

Laws of Her Majesty's Province of United Canada, passed in the year 1851. York: Stewart Derbyshire and George Desbarts, 1851.

14 & 15 Victoria – Chapter 98

An Act further to amend the Municipal Laws of Lower Canada. 30th August, 1851.

Whereas it is expedient to amend the Act passed by the Legislature of Canada, in the Session thereof held in the tenth and eleventh years of Her Majesty's Reign, chaptered seven, and intituled, *An Act to make better provision for the establishment of Municipal Authorities in Lower Canada*, and the Act passed by the said Legislature in the Session thereof, held in the thirteenth and fourteenth years of Her Majesty's Reign, chaptered thirty-four, and intituled, *An Act to amend the Municipal Law of Lower Canada*, and to remove certain doubts as to the true intent and meaning of certain parts of the said Acts: Be it therefore declared and 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 Municipal Councils of Lower Canada may, for the purpose of completing any business submitted to them at any Quarterly Meeting, adjourn from day to day, but not beyond the third day, provided a quorum of the Council be present at the time of such adjournment.

II. That the Mayor of any Municipality shall, upon requisition addressed to him signed by not less than three Municipal Councillors, call a Special Meeting of the Council by a notice under the Hand of the Secretary Treasurer, addressed at least two clear days before the holding of such meeting, to each of the Councillors, and mentioning the purpose for which any such Special Meeting is called; and at such Special Meeting no other business than that mentioned in such notice shall be transacted.

III. That every Municipal Council shall have power to impose on the whole Municipality, or any Parish or Township, or portion of a Municipality, Parish or Township, constituting a part thereof, a Special Rate, over and above all other Rates which such Council are empowered to impose, to defray and meet the expenses of widening, planting, gravelling, macadamizing, or raising with sand, earth or other material, any road or part of a road, or of making any embankment along or near any river, lake, stream or rivulet where a public road runs, or for otherwise improving any road or part of a road, or for preventing accidents at or near the same, or for rendering the same safe and commodious, or for repairing, restoring or erecting any building or buildings or other property whatsoever that may be destroyed, injured, damaged or deteriorated in value by any incendiary, mob, tumultuous assembly or riotous persons whomsoever in such County, Parish or Township.

IV. That whenever any part of a Parish or Township is situate in one Municipality, and the remainder of such Parish or Township in another Municipality, and it shall have been or shall be

deemed necessary to make or repair the roads, bridges or by-roads in any part of such Parishes or Townships so situate in two Municipalities, it shall be lawful for the Municipal Council of the Municipality in which the two Municipal Councillors of such Parishes or Townships sit, to cause a valuation to be made by a person appointed for that purpose, of the assessable property of all persons who were or shall be held and bound to make, repair or maintain such roads, by-roads or bridges, whether the said property be situate within or without the limits of such Municipality, and to cause a Roll to be drawn up in writing of the said valuation, according to the value of the said property, which Roll shall be submitted to the Municipal Council of the said Municipality for the purpose of being confirmed or amended, as shall be decided by the said Municipality who shall cause the amount thereof to be levied in the manner provided by the laws in force in this Province.

V. That every By-law of such Council shall be published by printing the same in at least one Newspaper, or affixing upon the main entrance of the door of the Parish Church of each Parish in the Municipality by which such By-law is affected, and upon the main entrance of the door of one of the most public or most frequented buildings in each Township in such Municipality, and no such By-law shall have any effect or force until so published, and the Appeal against certain By-laws allowed by the thirty-eighth section of the Act hereinbefore firstly recited may be made within fifteen days after the publication of any such By-law, instead of within fifteen days after the passing of such By-law, as by the said section provided.

VI. That the Court of Review constituted by the thirty-ninth section of the said first mentioned Act, has had, has, and shall have power and authority to hear and examine witnesses in relation to matters of difference or reference submitted to them under the provisions of the said Act.

VII. That the provisions contained in the thirteenth section of the Act hereinbefore secondly cited, shall extend to all front roads as well as to by-roads.

VIII. That it shall not be necessary, in order to comply with the nineteenth, twentieth and twenty-first sections of the said secondly recited Act, in causing lands to be sold for Rates, that a judgment of any Court shall have been previously obtained against the owners or possessors thereof, or against any person or persons whomsoever, provided the other formalities required by the said cited sections be complied with.

