

Laws of Her Majesty's Province of United Canada, passed in the year 1854. Quebec: Stewart Derbyshire and George Desbarts, 1854.

18 Victoria – Chapter 100

Lower Canada Municipal and Road Act of 1855. Assented to 30th May, 1855.

Whereas it is necessary to reform the Municipal and Road system of Lower Canada, and to establish therein County, Parish, Township, Town and Village Municipalities: 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 as follows:

- I. That this Act shall come into force on the first day of July, one thousand eight hundred and fifty-five, and not before.
- II. This Act shall apply to Lower Canada only.
- III. This Act shall not apply to Roads or Bridges under the control of the Commissioners of Public Works, unless and until the same shall be relinquished to the Municipal Authorities; nor to Roads in possession of any individual proprietor or Company under any Act or By-law:
 2. But whenever any Road or Bridge theretofore under the control of the Commissioners of Public Works, or of any Trustees or other like authority, or of any incorporated Company or individual proprietor, shall cease to be under such control, such Road or Bridge shall thereupon be vested in the local Municipality or Municipalities in which it lies, as a public road, and shall be maintained and dealt with under the provisions of this Act.
- IV. The provisions of this Act shall not extend to that portion of the parish of Montreal which forms the city of Montreal as incorporated by law; nor to those portions of the parishes of Quebec and St. Roch respectively which form the city of Quebec as incorporated by law; nor to that portion of the parish of St. Hyacinthe the Confessor which forms the town of St. Hyacinthe as incorporated by law;
 2. So that the Municipality of the parish of Montreal shall comprise only that portion of the said parish which is without the limits of the said city of Montreal; the Municipality of the parish of Quebec shall comprise only that portion of the said parish which is without the limits of the said city of Quebec; the Municipality of the parish of St. Roch shall comprise only that portion of the said parish which is without the limits of the said city of Quebec; and the part of the parish of St. Hyacinthe the Confessor which is without the limits of the said town of St. Hyacinthe, shall for the purpose of this Act be deemed to be an extra parochial place, and shall be annexed to the adjoining parish of Notre-Dame de St. Hyacinthe;

3. The provisions of this Act shall extend to the Municipality of the town of Three-Rivers, as it now is, as if the said Municipality had been erected into a Town Municipality according to the formalities prescribed by this Act in such case; and from and after the commencement of this Act the said Municipality shall be, to all intents and purposes, considered as a new Town Municipality created by this Act, and all the powers, functions and duties vested in, or imposed upon, the Municipal Council of the town by the Act passed in the Session of the Parliament of this Province, which was held in the thirteenth and fourteenth years of Her Majesty's Reign, chaptered one hundred and four, and intituled, *An Act to transfer to the Municipal Council, of the Municipality of the Town, of Three-Rivers the administration of the Common of the said Town, and for other purposes*, are hereby vested in the said Municipality;

4. So that the Municipality of the parish of Three-Rivers shall comprise only that portion of the said parish which is without the limits of the said town of Three-Rivers; and for the purposes of this Act, the parish of Three-Rivers shall be understood to comprise all that tract of country now being within the ministration of the Ecclesiastical Authorities (*desserte*) of the parish of Three-Rivers, including the several concessions upon the St. Lawrence and in the Tear of such concessions, up to the tract comprised within the ministration (*desserte*) of the parish of Pointe-du-Lac, and as far as the *fief* St. Etienne;

5. The provisions of this Act shall also extend to the Municipality of the Town of Sherbrooke, at it now is, as if the same had been erected into a Town Municipality under this Act: and the said Municipality of the Town of Sherbrooke and the Townships of Ascot and Orford shall be, for the purposes of this Act, included within the County of Compton;

6. The provisions of this Act shall also extend to the settlements of Ate. Anne des Monts, except in so fares the same may be repugnant to the previsions of the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act detaching the Settlements of Ste. Anne, des Monts and Cap-Chat from the Municipality of Gaspés, and to creel the same into a separate Municipality*, which Act shall remain in force, except that the Municipality of Ste. Anne des Monts and the Municipal Council thereof shall possess all the powers conferred not only on Parish and Township Corporations and Councils, but also on County Corporations and Councils by this Act; and that the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, intituled, *An Act to make better provision for the establishment of Municipal authorities in Lower Canada*, and ail other Acts amending the same, shall be repealed, and shall cease to have any force and effect in respect of the said *Municipality of Ste. Anne des Monts*: Provided always, that the said Municipality of Ste. Anne des Monts shall, for the purposes of this Act, form no part of the County of Gaspé;

7. The provisions of this Act shall also apply to the Magdalen Islands, which, for the purposes of this Act, shall form a separate Municipality under the name of the Municipality of the Magdalen islands, and the Municipal Council thereof shall be composed of five members, and shall he presided over by a Mayor, as if the said Islands formed only one Parish or Township; but the said Council shall possess all the Powers conferred by this Act not only on Parish and Township Corporations and Councils, but also on County Corporations and Councils: Provided always, that

the said Municipality of the Magdalen Islands shall not, for the purposes of this Act, form part of the County of Gaspé.

V. The Act of the legislature of Lower Canada, passed in the thirty-sixth year of the Reign of King George the Third, and intituled, *An Act for making, repairing and altering the Highways and Bridges within this Province*, and for other purposes, and the Act of the said Legislature, passed in the thirty-ninth year of the same Reign, and intituled, *An Act to amend an Act passed in the thirty-sixth year of His present Majesty's Reign, intituled, An Act for making, repairing and altering the Highways and Bridges within this Province, and for other purposes*, and the Act of the said Legislature, passed in the forty-eighth year of the said Reign, and intituled, *An Act more effectually to provide for the making, altering and repairing the Highways and Bridges within the Inferior District of Gaspé, and to repeal so much of an Act passed, in the thirty-sixth year of His Majesty's Reign, and intituled, 'An Act for making, repairing and altering the High ways and Bridges within this Province, and for other purposes,' as regards the Inferior District*, and the Act of the said Legislature, passed in the third year of the Reign of King George the Fourth, and intituled, *An Act to explain and extend the provisions of an Act passed in the thirty-sixth year of the Reign of His late Majesty, intituled, 'An Act for making, repairing and altering the Highways and Bridges within this Province, and for other purposes in so far as respects the townships*, and the Ordinance of the Legislature of Lower Canada, passed in the second year of Her Majesty's Reign, 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*, and the Act of the Legislature of the Province of Canada, passed in the Session thereof held in the tenth and eleventh years of Her Majesty's Reign, intituled, *An Act to make better provision for the establishment of Municipal Authorities in Lower Canada*, and an Act of the Legislature of the said Province of Canada, passed in the session thereof, held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to amend the Municipal Law of Lower Canada*, and another Act passed by the Legislature of the said Province of Canada, in the Session thereof, held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act further to amend the Municipal Laws of Lower Canada*, and so much of another Act passed by the Legislature of the said Province of Canada, in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to remove doubts with respect to the proper Courts of Review for Appeals from By-laws of the Municipal Councils, and to amend the Municipal Laws of Lower Canada*, as relates to the opening or changing of front roads, shall be and are hereby repealed, except in so far as any of the said Acts or the said Ordinance may relate to the City of Quebec, or the City of Montreal, or to any road or street therein, and except in so far as relates to any *Procès-Verbal* or Order lawfully made and in force immediately before the commencement of this Act, which shall remain in force, as aforesaid, until it be otherwise lawfully ordered under this Act, and except as to any penalty or forfeiture incurred or any assessment due under them, or any of them, before the commencement of this Act, which may be recovered as if this Act had not been passed: Provided always, that the Acts and Ordinances, or parts of Acts and Ordinances, repealed by the said Acts or Ordinance, 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 by the Legislature of the said Province of Canada, in the ninth year of Her Majesty's Reign, intituled, *An Act to repeal certain enactments therein mentioned, and to make better provision for Elementary Instruction in Lower Canada*, and of

another Act of the said last mentioned Legislature, passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to amend the School Law of Lower Canada*, shall, notwithstanding any thing in this Act, continue to be a Municipality within the meaning of the said last mentioned Acts, and for all the purposes thereof. And so much of the twenty-fourth Section of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to make better provision for granting Licenses to Keepers of Taverns and Dealers in Spirituous Liquors in Lower Canada, and for the more effectual repression of Intemperance*, and any and all portions of the said Act which are inconsistent with the provisions of this Act, is and are hereby repealed.

VI. In citing this Act in other Acts of Parliament, or in any Instrument, Document or Proceeding, it shall be sufficient to use the expression "The Lower Canada Municipal and Road Act, 1855"; and in any process for enforcing the remedies or penalties given or imposed by this Act, it shall be sufficient, without specifying more particularly the cause of complaint or offense, to refer by number, according to the copies of the Act printed by the Queen's Printer, to the section or sections under which the proceeding is taken.

VII. The Interpretation Act shall apply to this Act; and for the purposes of this Act, the following terms, whenever they occur, shall respectively have the following significations, that is to say:

The term "Parish" shall not only signify any territory erected into a Parish either by civil or ecclesiastical authority, but shall apply, in like manner, to any part of a Parish incorporated under this Act, and shall also signify and include any extra parochial place or part of a Parish or part of a Township annexed to a Parish under this Act, and the Parish to which such extra parochial place or part of a Parish is or shall be annexed conjointly, and shall also signify and include a Township annexed to a Parish under this Act and the Parish to which such Township is annexed conjointly, unless the context be inconsistent with such interpretation;

And the term "Township" shall not only signify any Territory erected into a Township, but shall apply in like manner to any part of a Township incorporated under this Act, and shall also signify and include any part of a Township or Parish annexed to a Township under this Act, and the Township to which such part of a Township or Parish is or shall be annexed conjointly, and shall also apply to two Townships annexed to each other for the purposes of this Act conjointly, unless the context be inconsistent with such interpretation;

The term "Municipality" shall signify any territory incorporated under this Act;

The term "County Municipality" shall signify a County incorporated under this Act;

The term "Local Municipality" shall signify any territory incorporated under this Act, except a County, and shall apply equally to Parish, Township, Town and Village Municipalities;

The term "County Council" shall signify the Municipal Council of a County, incorporated under this Act;

The term "Local Council" shall signify the Municipal Council of a Local Municipality;

The term "Chief Officer" shall apply equally to the Warden of a County and to the Mayor of a Local Municipality;

The term "County Councillor" shall signify a member of a County Council;

The term "Local Councillor" shall signify a Member of a Local Council;

The term "County Superintendent" shall signify the Superintendent of Roads and Bridges in a County;

The term "Owner" shall apply not only to an individual proprietor but also to several co-proprietors and to any Corporation or Association of persons in whom the right of ownership in any real or personal property mentioned in this Act is vested;

The term "Road" shall signify a Public Highway, and shall include, all Bridges upon it, and all ditches, fords and other works and things therewith connected, unless it be otherwise expressed or the context be inconsistent with such interpretation;

The term "Public Bridge" shall signify any bridge of more than eight feet in span;

The term "Lot" shall apply not only to a lot of land in any Range or Concession in its entirety, but shall also signify any subdivision of such lot, and any parcel of land owned or occupied by any one person or by several persons conjointly, and shall also include all buildings and other improvements thereon, unless the contrary be expressed or the context be inconsistent with such interpretation;

The term "Public Notice" shall signify a notice given, or to be given, to the Inhabitants of the whole, or of any part or parts of any Municipality or of several Municipalities;

The term "Special Notice" shall signify a notice given or to be given to any Member or Officer of any Municipal Council or to any other person under this Act, or in pursuance of any By-law passed by any such Council, for the purposes of informing him of any appointment or appointments or of any other fact or facts, or of requiring him personally to attend, or be present at any particular place, or for any other object;

The term "District" shall signify a Judicial District as now established by Law;

And the term "County" shall signify each and every County as defined and described in and by "The Parliamentary Representation Act of 1853" as amended by "The Parliamentary Representation amendment Act of 1855," except that for the purposes of this Act, the Island of Orleans, in the County of Montmorenci, shall form a separate Municipal County, by the name of the Municipal County of the Island of Orleans; and all that part of the said County which lies to the

North of the River St. Lawrence, shall also form a separate Municipal County, by the name of the Municipal County of Montmorenci.

VIII. Every Public Notice shall be given in the manner following, that is to say:

The person required to give such Notice shall cause the same to be drawn up in the English and French languages, and after signing it, shall publish it by causing a true copy thereof, certified by him, to be posted up on the front door of at least one church or chapel, or other place of public worship, and, whether there be or not any place of public worship, at some other place of public resort in the Local Municipality, or in each of the Local Municipalities, to the inhabitants of which such Notice is addressed. If such Notice be given within the limits of a Parish, the person required to give the same shall cause it. to be read at the door of every such church or chapel, at the issue of divine service in the forenoon, on the Sunday next following the day on which the same was published by posting a copy thereof, as aforesaid; and if such Notice be for the purpose of announcing a Public Meeting, or the future adoption of any proceeding under this Act, the person required to give it shall specify therein the day, hour and place at which such Public Meeting is to be held, and the purpose or purposes for which it. is convened, or the day-, hour and place at which such proceeding is to be had; and every such Notice shall be published by posting a copy thereof, as aforesaid, at least seven clear days before the day appointed for such Public Meeting or proceeding.

IX. Every Special Notice shall be given in the manner following, that is to say:

1. The person required to give such Notice shall cause it to be drawn up in the language of the person to whom it is addressed, if such language be the English or the French language, or if it be any other language, then, in either the English or the French language, and after having signed it, shall serve it on the person to whom it is addressed, by causing a true copy thereof to be delivered to him personally, or left with some Crown person at his domicile; and in every such Special Notice the person required to give the same shall mention distinctly the fact intended to be communicated to the person to whom it is addressed, the time and place at which he is required to attend or be present, or such other object as such Notice is given for;

2. The person required to give any notice, whether it be a public or a special notice, shall cause a Certificate or Certificates of the publication or service of such notice to be annexed to or endorsed upon the original notice, stating distinctly the manner in which, and the time or limes, and place or places at which the same was so published or served;

3. The truth of the facts staled in every such Certificate shall be attested under oath by the person making the same. And the person required to give such notice shall deliver the original notice with such Certificate or Certificates to the Secretary-Treasurer of the Council to the affairs of which it relates, and the Secretary-Treasurer shall file the same amongst the records of such Council.

General Organization.

X. And be it enacted, That the inhabitants of every County shall be a Corporation or body politic under the name of "The Corporation of the County of _____" (here insert the name of the County _____):

2. The inhabitants of every Parish and Township shall be a Corporation, or body politic, under the name of "The Corporation of the Parish (or Township or Townships, or of the _____ part, of the Parish or Township, as the case may be) of _____" (here insert the name of the Parish or Township);

3. The inhabitants of every Town and Village, being a body corporate at the time of the commencement of this Act, or being declared such by this Act, or for the incorporation of which the formalities hereinafter prescribed shall have been observed, shall be a Corporation or body politic under the name of the Corporation of the: Town [or Village, as the case may be) of _____ (here insert the name of the Town or Village).

Provisions Applicable to Municipal Councils Generally.

Corporate Power and Name.

XI. Every such Corporation shall have perpetual succession; may have a common seal; may sue and be sued under its corporate name in all Courts of Justice; may acquire by purchase, donation, devise or otherwise, any real or personal property, and may hold or enjoy, or alienate the same; may enter into all contracts necessary to or connected with the exercise of its functions, power and authority; and shall have all other collective rights and powers necessary for the performance of the duties imposed upon, and for the exercise of the authority vested in it:

2. Every such Corporation shall be represented by a Council, to be composed as hereinafter provided with special reference to County Councils and Local Councils respectively; and all the powers, authorities, duties and obligations of every such Corporation shall be exercised and performed by such Council and its Officers;

3. The Council of a County Municipality shall be called "The Municipal Council of the County of _____" (here insert, the name of the County);

4. The Council of a local Municipality shall be called "The Municipal Council of the Parish (or Township or Townships, or of the part of the Parish or Township, or Town or Village, as the case may be) of _____" (here insert the name of the Parish, Township, Town or Village);

5. Every County Council shall be composed of the Mayors of the several Local Municipalities of such County in which Mayors have been elected or appointed;

6. Every Local Council shall be composed of seven Councillors, to be elected or appointed in the manner hereinafter provided;

7. No Councillor shall in any ease receive or be entitled to any wages, allowance, profit or emolument whatever, for his services as such Councillor; nor shall any Councillor hold any subordinate office under any Municipal Council, or become surety for the performance of the duties of any such Officer;

8. Each Member of a Council shall, immediately after his election or appointment, take an oath well and faithfully to perform the duties of his office.

Sessions of Municipal Councils.

XII. A General Quarterly Session of each County Council shall be held on the second Wednesday in each of the months of March, June, September and December, at the place which shall be determined upon by the Council, except the first General Session, the time and place of holding which shall be appointed in the manner hereinafter provided;

2. A General Monthly Session of each Local Council shall be held on the first Monday in each month, at the place which shall be determined upon by the Council, except the first General Session, the time and place of holding which shall be appointed in the manner hereinafter provided;

3. But if any of the days so fixed be the Queen's Birthday or a Holiday (*Fête d'Obligation*), such General Session shall commence and be held on the day next following;

4. Special Sessions of any Council may also be convened by the Chief Officer, or any two Members of such Council, after special notice, given to all the other Members, by the person or persons requiring such Session. And every Session, whether General or Special, shall commence at the hour of ten in the forenoon, unless otherwise determined by By-law, notice or adjournment;

5. The Chief Officer of the Council, or in his absence such one of the Councillors as shall be chosen by a majority of votes of the Councillors present, or, upon an equal division of votes, the Senior in age of such Councillors, shall preside;

6. All disputed questions shall be decided by a majority of the votes of the Members present, not including the Chairman; and when the votes are equally divided, the Chairman shall give the casting vote;

7. The Sessions shall be held with open doors;

8. Every Council, and any two of its Members when there is not a *quorum* present, may adjourn any General or Special Session to a subsequent day, but no such adjournment shall be made until after the expiration of one hour from the failure of the *quorum*;

9. And no adjournment of the Session of a County Council shall be made to any time less than seven clear days subsequent to the day on which such adjournment is made; and no adjournment

of the Session of a Local Council shall be made to any time less than two clear days subsequent to such day, unless in either case a *quorum* of the Council were present when such adjournment was made; and special notice of even such adjournment shall be given by the Clerk to all the Members of the Council who were not present at the time it was made, if there was not a *quorum* present at that time;

10. No Council shall be dissolved by the fact of any Session thereof not having taken place;

11. Every Chief Officer of a Municipal Council shall be *ex officio* a Justice of the Peace within the limits of the Municipality wherein he has been elected or appointed, so long as he shall continue to act as such Chief Officer.

