such election if demanded by

any candidate or by any three electors then present, shall begin at ten of the clock in the morning, and shall be kept open to an hour not later than five in the afternoon of the first day of such meeting, and from ten in the morning of the following day until five in the afternoon, and then shall finally close; and the name of each elector voting at such election shall be written in poll lists, to be kept at such election by the Justice of the Peace or other person holding the same; and after the final close of such poll, such Justice or other person presiding thereat, shall forthwith proceed publicly to declare the number of votes given for each candidate, and shall declare the person or persons having the majority of votes in his or their favor, to be duly elected Councillors as aforesaid; and if there should be at such final closing of the Poll, an equal number of votes polled for two or more persons to be Councillors as aforesaid, it shall be lawful for such Justice or other person holding such election, and he is hereby required, whether otherwise qualified or not, to give a vote for one or other of the persons having such equality of votes, and so determine the election; and the poll lists kept at such election, shall by such Justice of the Peace or other person, be delivered, after the conclusion of every such election, to the Clerk of the Council for which such election shall have been held; and the person having presided at such election shall report the result thereof and the names of the Councillors elected, to the Provincial Secretary within eight days next after the election.

VI. And be it enacted, That at each subsequent General Meeting of the inhabitants of each Parish or Township, which shall be held in every year on the second Monday in July or any subsequent Monday in the same month at nine o'clock in the forenoon, the senior Councillor or the senior Justice of the Peace in the Parish or Township, or in default thereof, such person as the majority of voters at such meeting shall choose, shall and may preside, and an election shall be made and the report thereof shall be made to the Provincial Secretary as provided iii the next preceding section.

VII. And be it enacted, That the persons chosen as before mentioned, and duly qualified as aforesaid to be Councillors, shall form the Council, and shall have the management of all the affairs of the Corporation; and such Councillors shall be elected for two years: Provided always, that on the day of each annual meeting after the first election, one of the Councillors for each Parish or Township (to be determined by lot in the first instance) shall go out of office, and in this manner for each ensuing year, until both those elected at the first election shall have gone out, after which they shall go out in the order in which they shall have been elected, but any Councillor so going out may be re-elected with his own consent: Provided always, that nothing herein contained shall be construed to invalidate any proceedings had by any municipality established under the provisions of the recited Acts until the same shall be repealed or altered by the proper Council under this Act.

VIII. And be it enacted, That every action brought by or against the Corporation shall be brought by or against the same by its corporate name as aforesaid: and in all such actions, service of process on the Secretary Treasurer for the time being of such Corporation, shall be a good and valid service thereof.

IX. And be it enacted, That the Council of each Municipality shall hold its Meetings at the Parishes, Villages or places following respectively, to wit:

<i>The County of Gaspé</i> , Division first at Percé, Division second at Gaspé Basin, Division third at Amherst Harbour.	<i>The County of Nicolet</i> , at Becancour.
<i>The County of Ottawa</i> , Division first at Aylmer, Division second at Lochaber, Division third at Litchfield.	<i>The County of Yamaska</i> , at St. François.
<i>The County of Bonaventure</i> , Division first at New Carlisle, Division second at New Richmond.	<i>The County of Drummond</i> , at Drummondville.
<i>The County of Rimouski</i> , Division first at Rimouski, Division second at Rivière du Loup.	<i>The County of Sherbrooke</i> , at Sherbrooke.
<i>The County of Dorchester</i> , Division first at Ste. Marie, Division second at St. Henri.	<i>The County of Stanstead</i> , at Stanstead.
<i>The Country of Beauharnois</i> , Division first at Beauharnois, Division second at Huntingdon.	<i>The County of Missisquoi</i> , at Dunham Flats.
<i>The Country of Montmorenci</i> , Division first at Chateau Richer, Division second at St. Jean de l'Isle.	<i>The County of Richelieu</i> , at St. Denis.
<i>The County of Saguenay</i> , Division first at Les Eboulemens, Division first at Eboulemens, Division second at Grand Baie.	<i>The County of St. Hyacinthe</i> , at St. Hyacinthe.
<i>The County of Kamouraska</i> , at Kamouraska.	<i>The County of Rouville</i> , at St. Athanase.
<i>The County of L'Islet</i> , at L'Islet.	<i>The County of Verchères</i> , at Verchères.
<i>The County of Bellechasse</i> , at St. Michel.	<i>The County of Chambly</i> , at Chambly.
<i>The County of Megantic</i> , at Leeds.	<i>The County of Huntingdon</i> , at Laprarie.
<i>The County of Lotinière</i> , at St. Croix.	<i>The County of Vaudreuil</i> , at Vaudreuil.
	<i>The County of Lac des Deux-Montagnes</i> , at St. Benoit.
	<i>The County of Terrebonne</i> , at Ste. Thérèse.
	<i>The County of Leinster</i> , at L'Assomption.
	<i>The County of Berthier</i> , at Berthier.
	<i>The County of St. Maurice</i> , at Yamachiche.
	<i>The County of Champlain</i> , at Ste. Geneviève de Batiscan.
	<i>The County of Portneuf</i> , at Cap Santé.
	<i>The County of Quebec</i> , at Charlesbourg.
	<i>The County of Montreal</i> , at St. Laurent.

X. And be it enacted, That no person shall vote at any general meeting for the election of Councillors, unless he be of the male sex, of the full age of twenty-one years, and a subject of Her Majesty by birth or naturalization; nor unless he be in possession as proprietor, and for his own proper use and benefit, of a real estate in the Parish or Township, held in franc aleu, free and common soccage, en fief, or en censive, of the yearly value of forty shillings, currency, or upwards, or shall hold as a tenant or lessee or otherwise occupy an estate of the yearly value of at least five pounds, currency, nor unless, in either case, he shall have resided in the Parish or Township during the year next preceding such meeting and election; nor unless he shall have paid all rates or local taxes due by him at any time before the election.

XI. And be it enacted, That none of the following persons shall be elected a Councillor or appointed to any office in the appointment of the Council: First, Persons in Holy Orders or being Ministers of any religious denomination; Secondly, Judges of the Court of Queen's Bench, Circuit Judges or Clerks of any Courts of Justice or Clerks of Commissioners' Courts for the trial of Small

Causes, but any such Clerk may with his own consent be appointed a Secretary-Treasurer to the Corporation; Thirdly, Officers of Her Majesty's Army or Navy on full pay: And the following persons shall be exempt from serving in any such office except with their-own consent: First, Members of the Legislative Council, Members of the Legislative Assembly, Members of all Municipal Councils at the passing of this Act or who have been Members thereof within two years next before the passing of this Act during four years from the time they shall have so served: Practising Physicians, Surgeons and Apothecaries, School-masters actually engaged in teaching: Secondly, Any Miller who shall be the only one employed in a Mill; Thirdly, Persons of more than sixty years of age; Fourthly, Persons who have served in any of the said offices or paid the penalty for refusal to accept shall be exempt during the four years next after such service or payment.