IX. And notwithstanding any thing in the said cited Acts contained, or any thing specially contained in the twenty-fifth clause of the thirty-third section of the said firstly recited Act, and to remove all doubts with respect to the interpretation of the said clause, Be it declared and enacted, That it has been, is, and shall be lawful for any Municipal Council to assess, for any purposes connected with roads, by-roads, or bridges, whether for the construction, maintenance or repair of such roads or bridges, and whether the said roads are front roads or by-roads, according to the value of the rateable property to be assessed for such purposes, payable in money or by apportionment of labor, as a majority of the Councillors of such Municipality shall determine, any law or procès-verbal to the contrary thereof in anywise notwithstanding; and the by-laws of any

Council heretofore made for any such purpose, not contrary to the provisions of this section, shall be valid unless and until altered or repealed by such Council.

X. That in any appeal to the Court of Review, or in any suit or any other legal proceedings arising out of the interpretation of the said twenty-fifth clause now pending or that may hereafter arise, it shall be lawful to plead this Act, which shall be final as regards the interpretation of the said clause, or any other part of the said firstly recited Act dependent thereon.

XI. That every Municipal Council may, on the request of any interested party whomsoever, appoint a Syndic to superintend the performance of the works to be done, and the keeping up and maintaining of the works done or to be done, in and upon the banks of any stream, outlet, of water course, and every such Syndic so appointed, shall be invested with the same rights, powers and authority, as if he were appointed according to the formalities required by the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to repeal two certain Acts therein mentioned relating to Agriculture, and to provide for the remedy of abuses prejudicial to Agriculture.*

XII. That whenever the inhabitants of any Parish or Township are not sufficiently numerous to furnish persons to replace the various Road Officers whose term of service shall have expired, such Road Officers may be chosen, for one period of service, from amongst the inhabitants of the adjoining Parish or Township within the limits of the same Municipality.

XIII. That whenever any part of a Parish is under the provisions of the fiftieth section of the Act hereinbefore firstly cited, represented by one Councillor only, such Councillor shall go out of office at the expiration of the first Municipal year after his election; any thing in the seventh section of the said Act to the contrary notwithstanding: Provided always, that the Councillors elected for all such parts of Parishes for the Municipal year now last past, shall continue in office until the annual election in the month of July next.

XIV. That the eleventh section of an Act passed by the Legislature of Lower Canada, in the thirty-sixth year of the Reign of His late Majesty King George the Third, chaptered nine, and intituled, *An Act for making, repairing and altering the Highways and Bridges within this Province, and for other purposes*, shall not, after the passing of this Act, extend or be applicable to trees planted for ornament along the side of any Public Highway, nor to any maple trees forming part of any maple grove destined for the manufacture of sugar, adjoining any such highway.

XV. That all expenses incurred by the Council, or by any Road Officer in the performance of duties imposed on proprietors of real property by any law regulating highways, by-roads, ditches or fences, shall be considered as Municipal Rates, and shall be recovered in the manner prescribed by the Acts hereinbefore firstly and secondly recited for the recovery of Municipal Rates.

XVI. That whenever, in any proposed new road, a bridge or bridges shall be necessary to complete the line of communication, such bridge or bridges shall be constructed before the other part or parts of such road shall be commenced.

XVII. That if any Council deem it necessary to cause a front road to be made on any property through which another front road already passes, such second front road shall not be made at a distance of less than one mile from that already existing, except with the consent of the owner of such property, and unless costs of opening and keeping up such front road be defrayed by the parties requiring such road.

XVIII. That whenever a petition for a new road, by-road or bridge, or for the altering or changing the direction or site of any road, by-road or bridge, or for the acquisition of the privileged rights belonging to any toll-road or bridge common to any two Municipalities, or to a part of two Municipalities, shall have been presented to any Municipal Council, it shall be lawful for such Council to name three of its Members to confer with an equal number of Members of the Council of the other Municipality; and the Mayor of the Council to which such petition is presented shall, under the Hand of the Secretary thereof, notify the Mayor of the other Municipality interested in such petition, of the nomination of such three Members, and of the purport of the petition; and the latter Council shall, at their next quarterly meeting, or special meeting called for that purpose, name three of their Members to meet the said firstly nominated three Members, at the place where the Sessions of the said first Council are usually held, and at such time as the Mayor of the Council to which such petition shall have been presented shall fix in and by a notice in writing under his Hand, and addressed to each of the said Councillors, at least eight days before the holding of such meeting.

XIX. That the said six Councillors and the said last mentioned Mayor, or a majority of them, shall, after due deliberation thereon, draw up such rules and regulations with reference to the object of such petition as to them shall appear just and reasonable, and in accordance with the powers by law vested in either of the said Councils, and shall report the same to the Council to which the petition was originally presented, and such report being confirmed by the said Council, and passed as a By-law, shall have all the force of a By-law passed by authority of the said Councils, and shall be equally binding upon persons thereby affected in either Municipality.