Appointment of Officers.

Their Duties, &c.

XIII. Every Council shall at its first General Session, or at a Special Session which shall be held within fifteen days from the first day of such first General Session, appoint an Officer who shall be called the "Secretary-Treasurer" of the "Municipal Council of the County (or Parish or Township or Townships, or of the part of the Parish or Township or Town, or Village, as the case may be,) of _____" (here insert the name of The Municipality):

2. The Secretary-Treasurer of every Council shall be the Custodier of all the Books, Registers, Valuation Rolls, Collection Rolls, Reports, *Procès-Verbaux*, Plans, Maps, Records, Documents and Papers kept or filed in the Office of the Council. He shall attend all Sessions, and shall enter in a Register to be kept for that purpose all the proceedings of the Council; and he shall allow persons interested therein to inspect the same at all reasonable hours. And every copy or extract of or from any such Book, Register, Valuation Roll, Collection Roll, Report, *Procès-Verbal* Plan, Map, Record, Document or Paper, certified by such Secretary-Treasurer shall be deemed authentic;

3. Every person appointed Secretary-Treasurer to a Council, shall, before acting as such, give the security hereinafter mentioned;

4. He shall furnish two sureties, whose names shall be approved by a resolution of the Council, before they shall be admitted as such; all such sureties shall be jointly and severally bound together with the Secretary-Treasurer, and their obligation shall extend to the payment of all sums of money for which the Secretary-Treasurer may at any time be accountable to the Corporation, including principal, interest and costs, as well as all penalties and damages 10 which he shall become liable in the exercise of his office;

5. Every such security may be given by a Bond executed before Notaries, or before a Notary and two witnesses, and accepted by the Chief Officer of the Council, or by Bond under private signature in duplicate; the Secretary-Treasurer shall deliver a duplicate of such Bond, if executed under private signature, or a copy thereof if executed before Notaries or before a Notary and two

witnesses, to the Chief Officer who shall be the Custodier thereof; and another copy, or the other duplicate, shall be filed by such Secretary-Treasurer among the records of the Council;

6. Every such Security-Bond, when duly registered in the Registry Office for the County or Registration Division in which the Secretary-Treasurer resides, shall carry with it a hypothec (*hypothèque*) only on such immoveable property as shall have been therein designated. And it shall be the duty of the Chief Officer of the Council to cause it to be unregistered immediately on receipt thereof;

7. The Secretary-Treasurer of every Council shall receive all moneys due or payable to the Municipality, and he shall pay out of such moneys all drafts or orders drawn upon him by any person thereunto authorized by this Act for the payment of any sum lobe expended or due by the Municipality whenever thereunto authorized by the Council; but no such draft or order shall be lawfully paid by the said Secretary-Treasurer, unless the same shall shew sufficiently the use to be made of the sum mentioned in such draft or order, or the nature of the debt to be paid thereby;

8. The Secretary-Treasurer shall keep in due form Books of Account, in which he shall respectively enter each item of receipt and expenditure, according to dates, mentioning at the same time the names of the persons who have paid any moneys into his hands, or to whom he has made any payment respectively; and he shall keep all Vouchers for expenditure;

9. The Secretary-Treasurer shall render to the Council, every six months, that is to say, on the thirtieth day of June and on the thirty-first day of December in each year, or oftener if required by such Council, a detailed account of his receipt and expenditure attested by him under oath;

10. The Secretary-Treasurer's Books of Account and Vouchers shall be open for inspection at all reasonable hours, to the Council, and to each of the Members thereof, to the Municipal Officers by them appointed, and also to all persons liable to assessment in the Municipality;

11. The Secretary-Treasurer, or any other person who shall have filled the said office, may be sued by the Chief Officer of the Council or by the County Superintendent in the name of the Municipality before any Court of competent jurisdiction, to compel him to tender an account; and in any such action he may be condemned to pay damages for having failed to render such account; and if he render an account, he shall be condemned to pay such balance as he shall acknowledge or declare to have in his hands, together with such other sums as he ought to have debited himself with, or as the Court shall think he ought to be held accountable for; and every judgment pronounced in any such suit, shall include interest at twelve per cent on the amount thereof, by way of damages, together with costs of suit;

12. And every such judgment, shall carry *contrainte par corps* against the said Secretary-Treasurer, according to the laws in force in such cases in Lower Canada, if such *contrainte* be demanded in the action to compel the rendering of the said account;

13. Every Council shall have power and authority to appoint such other Officers as may be necessary for carrying into effect the provisions of this Act or of any By-laws or Regulations of such Council;

14. Every Municipal Officer, whether elected or appointed shall, within eight days from the day on which he shall cease to hold such office, deliver to his successor in office, if then elected or appointed, or if not, within eight days after the election or appointment of such successor, all moneys, keys, books, papers and insignia belonging to such office;

15. If any such officer die or absent himself from Lower Canada, without having delivered up all such moneys, keys, books, papers-and insignia, it shall be the duty of his heirs or other legal representatives to deliver the same to his successor in office within one month from his death, or from his departure from Lower Canada;

16. And in every such case the successor in office of every such officer shall, besides all other legal remedies, have a right of action before any Circuit Court, either by saisie revendication or otherwise, to recover from such officer or from his legal representatives, or any other person in possession of the same, all such moneys, keys, books or insignia, together with costs and damages for the benefit of the Municipality, and every judgment rendered in every such action may be enforced by *contrainte par corps* against the person condemned, according to the laws in force, in such cases in Lower Canada, if by the declaration such *contrainte* is demanded.

XIV. Every appointment of an Officer by a Municipal Council shall be made by a resolution of such Council, and the Secretary-Treasurer shall without delay give special notice thereof to the person appointed:

2. Every Officer so appointed, except Secretary-Treasurers, and County Superintendents, shall remain in office for a period of two years from the date of his appointment, and no longer, unless re-appointed;

3. Every such Council may remove any Officer appointed by it, and may also remove any Officer appointed by the Governor and not being a Member of such Council, provided that another person be appointed in his stead by the same resolution proposing to remove such Officer, but not otherwise.

Power Common to All Municipal Councils.

XV. Every Council shall have power and authority to make and from time to time amend or repeal a By-law or By-laws for all or any of the following purposes, that is to say:

1. For the maintenance of order and decorum during the Sessions thereof, and for compelling the members to attend such Sessions and to perform their duties;

2. For the purchase and acquirement of moveable or immoveable property for the use of the Municipality, and for the sale and disposal of the same when no longer required;
3. For the construction, acquirement, leasing, or repairing of any building required by the Municipality, either for the sessions of the Council or for other Municipal purposes within the scope of its functions;
4. For the erection, construction, widening, altering or repairing of such fences, ditches, drains or watercourses as the interests of the inhabitants shall require to be so erected, constructed, widened, altered or repaired, at the expence of the Municipality;
5. For regulating any ferry under its control, — for fixing the tolls to be charged for crossing the same, — for authorizing any officer to grant a license to keep such ferry, and for fixing the sum to be paid for such license, and the other conditions on which such license shall be granted, and for imposing penalties on any ferryman or other person contravening such By-laws; but no such license shall be granted for more than one year, and it shall not be lawful by any such By-law to make the tolls payable by any of the inhabitants of any Local Municipality, or of any part of a Local Municipality on any Ferry, less than those payable by other persons, or to give any undue advantage to any such inhabitants with respect to such tolls;
6. For the acquirement from the Government, gratuitously or for consideration, of any public road or public bridge made or erected at the expence of the Province, or of the late Province of Lower Canada, within the limits of the Municipality, or of such portion of any such road or bridge as may be within, or partly within and partly beyond the said limits, together with the lands and dependencies required for the use or management of the same;
7. For raising and levying such sums of money as may be necessary for any purpose within the scope of the functions of such Council; such sums to be raised by rates equally assessed upon all the persons liable thereto in proportion to the value of their assessable property;
8. For raising and levying moneys in aid of the construction, maintenance or repair of any Road leading to the Municipality, or of any Bridge or other public work beyond the limits of the Municipality, whereby the inhabitants thereof may, in the opinion of the Council, be sufficiently benefitted to warrant the granting of such aid;
9. For borrowing any sum of money (the principal and interest of which may be payable either in this Province or elsewhere, and either in the currency of this Province or of the country where the same may be payable,) necessary for any of the purposes within the scope of the functions of the Council, or for giving assistance to the construction of any railroad under the provisions of the eighteenth section of the “Railway Clauses Consolidation Act,” or for taking stock in, or lending money to, any incorporated Railway, Road or Bridge Company in whose Railway, Road or Bridge the inhabitants of the Municipality shall, in the opinion of the Council thereof, be sufficiently interested to warrant them in taking such stock or lending such money for the advancement of such work; or for issuing Debentures or Bonds for any of the purposes mentioned in this section,

every such Debenture or Bond being issued for a sum not less than twenty-five pounds currency of this Province, and being payable in not less than five and not more than thirty years; or for the management of any Sinking Fund provided by any such By-law; but no By-law made under the provisions of this section shall have any force or effect unless it be made for a sum not exceeding twenty per cent on the aggregate valuation of the property thereby affected according to the Valuation-Rolls then existing, nor unless it impose a yearly rate sufficient, according to such Valuation-Rolls, to pay the interest on the sum to be borrowed, and two per cent, over as a Sinking Fund; nor unless it shall have been approved in the manner hereinafter provided.

No such By-law shall be repealed or altered until the whole sum borrowed and the interest thereon shall be paid off, except by some other By-law approved by the Governor in Council, the repeal or alteration of which shall be subject to the like conditions.

Whenever any such By-law is passed by a County Council, the principal and interest of the Loan shall be payable by all the Local Municipalities in the County, and the Secretary-Treasurer of the County Council shall in each year apportion the amount to be paid by each according to the assessment rolls then in force in such Local Municipalities respectively; and every such By-law shall be approved in the manner provided by the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to establish a Consolidated Municipal Loan Fund for Upper Canada*, as amended by the Act passed in the eighteenth year of Her Majesty's Reign, intituled, *An Act to extend and amend the Act to establish a Consolidated Municipal Loan Fund for Upper Canada by applying the same to Lower Canada, and for other purposes*, and all the provisions of the said Acts shall apply to every such By-law except in so far as they may be inconsistent with any of the provisions contained in this section.

10. For depositing the funds of the Municipality or investing the same at interest, in any chartered Bank or public security of the Province;

11. For indemnifying persons who shall have lost buildings or other property destroyed either wholly or in part, by rioters within the Municipality;

12. For the remuneration of their Officers, in addition to any fees, penalties or per centage which they may be entitled to under the authority of this Act or of any other;

13. For defining the duties of all the Officers appointed by the Council or by the Governor, and imposing penalties upon the said Officers for neglect of duty in cases in which such duties have not been sufficiently defined, or such penalties have not been determined by law; but no such fine or penalty shall in any case exceed the sum of five pounds currency for any one offence;

14. For requiring sufficient security whenever the same shall not have been specially regulated by law, from all persons accountable for the moneys of the Municipality, and from all Contractors with the Council or its Officers, in such manner, and to such amount as the Council shall think proper to determine;

15. For imposing and collecting, by seizure and sale of the goods and chattels of the offender, any reasonable penalty not exceeding in any case five pounds currency, and for imposing reasonable punishment by imprisonment, not exceeding thirty days, for the breach of any of the By-laws or Regulations of the Council;

16. For making such other local Regulations, not contrary to Law, as the good of the inhabitants of the Municipality may require.

Publication of By-Laws.

XVI. Every Municipal Council shall publish all By-Laws made by them, by causing a copy thereof written in the English and French languages, and certified by the Secretary-Treasurer of the Council, to be posted up, within fifteen days from the date thereof, on the front door of at least one Church or Chapel, or other place of Public Worship, and whether there be or not any place of Public Worship, at some other place of public resort, in each of the Parishes, Townships or parts of Parishes or Townships, Towns and Villages, the inhabitants, or any portion of the inhabitants of which, may be interested in such By-Laws. In Parishes the Council shall also cause all By-laws to be published, by causing them to be read at the door of the Church of the Parish to which they relate, immediately after Divine Service in the forenoon, on each of the two Sundays next after the passing of such By-laws. And every such Council may also cause all or any of such By-Laws to be published in any Newspaper printed in the district, or in any adjoining district.

Persons Disqualified or Exempt from Accepting Office as Members or Officers of Municipal Councils.

XVII. No person being in holy orders, or a Minister of any religious denomination, nor any Member of the Executive Council, nor any Judge, or Sheriff or Clerk of any Court of Justice, (except Clerks of Commissioners' Courts for the trial of small causes, any one of whom may, with his own consent, be appointed Secretary-Treasurer,) nor any Officer of Her Majesty's Army or Navy on full pay, shall be elected or appointed as a Municipal Councillor, nor appointed to any office under any Municipal Council, and no person receiving any pecuniary allowance from the Municipality for his services, nor any person having directly or indirectly, by himself or his partner, any contract, or any share or interest in any contract, with or on behalf of the Municipality, shall be qualified to be elected or appointed or to act as, a Councillor of such Local Municipality: Provided always, firstly, that no person shall be disqualified from acting as Municipal Councillor, by reason of his being a proprietor or shareholder in any incorporated Company, which shall or may have any contract or agreement with any Local Council as aforesaid; And provided always, secondly, that the word "contract" in this section shall not extend to any lease, sale or purchase of any lands, tenements or hereditaments, or to any contract for such lease, sale or purchase, or for the loan of money, or to any agreement for the loan of money only, but any Municipal Councillor having any interest in any such matter, as in this second proviso mentioned, shall not vote at any meeting of the Municipal Council, or of any Committee thereof, of which he is such Councillor as aforesaid, upon any question arising upon the matter in which he is so interested as aforesaid:

2. No Member of the Provincial Legislature, no person holding any civil appointment under the Imperial or Provincial Government, or under either House of the Legislature, no Practising Physician, Surgeon or Apothecary, no School Master actually engaged in teaching, no Branch Pilot, no Miller, being the only one employed in a mill, no person over sixty years of age, shall be bound to accept the office of Municipal Councillor or any office under any Municipal Council; and every person being at the time of the commencement of this Act, or having been within the two years next preceding, a Member of a Municipal Council, or an Officer under any such Council, and any person who shall have paid a penalty for refusal or neglect to accept of any such office, shall be exempt from serving in the same office during the two years next after such service or payment;

3. If any person disqualified, or exempt, and claiming exemption from serving as such Councillor be elected, it shall be the duty of the Warden or Registrar, immediately on his becoming aware of the fact, to notify the same, through the Provincial Secretary, to the Governor, who shall appoint without delay another Councillor in the stead of such person so elected.

County Councils.

Special Powers.

XVIII. All the powers vested by the Act of the Legislature of Canada passed in the twelfth year of Her Majesty's Reign, chaptered fifty-six, and intituled, *An Act to authorize the formation of Joint Stock Companies in Lower Canada, for the construction of Macadamized Roads, and of Bridges and other works of like nature*, in the Municipality and Municipal Councils therein mentioned, shall be transferred to and vested in the County Councils created by this Act.

XIX. Every County Council shall also have power and authority to make, and from time to time amend or repeal, a By-law or By-laws for all or any of the following purposes, that is to say:

1. For appointing the place at which all Sessions of the County Council after the first Session shall be held; and every place so appointed shall thereafter be the County Town (*chef lieu du comté*); Provided always that if the first session of such Council shall have been held at a place which at the time of the passing of this Act, was the place of holding the meeting of the Municipal. Council of a County or Division of a County, the concurrence of two thirds of the members for the time being of such Council, shall be necessary for the making of a By-law appointing any other places for holding the subsequent sessions of such Council;

2. For the acquirement or construction and maintenance of a Court House and Gaol, in such place as may be hereafter lawfully appointed for that purpose, and for providing means in aid of the acquirement, construction or maintenance of any such buildings;

3. For the acquirement or construction and maintenance of an Office for the Registration of Deeds, either apart from or forming part of any Court House situate within the County, and for the construction and maintenance therein of a Fireproof Vault for the preservation of such Deeds; and for providing means for the acquirement or construction and maintenance of such Office, and also

for the transcription of any Deeds which it may be deemed expedient to transfer and deposit in such Office, for the convenience of the inhabitants of the County;

4. For placing toll-bars, and for levying tolls on persons, animals and vehicles passing over any roads or bridges within the limits of the County; Provided that it shall not be lawful, by any such By-law, to make the Tolls payable by any of the inhabitants of any Local Municipality or of any part of a Local Municipality, less than those payable by other persons for the use of the road or bridge therein mentioned, or to give any undue advantage to any such inhabitants with respect to such tolls;

5. For determining the periods of the year during which fire may be applied to logs, bush and other wood for the purpose of clearing land within the limits of the County, and for compelling persons so applying fire to adopt such precautions as may be deemed requisite to prevent such fire from extending to adjoining forests, crops and other property;

6. For regulating the fees to be paid for the services rendered by the County Superintendent, or by the Secretary-Treasurer, either in making Reports or *Procès-Verbaux*, or in furnishing copies of documents at the request of any person or number of persons, whenever the County Council, or any local Council within the County, deem it just that such fees should not be made a charge upon any Municipality in the County, but should be paid by the person or persons requiring such services;

7. For regulating fisheries carried on, either upon the seashore or upon any waters adjacent to, or passing through the County.

Sessions of County Council, Election or Appointment of Warden, &c.

XX. The first general session of every County Council shall be held at the time and place to be fixed for that purpose by the Registrar, who shall give notice thereof to each Member of the Council, and every subsequent session shall be held at the place appointed for that purpose by the County Council, as provided in the next preceding section:

2. Five Members of the County Council in every County comprising seven or more Local Municipalities, and three members of such Council in every County comprising any number of Local Municipalities less than seven, shall form a *quorum*;

3. The Registrar, or in his absence, such one of the Members of the Council present, as shall be chosen for that purpose by a majority of votes, or if the votes be equally divided, the senior in age of the Members present shall preside at the first general session;

4. The Members of the County Council shall, at the said first session, choose from amongst themselves some fit and proper person, to be the Warden of the County; and if there be an equal number of votes, the person presiding at the said session, whether such person be a Member of

the Council or the Registrar, shall give the casting vote; and the Registrar shall cease to have the right to preside, so soon as the Warden so chosen shall have taken the oath of office;

5. If no election of a Warden take place in the manner above prescribed, at the said first session of the Council, then the Governor, upon the fact being notified to him by the Registrar, shall appoint without delay one of the Members of the Council to be Warden of the County;

6. The Warden so elected or appointed shall hold his office until the next general election of Councillors, and thereafter until another person shall be appointed in his stead; unless such Warden, if elected by the County Council, be removed before that time by a vote of two thirds of the Members of the Council, or unless such Warden, if appointed by the Governor, be removed by the Governor. If the Warden be removed by a two third vote of the County Council, the said Council shall appoint another at the same session, otherwise the Governor shall appoint one, on being notified of the fact by the Registrar or by the Secretary-Treasurer of the County Council. If the Warden be removed by the Governor, another shall be appointed by the Governor.