XII. And be it enacted, That the person presiding at the general meeting shall require the Councillors elected and then present to take before him the oath of office mentioned in this Act; and he may also at the request of any Candidate require the oaths in the Schedules to this Act or any of them to be taken by any person offering to vote; and he shall for the purpose of maintaining order, enforcing obedience and committing for contempt of his authority, have all the powers which are or may be then by law vested in the Returning Officer at the election of a Member to serve in the Legislative Assembly of this Province: Provided always, that if the President of such meeting be elected Councillor he shall take the oath of office herein ordered before any Justice of the Peace or before the Mayor of the Council if in office.

XIII. And be it enacted, That the person presiding at any meeting for the election of Councillors in any Parish or Township shall, during the whole of the time during which such election shall be held, be a conservator of the peace and shall be invested with the same powers for the preservation of the peace and the apprehension and committal for trial or holding to bail or trying and convicting violators of the law and good order as are vested in the Justices of the Peace in this Province, and whether the said person so presiding shall possess or not the legal property qualification of a Justice of the Peace; and that for the purpose of keeping the peace and preserving good order at any such election, it shall be lawful for the person presiding thereat to command the assistance of all Justices of the Peace, Constables and other persons present at such election, to assist him in doing so, and also to swear in as many Special Constables as he shall deem necessary and expedient; and it shall be lawful for the person presiding to commit any person for a breach of the peace or violation of good order to the charge and custody of any Constable or Constables, person or persons, on view, for such time as he shall deem expedient, or by writing under his hand, to commit such offender to the Common Gaol of the District in which such Municipality is situated, for any period not exceeding ten days.

XIV. And be it enacted, That each Councillor shall, at the same time that he shall take the oath of office as aforesaid, take also an oath of qualification in the form of the Schedule to this Act number one or number two as the case may require, or to the same effect; such oath being made before the same person who shall administer the oath of office, and being subscribed by the Councillor taking the same; and if at any time the property described in any such oath as forming the qualification of the Councillor taking the same shall be alienated or he shall cease to hold the property mentioned in such oath, if he shall have qualified as a Lessee, then the seat of such

Councillor shall be vacated and another elected and appointed in his stead, unless he shall within one month after such time again take and subscribe an oath of qualification before some Justice of the Peace as aforesaid, describing therein other property qualifying him to be a Councillor: and each such oath of qualification shall be forthwith transmitted by the person before whom it is taken, to the Secretary of the Council to be by him kept among the records of his office, and shall be open to the inspection of all voters at all reasonable times; and the seat of any Councillor who shall become or be a Bankrupt, shall be immediately vacated and another shall be elected in his stead.

XV. And be it enacted, That if any Parish or Township shall refuse or neglect to elect Councillors in the manner hereinbefore provided, the Governor in Council shall appoint them or so many as ought to have been appointed, but were not, ex officio upon a statement made on oath before some Justice of the Peace by any two Electors, that no election of such Councillors has been had within the time limited by this Act; and the Councillors so appointed shall be subject to the same duties, and penalties as if they had been elected at a general meeting, and shall go out of office and be replaced as directed by this Act.

XVI. And be it enacted, That the Councillors elected at any general meeting, but not present thereat, shall within eight days after their election shall have been notified to them by the person presiding at such meeting, take before the said person or any Justice of the Peace in such County, who shall certify the same to the said person, an oath of office in the following form:

“You, A. B., promise and swear (or affirm) that you will faithfully, and to the best of your judgment and ability, discharge the duties of Councillor of the municipality of so help you God.”

And any person elected a Councillor shall, after having taken the said oath or made the said affirmation, and after having taken the oath of qualification hereinafter mentioned, and not before, he deemed to be legally appointed to the said office, and shall be bound to perform the duties thereof.

XVII. And be it enacted, that a like oath (or affirmation) of Office shall be made before the Mayor or Secretary Treasurer of the Council, or a Justice of the Peace, (each of whom is hereby authorized to administer the same,) by each officer or functionary appointed by the Council, and a record of the taking of such oath or affirmation, shall be made in the Journal of the Council.

XVIII. And be it enacted, That every person elected or appointed to the Office of Councillor as aforesaid, and every other officer and functionary appointed by the Council as herein provided, shall within eight days at farthest after receiving notice of his election or appointment, accept the said Office, and every such Councillor shall take the oath of Office and of Qualification hereinbefore prescribed, and every such officer and functionary shall take the oath of Office hereinbefore prescribed, under a penalty on contravention in either case, of not less than Fifty Shillings, nor more than Five Pounds Currency, which penalty, if not forthwith paid, may be forthwith sued for in the manner hereinafter mentioned, and may be levied at any time after the expiration of eight days, after such refusal or neglect, by seizure and sale of so much of the

Offender's Goods and Chattels as may suffice, by virtue of a Warrant under the Hand and Seal of a Justice of the Peace, to be issued at the instance of the Secretary-Treasurer, or of any Inhabitant elector of the Municipality, upon the oath of any one competent witness, and one third of such penalty shall belong to the Prosecutor, if he be not a Public Functionary or Officer, and the remaining two thirds to the Corporation, and if the prosecutor be a Public Functionary or Officer, the whole shall belong to the Corporation: Provided always, that nothing herein contained shall subject any person elected or appointed a Councillor, to a penalty for not taking the oath of office and of qualification, if he be not qualified.

XIX. And be it enacted, That after the refusal or neglect as aforesaid, of any person elected as Councillor, for a Parish or Township, to take the oath herein required to be taken as the case may be, or either of them, it shall be lawful for the other Councillor, having taken the oath of office and of qualification, and if there be no other Councillor, then for three qualified voters in such Parish or Township and he or they is and are hereby required to call a general meeting of the such Parish or Township, to elect another Councillor in the place of such person, by public notice given eight days previously, in the manner provided by this Act; and after such refusal by any officer or functionary appointed by the Council, such Council shall appoint another in his stead.