XX. And whereas it is expedient to amend the second part of the herein firstly cited Act, to make additional provisions with reference to Councils in Towns and Villages: Be it therefore enacted, That the Council for any Village or Town shall, in addition to the powers granted them by the Acts hereinbefore firstly and secondly cited, have authority to make By-laws for the following purposes:

Firstly. For obliging the proprietors in any Village or Town, owners, occupants or tenants of any lot or parcel of ground situate therein, to keep in good order the road, highway or street in front of such lot or parcel of land; and to make and keep in good order in front of such lot or parcel of land, a foot-path of wood or earth of such width and height as shall by any such By-law be prescribed.

Secondly. For establishing markets or market places, for abolishing any market or market place existing at the passing of this Act, or that shall hereafter exist in any such Village or Town, and for appropriating the whole or any part of the site of such market place for any other public use whatsoever.

Thirdly. For regulating and defining the duties and powers of all Officers employed by such Council on the said markets, and for regulating the sale thereon of all provisions, butchers' meat, vegetables, grain, fowls, hay, straw, cordwood, all articles made of wood, or any other things whatsoever; and for regulating the conduct of all persons vending or purchasing upon the said markets.

XXI. That notwithstanding any thing contained in the sixty-sixth section of the herein firstly recited Act, it shall be lawful for the Municipal Council for the County of Sherbrooke, to fix the limits of the Town of Sherbrooke for the purpose of establishing a Town Council therein in conformity with the provisions of the said firstly recited Act, without reference to the limits of the said Town now established for the purposes of representation of the said Town in Provincial Parliament.

XXII. That the Secretary and Treasurer of any Municipal Council shall keep his office open from the hour of ten o'clock in the forenoon until three o'clock in the afternoon, at least one day in each week, at the place where the sittings of the Municipal Council are held.

XXIII. That the nineteenth section of an Ordinance passed by the Legislature of Lower Canada, in the second year of Her Majesty's Reign, chapter seven, and intituled, *An Ordinance to amend the Act passed in the thirty-sixth year of the Reign of King George the Third, chapter nine, commonly called the Road Act*, be, and the same is hereby repealed.

XXIV. That so much of the twenty-eighth section of the Act hereinbefore secondly cited, as provides that nothing in the said section contained, shall be construed to affect the County of Huntingdon, shall be, and is hereby repealed.

XXV. That any person who shall wilfully contravene the provisions of this Act, or any of the provisions of the Acts hereinbefore firstly and secondly recited, shall, for every such offence, whether of commission or omission, not specially provided for, be liable to and incur a fine or penalty of not less than Twenty Shillings and not exceeding Fifty Shillings currency.

XXVI. And be it declared and enacted, That notwithstanding any thing contained in the Acts above cited, the obligation on the part of Freehold Electors, under the said Acts, to pay their Assessment or Local Taxes, until the day of the Election, in order to entitle them to vote, shall only apply to Municipal Taxes imposed by the Municipal Councils themselves, and under the above cited Acts only.

XXVII. And be it enacted, That that part of the Seigniorie of Lauzon which is situated in the place or village of St. Catharines, in the County of Dorchester, in the District of Quebec, containing an extent of about two miles, along the River Chaudière from Fief St. Etienne, on the South-East, to the land of Charles Begin, on the North-West of the said Seigniorie, by a depth of about five miles and a half, which said part is now united by a Canonical Decree to the Parish of St. Bernard, is hereby declared to be annexed to the said Parish of St. Bernard, and to form part thereof for all Municipal purposes, and shall hereafter be included within the limits of the Municipality of the

County of Dorchester Number One, and be subject to the jurisdiction thereof, to all intents and purposes whatsoever.

XXVIII. And be it enacted, That all penalties imposed by this Act, shall be recovered in the manner provided by the Act hereinbefore firstly recited; And when in any case in which a penalty shall have been imposed by virtue of this Act, or of either of the Acts hereinbefore firstly and secondly recited, a Return shall be made by the Officer charged with the execution of a Distress Warrant, that the Defendant has not sufficient goods and chattels to meet the amount of fine and costs, the Justice of the Peace to whom such Return is made shall by his Warrant commit such Defendant to the Common Gaol or House of Correction for the District, for any period not exceeding two months.

XXIX. 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, together with such parts of the two Acts herein firstly and secondly recited, as are in force, and to cause them to be distributed to the Members of each Municipal Council, without waiting for the ordinary printing and distributing of the other Acts.

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