Appointment of County Superintendent.

XXI. In addition to the Officers which all Municipal Councils are required or authorized to appoint under this Act, every County Council shall, at its first General Session after each General Election of Councillors, or at a Special Session, which shall be held within fifteen days from the first day of such first General Session, appoint a Superintendent of Roads and Bridges for the County:

2. Every County Superintendent shall, while he holds office as such, reside within the County for which he is appointed and shall be disqualified to accept any other office under any Municipal Council;

3. Every County Superintendent may, under a Resolution of the Council, appoint one or more Deputies, for the payment of whose services, when appointed, provision shall be made by the County Council. But the County Superintendent shall be responsible for all the acts and omissions of every Deputy so appointed;

4. Every appointment of a Deputy by the County Superintendent shall be made by a letter under his hand, addressed to the person so appointed. And the Superintendent shall, without delay, give special notice of every such appointment, not only to the person appointed but also to the Secretary-Treasurer of the Council of the Municipality for which such Deputy has been appointed;

5. In the absence of the County Superintendent and of his Deputies, the Secretary-Treasurer of the County Council shall do every thing which the County Superintendent ought to do under the provisions of this Act;

6. The County Superintendent shall keep a Repertory in which he shall refer in a summary manner, and as near as may be in the order of their dates, to all Registers, Reports, *Procès-Verbaux*,

Valuation Rolls, Collection Rolls, Judgments, Resolutions, Maps, Plans, Returns, Notices, Letters and Papers whatsoever which may come into his possession in the exercise of his functions;

7. He shall deliver to any person who shall apply for the same, a copy of any document which shall be in his possession or custody, or of record in his office as such County Superintendent, upon payment of such fees as shall be fixed by the County Council; and every such copy certified by him as correct shall be *primâ facie* evidence of the contents thereof; and he shall allow all such documents to be inspected at reasonable hours by all persons interested therein;

8. And the County Superintendent shall perform all such other duties as are specially imposed upon him by this Act.

County Delegates.

XXII. In every County there shall be three Delegates to re-present the interests of the County at every Sreeting of Delegates held under the provisions of this Act, and to exercise and perform, in conjunction with Delegates sent from another, or several other Counties, as the case may be, the powers, authority and duties hereinafter mentioned:

2. The Warden shall be *ex officio* one of the said Delegates; the two other Delegates shall be such two Members of the County Council as shall be appointed for that purpose at the first session held after the General Election of local Councillors, or at a Special Session held within fifteen days from the first day of such General Session; and the said Delegates shall hold their office as such during their tenure of office as County Councillors, and no longer;

3. And whenever any one of such Delegates dies, or is absent or incapacitated to attend to his duties from sickness or any other cause, the County Council shall appoint another Delegate or other Delegates in the stead of the Delegate or Delegates deceased, absent or incapacitated.

Local Councils.

Powers Common to All Local Councils.

XXIII. The powers and authority of each Local Council (in addition to the powers hereinbefore conferred upon all Municipal Councils) shall extend to the following objects:

1. To the opening, constructing, making, levelling, pitching, raising, planting, improving, preserving and maintaining of any new or existing highway, road, street, side-walk, crossing, alley, lane, bridge, ford or other communication within the Municipality; the slopping up, pulling down, widening, altering, changing, diverting or cleaning of tiny such highway, road, street, side-walk, crossing, alley, lane, bridge, ford or other public communication within such Municipality, in conformity with the provisions of this Act relative to all such matters; the taking possession of any land or real property required for any such purposes, and the making provision for the indemnity to be paid to the owners of such land or real property; but it shall not be lawful for any Town or

Village Council to levy any assessments from persons not residing or holding assessable property within the limits of such Town or Village, or to require from any such persons the performance of any labor, towards the construction or maintenance of Public Roads beyond the limits of such Town or-Village, any *procès-verbal*, rules or By-laws to the contrary notwithstanding;

2. To the opening, enclosing and maintaining, at the expense of the Municipality, such squares, parks or public places, as may be conducive to the health or convenience of the inhabitants; to ornamenting the same by planting trees therein or otherwise, and causing trees to be planted along any sidewalk or footpath, at the expense of the Municipality;

3. To the prevention or removal of abuses prejudicial to agriculture and not specially provided for by law; the establishment of Public Pounds for the safe keeping of animals and poultry, found astray or doing damage on the public roads or bridges, or on the lands of others than the owners of such animals or poultry; the determination of the periods of the year when such animals and poultry either may be allowed to ran or should be prevented from running at large; the fees to be taken by the Keepers of such Pounds; the damages payable by the owners of such impounded animals or poultry, the manner in which such animals or poultry shall be sold, in the event of their not being claimed within a reasonable time, or in case the damages, penalties and expenses shall not have been paid according to law, or to any By-laws made for the said purpose;

4. To the making of Regulations as to pits, precipices and deep waters, or other places dangerous to travellers;

5. To the imposition of a tax on the owners or harbourers of dogs; the making of regulations, whenever the public peace and safety may require it, to keep dogs tied up and to prohibit them being at large, and for killing all dogs found at large contrary to such regulations;

6. To the regulating and governing of all Shopkeepers and Storekeepers and others selling wine, brandy or other spirituous liquors, ale or beer, by retail, in places other than houses of public entertainment, and the determining under what restrictions and in what manner any such person shall take out a license from the Revenue Inspector of the District within which he resides, before it shall be lawful for him to sell any wine, brandy or other spirituous liquors, ale or beer, as aforesaid, within such Municipality, and for fixing the sum which shall be payable for each such license, and the time during which it shall be in force, or for limiting the number of persons to whom and the houses or places for which such licenses shall be granted within the Municipality, or the preventing absolutely of the sale of wine or brandy, or other spirituous liquors, ale or beer, or any of them, by retail, within the Municipality, and the making of such further enactments as may be deemed necessary for giving full effect to any such By-law, and for imposing penalties for the contravention thereof: Provided always, that the selling of any wine, brandy or other spirituous liquors, ale or beer, in the original packages in which the same were received from the importer or manufacturer, and not containing respectively less than five gallons or one dozen bottles, shall not be held to be a selling by retail within the meaning of this Act: Provided, however, that no Municipal Council shall have power to fix any sum below that now payable for any such license; and any license granted by any Revenue Inspector to any person to sell by retail spirituous liquors,

ale or beer, in any place within any Local Municipality after the Corporation of such Municipality shall have enacted a By-law either regulating the mode of the granting of such license or absolutely prohibiting such license, otherwise than in conformity with the By-law of such Local Council, shall be null and void in law;

7. To the licensing of carters and common carriers;

8. To the regulation of the manner in which any theatrical performance or other public exhibition shall be held, and the imposition of a tax or duty not exceeding five pounds currency upon every such performance or exhibition, which tax or duty, if not paid on demand, may be levied out of the goods and chattels, of all or any of the persons connected with such performance or exhibition, under a Warrant of distress signed by the Mayor of the Municipality; and to the prohibition of any such performance or exhibition tending to endanger public safety or morality;

9. To the making or procuring of maps, plans or surveys of the municipality, whenever the Council may deem it expedient to make or procure the same; but no such map or plan shall be procured, at the expense of the municipality, unless it be drawn by a Provincial Surveyor upon a scale of at least four inches to the mile;

10. To the dividing of the Municipality into Inspectors' divisions, and subdividing any such division into Overseers' sections.

Special Powers of Town and Village Councils.

XXIV. In addition to the powers and authority hereinbefore conferred upon all local Councils, the Municipal Council of every town and village Municipality shall have power and authority to make By-laws for all or any of the following purposes, that is to say:

1. For establishing markets or market places; for abolishing any market, or market place, existing at the date of the commencement of this Act, or which shall thereafter exist, within any such Municipality, or for appropriating the whole or any part of the site of any market or market place for any other public use whatsoever; reserving nevertheless to any person aggrieved by any act of the said Council respecting any such market or market place, any recourse which any such person may lawfully have against any such Municipality for any damage suffered by any such person by reason of such act;

2. For regulating and defining the duties and powers of the Clerks of the markets within the Municipality, and of all other Officers employed on the said markets; and for leasing stalls and stands for the sale, and offering for sale, of every description of articles or goods whatsoever upon the said markets; and for imposing duties or taxes on all persons vending upon such markets any provisions, vegetables, butcher's meat, grain, fowls, hay, straw, coal, salt, cord-wood, shingles, or any thing else whatsoever; for prohibiting the sale, or exposure for sale, by any person not resident within the municipality, of any such provision or other things elsewhere than upon such

markets and in such other places as may be appointed for that purpose by any such By-law; and for regulating the conduct of all persons vending or purchasing upon the said markets;

3. For imposing ditties upon waggons, carts, sleighs, boats, canoes and vehicles of all descriptions, in which articles shall be exposed for sale upon any such market, or in any street, or upon any beach, within the Municipality, and for regulating the manner in which such vehicles shall be placed when used for any such purposes;

4. For regulating the weighing or measuring of cord-wood, lumber, shingles, coal, salt, hay, straw and grain, brought within the Municipality for sale; for regulating and determining whether any other articles purchased or sold within the Municipality shall be weighed or measured, or both; and for appointing persons to weigh and measure any or all such filings, and for fixing and determining the remuneration to be paid to such Officers and the duties to be performed by them;

5. For regulating, fixing and determining the weight of bread sold or offered for sale within the Municipality, and for compelling bakers to mark with the initials of their respective names the bread made by them, and for confiscating Bread of insufficient weight or unwholesome quality;

6. For increasing the personal commutation to be paid in each year by each person subject to perform statute labour on the roads and streets within the Municipality, to an amount not exceeding five shillings currency for each person; and for obliging every such person to pay the amount of such personal commutation so determined upon, without allowing any such person to offer his personal labour in lieu of such commutation, and for exempting from the payment of such commutation persons or any class of persons whom the Council shall deem it expedient to exempt by reason of their want of means;

7. For assessing the proprietors of real property for such sums as may at any time be necessary to defray the expenses of making or repairing any common sewer under any public street or road within the Municipality, and immediately in front of such property, and for regulating the manner in which such assessments shall be collected and paid;

8. For obliging the proprietors of real property situate within the limits of the Municipality to fence in and enclose such real property;

9. For directing and requiring, at any time, the removal of any door-steps, stairs, porches, railing or other projections into, or obstructions in, any public street or road within the Municipality, by and at the expense of the proprietors of the real property in or connected with which such projection or obstruction shall be found;

10. For establishing or altering the level of the foot-paths or side-walks in any street or road within the Municipality in such manner as the Council shall deem conducive to the convenience, safety and interest of the inhabitants; Provided always, that the Council may make compensation, out of

the funds of the Municipality, to any person whose property shall be injuriously affected by any such alteration of the level of any foot-path in front thereof;

11. For pulling down and removing, so often as shall be deemed necessary, all old walls, chimnies or buildings in a state of dilapidation or decay; and for fixing at what time, by what, means,- and at whose expense, the same shall be so pulled down and removed;

12. For preventing accidents from fires and for regulating the conduct of persons present at any fire within the Municipality, and (among other By-laws for the same purpose) for regulating the mode of placing stoves, or stove-pipes, dues, furnaces or ovens, or the mode of keeping ashes; for obliging proprietors or occupiers of houses to provide themselves with proper fire-buckets, and to have ladders from the ground to the roofs of their houses, and from such roofs to the tops of the chimnies; for preventing any person from entering any stable, bam, shed or out-house with a light not enclosed in a lantern, or from entering any such building with a lighted cigar or pipe, or from carrying into the same any fire not properly secured; for preventing any person from lighting or having any fire in any wooden shed or out-house or other wooden building, unless such fire be placed in a chimney or in a stove of iron or metal, or from carrying fire in or through any street or public place, garden or yard, unless such fire be confined in some metal vessel; and for compelling the proprietors or occupants of barns, lofts or other buildings containing combustible or inflammable materials to keep the doors thereof closed when not necessarily required to be open;

13. For preventing any baker, potter, blacksmith, brewer, manufacturer of pot ashes or pearl ashes, or other manufacturer or person, from building, making or having any oven or furnace, unless such oven or furnace communicate with, and open into, a chimney of stone or brick, which shall rise at least three feet higher than the top of the house or building in or in connexion with which such oven or furnace shall be placed;

14. For providing that gunpowder be safely kept in boxes of copper, tin or lead; for regulating the quantity which may be kept in each house or building not being a powder magazine, and for prohibiting the sale thereof after sun-set;

15. For preventing the erection of furnaces for making charcoal, and for regulating the manner in which quick lime may be kept or deposited;

16. For preventing persons from throwing up Fire Works, firing off Crackers (*pétards*), discharging Fire Arms, or lighting Fire in the open air, in any of the streets, or roads, or in the neighborhood of any buildings, groves, hedges or fences within the Municipality;

17. For defraying, out of the funds of the Municipality, all such expenses as the Council may deem it just to incur, for the purchase of engines, or any other kind of apparatus, or any article whatsoever that may be necessary for the prevention of accidents by fire, and for facilitating the means of arresting the progress of fires;

18. For preventing thefts and depredations at fires, and for punishing any person who shall resist, oppose or ill-treat any Member or Officer of the Council while in the execution of the duty assigned to him, or in the exercise of any power or authority with which he may be invested in virtue of any By-law made under the authority of this section;

19. For defraying out of the funds of the Municipality any expense which may be incurred by the Council for assisting any person employed by such Council, who shall have received any wound or contracted any sickness or disease while attending at any fire, or for assisting or for providing for the wants of the family of any person who shall lose his life at any fire while so employed; and for granting rewards in money, medals or otherwise, to persons who shall have performed any meritorious action at any fire, or in saving persons from drowning or from other serious accidents;

20. For investing the Members of the Council and such Officers as shall be designated in such By-laws, with the power to cause to be blown up, pulled down, or otherwise destroyed, any building or fence which any such Member, or any such Officer, shall deem it necessary to direct to be pulled down or destroyed for the purpose of arresting the progress of any fire, and for providing and paying an indemnity, when justly due, to the owners of any building or fence so blown up, pulled down or destroyed, or to any person sustaining any damage or injury from any such acts;

21. For regulating the conduct of apprentices, servants, labourers and hired persons, and for the conduct of masters and mistresses towards their said apprentices, servants, labourers or hired persons in the Municipality;

22. For preventing gambling and the keeping of gambling houses in the Municipality;

23. For establishing a Board or Boards of Health in the Municipality, and for appointing the Members of such Board or Boards, and for securing the inhabitants of the Municipality from contagious and pestilential diseases, or for diminishing the danger resulting from the existence of such diseases;

24. For compelling the proprietors or occupants of houses to clean all stables, outhouses, privies and yards connected therewith, at such times and in such manner as the Council may deem expedient;

25. For preventing the throwing, into any public street or road, of any sweepings, filth, dirt, rubbish or ordure, and for enforcing the removal thereof; also for preventing and removing all encroachments and nuisances in or upon any street or road;

26. For authorizing such Officers as shall be appointed by the Council for that purpose, to visit and examine at suitable times and hours to be fixed in and by such By-laws, as well the inside as the outside of all houses, buildings and real property of any description in the Municipality, for the purpose of ascertaining whether the By-laws, to be made as aforesaid, have been duly observed, and for obliging all proprietors, possessors or occupants of such houses, buildings or real property,

to admit such officers and persons into and upon the same at the times and hours, and for the purposes aforesaid;

27. For preventing persons from passing along the public streets or roads in any vehicle or on horseback at any faster pace than an ordinary trot;

28. For providing within the Municipality if there be no District Gaol therein, a lock-up-house or other place for the safe keeping of persons sentenced to any term of imprisonment not exceeding thirty days under any of the provisions of this Act, or of the ordinance mentioned in the next following paragraph.

Clauses of Quebec and Montreal Police Ordinance, Relating to Disorderly Persons Extended to Town and Village Municipalities.

XXV. And be it enacted, That the eighth, ninth, tenth and eleventh clauses of the Ordinance of the Legislature of Lower Canada, passed in the second year of the Reign of Her Majesty, intituled, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, as amended by an Act passed in the seventh year of Her Majesty's Reign, intituled, *An Act to alter and amend certain provisions of the Ordinance of the Governor and Council of Lower Canada of the second year of Her Majesty's Reign*, intituled, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, and by an Act passed in the ninth year of Her Majesty's Reign, intituled, *An Act to amend the Act amending certain provisions of the Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, shall extend to and have force of law in every Town and Village Municipality hereafter erected or existing under the provisions of this Act; and that in every case where under any of the provisions contained in the said clauses of the said Ordinance so as aforesaid amended a Justice of the Peace may commit any person brought before him, in either of the cities mentioned in the said Ordinance, to the Common Gaoler House of Correction, it shall be lawful for any Justice of the Peace to commit any person brought before him in any such Municipality to imprisonment for any term not exceeding thirty days, either in the Common Gaol of the District, or in any lock-up-house or other place provided by the Municipal Council for that purpose.

Persons Qualified to Vote for Members of Local Councils.

XXVI. No person shall be entitled to vote at any election of Members of any Local Council, unless he be of the male sex, of the full age of twenty-one, and a natural born or naturalized subject of Her Majesty, nor unless at the time of giving his vote at such election, he be possessed as proprietor, either in his own right or in the right of his wife, and for his own proper use and benefit, or for the use and benefit of his wife, of a real estate in the Local Municipality in which the election is held, in *fief*, in *censive*, in *franc-aleu*, or in free and common soccage, of the yearly value of at least forty shillings currency, or shall hold, as a tenant or lessee, in such Local Municipality, an estate of the yearly value of at least five pounds currency, or shall be otherwise liable to assessment under this Act; nor unless, in either case, he shall have resided in such Local Municipality during at least the year next preceding the day of the opening of such election; nor at

any election after the first, unless he shall have paid all rates or local taxes due by him at any time before the election, whether the same were imposed for Municipal or Educational purposes.

Election of Councillors.