XX. And be it enacted, That in case of a vacancy in the office of any such Councillor, functionary or officer, by reason of his death or permanent absence from the Municipality, or his absence for more than six months, or incapacity happening after his election or appointment, such vacancy shall be filled either by election at a General Meeting called as aforesaid, if for the election of a Councillor, or by the Council, if for the election of a functionary or officer as the case may require.

XXI. And be it enacted, That on the day appointed for the first meeting of the Council, the Councillors then present, having taken the requisite oath of office and of qualification shall meet and choose from among themselves a Chairman, whose place in case of absence at any time may be filled by a temporary Chairman, to be chosen by the Members present; and such Chairman shall be designated by the name of "The Mayor of the Municipality of _____," adding the name of the County and the number of the division if the County be divided, and he shall not hold office for more than one year, unless re-elected if he continue to be such Councillor; and whenever a vacancy shall occur in the Mayoralty by the Mayor going out of office as a Councillor or otherwise, the Council shall at its first meeting thereafter proceed to elect a Mayor.

XXII. And be it enacted, That a majority of the Council shall be a quorum for the transaction of business; provided that a smaller number may adjourn from time to time, and the absent members may be compelled to attend in such manner and under such penalties as may be provided by any By-law to be made by such Council; and that all questions arising in any Council shall be decided by the majority of votes; and in case of equal division, the Mayor or temporary Chairman shall have the casting vote; the said Mayor or temporary Chairman having in no other case a right to vote.

XXIII. And be it enacted, That after the first meeting as aforesaid, there shall be four regular Quarterly Sittings of each Council in every year, to be held on the second Monday in each of the

months of June, September, December and March; besides which regular sittings, each Council may meet so often as they may deem it expedient so to do for the despatch of business; and they shall themselves fix the time of all except the Quarterly Sittings, and the place within the locality hereinbefore appointed for each County or division of a County, and the hour of all, and shall give public notice accordingly; and their sittings shall be public: Provided always, that if the Council of any Municipality shall not meet at any time when by Law they ought to meet, they shall not therefore be deemed to be dissolved, but such Council may thereafter hold any future Quarterly or other meetings, as if they had not failed to meet as aforesaid.

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

XXV. And be it enacted, That each Council shall appoint a Secretary-Treasurer of the Council, who shall at the same time, be the Secretary and the Treasurer of the Corporation, one Deputy Grand Voyer for the County, who shall have and exercise the superintendence of roads and bridges in the municipality, and the laying out and making of the same under the direction of the said Council, and also for each Parish or Township, three Assessors who shall be also the valutors of all property liable to assessment and rates therein; one or more Collectors, and so many Surveyors and Overseers of roads and bridges, Inspectors of fences and ditches, Pound Keepers and other public officers, as they shall deem convenient, useful and necessary for the due execution of the laws relative to matters under their administration and superintendence; all which said officers and functionaries shall remain in office two years after their appointment; and such Inspectors and Pound Keepers shall be governed in the performance of duties of their offices, by the provisions of the Act of the Legislature of Lower Canada, passed in the sixth year of the Reign of King William the Fourth, and intituled, *An Act to repeal a certain Act therein mentioned, and more effectually to remedy divers abuses prejudicial to agriculture*, and of any other Act or Law having relation to their said duties, in so far as the same may not be inconsistent with this Act.

XXVI. And be it enacted, That each Council shall have power, after a previous estimate of the expenses necessary to be incurred for any purpose within their jurisdiction, to raise and assess such sum as may be necessary to cover the amount of such estimate, and cause the same to be apportioned by rate upon the owners of property liable to assessment and being within the municipality, (whether such owners be or be not resident therein) in proportion to the value of their respective rateable property in the municipality, provided that such rates shall not in any one year exceed in the whole six pence in the pound on the annual value of such property, which annual value shall be taken at six per centum of the actual value of such property, as ascertained by the valuation thereof, to be made by order of the Council of the Municipality as herein provided for; and provided also, that all rates imposed by any Municipal Council (whether of a City or Town, save and except the Cities of Montreal and Quebec, and Town of Three Rivers) or of a Village or Rural Municipality without such previous estimate as aforesaid, shall be null and void.

XXVII. And be it enacted, That the said rates shall be payable by and recoverable from the owner, occupant or possessor of rateable property, and if such owner, occupant or possessor be

unknown, the said Secretary-Treasurer shall for the purposes of such rates and their collection only be held to be the owner, occupant or possessor of such property, and that the said rates shall, if not paid, (in default of personal property or goods or chattels, to be sold or disposed of as provided by this Act) be a special charge, bearing *hypothèque* and not requiring registration to preserve it, on all immoveable property on which such rates shall be due, which said property or so much thereof as may be necessary, shall be liable to be sold after a lapse of five years, whatever be the amount due.

XXVIII. And be it enacted, That the manner of proceeding to the sale of any lands or of a portion thereof, after the rates due thereon shall have remained unpaid during five years, shall be as follows, that is to say: the Secretary-Treasurer shall, by order of the Municipal Council announce publicly during three consecutive Sundays at the door of the Church or other place of Public Worship in the Parish or Township in which such lands are situate, immediately after Divine Service in the forenoon, or by advertisement affixed during the same space of time at two of the most public places in such Parish or Township if there be no place of Public Worship therein, and also by advertisement published three several times in the Canada Gazette, that so many acres or arpents or other quantity of such lands, as the case may be (describing such property by its number if known, or by its metes and bounds) will, on the day appointed for the purpose in the said advertisements, and which shall not be before the expiration of two months from the date of the first advertisement in the said Gazette, be sold by public auction, as shall be sufficient to pay the said rates with interest at six per cent per annum from the time they became due, together with the costs of advertising and sale; and a deed of sale to the purchaser, executed and signed by the Mayor and Secretary-Treasurer, shall be a legal title for the portion so sold, and shall confer on the said purchasers the same rights with regard to the same, as a judgment of confirmation of title confers by law, and cancelling also the mortgage or *hypothèque* created by this Act on the remainder of the lands for the non-payment of rates; Provided always, that the condition of such sale shall be, that the purchaser shall pay at the time of adjudication the amount of his purchase, and in default thereof he shall have no right whatsoever to the property so bought, but the same shall immediately and without further notice be put up for sale *de novo* and adjudged to the highest bidder.

XXIX. And be it enacted, That where lands have been originally granted by the acre, not more than eleven rods and a half of the front by the whole depth of the lot and where they have been so granted by the arpent, not more than ten perches in front also by the whole depth of the lot, shall be offered for sale in the first instance; and if the proceeds be not sufficient to cover the amount of rates, interest and costs as above mentioned, another eleven and a half rods, or another ten perches, in front by the whole depth of the lot, shall then and there be offered for sale by the Secretary-Treasurer, and so on until the whole amount due shall be levied: Provided always if there be any surplus of the price remaining, it shall be returned into the Circuit Court for the place in which the land which shall be sold is situated, and in case the same shall not be within the limits of any Circuit Court, then such surplus of price shall be returned into the Court of Queen's Bench sitting in the inferior term for the District in which the municipality is situate, to the end that it may be distributed amongst the Creditors of the Debtor according to Law, and such Creditors are hereby required to file their oppositions upon the surplus of the said price at the office of the

Clerk or Prothonotary of the Court within ten days after such sale and not afterwards, and if there be no oppositions filed, or if the claims of the Creditors be declared unfounded by the Court, the said surplus price shall be returned to the owner or proprietor or his Attorney for him when called for within twelve months after the sale, and if not called for during twelve months after such sale, the said surplus shall be kept by the Municipal Council to cover the rates which may thereafter become due by the owner of the remainder of the same land; Provided that if the whole lot of land be sold and no other rateable property remains to the party within the Parish or Township, the surplus shall be returned as above mentioned when demanded even after six months as aforesaid.

XXX. And be it enacted, That during the whole year next following such sale, the original owner or proprietor of the land so sold, or his Attorney for him, shall have the right of taking back the said land or portion of land on his reimbursing the principal, interest, costs and ten per cent, above the whole amount, to the purchaser; and in that case the mortgages or *hypothèques* existing previously on the land so sold, otherwise than under the provisions of this Act, shall revive and be re-established and shall have their effect as if such sale had not taken place.

XXXI. And be it enacted, That the Councils of the several Municipalities shall cause the necessary assessments to be equally rated upon all the immoveable property within their jurisdiction in proportion to the value of such property respectively, in which shall be included for rate all private domains and mill property belonging to Seigniors [Seigneurs], though unconceded by such Seigniors; Provided that unconceded lands in the Seigniories shall be free from assessment, but that all Seigniors shall pay on account of their lucrative rights one-fortieth part of the sum assessed in the Municipalities (paying in proportion to their Seigniority in the same, that is to say, one fortieth if the Seigniority extends over the whole Municipality, and a proportionately less sum if it extends only over a portion of the Municipality,) of which they are Seigniors; Provided that in the sum total of assessment of which such fortieth part shall be taken, shall not be comprised the sum which the Seignior shall have paid or been assessed for on his domain and mill property; Provided that all buildings set apart for the use of the Civil Government, or for Military purposes, or for purposes of Education or of religious worship, parsonage houses and all charitable institutions or hospitals incorporated by Act of Parliament, and the lot of ground or land on which such buildings are or shall be erected, and also all burial grounds, shall be exempt from all rates to be imposed for the purposes of this Act.

XXXII. And be it enacted, That any rate or assessment imposed before the first day of June, one thousand eight hundred and forty-six, shall not be deemed invalid on account of its having been imposed after the time limited by the first above recited Act, nor shall the repeal by this Act of any Act or law under which the same shall have been imposed affect any arrears of such rates or assessments which shall remain unpaid after this Act shall come into force, but such arrears and all fines and penalties incurred under any such repealed law before the repeal thereof, shall and may be received, recovered and levied by the Council and proper officers of the Municipality within the limits of which the same shall have been imposed or incurred, as if the same had been imposed or incurred under the provisions of this Act.

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

First. The opening, constructing, widening, altering and removing of highways and public bridges within the County, conformably to law, and for indemnifying the owners for any land taken for the same for which they are or may be by law entitled to be indemnified.

Secondly. The division of each Parish or Township into Surveyor's and Overseer's Districts.

Thirdly. The direction of the labour required by Law for the making, repairing and gradual improvement of the highways and public bridges.

Fourthly. The establishment of Public Pounds for the safe keeping of animals found astray or doing damage on the highways or public bridges, or on the land of others than the owners of such animals.

Fifthly. The establishment and construction, erection and keeping in order of Toll Roads and Toll Bridges, within their local limits, and the fixing of the Tolls to be paid, which Tolls shall not be levied until they shall be sanctioned and approved by the Governor in Council: Provided always, that the powers hereby given to the said Councils, respectively shall not be construed to extend to any Road on which Tolls are by an Act, Ordinance, or Law authorised to be collected by Trustees or any Private Party, by whom the same may have been made or improved, nor shall this Act in any wise affect the Law relative to such Roads.

Sixthly. The borrowing and giving security, for any sum of money to be applied to any of the purposes for which the said Councils are constituted, subject to the restrictions contained in this Act.

Seventhly. The requiring of sufficient security from all persons accountable for the Municipality monies, and from all contractors with the Councils, and the fixing of the amount of such security.

Eighthly. The making of all contracts relative to matters under their control, which after being duly considered by the Council, shall be signed by the Mayor, and countersigned by the Secretary-Treasurer.

Ninthly. The imposing of any rate payable in money, produce or work, which may be required for the purposes of the Corporation.

Tenthly. The fixing and altering, as occasion may require, the times at which the contributions of rates are to be paid by the parties liable, and the mode of levying them.

Eleventhly. The superintendence of the due rating or apportionment of all sums or contributions assessed or imposed by them.

Twelfthly. The sole granting of Licenses for Ferries and fixing the levying of Tolls at such Ferries, as well as making such rules, regulations and by-laws for the Government of persons plying as Ferrymen across any river, stream, lake or water from and to any place or places, within the limits of the power and authority of each Council respectively, and for the fixing and regulating landing places within such limits.

Thirteenthly. The purchasing and acquiring of immoveable property, and the management thereof, and the acquisition from the Province gratuitously, or for consideration and on condition of keeping the same in proper repair, of any portion of a highway or of a public bridge made or erected by the Province, within the limits of the Municipality, whenever the Governor in Council may deem the said purchase and acquisition advantageous to the interests of the Province.

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

Fifteenthly. The determining what officers it may be expedient to pay, and the fixing the amount of their salaries and the time and mode of paying them: Provided always, that the said Mayor and Councillors shall not receive any such salary.

Sixteenthly. The fixing and determining, as occasion may require, the times and hours of their sittings, in addition to the Quarterly sittings hereinbefore prescribed.