XXVII. A public meeting of the inhabitants qualified to vote shall be held in each Local Municipality, in the month of July, in the year one thousand eight hundred and fifty-five, in the month of January, one thousand eight hundred and fifty-eight, and in the month of January in every second year thereafter, for the general election of Local Councillors. Public notice of the meeting to be held in each Local Municipality for such General Election in the month of July, one thousand eight hundred and fifty-five, shall be given by the Registrar of Deeds for the County, or if part of the County be in one Registration Division and part in another, then by the Registrar for the Registration Division in which the greater part of the County lies, or if there be in the County two or more Registration Districts or Divisions, then by the Registrar of the first Registration District or Division, or the Registration District or Division Number one in the County, or, in his default, by his Deputy Registrar, and the term "Registrar" in any of the following provisions shall include the Deputy Registrar. Public notice of every such subsequent meeting shall be given by the Warden of the County, or in his absence or default by the Registrar; and the said Councillors shall be chosen from among the inhabitants of the Local Municipality, or if the same be a Parish or Township Municipality from among the inhabitants of any Town or Village Municipality, within the limits of such Parish or Township, whether they be or be not qualified to vote at such election; but no person shall be so elected unless at the time of such election he be possessed as proprietor, either in his own right or in the right of his wife, of a real estate held in *fief* in *censive* in *franc-aleu*, or in free and common soccage, in the Municipality of the value of one hundred and fifty pounds currency:

2. The Registrar or the Warden, as the ease may be, shall appoint a fit and proper person to preside at each of such meetings, and shall give to such person special notice of his appointment, and of the time and place at which the first session of the Councillors, elected at the meeting to be presided over by him, shall be held;

3. If on the day appointed for the general election of Local Councillors, the person named by the Registrar or Warden to preside at the meeting, be absent therefrom, then the senior Justice of the Peace there present, or in the absence of a Justice of the Peace, any person chosen from amongst themselves by a majority of the persons constituting such meeting, shall preside thereat, and perform, in so far as regards the said election and the proceedings consequent thereupon, the same duties as are required to be performed by the person appointed by the Registrar or Warden as aforesaid;

4. No person shall be disqualified for election as a Councillor because he presides at the Election;

5. The person presiding shall, during the election, be a conservator of the peace, and shall be invested with the same powers for the preservation of the peace and the apprehension, imprisonment, holding to bail, trying or convicting violators of the law, as are vested in the Justices

of the Peace, whether he do or do not possess the legal property qualification of a Justice of the Peace;

6. In order to maintain the peace and preserve order at every such election, the person presiding thereat may command the assistance of all Justices of the Peace, Constables and other persons residing in the County, and may also swear in as many Special Constables as he shall deem necessary; he may also commit to the charge and custody of any Constable or other person, on view, for any period not exceeding forty-eight hours, any person whom he shall find breaking the peace or disturbing public order at any such election, or he may, by a Warrant under his hand, commit, the offender to the common gaol of the district in which the Municipality is situated, or to any Lock-up-House or other place established for the safe keeping of prisoners in any Municipality within the County, for any period not exceeding ten days;

7. If there be more than seven Candidates at any election, the person presiding shall take down, or cause to be taken down, the votes of the electors present, in a Poll Book kept for that purpose, and shall declare such seven Candidates as have the largest number of votes in their favor, to be duly elected Councillors; and if an equal number of votes be polled for any two or more of the Candidates, the person presiding shall be entitled to vote, but in such case only; and he shall give his casting vote in favor of such Candidate or Candidates as he shall think fit; and he shall be entitled to give such casting vote, whether he be otherwise qualified to vote or not; and whenever the election is not opposed by more than three persons qualified to vote thereat, the person presiding shall declare the Candidates duly elected;

8. If the votes of all the electors present have not been polled by the hour of five in the afternoon of the first day of the said meeting, the person presiding shall adjourn the proceedings thereof to the hour of ten in the forenoon of the following day, when he shall continue to take down the votes; and he shall close the election at the hour of five in the afternoon of the said second day (whether any more votes remain to be polled or not) and shall then declare duly elected Councillors such of the Candidates as shall be entitled to be so declared elected;

9. If at any time after the votes have commenced to be polled, either on the first or on the second day of the said election, one hour elapse without, any vote being polled, it shall be the duty of the person presiding, after the expiration of the said hour, to close the said election and declare duly elected as Councillors such Candidates as shall be entitled to be so declared elected: Provided that no person shall have been within the last hour prevented from approaching the poll by violence, of which notice shall have been given to the person presiding;

10. Every person tendering his vote shall, before voting, if required by the person presiding, or by any one of the Candidates at the said election, or by any person representing any such Candidate, or by any inhabitant qualified to vote at the said election, take the following oath before the person presiding:

“I swear (or affirm) that I am entitled to take part in the “ proceedings of this meeting, that I am twenty-one years of age, that I am duly qualified to vote at this election, that I have paid all local rates or taxes due by me, and that I have not already voted at this election. So help me God.”

XXVIII. The person presiding at any such election shall, within two days from the close of the election, give special notice of his election to each of the Councillors so elected, and of the place, day and hour determined upon by the Registrar or Warden, and at which such Councillor will be required to attend, for the holding of the first session of the Council after such election. The Councillors so elected shall enter upon the duties of their office, as such, respectively on the day of their election, and remain in office until the day of the next general election, and thereafter until their successors are elected or appointed:

2. The person presiding at every such meeting shall, within eight days after the day appointed for such meeting by a letter under his hand, inform the Warden, or, if there be no such officer, the Registrar, of the result of such meeting, and (if an election took place,) of the names, occupation and residence of each of the Councillors elected thereat; and shall deliver up the Poll Book kept at such election, and certified by him, to the Warden or Registrar. And the Warden or Registrar, as the case may be, shall deliver to the Secretary-Treasurer of the County Council, without delay, if there be any such Officer, and, if not, immediately after his appointment, all such letters and Poll Books, together with a Certificate or Certificates of the public notice of all such meetings held in the County having been duly given.

XXIX. If any such meeting do not take place at the time appointed in the public notice, or if it take place and no election of Councillors be made, or less than five Councillors be elected thereat, the Registrar or Warden, so soon as the fact comes to his knowledge, shall notify the same to the Provincial Secretary, for the information of the Governor, who, if no election has taken place at such meeting, shall select and appoint seven Councillors duly qualified as aforesaid, and who, if any number less than five Councillors have been elected at such meeting, shall appoint a sufficient number of Councillors to complete the required number; and the Councillor or Councillors so appointed, shall have the same powers, perform the same duties, and be subject to the same penalties as if they had been elected:

2. The Councillors so appointed shall enter upon the duties of their office as such, respectively, on the day on which special notice of their appointment is given to them by the Registrar or Warden, and remain in office until the day of the next general election, and thereafter until their successors are elected or appointed;

3. The Registrar or Warden, in giving such special notice, shall also notify the Councillors so appointed of the place, day and hour at which the first session of the Council after such appointment is to be held; and the said day shall be some day between the first and second Sundays after such notice.

Sessions of Local Councils, Election or Appointment of Mayor, &c.

XXX. The seven Councillors elected or appointed in the manner by this Act prescribed, shall meet at the place, on the day, and at the hour determined upon by the Registrar or Warden for holding the first session of the Council after their election or appointment: and at all other subsequent sessions of the Council:

2. Four Members of the Council shall form a *quorum*;

3. On the first day of every such first session of the Council, the Councillors then present, after having appointed a Secretary-Treasurer, shall elect one of their number to be the Mayor of the Local Municipality; and every such officer shall be designated as "The Mayor of the Parish (or Township or Townships, or of the _____ part of the Parish or Township, or Town or Village, as the case may be) of _____" (here insert the name of the Local Municipality);

4. If no election of a Mayor take place as aforesaid on the first day of the said session of the Council, then the person who was elected Councillor by the greatest number of votes, or the senior in age of any two of such Councillors who may have been elected by an equal number of votes (such number being greater than the number recorded in favor of any other of such Councillors,) shall be the Mayor; and if any one or more of such Councillors have been elected, and the others appointed by the Governor, that one of the persons so elected by the greatest number of votes shall be the Mayor; and if all the said Councillors have been appointed by the Governor, then the Councillor first named in the letter making their appointment known, shall be the Mayor;

5. The Secretary-Treasurer of the Local Council shall, immediately after the Election or appointment of the Mayor, signify such Election or appointment to the Warden of the County or to the Registrar, if there be no Warden at the time of such Election or appointment.

Vacancies.

XXXI. Whenever any Councillor dies, or has been absent from the Local Municipality, or has been incapable to act as such through infirmity, illness or otherwise, for three calendar months, the remaining Councillors, shall at the next Meeting of the Council after such decease or after the expiration of the said three months choose from among the inhabitants of the Municipality another Councillor in the stead of the Councillor so deceased, absent or incapacitated: Provided always, that notwithstanding the decease, absence or incapacity to act of any such Councillors the remaining Councillors shall continue to exercise the same powers and perform the same duties as they would have been required to exercise or perform, if the decease, absence or incapacity to act of such Councillor, had not occurred:

2. If the Councillor in whose stead another has been elected as aforesaid, be the Mayor, then the Members of the Council shall, on the first day of the first session of the Council next after the election of his successor to the office of Councillor, elect another Mayor in the manner above prescribed;

3. Every Councillor so elected or appointed in the stead of another, shall remain in office for the remainder of the period for which his predecessor had been elected or appointed, and no longer.

Appointment of Certain Officers.

XXXII. In addition to the Officers which every Municipal Council is hereinbefore required to appoint, every Local Council, at its first General Session, or at a Special Session to be held within fifteen days from the first day of such General Session, shall also appoint:

Three Valuators; each of whom shall be possessed of a property qualification equal to that required of Municipal Councillors by this Act: The appointment of any person not so qualified shall be null and void, and each Valuator shall immediately after his appointment take an oath well and faithfully to fulfil the duties of his office;

And as many Inspectors and Overseers of roads and bridges, Inspectors of fences and ditches and Pound Keepers as such Council shall deem expedient.

Annexation of Parts of Parishes and Townships and of Extra Parochial Places.

XXXIII. For the purposes of this Act, subject to the exceptions hereinafter mentioned, the following territorial arrangements shall be made: Every extra-parochial place shall be annexed to one of the adjoining parishes in such county; and such extra-parochial place shall thenceforth, for all the purposes of this Act, form part of the said parish; every parish shall of itself form a separate Municipality, unless such parish be comprised and included in a tract of land erected into a township, in which case it shall not of itself form a separate Municipality, but shall form a part of the Municipality of such township:

2. Whenever a parish, or a township is situated partly in one County and partly in another, each part shall be annexed to some adjoining parish or township in the County within which it lies, unless there be, at least three hundred souls therein, in which case the said part of such parish or township shall of itself form a Municipality, under the name of "The Corporation of the "North," "South," "East" or "West" part (as the case may be) of the Parish or Township of _____" (here insert the name of the parish or township);

3. Every territory erected into a township beyond the limits of lands comprised and included in *fiefs* and seignories, and wholly situate in one and the same county, (whether such township be or be not wholly or in part erected into a parish) shall, except in the cases hereinafter provided for, form a Municipality under the name of the "Corporation of the township of _____" (insert here the name of the township);

4. When the population of a township does not amount to three hundred souls, such township shall not of itself form a Municipality, but shall in such case be annexed to some adjoining parish or township in the same county, and thenceforth it shall be and form part of the township, or parish to which it shall be thus annexed;

5. When a parish wholly situated in one and the same county shall include any town, village or township, no Councillors shall be elected in that part which shall be beyond the limits of such town, village or township, but such part of such Parish shall be annexed to some adjoining Parish or Township, except when there is in such part a population of, at least, three hundred souls, in which case, the said part of the said parish shall form by itself a Municipality, under the name of "The Corporation of the "North" "South," "East" or "West" "Part of the parish of _____" (here insert the name of the parish);

6. Every such annexation of an extra-parochial place, or of a parish or township, or part of a Parish or Township, to another Parish or Township, shall be made by a resolution of the County Council; and the Secretary-Treasurer of the Council shall, immediately after the passing of every such Resolution, give public notice of such annexation, not only by publishing a copy of such Resolution in the manner provided by this Act, with respect to public notices generally, but also by causing the same to be inserted in the English and French languages in at least one newspaper published in the District or in an adjoining District, if there be no newspaper published in the District where such annexation has taken place;

7. But whenever it shall appear by a general census, or by a special enumeration of the inhabitants, that the locality so annexed contains a population exceeding three hundred souls, the County Council shall by another Resolution declare that the Resolution under which such locality was so annexed, shall be revoked from the first day of January then next; and from and after the day so appointed for the revocation of the former Resolution, the locality therein mentioned shall cease to be so annexed, and shall thenceforward form a separate Municipality;

8. And the County Council may at any time, and shall, whenever required by any two or more persons resident in any locality so annexed, cause a special enumeration of the inhabitants thereof to be made by the County Superintendent or by some other Municipal Officer;

9. But if it appear from such enumeration that the locality so annexed does not contain a population of three hundred souls, the persons requiring such enumeration shall reimburse to the Council the costs thereof, for the payment of which costs the County Council shall require security from such persons before causing the enumeration to be made;

10. None of the provisions contained in the preceding paragraphs of this Section shall apply to the first General Election of Councillors; but every parish, township, or part or parts of a parish, or township, the inhabitants whereof are now entitled to elect two members of the County Council, shall, for the purposes of the said election, be considered as a Local Municipality, and shall elect seven Councillors, to compose the Local Council of such parish or township; and notwithstanding any change which may be subsequently made in the limits of such parish or township, the Councillors so elected shall continue to act as such until the second general election of Councillors;

11. And notwithstanding any of the foregoing provisions the following places, that is to say: the parishes of *St. Anicet*, *Ste. Julienne de Rawdon* and *St. Alphonse de Liguori*, in the District of

Montreal, the parishes of *St. Norbert d'Arthabaska*, and *St. Christophe d'Arthabaska*, in the District of Three-Rivers, all that portion of the Township of Shipton, in the District of St. Francis, comprising the first eight ranges thereof, to be designated hereafter as the Township of Shipton, and all the remaining ranges of the same Township to be designated hereafter as the Township of Cleveland, and the place known as *Mont Carmel*, and forming part of the parish of *La Rivière Ouelle*, in the District of Kamouraska, shall each form a separate municipality; all that part of Upton which comprises the eighth, ninth, tenth, eleventh, twelfth and thirteenth ranges of Upton shall, for the purposes of this Act, be annexed to and form part of the Parish of St. Hugues, and all the ranges of the said Township which now constitute the Parish of St. Ephrem d'Upton, shall form a separate Municipality.

Erection of Towns and Villages.

XXXIV. The erection of any tract of land into a town or village Municipality, shall take place in the manner hereinafter provided, that is to say:

1. Whenever a Petition is presented to any County Council by forty or more inhabitants qualified to vote at the election of Local Councillors, praying for the erection into a Town or Village Municipality of any tract of land lying within the limits of the Local Municipality in which the petitioners reside, and clearly defined in such Petition, the County Council shall refer such Petition to the County Superintendent, with an order to visit the said tract of land and to report on the said Petition;
2. The County Superintendent shall give public notice of the day and hour at which he shall visit such tract of land and commence his examination thereof, and shall hear all parties;
3. If there be not at least sixty inhabited houses erected upon some part of such tract, within a space not exceeding thirty superficial arpents, the County Superintendent shall report the fact to the County Council, whose duty it will be in such case to reject the Petition;
4. But if the said number of inhabited houses be erected on such tract within the said space of thirty superficial arpents, the County Superintendent shall define in his Report and describe in a Plan accompanying the same, the limits which, in his opinion, should be assigned to the said tract of land when erected into a separate Municipality; and if the limits so defined and described by the County Superintendent are different from the limits mentioned in the said Petition, the County Superintendent shall specify in his Report the motives of such deviation;
5. After having made and signed such Report, the County Superintendent shall deposit a copy thereof and of the plan accompanying the same in the office of the County Council;
6. The County Council may homologate every such Report, with or without amendment, after having caused public notice to be given to the inhabitants of the Local Municipality from which it is proposed to detach such tract of land of the day and hour at which they shall proceed to the

examination thereof, and after having heard the County Superintendent and the parties interested, (if required to do so), upon the merits thereof;

7. If after the lapse of two months from the day of the deposit of a copy thereof in the office of the County Council, no amendment have been made to the said Report, it shall be considered as having been homologated by the County Council;

8. But if before the expiration of that time the said Report be amended by the County Council, the County Superintendent shall enter upon the original or on a paper annexed thereto all such amendments as the County Council may have made upon or annexed to the copy thereof;

9. In either case the County Superintendent shall after the expiration of the said period of two months transmit to the Provincial Secretary a true copy of the said Report and of any amendments which may have been made thereto, and of all plans and other documents connected therewith;

10. It shall thereupon be lawful for the Governor of this Province by an Order in Council, to approve or reject the said Report, whether the same be amended or not by the said Municipal Council, or to modify or amend the same in such manner as shall be deemed expedient;

11. If, by the said Order in Council, the said Report be approved, with or without amendments, then it shall be lawful for the Governor to issue a Proclamation under his hand and seal, declaring the name to be given and defining the limits to be ascribed to such tract of land as a separate Municipality;

12. From and after the first day of the month of January next after the expiration of the two months immediately following the date of the said Proclamation, every such tract of land the limits whereof shall have been so defined, shall be considered as detached from the Local Municipality whereof it shall have theretofore formed part, and its inhabitants shall be a corporation or body politic, to all intents and purposes whatsoever, by the name of "The Corporation of the Town or Village of (as the case may be) _____" (here insert the name of the Town or Village);

13. The said Proclamation shall be published in the *Canada Gazette*, and at least two copies of such Proclamation duly certified by the Provincial Secretary, shall be by him sent to the County Superintendent, whose duty it shall be to give public notice thereof;

14. The Municipal Council of any Parish or Township Municipality may hold their Sessions, in any Town or village within the limits of such Parish or Township after the erection of such Town or Village into a separate Municipality, as well as before;

15. But the inhabitants of every Town, Borough or Village, now erected into a separate Municipality shall, notwithstanding the preceding provisions of this section, at the first general election of Councillors, elect seven Councillors to compose the Local Council of such Municipality, which shall continue to exist as a separate Municipality within its present limits until the same shall

be changed under the foregoing provisions; and the Councillors so elected shall continue to act as such until the second general election, whether in the meantime, the limits of the Municipality be or be not changed: Provided always, that upon a Petition presented by at least two thirds of the assessable inhabitants of any Town, Borough or Village, now being or hereafter to be erected into a separate Municipality, the Governor may issue a Proclamation uniting such Town, Borough or Village to some adjoining Local Municipality, if satisfied that such union will promote the interests of such Town, Borough or Village.

Contested Elections.