Seventeenthly. The causing to be made by the Assessors or other proper persons, a valuation of the rateable immoveable property of the inhabitants of the Municipality once in every five years, such valuation to be considered as the basis of assessments, rates and contributions to be levied in the Municipality under the provisions of this or any other law whatsoever.

Eighteenthly. The causing the said Assessors or other fit and proper persons to be appointed by the Council, to take the Census of the Municipality at the periods and in the manner provided by law, which persons may, with their own consent, be taken from without the limits of the Municipality.

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

Twentiethly. The obliging each Circus Company, or Showman, or Exhibitor of Wild Beasts coming into the Municipality to pay to the Secretary-Treasurer, for the use of the Municipality, a duty of not less than five pounds nor more than ten pounds under penalty of twenty pounds on contravention thereof; and any wholesale or retail Trader to take out a license for keeping his store or shop for the sale of any goods excepting spirituous liquors, and the proportioning the sums to be paid for the same, which shall not be less than twenty shillings nor more than one

hundred shillings, currency; and the augmenting the amount to be paid on Tavern-keepers licenses to any sum not exceeding seven pounds ten shillings, currency: Provided always, that no such Trader or Tavern-keeper shall sell or trade without such license, under a penalty of not less than ten pounds, currency, to be levied as hereinafter provided.

Twenty-firstly. The granting of licenses to keep Temperance Houses of public entertainment, or for the general accommodation of Travellers, the sum to be paid for which shall not be less than twenty shillings, nor more than seventy-five shillings currency, and on contravention and non payment thereof by any such keepers of a Temperance House, he shall be subjected to a penalty of not less than ten pounds currency, to be levied as hereinafter provided.

Twenty-secondly. The causing proper accounts to be rendered to the Council at fixed periods, by any Justice of the Peace, or by the proper officer of any Court of Civil Jurisdiction, of all penalties imposed by the Council and recovered before such Justice or Court within the Municipality and payable for the uses thereof or for the use of other Municipalities, and for causing the amount to be paid over to the Secretary-Treasurer.

Twenty-thirdly. The making rules and regulations for trying contested elections of members of their own body, and the trying of the said contested elections.

Twenty-fourthly. The making of By-laws for the prevention of fires, by regulating the mode of placing stoves and stove pipes, flues, furnaces and ovens in any house or other building, or the safe keeping of ashes.

Twenty-fifthly. The giving out by contract, to the lowest bidder, the keeping in repair the summer and winter roads in any District or Township or portion thereof, or in any village or section thereof, in any Municipality, and the imposing and levying of any sum or sums of money at any time, in any such Parish, Township or portion thereof, or village or section thereof, at the discretion of the Council of the Municipality, provided that such sum shall be applied and expended only in such Parish or Township or portion thereof, or village or section thereof, in and to which they shall have been respectively levied, and they shall be applied towards the building, repairing or reconstruction of any bridge, the entertaining or improving of any By-road, or the making of any improvement within the intent and meaning of this Act in any such Parish, Township or portion thereof, or village or section thereof, and that after the passing of this Act any person contributing to any such work or improvement shall be assessed according to the value of his, her or their property, and not according to its extent in front or superficies as heretofore; any law, usage or custom to the contrary in any wise notwithstanding.

XXXIV. And be it enacted, That it shall be discretionary in the Council of each Municipality to procure a snow plough or other machine or contrivance sufficient to keep the roads opened and beaten as hereunder mentioned, for each Overseer's division, and to place the same in the custody and under the charge of the several Overseers of roads in each Parish or Township, who shall cause the same to be worked and used by such a number of the inhabitants of his division, as he shall judge sufficient for its use, and in rotation, after each and every fall of snow, so as to keep

the road open and beaten to the width of at least eight feet, and the cost of such snow ploughs shall be defrayed out of the funds at the disposal of the Council, or by a rate to be imposed for that purpose equally on the whole Parish or Township.

XXXV. And be it enacted, That if any Municipal Council shall refuse or neglect for the space of four months after their first meeting as aforesaid, to cause the taxable property in their Municipality to be valued in the manner required by this Act, or to cause such sums as they are hereby required to raise to be rated and levied as herein provided, each and every Councillor, (except such as shall have recorded their vote for making such valuation and levy as aforesaid) shall incur a penalty of not less than fifty shillings and not more than one hundred shillings currency, to be recovered by and for the use of any person who shall sue for the same in any Court having jurisdiction in civil matters to the amount of such penalty, and one moiety of such penalty shall belong to the Municipality, and the other moiety to the person who shall sue for the same.

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

XXXVII. And be it enacted, That all and every the powers and authorities which by any Act or Acts, Ordinance or Ordinances, of the Legislature of Lower Canada, or By-law, were formerly vested in and might have been legally exercised by the *Grand Voyers* of the said Province, with regard to any highways or bridges or water courses for other than agricultural purposes (except in so far as the same are inconsistent with or repugnant to any of the provisions of this Act) shall from and after the first election or appointment of Councillors under the provisions of this Act, become and be vested in the several Municipal Councils hereby established within their respective limits; which Councils shall have full power and authority to cancel and alter all or any existing *Procès-Verbaux* in which the said municipality shall be interested, and to apportion and distribute the public work to be done on the roads and bridges within the said Municipality, as the said Council thereof may deem expedient; and the Council shall have power to have the said highways and bridges examined by the Deputy *Grand Voyer* who shall report thereon to them; and in the exercise of such powers and authorities it shall in no case be requisite that a *Procès-Verbaux*, for turning an old or opening a new highway or a new by-road, or to change an old bridge, or mark out a new one, or for any other purpose whatsoever, should be drawn up or that the same should be confirmed or homologated by any Court of Quarter Sessions: Nor shall the intervention of any such Court or the exercise of its powers, be in any manner required for or in respect of the legal and effectual exercise of the said powers and authorities by the said Municipal Councils respectively as aforesaid; any law, usage or custom to the contrary notwithstanding; but the said exercise of such powers and authorities shall, in certain cases hereinafter specified, be subject to the approval of the Courts of Review hereinafter established.

XXXVIII. And be it enacted, That every by-law of the Council of any Municipality for changing the place of an old highway or by-road (*route*) or opening a new one, changing the place of, or reconstructing an old bridge or building a new one, annulling an old apportionment of work

(*répartition*) or establishing a new one, with regard to any of the objects aforesaid, shall have force and effect after the same shall have been passed by the Council of the Municipality; provided that it shall be competent for any person interested in the matter of such By-law, and deeming himself aggrieved thereby, to appeal therefrom within fifteen days after the passing thereof to the proper Court of Review hereby constituted for such purpose, notice whereof shall be given to the said Council within the said fifteen days.