XXXV. If the election of all, or of one or more, of the Councillors of any Local Municipality be contested, such contestation shall be decided by the Circuit Court sitting in the Circuit within the limits of which the place of election is situate:

2. Every such election may be so contested by one or more of the Candidates or at least ten of the inhabitants qualified to vote at such election;
3. The said contestation shall be brought before the Court, by a petition signed by the petitioner or petitioners, or by an Attorney duly authorized, setting forth in a clear manner the grounds of such contestations;
4. A true copy of the petition, with a notice stating the day on which the said petition will be presented to the Court, shall be first duly served upon the Councillor or Councillors whose election is contested, at least eight days before the day on which the said petition shall be presented to the Court; and a return of the service shall be drawn up and signed in due form upon the original of the said petition by the person who shall have made such service; but no such petition shall be received after the term next following the election thereby contested, unless such election took place within the fifteen days next preceding the first day of such term, in which case any such petition may be presented on the first day of the second term, but not later; nor shall any such petition be received unless security for costs be given by the petitioners;
5. If the Court be of opinion that the grounds set forth in the petition are sufficient in law to void the election, it shall order proof to be adduced, and the parties interested to be heard on the nearest day which it shall deem expedient; and shall proceed in a summary manner to hear and try the said contestation; the evidence may be taken down in writing or given orally in whole or in part, as the Court shall order; and if the trial of such contestation be not concluded at the close of the term of the Court during which it began, the Judge shall continue the same in vacation, and shall adjourn from day to day until he shall have pronounced his final judgment upon the merits of the same; and every such judgment so pronounced and all proceedings had in any such case in vacation, shall have the same effect as if the same had been pronounced or had in term;
6. The Court may on such contestation confirm the Election, or declare the same to be null and void, or to declare another person to have been duly elected, and may in either case award costs to or against either party, which costs shall be taxed and recovered in the same manner, and by

the same means, as costs are taxed and recovered in actions of the first class brought in such Circuit Court; and the Court may order its judgment to be served upon the Warden, or if there be no such Officer upon the Registrar of the County, by such person as it shall appoint for that purpose, at the expense of the party condemned to payment of costs as aforesaid;

7. If any defect or irregularity in the formalities prescribed for the Election be set forth in any such petition, as a ground of contestation, the Court may admit or reject the objection, according as such defect or irregularity may or may not have materially affected the Election;

8. If such Election be declared void, the Warden, or if there be no such Officer, the Registrar, as soon as he hath cognizance thereof, shall call a meeting of the inhabitants of the Local Municipality, and shall proceed to the Election of another Councillor or Councillors in the stead of the Councillor or Councillors whose Election shall have been so declared null and void, and the same formalities shall be observed at such Election as are required to be observed at every General Election of Councillors;

9. The Election of the Mayor of any Local Municipality or of the Warden of any County, may also be objected to and contested, and such contestation may be proceeded upon and decided in the same manner, and by the same means, as the contestation of the Election of a Councillor or Councillors; but no such Election of a Mayor or Warden shall be so objected to or contested by any other than a Member of the Council who shall have elected him;

10. If by the judgment of the Court the Election of a Mayor or of a Warden be declared null and void, then it shall be the duty of the Council to proceed to the Election of a person to serve in his stead as such Mayor or Warden, within one month from the date of such judgment.

Appointments by the Governor.

XXXVI. Whenever a calendar month has elapsed after the time when any Chief Officer of a Municipal Council, or any Municipal Councillor or Councillors should have been elected either by the inhabitants of a Municipality, or by a Municipal Council, or when any Officer should have been appointed by any Municipal Council, under any of the provisions of this Act, which precede this section, the Chief Officer of such Municipal Council, or in his absence, or upon his default, the Registrar of the County, shall, by letter under his hand, addressed to the Provincial Secretary, inform the Governor of the fact, and the Governor shall thereupon appoint such Councillor or Officer; and every such appointment shall be made known by a letter under the hand of the Provincial Secretary addressed to such Chief Officer or Registrar, who upon receipt thereof shall give special notice of such appointment to the person so appointed, and also to the Secretary-Treasurer of the Council of the Municipality for which such person is appointed:

2. After the expiration of forty-five clear days from the time when such Election or appointment should have taken place under any of the provisions of this Act which precede this section, the Chief Officer of the Council (if there be any such Officer) and the Registrar shall be held to be in default of giving such information if neither of them has in the interval addressed and transmitted

to the Provincial Secretary the letter required by the last paragraph: And in such case the Governor shall make such appointment upon being informed of the vacancy required to be filled up by any two persons qualified to vote in the Municipality.

Moneys, Debts and Property of Municipalities Hereby Abolished.

XXXVII. All moneys which at the time this Act shall come into force, shall be or ought to be in the hands of the Secretary-Treasurer of any Municipality, and which shall belong to any such Municipality which will then cease to exist, shall be paid into the hands of the Secretary-Treasurer of the County in which the place where the sittings of the Council of such Municipality were held is situate, and shall be at the disposal of the Council of the said County, to be applied first to the discharge of the debts and expenses of the Municipality so ceasing to exist, and afterwards to the discharge of those which the said County Council may have itself contracted, saving the recourse of any other County of which any part may have been within the Municipality so ceasing to exist, for a share of such moneys proportionate to the population of such part as compared with that of the whole Municipality so ceasing to exist:

2. The County Council shall have a right of action, for the recovery and payment of all such moneys as aforesaid; and the said moneys shall be afterwards employed or paid by the Secretary-Treasurer according to the order which he may receive from the said County Council, in pursuance of the provisions aforesaid;

3. All assessments or rates of any kind whatsoever, which at the time this Act shall come into force", shall be due to any such Municipality ceasing to exist, shall belong respectively and shall be paid to the Local Municipality within the limits of which they shall have been imposed, in the same manner as if the said assessments or rates had been imposed in the said Local Municipality by and in virtue of this Act;

4. From and after the day when this Act shall come into force, all the property, moveable as well as immoveable, which shall then belong to any County Municipality ceasing to exist, shall belong to the County Municipality created by and in virtue of this Act within which the place where the sittings of the Council of the Municipality ceasing to exist were held is situate, in the same manner as if the said property had been acquired by the said last County Municipality; saving the recourse of any other County of which any part may have been within the Municipality so ceasing to exist for a share of the value of such property proportionate to the population of such part as compared with that of the whole Municipality so ceasing to exist;

5. The debts, contracts and agreements of any Municipality which shall cease to exist by virtue of the coming into force of this Act, shall thereafter be the debts, contracts and agreements of and shall be recoverable or enforceable by or from the County in which the place where the sittings of the Council of the Municipality so ceasing to exist were held is situate, in the same manner as if the said debts had been contracted by and the said contracts and agreements had been entered into by the latter Municipality, saving the recourse of such County to recover from any other County within the limits of which any part of the Municipality ceasing to exist was situate, a share of any

sum paid in discharge of any such debt, proportionate to the population of such part of such Municipality as compared with the whole population thereof; and it shall be lawful for any County Council to cause a rate or rates to be levied on the assessable properties in any locality within such County forming a separate Municipality, or part of a Municipality, or parts of several Municipalities, for the payment of any debt or debts contracted or work or works done for the advantage of any such locality by any County or Parish Municipality heretofore existing, or upon the whole County if such debt or debts was or were contracted or such work or works for the benefit of the whole County; and every such rate may be levied for the satisfaction of any equitable claim, whether such debts were contracted or such works performed according to the formalities required by law or not;

6. The population referred to in this section shall be that established by the now last census.

Delivery of Papers, &c.

XXXVIII. Every person who shall have held the office of *Grand Voyer*, or any Municipal Officer under any Act or law relating to the Municipal or Road system, and the heirs, testamentary executors or curators of any such officer who may be dead or absent from Lower Canada, shall deliver to the Secretary-Treasurer of the Municipal Council of the County to which they relate, within fifteen days after the time when this Act shall come into force, or if such Secretary-Treasurer be not then appointed, within eight days of his appointment, all books, registers, *Procès-Verbaux*, assessment rolls, resolutions, copies of judgment, maps, plans, returns and other documents and papers in his or their possession, or under his or their control, relating to such office, to remain deposited and of record in the office of the Council and in the custody of the Secretary-Treasurer:

2. The Secretary-Treasurer of each County Council shall have a right to take possession of all and every such books, papers and other things wherever he may find the same, in the event of their not being delivered to him by the proper officer or person within the delay hereinbefore allowed, and shall also have a right of action to recover the same with damages, as indemnity to the County Council and costs, before any Circuit Court, by *saisie revendication* or otherwise from such officer or from his heirs, executors or curators, or from any other person having possession thereof. And judgment in every such action by which delivery or the payment of damages or both shall be ordered, may be enforced by *contrainte par corps* against the person condemned, according to the laws in force in such cases in Lower Canada, if by the declaration such *contrainte* is demanded.

Roads, Bridges and Other Public Works.

Classification and General Provisions Applicable to Them.

XXXIX. Roads, Bridges and other Public Works shall, for the purposes of this Act, be divided into three classes:

1. Provincial Works comprising all Roads, Bridges and other Public Works made and held by the Provincial Government;

2. County Works comprising all Roads, Bridges and other Public Works made or maintained at the expense of a County or of several Counties, or of the Inhabitants or any number of the Inhabitants of more than one Local Municipality in a County; and

3. Local Works comprising all Roads, Bridges and other Public Works made or maintained at the expense of any one Local Municipality, or of the Inhabitants of any portion thereof.

XL. Roads are further distinguished as Front Roads and By-Roads:

1. Front Roads are those whose general course is across the lots in any Range or Concession, and which do not lead from one Range or Concession to another in front or in rear thereof;

2. By-roads (*routes*) are those whose general course is lengthwise of the lots in any Range or Concession, or which lead from one Range or Concession to another in front or rear thereof, or to a Banal Mill, or to a Bridge or Ferry not on the line of a front road; and all other roads not being front roads; but any Council may, by Resolution, declare any other road to be a By-Road;

3. A front road passing between two Ranges or Concessions is the front road of both, unless one of them only has another front road, in which case it is the front road of the Range or Concession not having another front road; but any Council may, by Resolution, declare any other road to be a front road;

4. That part of the front road of any Range or Concession, which is upon, or in front of, any Lot, is the Front Road of such Lot.

XLI. No front road hereafter to be opened shall be less than thirty-six feet French measure, in width:

2. No By-road and no road leading to a Banal Mill hereafter to be opened, shall be less than twenty-six feet French measure, in width;

3. Nothing herein contained shall be construed to prevent any road from being made wider than is above provided, if it be so ordered by *Procès-Verbal*, or By-law;

4. Except where it shall be otherwise provided by some *Procès-Verbal* or By-law, there shall be on each side of every road a ditch three feet in width, properly constructed and having sufficient fall in the direction of its length, to carry off the water; and there shall be small drains across the road at all places where the same may be necessary for the free passage of the water from one ditch to the other; these ditches and drains shall be held to be part of the road;

5. Ditches may be dispensed with or may be made of less width than is above provided, if the nature of the ground render it advisable, and if it be so ordered by any *Procès-Verbal* or By-laws;

6. If, in order to convey the water from off any road, it be deemed necessary to make any water course upon or through the lands of any person, such necessity shall be declared by the *Procès-Verbal* or By-law which shall regulate the making and maintaining such water course as part of the work belonging to the Road: and if any *Procès-Verbal* or By-law touching any such water course, be in force at the commencement of this Act, it shall remain in force until annulled or altered by a *Procès-Verbal* or By-law under this Act;

7. Every person upon whose lands such water course shall have been directed to be made, shall be bound to allow the same, and to allow free access thereto for the purpose of making and maintaining it; being first compensated (if he has not before received compensation) in the manner hereinafter provided;

8. Every road declared a Public Highway by any *Procès-Verbal*, By-law or Order of any Grand Voyer, Warden, Commissioner or Municipal Council, legally made, and in force when this Act shall commence, shall be, held to be a Road within the meaning of this Act, until it be otherwise ordered by competent authority;

9. And any road left open to and used as such by the public, without contestation of their right, during a period of ten years or upwards, shall be held to have been legally declared a Public Highway by some competent authority as aforesaid, and to be a Road within the meaning of this Act;

10. The ground occupied by any road shall be vested in the Local Municipality in which it lies, and such road may be discontinued, or its position in any part may be altered by *Procès-Verbal*, but shall not otherwise be alienated; - and whenever a road is discontinued, if the land on each side belong to the same person, the said ground shall *pleno jure* become the property of such person, — or if the land on each side belong to two different owners, then half the breadth of the road shall become the property of each of them, unless one of them shall have furnished land for a road in the place of that so discontinued, in which case the whole shall become his property;

11. It shall not be lawful for any person to drive at any pace faster than a walk over any bridge exceeding twenty feet in length, unless such bridge be wholly of brick or stone, — or to cut, deface or injure any part of any bridge, rail or post, or any mile stone or mile post, or- any inscription thereon, or any work or thing forming part of or serving to the use of any road, or any trees lawfully planted on any side-walk, or in any way to obstruct or render inconvenient or dangerous the use of any road; and for every such offence the offender shall incur a penalty not exceeding twenty shillings, nor less than five shillings currency.

Ferries.

XLII. Ferries in cases where both sides of the river or water to be crossed lie within the same local Municipality, shall be under the control of the Municipal Council thereof:

2. Ferries, in cases where both sides of the river or water to be crossed lie within the same county, but not within the same local municipality, shall be under the control of the County Council;

3. The moneys arising from any license for a ferry shall, if the ferry be under the control of a local municipality, belong to such municipality, and if it be under the control of the County Council, they shall belong one moiety to each of the local municipalities between which the ferry lies; and such moneys shall be applied to road purposes;

4. Ferries, in cases where both sides of the river or water to be crossed shall not lie within the same county, shall continue to be regulated and governed as they now are;

5. Nothing herein contained shall be construed to enable any Municipal Council to authorize any person to keep a ferry within the limits for which an exclusive privilege has been granted by law to the proprietor of any toll-bridge;

4. Any person acting as a ferryman at any such ferry under the control of any Municipal Council without a license from such Council or beyond the limits assigned to him by such license, shall incur a penalty of twenty shillings currency for each person or thing so ferried over by him.

Fords Over Rivers.

XLIII. Fords over Rivers shall be kept free from loose stones, and impediments, and the bottom kept as smooth and even as practicable, and such fords shall be properly marked out with poles or *balises*.

Winter Roads.

XLIV. From the first day of December, in each year, until the first day of April, in the next following year, all fences by the sides of Roads and all line fences, or fences making an angle with a road, to the distance of at least twenty- five feet from it, shall be taken down to within twenty-four inches from the ground, leaving only the upright posts or pickets standing above that height, except only within the limits of Villages, and in places where the fences stand at least twenty-five feet from the side of the Highway, or where in-consequence of hedges, or fences not removeable without great expense having been erected, the County Superintendent shall permit them to remain, on such conditions as he may think proper:

2. Winter roads upon the snow shall be made in such places as the Inspectors shall from time to time determine;

3. They may be carried upon or through any field or inclosed ground, except such as may be used as orchards, gardens or yards, or as may be fenced with quick hedges or with fences which cannot

without great difficulty or expense be removed or replaced, through which they shall not be carried without the consent of the occupant;

4. They shall be kept in order by the persons who are bound to keep the same roads (or the roads for which they are substituted) in repair in summer, including the Municipality when so bound;

5. For the purpose of making and maintaining Winter Roads on the frozen surface of rivers, lakes and other waters flowing or lying between two or more Municipalities, the powers, duties and authority of the Councils of the several Municipalities lying on each shore and of their Officers respectively, shall extend beyond the ordinary limits of such Municipalities, as far as the centre of every such River, Lake or other Water;

6. Every such Road shall be maintained by the Local Municipality through whose limits as defined by this Section, it passes, unless it has been substituted for a summer Road, in which case, if parties other than the Municipality were bound to keep the summer Road in repair, the same parties shall maintain the winter Road;

7. Every such Road leading from one Local Municipality to another (such Local Municipalities not being situate or fronting on the River St. Lawrence) shall be traced out and maintained at the joint expense of both Municipalities, and under the joint direction of the Inspectors of both Municipalities;

8. Every such Road across the St. Lawrence shall be traced out and maintained at the joint expense of the two County Municipalities immediately connected by such Road, and under the joint direction of the County Superintendents of both Counties; Provided always, that when either end of such road across the St. Lawrence shall terminate at an Incorporated City or Town, or within two miles of the limits thereof, such City or Town Municipality shall bear one half, and the County Municipality on the opposite side shall bear the other half of the expense of the making and maintenance of such road; And provided also, that the County Municipalities on the North S liege of the St Lawrence having roads leading to the Island of Montreal, with the exception of the Corporation of the City of Montreal, shall be exempt from contributing towards the tracing out or maintaining of any such Road leading to the Island of Montreal; but all such Roads, except those terminating at, or within two miles from, the City of Montreal, shall be traced out and maintained by the County Municipalities respectively on the South Shore of the said River from which they lead; and the winter roads leading to the Island of Montreal from the County of L'Assomption, shall be traced out and maintained by; that County;

9. The County Superintendent may, under a Resolution of any Council, order that any winter road may be made double, having a row of balises in the middle, and a track on one side thereof for vehicles going in one direction, and on the of her for those going in the opposite direction; and the said Superintendent may, from time to time, make such other general or special orders concerning the mode of keeping the said Roads as he may deem expedient, and such orders shall be binding on the Road Officer acting under him and on all parties concerned;

10. All Winter Roads shall be marked by balises of spruce, cedar, hemlock, pine or other wood, of at least eight feet in length, which shall be fixed at a distance of not more than thirty-six feet one from the other, on each side of the road, if the road be single, and in the middle of the road, if it be double.

By Whom Roads Are to Be Made and Maintained in the Absence of Any By-Law or Proces-Verbal
Regulating the Making and Maintenance Thereof.