XXXIX. And be it enacted, That such Court of Review is hereby constituted of the Circuit Court sitting in each Municipality or nearest thereto, or the Court of Queen's Bench for the District in Inferior Term if the Municipality be within the local jurisdiction of such Inferior Term, and shall have power and is hereby required to hear and finally determine all matters of difference or reference submitted to the same under the provisions of this Act; and the Court shall assign the reasons of its judgments, and such reasons shall be entered with the judgment in the register of the proceedings of the Court, by the Clerk of the said Circuit Court or Court of Queen's Bench in Inferior Term, as the case may be.

XL. And be it enacted, That it shall be the duty of the Clerks of such Courts, to keep a register of the judgments of the said Courts, in matters heard and determined therein under the provisions of this Act, and of the reasons assigned for the judgment, when any By-law shall be rejected, to enter such By-laws at full length if homologated, and to keep minutes of the proceedings of the Court; and the mode of proceeding of the said Courts of Review shall be, as nearly as may be, similar to that in the Circuit Courts or Court of Queen's Bench in Inferior Term, and the Clerk of each said Circuit Court or Court of Queen's Bench in Inferior Term, shall be also the Clerk of the said Court of Review.

XLI. And be it enacted, That the said Clerk shall be entitled to demand and receive for all fees and emolument on each appeal one shilling for each one hundred words of the original judgment, to be paid by the Councils of the Municipalities interested, and six pence for every hundred words in each subsequent copy of the same, when such copy shall be applied for by any party, to be paid by the party so applying.

XLII. And be it enacted, That there shall be delivered to the several municipalities interested therein, to be deposited among the records thereof — the registers, papers and documents of the heretofore municipal Districts established in virtue of the Ordinance of the Governor and Council of the late Province of Lower Canada, passed in the Fourth year of Her Majesty's Reign, and the registers, papers and documents of the Parish and Township, Municipalities now subsisting and the several *Procès-Verbaux* heretofore made and homologated at any time in reference to any roads and bridges within the said respective Municipalities; and in all cases where two or more Municipalities shall be interested in the same road or bridge, the documents and *Procès-Verbal* in relation thereto shall be deposited with the municipality containing, according to the last census return, the largest amount of population, and such municipality shall be held and is hereby required at its own expense, to furnish and deposit with the other municipality or municipalities interested in the road or bridge mentioned in the said *Procès-Verbal* a true copy of the said documents and original *Procès-Verbal* thereof, which copy shall be signed by the Mayor and

Secretary-Treasurer of the said municipality having such original in deposit, and the said copy shall be held and considered authentic and have like force and effect as if the same were the said original *Procès-Verbal*; any thing to the contrary notwithstanding.

XLIII. And be it enacted, That the Secretary-Treasurer of the Council shall keep a book, in which shall be entered the minutes of proceedings of the Council and the Bylaws, Rules and Regulations made by the same; and shall also receive for the said Council from the Parish or Township Councillors or Officers, or other person or persons whomsoever having charge thereof, all money, property, books, documents, plans, maps, manuscripts or records of whatsoever kind pertaining to the said Parish or Township Councils within the municipality _____ and he shall cause the provisions of this Act in respect of such municipalities, and the rules and regulations established by the Councils thereof, and every matter or thing required to be done or performed under the authority of this Act, or of any of the said recited Acts or parts thereof, to be enforced against and executed by the parties subject thereto _____ and the said Councillors or Officers of such Parish or Township Councils having charge of the same shall be and are hereby required to deliver up the same on demand to the Secretary-Treasurer of the Council of the County or municipality constituted under this Act under the penalty of fifty pounds, currency, to be awarded by the Court on application thereto, and shall also keep a register of all papers and documents on which any action shall have been taken by the Council, and such minutes and registers shall be signed at each sitting by the Mayor or temporary Chairman of the Council, and countersigned by the Secretary-Treasurer, and copies of such documents, so signed as aforesaid, shall be received in evidence in all Courts of Justice in this Province.

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

XLV. And be it enacted, That any officer or person having in his hands at the time this Act shall come into force, any money, property, papers or documents which before that time belonged to any former Municipal District or to any Municipality which by the operation of this Act shall cease to exist, shall forthwith pay over and deliver the same to the Secretary-Treasurer of the Council of the Municipality within the local limits whereof the former Municipal District or the Municipality which shall so cease to exist, or the greater portion of either according to population by the last census, shall be included, shall appoint to receive the same; and that any such Council may, by action before any competent Court compel any party having any papers or documents, or any money or property moveable or immoveable belonging or which ought to belong to the Corporation, to restore the same; and the Court may further in its discretion, condemn any defendant who shall have wilfully or negligently refused to restore the same, to pay a fine not exceeding twenty-five pounds currency; Provided always, that the Council receiving any sum of money from any such Municipal District or Municipality ceasing to exist in manner aforesaid, shall account to any other Municipality for such proportion of the same as such other Municipality may

be entitled to claim in proportion to the amount of population therein, and such proportion shall be paid to the said Municipality entitled to claim the same as aforesaid, and all such monies so received shall be applied first to the payment of debts due by such Municipal Districts or Municipalities ceasing to exist, and if any balance remain after payment of such debts, such balance shall be applied to the general purposes of the Municipality established by this Act.

XLVI. And be it enacted, That every Court of Commissioners for the trial of Small Causes held within the Parish or Township, or if there be no such Court then the Justice of the Peace in such Parish or Township residing nearest to the residence of the party contestant, shall be and is hereby declared a competent tribunal to take cognizance of, hear and determine any contest which may arise relative to any sum of money or thing claimed by any Municipal Council, or any officer or person acting for or by the order of such Council under this Act, or any part thereof, whatever be the nature or amount of the claim preferred, or of the fine or penalty to be imposed, and to enforce the same, eight days after judgment, by seizure and sale of so much of the goods and chattels of the defendant as may suffice, saving always the right of appeal, as provided for in the next following section.

XLVII. And be it enacted, That an Appeal shall lie from such Judgment to the nearest Circuit Court, or to the Court of Queen's Bench for the District in inferior Term, if the municipality be not within some Circuit, on the Appellant's giving security that if the Appeal be dismissed, the costs incurred on the original contest aforesaid, and on the said Appeal, and the sum or thing touching which the Appeal is brought, shall be paid, delivered or re-imbursed.