XLV. If there be no valid *Procès-Verbal*, By-law or Order, providing otherwise, then —

1. The Front Road of each Lot is to be made and kept in repair by the owner or occupant thereof; and if there be two or more owners or occupants, then by them jointly and severally, saving their recourse against each other; but the owner or occupant of any Lot shall not be bound to make or repair more than one Front Road on the breadth of such Lot, unless such Lot be more than thirty arpents in depth; and if there be more, than one front road on any Lot not exceeding that depth, and it be not regulated as aforesaid which of them shall be made and maintained by the owner or occupant thereof, then the Inspector of Roads for the division shall, on the application of such owner or occupant, declare which of such Front Roads shall be made and maintained by him, and the other or others shall be made and maintained as a By-Road;

2. But every Ford and every Public Bridge shall be made and maintained by all the owners or occupants of Lots in-the Parish or Township, on the Front Road upon; which they are situate;

3. By-roads shall be made and maintained by the owners or occupants of the Lots in the Concession to which they, lead from a front or older Concession, in proportion to the frontage of the lots so occupied by them;

4. Except that Every By-road leading to a Mill, Ferry or Toll-Bridge, shall be made and maintained by the occupant of such Mill, Ferry or Toll-Bridge;

5. Front roads on ungranted Lands of the Crown shall be made and maintained as By-Roads;

6. The work necessary for keeping in repair By-roads and Roads to be made as such, and Public Bridges, shall not be done by the labour of the parties bound to maintain the same, but by contribution in money; and the Inspector of Roads for the Division shall, after public notice, give but such work in the month of October for the ensuing winter, and in the month of March for the ensuing summer, to the lowest bidder, who shall give satisfactory security for the proper performance of the work; and the sum required to pay for such work shall be paid by the persons liable therefor, in the proportions above mentioned, when not liable for the whole amount of the expenses;

7. Streets in Towns and Villages shall be deemed roads, and made and maintained accordingly, unless the Municipal authorities thereof shall provide for their being made and maintained in some other way;

8. The burden of proving that any road is not subject to the foregoing provisions, shall always be upon the party claiming exemption from them.

Existing Procès-Verbaux and By-Laws Continued Until Repealed.

XLVI. Every *Procès-Verbal*, By-law or Order touching any road or bridge in force at the commencement of this Act, shall remain in full force until it be repealed or altered by competent authority:

2. Any apportionment of any work among the persons jointly bound to perform the same, legally made and in force at the commencement of this Act, shall remain in force until the time for which it was made shall expire, or until, altered under this Act;

3. Every such *Procès-Verbal*, By-law or Order as aforesaid, may be annulled, repealed or altered by a *Procès-Verbal* or By-law made under the authority of this Act;

4. No *Procès-Verbal* or By-law shall discharge any inhabitants of any County from their obligation to perform work in another County, unless it be a *Procès-Verbal* or By-law of the County in which the work is to be performed. But hereafter no owner or occupant of a lot in one County shall be made liable to work in respect of such lot in another County except on some road of common interest to two or more Counties, on which by a *Procès-Verbal* homologated in the manner provided by this Act for such cases, he may be bound to work, or unless such road be the Front Road of his lot;

5. No *répartition* or apportionment of labor made under any *Procès-Verbal* or By-law, shall be set aside or declared void solely by reason of its having been made or calculated upon the superficial contents or the breadth of the lots to which it relates, although the law may have required it to have been made according to the value of such lots; but every such apportionment shall be considered legal, and shall have full force and effect until it be set aside or altered by some *Procès-Verbal* or By-law homologated or passed under this Act.

New *Procès-Verbaux*.

XLVII. Whenever a representation is made to the County Superintendent, either by a Resolution of the County Council, or of any Local Council, or by a petition addressed to him by not less than five persons interested in the matter and qualified to vote for the Election of Local Councillors within such County, to the effect that provision should be made for the opening, constructing, altering, widening or maintaining of any Road, or for any other public work within such County, or partly within and partly beyond the limits thereof, it shall be the duty of such County Superintendent to visit the place or places where such work is to be done:

2. Before proceeding to make such visit, the County Superintendent shall give public notice to the inhabitants interested in such public work, of the day, hour and place at which he shall meet such

inhabitants, or such of them as may attend to be heard for or against the performance of such work, or with the view of communicating to him any information relating thereto;

3. After having made such visit and heard such of the said inhabitants as may have required to be heard in relation; to such work, the County Superintendent, if he considers that the work in question should not be done, shall make a report thereon, stating the ground of his opinion; but if he be of opinion that the work should be performed, he shall draw up a *Procès-Verbal* or report, shewing the nature of the work, the manner in which, the means by which, and the persons by whom, it is to be done;

4. Every such *Procès-Verbal* shall determine — the position and description of the road, bridge or thing to which it relates, — the work to be done and (if requisite) the time within which it is to be completed, — the lands by the owners or occupants of which it is to be done, and if the owners or occupants of any of such lands are more interested than the owners or occupants of others of them, then the proportion of the work to be done by each, — distinguishing also what part of the contributions shall be in money and what part in work or materials, and to what officers, and where any such contribution in money must be paid or the materials delivered, (and in the last case,) when they are to be paid or delivered, and under the superintendence of what Officers the work or any portion thereof is to be done, — and all other particulars necessary for indicating fully and clearly what is to be done, by whom, when and in what manner;

5. In fixing the share of work, materials or money to be contributed by the owners or occupants of the several lots in any local division, regard shall be had to the value of such lots, and the buildings and improvements thereon, and not to their mere extent, such value being taken from the Valuation Roll, if any be in force when the *Procès-Verbal* is made, or if there be none, then according to the estimate of the County Superintendent; but the share so fixed shall not be affected by any subsequent valuation, unless the *Procès-Verbal* be altered;

6. When the nature of the work shall allow it, the portion of the road which is to be made by the owner or occupant of each lot respectively, shall be defined and described in the *Procès-Verbal*, that it may be afterwards marked out on the ground, by the proper Road Officer; and whenever it shall appear to the County Superintendent that by reason of the nature of the ground over which the front road of any lot passes, or by reason of the oblique direction in which it passes in crossing the breadth thereof, or from other circumstances, the quantity of work to be done by the owner or occupant of such lot would exceed by more than one half the average quantity of work on the front roads of other lots of like value in the same Concession, he may by any such *Procès-Verbal* relieve the owner or occupant of such lot from making or maintaining a certain described portion of such front road, and order that the same be made by joint labour and contribution, as in the case of a By-road or Public Bridge;

7. In every new *Procès-Verbal*, the general rules hereinbefore established with regard to cases where there is no *Procès-Verbal*, shall be followed.

XLVIII. It may be ordered by any such *Procès-Verbal* —

1. That any-public Bridge be constructed of stone or brick, or other material, or partly of one and partly of another, and of certain dimensions, and according to plans and specifications attached to the *Procès-Verbal* therein referred to, and which may be amended by the proper Council or by a Board of Delegates as forming part thereof;
2. That proper fences, hand-rails, and other like defences, be placed at the side of any road where it passes near or borders upon any precipice, ravine or dangerous place;
3. That any part of a road through a swamp, or wet ground, be made with fascines of brushwood, or paved with square timber, describing the mode of construction;
4. That any road be or be not raised in the middle, and that any specified kinds of materials shall or shall not be used in making or repairing it;
5. That the timber where the road passes through uncleared lands be cut down for the space of twenty feet on each side of it, except such trees as form part of a maple grove destined for the manufacture of sugar, or as may be reserved for ornament to the property;
6. And generally, the mode of constructing and repairing the road and the work may be ordained by any such *Procès-Verbal*, due regard being had to the situation of the road, the travel over it, the more or less advanced state of the settlements to and from which it leads, and the circumstances of the parties by whom it is to be made and maintained.

XLIX. The County Superintendent shall, within eight days from the day appointed for visiting the place where the work is to be done as aforesaid, deposit his *Procès-Verbal* in the office of the Council of the Local Municipality, the Inhabitants or any portion of the Inhabitants of which such work may concern, if the inhabitants of no more than one Local Municipality are interested therein, or, in the office of the County Council, if the Inhabitants of more than one Local Municipality in such County are interested therein; and it shall be the duty of the Council in whose office such *Procès-Verbal* is deposited to examine and revise the same:

2. But every such Council, before proceeding to any such examination or revision, shall cause public notice to be given, through their Secretary-Treasurer, to the Inhabitants of the Municipality or Municipalities interested in the work to which such *Procès-Verbal* relates, of the day, hour and place at which the Council shall proceed to the examination or revision of such *Procès-Verbal*;
3. And whenever the work to which any such *Procès-Verbal* relates concerns, or is to be made, or maintained by, the Inhabitants of more than one County, the County Superintendent shall, within thirty days after the day appointed for such visit, give special notice to the Delegates appointed under this Act in each of the Counties interested in such works, of the day, hour and place at which they shall meet, to examine and revise such *Procès-Verbal*; and he shall also give Public Notice of such intended meeting to the Inhabitants of the several Local Municipalities interested in such work;

4. It shall be the duty of the Delegates so notified and of the County Superintendent by whom such notice is given to attend at the time and place so appointed; and the said Delegates, when assembled, shall form, and be designated as the Board of Delegates from the several Counties interested in the work to which such *Procès-Verbal* relates;
5. Any number above the one half of the Delegates so notified to attend any such meeting of Delegates, shall form a *quorum*; and whenever the Delegates present at any such meeting are equally divided in opinion upon any question submitted to them, the County Superintendent by whom such meeting was convened shall give a casting vote; but shall not otherwise have a right to vote at any such meeting;
6. The Secretary-Treasurer of the County Council of the County in which the County Superintendent whose *Procès-Verbal* is submitted to such Board of Delegates holds office, shall act as the Clerk of such Delegates during their meeting; and it shall be the duty of such Secretary-Treasurer to make a minute of their proceedings and to deposit the same in the office of the Council of which he is Secretary-Treasurer, to form part of the. Records thereof;
7. Every such Local Council, County Council or Board of Delegates, before deciding upon the merits of any *Procès-Verbal* so submitted for their examination or revision, shall hear the persons interested in the work to which such *Procès-Verbal* relates, and the County Superintendent of every County interested therein, or any of such persons who may be in attendance at the time and place appointed for such examination and Revision, and may require so to be heard;
8. Every such Council or Board of Delegates may homologate without alteration, or with such amendments as they may deem just and expedient, any *Procès-Verbal* so submitted to their examination or revision; and every such *Procès-Verbal* shall remain in force as so homologated or amended from the day of the date of such homologation or amendment;
9. And if any such *Procès-Verbal* remain deposited in the office of any Council for a period of thirty days without having been homologated or amended, every such *Procès-Verbal* shall be considered as having been duly homologated, and shall remain in force from the day of the date of such deposit;
10. And if the Delegates whose duty it may be to examine or revise any such *Procès-Verbal* fail to meet at the time appointed for such meeting, or having met, close such meeting, either formally or by adjourning sine die, without having amended or homologated the same, such *Procès-Verbal* shall be deposited by the County Superintendent who has made the same in the office of the County Council of the County in which he holds office, and the said *Procès-Verbal* shall be considered as having been duly homologated and shall remain in force from the day of the date of such deposit;

11. It shall be the duty of the County Superintendent, who shall have the custody of every *Procès-Verbal* homologated as aforesaid and concerning more than one County, to deliver a copy thereof duly certified by him, to the County Superintendent of every other County interested therein;

12. Every *Procès-Verbal* made under the authority of this Act shall be in duplicate. One duplicate shall be deposited of record in the office of the County Council of the County in which the County Superintendent who has made such *Procès-Verbal* holds office, if the work to which such *Procès-Verbal* relates be a County work, or in the office of the Council of the Local Municipality which it concerns, if it be a Local work, and the other duplicate shall be deposited of record in the Office of the County Superintendent who shall make upon or annex to the last mentioned duplicate, a true copy or copies of all amendments made to such *Procès-Verbal* by any competent authority;

13. Any *Procès-Verbal* made under this Act, may be repealed, altered, amended or explained at any time by another subsequently made in like manner.

Councils May Raise Money for Making Roads and Bridges, By Assessment.

L. Provided always, That the Council of any Municipality may raise by Assessment any sum of money for making or maintaining the Roads and Bridges therein, or any of them, and may apply the sum so raised to that purpose in such manner as they shall think proper, notwithstanding any thing to the contrary in any *Procès-Verbal* contained.

LI. The Council of any Local Municipality may, by any By-law to come into force on the first day of January next after the expiration of three months, from the time of its passing, enact that the roads in such Local Municipality, or which the inhabitants of such Local Municipality, or any of them, are bound to make and maintain, shall thereafter be made and maintained solely by moneys to be raised for that, purpose by Assessment and by Statute Labour; and from the time such By-law shall take effect, and while it shall be in force, so much of any *Procès-Verbal* as determined by the owners or occupants of what lands in such Local Municipality any road shall be made or maintained, shall cease to have effect, nor shall the owner or occupant of any land therein mentioned be bound to make or maintain the front road of such land; but that part of any *Procès-Verbal* which describes the work to be done and its nature and quality shall remain in full force, and be binding on the Municipality; nor shall any power of the County Superintendent or of any Road Officer, or any provision of this Act be affected by such By-law, except only as by this Section expressly provided.

During the time such By-law shall be in force —

2. The amount of statute labour to which any party would otherwise be liable, shall be doubled by virtue of this Act, and may, in the discretion of the Council, be further increased;

3. The Municipality shall be bound to make and maintain all roads and bridges within the same, and also those beyond the limits thereof, which without such By-law, any of the owners or occupants of lands within the Municipality would have been bound to make or maintain, and

generally to perform all road work for which any such owner or occupant would otherwise have been liable; and it shall be the duty of the County Superintendent, and of the Road Officers, to see that the roads are made and maintained by the Municipality in the manner required by law and by the *Procès-Verbal* regulating the same respectively, and to require the Municipality so to make and maintain them, and to prosecute the Municipality for any default so to do;

4. The Municipality shall be liable for all damages arising to any party from the non-performance of any obligation imposed on it by this section; and shall be liable to the same penalty for neglect or refusal to perform such obligation, or to comply with any of the requirements of this Act, as any private person would be in the like case;

5. Any Local Council may make such By-laws and Regulations as may be deemed necessary, (not being inconsistent with any provision of this Act) for defining the manner in which the money raised for road purposes, and statute labour, shall be expended and applied for the purpose of making and maintaining the roads which are to be made and maintained by the Local Municipality, and may enter into all contracts which they may think necessary touching any work to be done to or upon the same;

6. While any such By-law shall be in force, the County Superintendent or such of the Inspectors of Roads as shall be thereunto authorized by him, may divide the roads in any Municipality, or which the inhabitants of any Municipality are bound to make and maintain, into convenient portions, and may assign the amount of statute labour to be performed on every such portion, and the persons liable to such labour and by whom it is to be performed;

7. Any such By-law may be repealed by another to come into force on the first day of January next after the expiration of three months from its passing, and passed by a majority of two thirds of the Members of the Council; and thenceforth all the provisions of any *Procès-Verbal*, By-law or Order, or of this Act, which were suspended while the repealed By-law was in force, shall again revive and have effect.

Compensation for Lands Taken for Roads and Other Public Works.

LII. Whenever any land is to be taken for a road or bridge or for the site of any building required for Municipal purposes or for any other public work, the owner thereof shall receive fair compensation for the same from the parties who by the *Procès-Verbal* or by law shall be bound to pay the same, or from the Municipality if such work has been or is to be performed at the expense of the Municipality, unless it be decided that such owner is not entitled to compensation:

2. In estimating the compensation, or deciding whether the owner of the land taken for a road is entitled to any, the advantages which he may derive from the road, or from the change in the position thereof, or from his receiving any land no longer to be used as a road, as well as his liability to furnish land for road purposes or his exemption therefrom (as the case may be,) shall always be taken into consideration, and if they be equal to the damage sustained by the taking of the new land, then he shall be entitled to no compensation, nor shall he be entitled to any *prix d'affection*

or damage arising from his supposed affection for the land so taken; but in no case shall he be called upon to pay compensation;

3. No compensation shall be allowed for the land itself taken for the first front road made upon it, nor for any road, unless the quantity so taken shall exceed the allowance for roads, made in the original grant or concession of such land from the Crown;

4. The Valuers of the Local Municipality in which the land is situate, or any two of them, shall ascertain the compensation (if any) to be paid, after public notice having been previously given of the day and hour when they will attend upon the ground to hear the parties and estimate the compensation, which time shall be appointed by the County Superintendent;

5. Any two of the Valuers may act in the absence of the third; and if any one or more of them be absent at the time appointed as aforesaid, or be disqualified by direct interest or by relationship to the party whose land is taken, or otherwise, or shall refuse or be unable to act, then the County Superintendent shall appoint another person or other persons to act in his or their stead, and may for like cause and in like manner appoint a person to act instead of any person so appointed;

6. It shall not be an objection to any such Valuator or person acting as aforesaid, that he be related to some one or more of the parties by whom the compensation is payable, and every objection to the competence of any such Valuator or person, shall be made before the delivery of the Certificate hereinafter mentioned, otherwise it shall not avail;

7. The Valuers or persons acting in their stead, or any two of them, after examining the land and hearing the parties attending as aforesaid, shall, by one or more Certificates under their hands, ascertain whether any compensation, and if any, then what compensation shall be, paid for the land taken, and shall transmit such Certificates to the County Superintendent who shall file them among the records of his office, and deliver certified copies thereof to the Secretary-Treasurer of the Local Municipality; and the award made by any such Certificate shall be final and conclusive;

8. It shall suffice in any such Certificate to mention the lot of which the land forms part, referring to the *Procès-Verbal* or By-law under which it is to be taken, and to state what compensation, if any, is to be paid for it: but any lot may be described as being supposed to belong to, or as being in the possession of any person;

9. On delivery of any such Certificate to the County Superintendent, if no compensation be awarded thereby, or on the payment of the compensation, if any, into the hands of the Secretary-Treasurer of the Local Municipality in which the land is situate for the benefit of the person entitled thereto, the land in question shall be vested in such Local Municipality as part of the roads thereof, if taken for a road or bridge; or in the Municipality by whom the work is to be performed as part of its property, if taken for any other purpose; and the said certificate and the Secretary-Treasurer's receipt for the compensation (if any) shall be a sufficient title thereto, and shall not require registration to preserve it;

10. The compensation shall be paid by the Secretary-Treasurer, free of all deduction, to the person entitled to receive the same, at the expiration of three months from the time of its being paid to such Secretary-Treasurer, and the person in possession of the land as proprietor thereof at the time it was taken, shall be held to be entitled to receive the compensation from the Secretary-Treasurer, saving the recourse of any other person to recover the same from the person so receiving it; but if within the said three months there be contending claims, the Secretary-Treasurer shall keep the money in his hands, subject to the decision of the proper Court;

11. Nothing contained in this Act shall extend to the giving authority to mark out any new road, or turn or widen an old one, in such manner as that the same shall pass through any garden, orchard or farm yard, enclosed with a wall, board or standing picket-fence or hedge, or to demolish or injure any house, barn, mill or other building whatsoever, to prejudice any canal or mill dam, or to turn the course of the water thereof, without the consent of the proprietor of the same.

Powers and Duties of Road Officers, &c.

LIII. All Municipal Works, of which a County Superintendent's *Procès-Verbal* shall have been homologated as aforesaid, shall be executed, maintained and repaired under the direction of the said County Superintendent or of the Road inspector, or other Municipal Officers in the manner prescribed by this Act:

2. It shall be lawful for any County Superintendent Inspector of Roads, or Overseer of Roads, or any Surveyor or per-on accompanying him, or authorized in writing by him, to enter, in the day time, and after special notice given to the occupant, if such land be occupied, upon the lands, of any person, whether occupied or unoccupied, inclosed or uninclosed, for the purpose of making any survey for any road, and also to enter upon any unoccupied land for the purpose of searching for timber, stone or other materials for making or repairing any road, or any bridge or work therewith connected, doing no wilful and unnecessary damage, and making compensation only for actual damage done;

3. It shall be lawful for the Overseer of Roads superintending the making or repairing of any road or bridge or work therewith connected, to enter in the day time upon any unoccupied land to the distance of one arpent of such road, bridge or work, and to take from off the same any, stone gravel, earth or materials requisite for making or repairing the same, but such Overseer shall, as soon thereafter as may be, declare on oath before some Justice of the Peace, what he believes to be the damage done to such land by the taking of such materials, and the Overseer shall deliver such affidavit to the Inspector of Roads for his division; and the amount so sworn to shall be set off against any road contribution, statute labour, or penalty due in respect of such land, or by the owner thereof, or if such amount exceed the sum so due, the balance shall be paid to such owner by the Inspector, out of any moneys in his hands for the purpose of defraying the cost of making or repairing such road, bridge or work, and if he have not sufficient, the money shall be raised by assessment as other moneys required for such purpose: Provided, that if the amount of such damages exceed Five Pounds currency, the same shall be assessed by the Valuers of the Municipality or any two of them, in like manner as the value of ground taken for a road or other

public work, and their award, or the award of any two of such persons as may be appointed in their stead, as hereinbefore provided, shall be final.

LIV. It shall be the duty of each County Superintendent between the first and twentieth days of each of the months of January and June to visit each Inspector's division in his County, and to pass over and examine the main road therein and such of the other front roads and by-roads to which his attention may have been called by any report or representation to him made, and to examine and make notes of the state in which he shall find every such road and the works thereon or therewith connected, and to call upon each of the Inspectors of Roads to accompany him in his visit to the division under the superintendence of such Inspector, and to give him such orders and instructions as may be necessary to ensure the faithful performance of his duties under this Act, to inspect the notes kept by each Inspector as aforesaid, to note any case in which he shall find any Road Officer or other person to have neglected any duty imposed on him by this Act, and to prosecute such Officer or person for such neglect:

2. It shall be the duty of each County Superintendent between the tenth and twenty-seventh days of each of the months of January and June in each year, to transmit to the Secretary-Treasurer of each of the local Municipalities in the County, for the purpose of being laid before the Municipal Council thereof at its then next session, a report on the state of the roads in the Municipality, and of all other roads towards the making or maintaining of which the inhabitants of the Municipality or any of them are bound to contribute, shewing how far the law has been carried into effect with regard to the said roads, and where and how (if there be any such case) it has been neglected or disobeyed, and containing such other information and such suggestions touching the said roads as he may deem expedient; and the said Secretary-Treasurer shall lay such report before the Council at its then next session;

3. The County Superintendent shall also between the tenth and thirtieth days of August in each year, transmit to the Warden of the County, for the purpose of being laid before the County Council at its then next session, a general report on the state of the roads in the County, and of all other Roads towards the making or maintaining of which the inhabitants of the County, or any of them, are bound to contribute, containing similar information and suggestions as to the said roads as he is hereinbefore required to give and make in the reports to be laid before the local Municipal Councils; and the said Warden shall lay such report before the County Council at its then next session;

4. The County Superintendent shall give public notice of the time when he intends to make his examination of the roads in any Local Municipality;

5. And it shall be the duty of each Inspector of roads — to accompany the County Superintendent during his visit to any roads in the division of such Inspectors, — to give him all proper information on the subject of the roads under the charge of such Inspector, — to exhibit to the County Superintendent the notes kept by him of his own official visits to the said roads, — and to note and obey the instructions and orders he may receive from such Superintendent.

LV. It shall be the duty of each Inspector of Roads, at least once in every month, to pass over and examine every road in his division or over which he has any authority or superintendence, and to make notes of the state in which he shall find each road or any work thereon, or therewith connected, and to call upon the several Overseers of Roads in his division to accompany him in the inspection of the roads in their respective sections, and to give to each of them such orders and instructions as maybe necessary to ensure the faithful execution of this Act, to note any case in which he shall find any Overseer or other person to have neglected to perform any duty imposed on him by this Act, and to prosecute any such officer or person for such neglect:

2. The notes so made by the Inspector on such visit shall be signed by him and kept for the inspection of the County Super-intendent at his next visit;

3. Each Inspector of Roads shall give special notice in writing to every Overseer of Roads in his division of the time when he intends to visit the section of such Overseer;

4. It shall be the duly of each Overseer of Roads to accompany the Inspector during his visit to the roads in the section of such Overseer, to give him all proper information on the subject of the roads under the charge of such Overseer, and to note and obey his instructions and orders;

5. It shall be the duty of each Inspector of Roads, within the first ten days of every month to make a Report in writing to the County Superintendent containing the substance of the notes he shall have made, and all the information he shall have obtained during the preceding month on the subject of Roads and other works within his division.

Obstruction of Public Roads.

LVI. It shall be the duty of the Inspectors of Roads to cause all obstructions or nuisances to be removed from off the roads under their superintendence respectively, and to report all encroachments thereupon to the County Superintendent, to the end that lie may compel their removal, if the person making any such encroachment shall not, on being thereunto required by the Inspector, desist from such encroachment:

2. It shall be deemed an obstruction to leave or place any thing upon the road or in any ditch, or water course therewith connected, or to make any trench or opening in the road, or to do any other act, whereby, in either case, the free passage of vehicles, or foot passengers over any part of the road, may be obstructed, impeded or rendered inconvenient, or the free passage of the water prevented, unless the act be done in the course of some duly authorized work upon the road, or by the command or with the permission of some Road Officer, under the authority of some By-law of the proper Municipal Council;

3. Every person who shall make, cause, or create any such obstruction or nuisance shall thereby incur a penalty of not more than Fifty nor less than Ten Shillings currency, and an additional penalty of not more than Ten Shillings currency for every day during which the same shall continue, with all costs including the expense of removing such obstruction or nuisance, and such

penalty shall be recoverable by a suit or proceeding separate from the action hereinafter mentioned for recovering the land encroached upon, and may be sued for after such action is determined;

4. Any Justice of the Peace resident in the County may hear and determine any complaint of such obstruction or nuisance, and order the removal thereof at the expense of the offender, by such person as he shall by his warrant authorize to remove the same, and may tax the costs of such removal and cause the same to be levied with the penalty and costs of prosecution and by the same process;

5. If any road be encroached upon and the encroachment be denied, it shall be the duty of the County Superintendent to cause an action to be brought in the name of the Local Municipality, against the person so encroaching, for the recovery of the land taken from the road;

6. Such action shall be brought in the Circuit Court in the Circuit wherein such Local Municipality or any part thereof shall lie, which shall have, and is hereby expressly invested with, jurisdiction in all such cases, and with power, if the encroachment be proved, to adjudge that the land taken by such encroachment be restored to the Municipality; and if such judgment be not complied with within fifteen days after service of a copy thereof on the defendant, then any Judge of the said Court may, in term or out of term, on the application of the Municipality, direct a Writ of Possession to any Bailiff, commanding him to remove therefrom all buildings or fences which may be erected thereon and give possession of such land to the said Municipality, which such Bailiff, taking with him sufficient assistance, shall accordingly do;

7. The costs in every such action shall be those allowed in actions of the first class in the said Court, and the costs on the Writ of Possession and proceedings thereupon shall be taxed by a Judge of the said Court at such sum as in his discretion he may think right, until they be regulated by a Tariff of the Court, under which the Clerk of the Court shall thereafter tax such costs.

Road Works.

LVII. It shall be the duty of the Inspectors of Roads, subject to the provisions of this Act and to the orders and instructions of the County Superintendent, by whom they shall be furnished with the necessary copies of, or extracts from, *Procès-Verbaux*, Valuation-rolls, Collection-rolls and other documents, to direct the Overseers of Roads in their respective divisions, as to the time when, and the manner in which, all road work is to be done, — to furnish them with statements in writing setting forth the names of all persons subject to statute labour, the share of joint labour and materials to be furnished by each person, or in respect of each lot of land in their sections respectively, and informing them upon what work or works the same is to be employed, and in what proportions, — to receive all sums paid for commutation of statute or joint labour, and to notify such commutation to the proper Overseer, — to instruct him to engage other labour in the place of that so commuted and to pay for such labour out of such commutation money, on the certificate of the Overseer that the same has been duly performed:

2. It shall be the duty of each Overseer of Roads, pursuant to the provisions of this Act, the orders of the County Superintendent and directions of the Inspectors of Roads, to give notice to the inhabitants of his section, respectively, of the time and place where and when any statute labour or joint labour is to be performed or materials to be furnished, and the amount of labour, quantity and description of materials to be then and there furnished by each, which notice may be given verbally to each of such inhabitants in person or left in writing at his residence, — and shall specify the tools and implements (being those ordinarily used by farmers) which each person is required to bring with him; and if the nature of the work requires it, the Overseer may command any person having the same and being bound to furnish at least three days' labour, and not having commuted the same, to bring with him or to send with a man to work them, a horse or horses, an ox or oxen, with proper harness and a cart, waggon or plough; and every day's labour of a horse or ox, with such harness and vehicle or plough as aforesaid, shall be credited to the person furnishing the same as one day's work, — to superintend and direct the performance of statute labour and joint labour on the roads, and to give certificates of the due performance thereof, — to appoint the hour of commencing and leaving off, and the time to be taken for rest or meals, the day's work being ten clear hours of labour on the spot where the work is to be done, — to dismiss any man who shall not attend during the hours appointed for labour, or who shall be idle or refuse to obey the orders of the Overseer, or not work faithfully, or hinder others from working; and any man so dismissed shall, for the offence occasioning his dismissal, incur a penalty of ten shillings currency, — to prosecute for all such penalties as last aforesaid, and for all penalties incurred for disobedience to his orders, — to report to the Inspector of Roads for his division, the number of days' work performed and the quantity of materials furnished under his superintendence, with the names of the parties performing or furnishing the same, and the names of those who have been fined.

LVIII. Every person liable to perform labour on the roads and not having commuted the same, who being so required as aforesaid by any Overseer to attend and perform the same, shall refuse or neglect so to attend, shall, for each day on which he shall so refuse or neglect, incur a penalty of ten shillings currency, and he shall incur one half of such penalty if he was required to bring with him any tool or implement, and shall appear without the same; and if he was required to bring with him any plough, horse, ox, waggon, cart or other vehicle and harness, the penalty shall be doubled, that is, he shall incur a penalty of twenty shillings currency, if he shall wholly fail to attend, and of ten shillings currency, if he shall attend without such horse, or waggon, cart, vehicle or harness:

2. No notice shall be required to compel any person to make or repair any front road which ought to be made or repaired by him alone, but if it be not made or repaired in the manner required by the *Procès-Verbal* regulating it and by this Act, such person shall incur a penalty of five shillings currency; and if he neglect to make or repair such road for a period of twenty-four hours after having been notified to make or repair the same, he shall incur a penalty of not more than twenty nor less than five shillings currency, for each day on which it shall remain unmade or out of repair;

3. Every such penalty shall be paid to the Inspector for the division, and applied to the same purpose for which the labour for the due performance of which it was incurred would have been

applicable; and the payment of the penalty shall be set off in favor of the offender against the road labour for which he is liable, at the rate of one day's labour for each five shillings of the penalty paid;

4. The penalty may be paid to the Inspector before any suit for it is commenced, and in that case it shall be payable without costs;

5. Every Inspector of roads, and every Overseer of roads shall be liable for all damages occasioned by the non-performance of any work which ought to have been performed within his division or section, unless he can shew that he has used all legal means in his power by notice, prosecution and otherwise to compel the performance of such work; saving always the recourse of the Inspector against the Overseer, and of both against the person who was bound to perform such work.

LIX. The County Superintendent may from time to time cause portions of roads to be made by the persons liable to statute labour, to serve as models for the remainder of such roads or for roads in their neighbourhood: and in superintending the making of Roads the Road Officers and others shall govern themselves by such models, as far as the foundation and position of such Roads and other circumstances will permit.

LX. Whenever any road work which ought to be done, or any materials which ought to be furnished upon, or for, any front road, by-road or bridge, in respect of any lot or by any person, shall remain unperformed or unfurnished after the owner or occupant of such lot or such person shall have been required as aforesaid to perform or furnish the same, it shall be lawful for the Overseer of roads to cause such work to be done or such materials to be furnished by some other person, and to recover the value of such work or materials from such owner or occupant or person in default, with twenty per cent in addition thereto and costs of suit, as a debt due to such Overseer, and in any way in which debts of like amount are recoverable, or such amount may be levied, as arrears of taxes due to the Municipality, in the manner hereinafter provided, and paid to such Overseer by the Secretary-Treasurer:

2. Or, the Overseer of roads may report to the Inspector of roads of his division that any such work remains unperformed or any such materials unfurnished, and that the person who ought to perform or furnish the same has been by him required so to do, or that such person has no residence in the division; and on such report the Inspector may, if he thinks proper, authorize such overseer to cause the work to be done or the materials to be furnished by some person or persons to be employed by him for that purpose, and the sum expended shall be recoverable by the Municipality from the person in default with twenty percent in addition thereto, as a penalty for such default and costs; and the sum actually expended shall be paid by the Secretary-Treasurer of the Municipality to the order of the Inspector, out of any moneys in his hands applicable to road purposes, or to the general purposes of the Municipality;

3. The affidavit of the Overseer sworn before a Justice of the Peace that the formalities of the law were complied with, and that the work was done or the materials furnished, that the sum charged

is the true value thereof, and that the defendant is the person liable for the same by law, and the certificate of the Inspector that to the best of his knowledge and belief the facts stated in such affidavit are true, shall be *primâ facie* evidence of such facts, and if not controverted, shall be sufficient to maintain the claim and demand of the Municipality or of such Overseer;

4. In either of the cases last above mentioned, the person in default shall not be liable to a penalty, but the twenty per cent above mentioned shall stand in stead thereof.

LXI. The actual occupant of any lot shall always be liable for the work or contribution assigned to such lot, and for one year's arrears thereof, saving his recourse (if any) against any previous occupant, or against the owner of the lot, or any other party; and if any lot be divided after the making of the *Procès-Verbal*, or there be from any other cause more than one occupant thereof, they shall be jointly and severally liable, saving to each his recourse against the others;

2. All persons shall be liable for all damages arising from the non-performance of work they are bound to perform, and if any persons are jointly and severally bound, they shall be jointly and severally liable.

LXII. Each Overseer shall from time to time report to the Inspector of his division, the arrears of labour and materials remaining unperformed and undelivered in his section, and of penalties remaining unpaid, specifying the lands in respect of which the same are due, the owners or occupants of such lands, if known, and the value in money of such materials delivered at the place where they ought, to have been delivered by the persons in default. And it shall be the duty of the Inspector to sue for and recover the same from the persons liable if they have any goods or chattels whereupon the same can be levied.

LXIII. The County Superintendent may cause mile-posts or mile-stones to be set up on the main road in his County, shewing the distance from the principal Towns to which such roads lead, and may cause Guide-Posts to be set up at the intersections of roads; and the expenses incurred for those purposes shall be paid by the Secretary-Treasurer of the Local Municipalities respectively, in which such mile-stones or mileposts, or guide-posts shall be set up, on the order of the County Superintendent, and out of any moneys in the hands of the Secretary-Treasurer applicable to road purposes or to the general purposes of the Municipality:

2. The County Superintendent may, under the authority of a Resolution passed by the Council, direct any Inspector of Roads to procure a snow plough, a roller and an iron or steel shod scraper, or either, to be used on the roads in his division, and to be carefully kept by such Inspector, and by him handed over to his successor in office for the like purposes; and when the same are so procured, the Inspector shall command each Overseer of Roads in his division, to use and work such snow plough, roller or scraper at the expense of the Municipality, and shall command every such Overseer to require the persons bound to perform road work in his section to use and work such snow plough, roller or scraper (when necessary) as part of the work they are so bound to perform: and the cost of such snow ploughs, rollers and scrapers, and of using and working the same, when so used and worked at the expence of the Municipality, and of all necessary repairs

thereto, shall be paid by the Secretary-Treasurer of the Municipality on the order of the County Superintendent, as provided in the next preceding paragraph;

3. The County Superintendent may, under the authority of any Council, employ a sworn Surveyor, Engineer or Draughtsman, whenever he shall deem it necessary for the due execution of any of the powers vested in him by this Act, and charge the sum paid to such Surveyor for his services, as part of the expenses lawfully incurred by him in executing such power: and to any *Procès-Verbal*, or other act of the County Superintendent, plans or drawings may be annexed and referred to as part thereof, when he shall deem it necessary for the proper understanding of such *Procès-Verbal* or act;

4. The County Superintendent may in his *Procès-Verbal* direct or allow a footpath to be made in any place where in his judgment it shall be necessary or allowable, and where any such footpath shall be made, the Road Inspector may permit trees to be planted thereon by the owners of the adjoining lands on such conditions as he may think proper, subject always to any direction he may receive in this behalf from the County Superintendent.

Execution of County Works.