XLVIII. And be it enacted, That the Appellant shall give notice of his intention to appeal within six days after the rendering of the Judgment, to the Court who shall have rendered it, by service of such notice on the Commissioners of the said Court, and such Appeal shall be begun by a summary Petition to, and prosecuted before such Circuit Court or Court of Queen's Bench in inferior Term, at its then first sitting, provided there shall intervene at least fifteen days before the said sitting, and if less than fifteen days shall intervene, then at the next sitting of the said Circuit Court or Court of Queen's Bench; and the Judgment of the said Court of Appeal shall carry costs or not at the discretion of the said Court, and as to justice may appertain.

XLIX. And be it enacted, That all fines and penalties imposed by this Act, or by any By-laws made or in force by the authority thereof, shall belong to the municipality in which or with respect to which the offence shall have been committed, unless, it be otherwise herein specially provided.

L. And be it enacted, That nothing in this Act shall extend to those portions of the Parishes of Quebec, St. Roch and Montreal which are within the limits of the Cities of Quebec and Montreal respectively as incorporated by Law; but the Councillors of the said Parishes shall be elected by the inhabitants of those portions thereof which shall be out of the limits of the said Cities; Provided always, that wherever a Parish or Township shall extend into two municipalities, then the qualified voters in each portion thereof shall severally elect Councillors for each such portion, to wit, two Councillors for the more populous portion according with last Census, and one Councillor for the

less populous portion, who shall represent the said Parish or Township in the Council of the municipality within such portions shall be respectively situate.

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

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

LIII. And be it enacted, That upon, from and after the first day of January one thousand eight hundred and forty-nine, the next preceding section shall cease to have force and effect; and that upon, from and after the said day, all the roads and public bridges in any Municipality shall be opened, made and kept in repair by the inhabitants thereof alone, but the Council of any Municipality may, before or after the said day, make a turnpike or toll road or a toll bridge, of any road or bridge, which before the said day shall have been, under any *Procès-Verbal*, By-law or Law, made or kept in repair by the inhabitants of some other Municipality: Provided always, that nothing in this section shall extend to the making, changing or cleansing of any watercourse.

Second Part.

Villages, Towns or Boroughs.

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

LV. And be it enacted, That it shall be the duty of the Senior Justice of the Peace, on being thereto requested by any thirty land-holders in any Village or Town containing forty houses within a space of thirty superficial arpents or acres, to call, by public notice to be given at the door of the Parish

Churches and places of public worship, (and if there be no places of public worship, then at two of the most frequented places in the Municipality in which the Village or Town shall be situate,) a meeting of the land-holders and of the tenants paying respectively a rent of not less than five pounds, currency, resident in the Village or Town, to consider whether it be or be not expedient to apply to the Council of the Municipality to fix limits and boundaries to such Village or Town.

LVI. And be it enacted, That in the first session of the Council held after the presentation of the said petition, (provided such session be not held before the expiration of eight days after such presentation,) it shall be the duty of the Council of the Municipality to fix the limits and boundaries of the Village or Town so applying, and to describe the same in writing, and the Governor in Council shall have power, on receipt of a duly attested record of the proceedings had by such Council of the Municipality, and after ascertaining the sufficiency of the description of the limits and boundaries therein set forth, by proclamation to declare the same to be such limits and boundaries, and copies of such Proclamation shall be posted up during two consecutive weeks at the door of the Church or place of public worship of the most numerous religious denomination in the Parish or Township in which such Village or Town shall be, or at two of the most frequented places therein, if there be no place of public worship; and a further copy thereof shall be transmitted to the Justice of the Peace or Officer of Militia who shall have presided at the meeting in the Village or Town, to be by him delivered to the Mayor thereof, whenever the Council of such Village or Town shall be constituted in the manner hereinafter provided: Provided always, that nothing herein contained shall authorize the Council of any Municipality to diminish the limits of any Town, Borough, or Village already fixed by competent authority. And provided also, that if upon petition and enquiry the Governor in Council shall deem the limits so assigned to be insufficient, the said Council of the Municipality may alter such limits and establish others in their stead.

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

LVIII. And be it enacted, That forthwith after such election shall have been completed by the taking of the oath of office by the Councillors elected, the inhabitants of such Village or Town shall be, and are hereby constituted a body politic and corporate, by the name of "The Corporation of the Village (or Town) of _____," as the case may be; and such Corporation shall, within the limits of the Village or Town, have the same privileges and powers as the Corporation of any Municipality hath within the limits thereof, and shall be represented by the Council elected in

conformity with the next preceding section; and such Village or Town shall thereafter be wholly detached from the Municipality, the Council whereof shall have thereafter no jurisdiction in such Village or Town: Provided always, that the Council of such Village or Town shall have no power to establish any Toll or Turnpike Road within the limits of such Village or Town.

LIX. And be it enacted, That three of the Councillors to be determined by lot of each Village or Town shall go out of office at the end of the first year, and shall be replaced or may be re-elected at a General Meeting, for two years; and the three remaining Councillors and the Councillor who in the first year shall have been elected as Mayor shall go out at the end of the second year; and after so going out, those elected in their stead, or themselves if re-elected, shall remain respectively two years in office.

LX. And be it enacted, That forthwith after having taken the oath of office, the Councillors for such Village or Town shall meet and choose from among themselves a Chairman, who shall be the Mayor of the Village or Town, and shall continue to act as such for one year; and an Inspector in and for the said Village or Town who shall cause to be executed the provisions of this Act in reference to such Village or Town, and all such rules, regulations and By-laws as may by the said Councillors be duly made and established from time to time for such Village or Town under the provisions hereof; and from that time the said Councillors shall have within the limits of such Village or Town the same powers and functions, in so far as they may be applicable, as the Councils of Municipalities have within the limits thereof, and shall, moreover, have power to form one or more organized companies of firemen for extinguishing or arresting the progress of fires, and to make regulations for the internal Police of such Village or Town, and the right ordering, establishment or construction of Markets; any law or custom to the contrary notwithstanding.

LXI. And be it enacted, That the election of a Mayor shall take place once in each year; and in case of his absence from the Council, his place shall be filled by a Temporary Chairman elected by the Members of the Council then present; and the quorum of any such Council shall be an absolute majority of the total number of Councillors, including the Mayor.

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

LXIII. And be it enacted, That the Council of each Village or Town shall also have power to make By-laws for the following purposes, that is to say:

First. For the prevention of fires, either by regulating the mode of placing stoves or stove pipes, flues, furnaces or ovens in any house, or the mode of keeping ashes.

Secondly. For prescribing the manner in which any vacant lots in the Village or Town shall be enclosed, and fixing the direction and width of any streets to be made on such vacant lots in the Village or Town.

Thirdly. For obliging proprietors of houses to have ladders from the ground to the roofs of their houses, and from such roofs to the tops of the chimnies.

Fourthly. For obliging such proprietors to provide themselves with proper fire- buckets.

Fifthly. For preventing persons from entering stables, barns, or out-houses with a candle or lamp without having the same well enclosed in a lantern, or entering the same with a lighted cigar or pipe, or carrying into the same any fire not properly secured.

Sixthly. For preventing any person from lighting or having any fire in any wooden out-house or building, unless the same be in a chimney or in a stove of iron or metal, or from conveying fire through any street, or public place, garden or yard, without confining the same in some metal vessel.

Seventhly. For preventing persons from putting hay, straw or fodder in any dwelling house.

Eighthly. For preventing any baker, potter, blacksmith, brewer, manufacturer of pot or pearl ashes, or other manufacturer, or other person, from building, making, having or using any oven or furnace, unless the same adjoin and open into some chimney of stone or brick, which shall rise at least three feet higher than the top of the house or building in which such oven or furnace shall be.

Ninthly. For providing for the safe keeping of gun-powder in boxes of copper, tin or lead, and for preventing the sale thereof after sun set.

Tenthly. For preventing persons from passing along the streets or public places in or with any vehicle or on horse back at any faster pace than an ordinary trot.

Eleventhly. For preventing the throwing of any filth, rubbish or ordure into any street or public place, and for enforcing the removal thereof.

Twelfthly. For preventing the erection of any furnace for making charcoal of wood.

Thirteenthly. For preventing the lighting of any fire in any street or public place.

Fourteenthly. For regulating the mode in which quick lime may be kept or deposited.

Fifteenthly. For preventing hogs, sheep, goats, horses, cattle, poultry or other animals from straying at large in any street or public place.

Sixteenthly. For preventing, punishing- and removing all encroachments and nuisances on streets and public places.

Seventeenthly. For empowering their Inspector or other officer to visit houses, out-houses and buildings in which they may suspect offences against such By-laws are committed, (such officer, first obtaining a Warrant from some Justice of the Peace, who is hereby empowered to grant it,) and for punishing all persons who shall refuse admittance into such house, out-house or building, to any Inspector or other officer having such Warrant, between the hours of nine in the forenoon and four in the afternoon.

Eighteenthly. For making rules and regulations for ensuring the due execution of all such By-laws, as it may be their duty to carry into effect, or as may be required to be observed, and the imposing of fines and penalties on persons contravening the said Bylaws, rules and regulations; no such penalty in any case to exceed the sum of fifty shillings currency.

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

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

LXVI. Provided always, and be it enacted, That nothing herein contained shall be construed to alter or affect the limits or invalidate the incorporation of any Village or Town incorporated and made a municipality under the provisions of any Act hereby repealed or any other Law, or to affect the constitution of the Village or Town Council or the tenure of office of any Mayor, Councillor or Officer, the incorporation, elections and appointments of all of which shall remain valid as if incorporated, had, appointed and elected under this Act, save and except that on the day hereinbefore appointed for the first General Election of Councillors for the municipalities hereby established, the Councillors and Mayor of each such Village or Town shall go out of office, and a new election of all the Councillors shall be had on such day, and not before, at whatever time they may have been elected, and the proceedings at, previous or subsequent to such election shall be governed by the provisions of this Act; and on whatever day the first election of Councillors shall be had for any Village or Town incorporated after the passing of this Act, the Councillors who are next to retire from office shall so retire on the day of general election of Councillors next after the expiration of one year from such first election; anything hereinbefore contained to the contrary notwithstanding, it being the intention of this Act that after the first election in any Village or Town, the election of Councillors therein shall be on the day of the General election of Councillors.

General Provisions.

LXVII. And be it enacted, That it shall be the duty of the Provincial Secretary forthwith after the passing of this Act, to cause to be printed a sufficient number of copies of the same, and to cause them to be distributed to all the Parishes or Townships, without waiting for the ordinary printing and distributing of other Acts.

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

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

LXX. And be it enacted, That no Councillor or Assessor shall be elected or appointed or enabled to act under the provisions of this Act, unless he shall be a qualified voter resident in the Municipality for which the election shall be, and holding real property therein to the value of one hundred and fifty pounds, currency, over and above every charge or incumbrance thereon if such Councillor or Assessor be for a Municipality formed of a County or division of a County, and one hundred pounds for a Village or Town Councillor; and that all buildings used by the Civil Provincial Government, or for Military purposes, for any Religious, Charitable or Educational purpose, and all burial grounds shall be exempt from rates and assessments under this Act.

LXXI. And be it enacted, That the penalties and forfeitures appointed by this Act, or to be established under the provisions thereof, shall be sued for by and in the name of the Corporation by the Secretary-Treasurer thereof, within one month from and after the offence for which they shall have been incurred shall have ceased, and not afterwards, and shall be prosecuted by the Secretary-Treasurer of the several Municipalities established under this Act, before any one Justice of the Peace, residing in or nearest to such Municipality where the offence shall have occurred, who shall hear and determine the suit in a summary manner, and upon the oath of one credible witness other than the Inspector or any of the Councillors of the said Municipality; and shall cause such penalty or forfeiture to be levied by distress and sale of the goods of the offender, and the whole of such penalty or forfeiture shall go and be applied to the general purposes and uses of the said Municipality; Provided that such Justice of the Peace be not connected or of kin within the degrees prohibited by law either to the Secretary-Treasurer or to the opposite party.

LXXII. And be it enacted, That all and every the real property and estate belonging to or possessed by such Municipal Districts and Parish or Township Municipalities as shall cease to exist after this Act shall come into force, shall by the effect of this Act be vested in and belong to and be possessed by the Municipalities established by this Act, and within the local extent whereof such Municipal Districts, Parish or Township Municipalities are respectively situate, and the rents and

profits of such property, or the proceeds thereof if disposed of, shall be specially applied to the purposes of such Municipal Districts, Parishes and Townships; and that all orders, rules and regulations lawfully made in and directed to be carried into effect in any Parish or Township Municipality, shall continue and be enforced and executed within the limits thereof by the Municipalities established by this Act until revoked, repealed or amended by competent authority under this Act.

Schedule.

Number One. — Oath of a Proprietor.

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

Number Two. — Oath of Tenant or Lessee.

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