LXIV. When the work to be performed is the construction or partial reconstruction of a bridge or the opening or widening of a road, concerning the inhabitants, or any number of the inhabitants of more than one County Municipality, or of one or more Local Municipalities in two or more County Municipalities, if the said work is to be undertaken by the job, by agreement or contract, for a price in money or partly for money, and partly by means of materials and days' labour, to be contributed by the assessable inhabitants, it shall be the duty of the County Superintendent who shall have drawn up the *Procès-Verbal* of such work, to submit such work to public competition:

2. For the purpose of obtaining tenders, the said County Superintendent shall give public notice, specifying clearly the work to be so given out, and the day on or until which tenders for the performance thereof will be received by him; and the said County Superintendent may, in cases in which he shall deem it expedient so to do, insert such notice in one or more newspapers published in the said County or the District in which it is situated, or if there is no newspaper published therein, in an adjoining County or District;

3. The contract for the said work shall be adjudged to the person who shall tender for the lowest price and on the most favorable terms, provided he fulfil the conditions and give the security required for the execution thereof;

4. Every contract or agreement relative to any such work shall be entered into, or considered as having been entered into with the said County Superintendent, in his name and capacity; it may be accepted by the said County Superintendent or in his name by the Mayor, or by any Road Inspector of a Local Municipality interested in the said work, being thereunto specially authorized by the County Superintendent; and every such contract or agreement shall be binding on each Municipality interested; and every such Municipality may sue in its own name, to enforce the

performance thereof in any Court of competent jurisdiction, in case the said County Superintendent fail so to do in his name and quality aforesaid within a reasonable time; but no such Municipality shall be authorized to bring any such action until the expiration of fifteen days' notice given by the Council thereof to the County Superintendent requiring him to bring such action;

5. The person with whom any such contract for work is made shall furnish good and sufficient security to the satisfaction of the said County Superintendent for the performance of the said work, and the payment of all damages, costs and interest in the event of his not fulfilling his contract;

6. The said County Superintendent may require any Inspector of roads in the Local Municipality in which the said work is to be executed to superintend the performance thereof; and every such Inspector shall obey all such orders for that purpose, as he shall receive verbally or in writing from such County Superintendent; and for every refusal or neglect so to do, every such Inspector shall incur a penalty of two pounds currency;

7. The said County Superintendent shall make an apportionment among the different Local Municipalities interested, by an instrument under his hand, of the contributions required for the performance of the said work, establishing the proportion of the said contribution to be borne by each Local Municipality, or by such of the inhabitants thereof as are bound to bear the same, either in money, materials or days' labour; and he shall serve a certified copy thereof on the County Superintendent of every other County interested; and he shall also deposit a copy thereof in the office of the Municipal Council of each Local Municipality interested.

Valuators and Valuation.

LXV. The Valuators shall make the valuation of all the real and other assessable property in the Local Municipality for which they have been appointed within two months after the date of their appointment, including in the said valuation the value of the houses and other buildings erected on such property; a majority of the said Valuators may make or complete the said valuation notwithstanding the absence of the other Valuator; and such valuation may be made (other at one time or at several times, the proceedings had at each meeting being signed or attested by the Valuators who shall have assisted thereat: Provided, that when any lot occupied by a tenant or lessee shall be situated partly within the limits of any City Corporation and partly within any Village or Parish Municipality, the capital of the rent received by virtue of the said lease shall be deemed to be the value of the said lot during the existence of the said lease, and the amount of the assessment shall be paid to such City Corporation and Village or Parish Municipality in proportion to the extent of ground lying in their respective limits, notwithstanding any of the provisions of this Act to the contrary:

2. In making the said valuation, the Valuators may require the services of the Secretary-Treasurer of the Council, or employ any clerk whom they may think proper to appoint; and every clerk so employed shall be entitled to receive for his services, on the certificate of two of the Valuators, a

sum not exceeding five shillings currency for every day during which he shall have been necessarily employed, and such remuneration shall be paid out of the general fund of the Local Municipality;

3. A Valuation-Roll, setting forth such valuation, shall be drawn up and signed by the said Valuators, or by such of them as shall have assisted in making the valuation, and shall be by them delivered to the Mayor of the Municipality within eight days from the making thereof, and every such Valuation-Roll shall remain of record in the office of the Council of such Municipality. The Valuators shall specify in the Valuation-Roll, not only the names and designation of all owners or occupants of real or other assessable property, but also the names and designation of all persons not being owners or occupants of real property who are liable to statute labor under the provisions of this Act; and the said valuation shall, so soon as the Valuation-Roll is delivered to the Mayor, be binding on all parties concerned, and be considered as the basis of any apportionment, assessment or collection which may from time to time be made, of any sum or sums to be levied, or of the quantity and kind of materials to be furnished, or of the number of days' work to be performed in the Municipality, under this Act; subject however to such amendments as may be made thereto in the manner hereinafter provided;

4. Every Railway Company shall annually transmit to the Secretary-Treasurer of every local Municipality in which any part of the road or other real property of such Company is situate, a statement describing the value of all the real property of the Company other than the roadway, and also the actual value of the land occupied by the road in such local Municipality, according to the average value of land in the locality, and the Secretary-Treasurer shall communicate the same to the Valuators; and the said Valuators shall enter the same in their Valuation-Roll; and the said Secretary-Treasurer shall immediately after the deposit of the said Valuation-Roll deliver at or transmit by post to any station or office of the Company, a notice of the total amount at which the Valuators have assessed the real property of the Company in their Municipality, distinguishing the value of the land occupied by the road, and the value of all other real property of the Company within the Municipality.

LXVI. If the Valuators appointed by the Council have not made the said valuation, and transmitted the Valuation-Roll to the Mayor within two months from the date of their appointment, it shall be the duty of the Secretary-Treasurer of the Local Council to inform the Governor, by letter addressed to the Provincial Secretary, of the failure of the said Valuators in that respect, and the Governor shall thereupon appoint three other Valuators:

2. The Valuators so appointed by the Governor shall make the said valuation in the same manner as the Valuators who ought to have made the same in the first place, and shall exercise the same powers and authority, perform the same duties, and be subject to the same penalties in the event of any failure or neglect on their part;

3. The valuation which the three last mentioned Valuators or the majority of them shall make as aforesaid, shall be made at the expense of the former Valuators who should have made the same; an allowance at the rate of fifteen shillings currency shall accordingly be made to each of the said three last Valuators, for each and every day during which he shall be employed in making the said

valuation; the amount of the said allowance shall be determined and taxed by the Mayor, whose Certificate to that effect, stating the amount of the said allowance, shall be deemed an authentic document;

4. Each Valuator so appointed by the Governor, shall have a right of action in any Court of competent jurisdiction against the Valuators who shall have failed to make the Valuation and transmit the Valuation-Roll, as aforesaid, jointly and severally, for the recovery of the amount of the said allowance so determined and taxed as aforesaid.

LXVII. The owners of assessable property mentioned or described in the Valuation-Roll shall respectively pay such sum or furnish such quantity and kind of materials, or such number of days' work as they shall be from time to time required to pay in proportion to the assessed value of such property, for their share of any apportionment or assessment authorized by this Act:

2. And whenever any such sum of money, quantify or kind of materials, or number of days' labour shall be so apportioned or assessed, the said sum of money, or the price of the said materials, or the value of the said number of days' labour, shall from the day of their being so apportioned or assessed, be a special charge on the real property so assessed which shall not require to be registered in any Registry Office established for the registering of privileges and hypothecs, and shall have, nevertheless, a preference over all other charges, excepting debts due to the Crown.

LXVIII. The Council of the Local Municipality in respect of which such Valuation-Roll was made, may at any time within thirty days next after the day on which it was delivered to the Mayor, amend the valuation therein made in the cases hereinafter mentioned, and in the manner hereinafter provided:

2. If the Council be of opinion that the valuation of any real property has been made under its true value so as to prejudice the owners of other property, or above its value so as to prejudice the owner thereof, then it shall be lawful for the said Council to amend the said Valuation-Roll by fixing such sum as they shall think just and reasonable, as the value of such property; all such amendments shall be entered upon the said Valuation-Roll or on a paper annexed thereto; the date thereof shall be mentioned and they shall be certified by the Secretary-Treasurer of the Council, and every such Valuation-Roll so amended, shall continue to be binding to all intents and purposes, but only as amended, and as such, only from the date of the Certificate of the said amendments;

3. Before any Council proceeds to the examination or revision of any such Valuation-Roll, the Secretary-Treasurer of such Council shall give public notice, to the inhabitants of the Local Municipality, of the day on which the Council will commence such examination or revision;

4. The Secretary-Treasurer shall at all reasonable hours of the day, allow any person interested to take communication of the aforesaid copy of the Valuation Roll;

5. It shall be the duty of the Council, in proceeding as aforesaid to the examination or revision of the said Valuation-Roll, to hear the parties interested therein, as well as the Valuers who have made the valuation if required so to do;

6. If the said period of thirty days during which the said Valuation-Roll may be so amended, be allowed to elapse without the Council amending the same, then the said Valuation-Roll shall remain in force as originally made by the Valuers;

7. It shall be the duty of the Mayor to cause a true copy of such Valuation-Roll with such amendments as may have been made thereto by the Council, to be delivered to the Warden of the County on or before the seventh day next after the expiration of the said thirty days.

LXIX. Every such Valuation-Roll shall remain in force during five years next after the date of the appointment of the Valuers who have made the same, and further after the expiration of the said five years until the day on which a new Valuation-Roll shall have been duly homologated.

Assessment of Business of Merchants and Other Persons, and the Incomes of Professional Men.

LXX. Every merchant, manufacturer, trader and master artificer (*maître ouvrier*,) carrying on his trade, business or calling in a Local Municipality, whether resident therein or not, whether he does or does not possess therein any real property, shall, by reason of such trade, business or calling, be liable for all the purposes of this Act, to assessment; the value of his business shall be estimated by the Valuers of the Municipality as a distinct property, according to the average annual profits thereof, based upon the proceeds of the next two preceding years:

2. Every judge or oilier civil functionary and every advocate, notary, physician, surgeon, civil engineer, or surveyor, residing in a Local Municipality, and performing the duties of his office or practising his profession therein, shall he liable to assessment in like manner; the value of such office or practice shall also be estimated by the Valuers, for the same purposes and in the same manner, as a distinct property.

Statute Labour.

LXXI. In addition to the road work and other contributions to which the occupant of any lot of land or other property may be otherwise liable, he shall, in proportion to the value at which such property shall be assessed, be liable yearly to a certain number of days' statute labour on the roads, that is to say: if such property be assessed —

1. At not over one hundred pounds, to one day's labour, and to one additional day's labour for every one hundred pounds of additional value, reckoning any fraction of a hundred pounds as a hundred pounds;

2. And every male Inhabitant between the age of eighteen and sixty years, and not otherwise liable to statute labour, shall be liable to one day's labour;

3. But no officer on full pay, nor any soldier on actual service shall be liable to statute labour, except in respect of some land owned or occupied by him otherwise than for Her Majesty's service;

4. Labour performed under this Section, shall be performed at such places as the County Superintendent shall from time to time appoint by order in writing, — or in default of such order, at such places in the division as the Inspector shall appoint by order in writing, — or in default of such order, then at such places in the division as the overseer shall think proper, — in aid of such persons as shall in the opinion of such County Superintendent, Inspector or Overseer, have more than their proportionate share of work to perform in making and maintaining the front road on their lots, by reason of some difficulty arising out of the nature of the ground or other circumstances of such front road, or at such other places as in his discretion he shall think proper, or as may be determined by any *Procès-Verbal*, Bylaw or Order;

5. The commutation money for statute or joint labour shall be four shillings currency for each day, and any person may commute his statute labour at that rate instead of performing the same; but the commutation money shall be paid before the time at which the person commuting shall have been notified by the overseer to perform such labour, otherwise the penalty shall be payable instead of the commutation money, if the labour be not performed according to the notice.

Properties and Persons Exempted from Assessment.

LXXII. All public buildings intended for the use of the Civil Government, for military purposes, for the purposes of education or religious worship, all parsonage houses, burying grounds, charitable institutions, and hospitals duly incorporated and the lands upon which such buildings are erected, shall be exempt from all assessments or rates imposable under this Act:

2. All persons who, by reason of their poverty or the scantiness of their means, shall, in any year, by a By-law of the Municipality in which they reside, be declared exempt from the payment of the said assessments or rates imposed during and for the said year, shall be thereby exempted from the payment thereof.

Collection of Assessments. — Duties of Secretary-Treasurer and Other Officers in Relation Thereto.

LXXIII. All assessments imposed under this Act shall be due and payable not only by the owner of the property upon which they shall be imposed, but also by the possessor or occupant of the said property as owner, and by the tenant or lessee of such property, but the payment in full of any such assessment by any such person shall discharge all others concerned:

2. In the event of the payment or contribution of any assessment by the tenant or lessee of any such property, he shall have a right of personal action against the owner of the property assessed, or the lessor, holder or occupier of the same as owner, as aforesaid, for the recovery, with interest

and costs of the amount of such assessment, or of the price or value thereof, paid or contributed by him;

3. In such case, such tenant shall be fully subrogated, without any formality whatsoever, in the rights and privileges, of the Municipality upon the property in question;

4. It is nevertheless hereby declared that when the said assessments shall be imposed in labour, no more than one year's arrears thereof shall be recoverable.

LXXIV. The Secretary-Treasurer of the Local Council shall be the Collector of all the assessments imposed within the limits of each Local Municipality and of all penalties imposed under this Act, except in any case in which the said assessments or penalties are required to be collected by any other officer or in any other manner:

2. Every such Secretary-Treasurer, as assessment Collector may be sued by the Mayor, in the name of the Local Municipality, or by the County Superintendent in the name of the County Municipality, before any Court of competent jurisdiction, to compel him to render an account of the assessments levied by him; and the said Secretary-Treasurer shall in every such suit be condemned to pay to the Municipality interested the amount of the assessments in money, and the price and value of the assessments in materials and day's labour then due unless he shew to the satisfaction of the Court, proof of sufficient diligence having been used by him for recovering the said assessments; and if he render an account of such assessments, he shall be condemned to pay such sum as he shall acknowledge, or as shall be declared to be in his hands, and such further sums as he ought to have received, or as the Court shall think he ought to be held accountable for, for want of proof of sufficient diligence on his part for the recovery thereof; every judgment pronounced in every such action shall include interest at twelve per cent on the amount thereof, by way of damages, together with costs of suit; and in every such action a certified copy of the Collection-Roll of the division, shall to all intents and purposes be *primâ facie* evidence against the said Secretary-Treasurer;

3. The Secretary-Treasurer of every Local Council shall on or before the fifteenth day of May in each year make out the general Collection-Roll for the Municipality, and set down therein the name of each person assessed, whose name appears on the Valuation-Roll, the value of the real property of each such person, as specified in such Valuation-Roll, and the amount of personal property for which such person is assessable; and he shall also calculate and set down the various assessments, payable by such person under any By-law or otherwise, and the total amount with which each person is chargeable; Provided however, that in any year when a new Valuation-Roll is to be made, and such Roll is not finally revised and homologated at least fifteen days before the said fifteenth day of May, the delay for completing the general Collection-Roll shall be extended to a period of fifteen days next after the date of such final revision or homologation;

4. And whenever any special rate is imposed in the same year after the said fifteenth day of May, he shall make out a special Collection-Roll in the manner prescribed by the next preceding section;

5. And upon completing his Collection-Roll, he shall proceed to collect the assessments therein mentioned, and for that purpose shall leave at the usual place of residence or domicile of each person assessed, a statement in detail of the various sums and the total amount of assessments due by such person, and shall at the same time in and by a notice annexed to such statement demand payment of the assessments therein mentioned;

6. If any person neglect to pay the amount of assessments imposed upon him, for the space of thirty days after such demand made as aforesaid, the Secretary-Treasurer shall levy the same with costs, by seizure and sale by Warrant under the hand of the Mayor of the Municipality of the goods and chattels of the person who ought to pay the same, or of any goods or chattels in his possession, wherever the same may be found within the local Municipality; and no claim of property, or privilege thereon or thereto shall be available to prevent the sale thereof for the payment of the assessments and costs out of the proceeds thereof;

1. If the goods and chattels seized be sold for more than the whole amount of assessments levied for, and the costs attending the seizure and sale, the surplus shall be returned to the person in whose possession such goods and chattels were when the seizure was made; but if any claim for such surplus shall be previously made by any other person, by reason of any alleged right of property or privilege upon such surplus, and such claim be admitted by the person for whose assessments the seizure was made, such surplus shall be paid to such claimant; and if such claim be contested, the surplus money shall be retained by the Secretary-Treasurer, until the respective rights of the parties be determined by a competent tribunal;

8. The Secretary-Treasurer shall give public notice of the day and place of the sale, and the name of the person whose goods and chattels are to be sold;

9. In every case in which any sum is to be levied for County purposes, the County Council shall, by By-law, direct what portions of such sum shall be levied in each Local Municipality; and it shall be the duty of the Secretary-Treasurer of the County Council, before the first day of May in each and every year, to certify to the Secretary-Treasurer of each Local Municipality the total amount which shall have been so directed to be levied therein in the then current year for County purposes; and for the guidance of such Comity Council, the Secretary-Treasurer of every Local Municipality therein, shall, immediately after the final revision of the Valuation-Roll for the same, transmit to the Secretary-Treasurer of the County Council, a statement of the aggregate yearly value of all real property and of all assessable personal property appearing on such Rolls as finally revised;

10. On or before the fifteenth day of November in each year, the Secretary-Treasurer of each Local Municipality, shall prepare a statement of all the assessments remaining due on the Collection-Rolls for the twelve preceding months, and of all the arrears due to the Municipality, with the particulars thereof including the amount of, or balance due, on all judgments pronounced against any of the inhabitants, or owners of land, and other persons within the Municipality for contributions or penalties due or incurred under this Act, and in such statement he shall shew opposite to each separate debt, the reasons why he could riot collect the same, by inserting the words "non resident" or "no personal property to seize," as the case may be, and a designation of

the lots or parcels of land in respect of which such assessments or other debts are due, and he shall transmit a copy of such statement, duly certified, to the Secretary-Treasurer of the County;

11. And on, or before, the first day of December in each year, the Secretary-Treasurer of the County Council shall prepare a list of all lands in the County Municipality upon which any assessments or other dues shall remain unpaid, stating opposite the lots or parcels of land respectively, the amounts due, and shall cause to be inserted at least three times during the said month of December, in the *Canada Gazette*, and in at least one newspaper published within the district, or in the adjoining district, if there be none published therein, a notice in the English and French languages, containing a list of all lots or parcels of land respectively, on which any such assessments or other dues remain unpaid, shewing opposite, or after, the number or description thereof, the amount to be raised for the discharge of such assessments or other dues, including all costs and expenses, and announcing that all such lots or parcels of land shall be sold on the first Monday of the month of February then next ensuing, at the place where the last session of the Local Council was held, for the payment, of such assessments and other dues; and he shall also give public notice of every such sale in the manner provided by this Act;

12. Every such sale may take place either before or after suit for the recovery of the payment of the said assessments; but it shall not take place if, at any time before the two days next preceding such sale, the person liable pay to the Secretary-Treasurer of the Local Council the full amount due by him for such assessments, as well as for any contributions or penalties imposed upon him together with his just proportion of the costs and expenses incurred for effecting the said sale, which said share shall be fixed by the Secretary-Treasurer of the Local Council, whose duty it shall be to inform the Secretary-Treasurer of the County Council of every payment so made after the transmission to the latter of the statement hereinbefore mentioned;

13. Every such notice shall specify the place, day and hour at which such sale shall commence; each lot or parcel of land, if the same be situated in a township, shall be designated therein by its range and number, and if it be within the limits of a *fief* or seignior by its metes and boundaries;

14. All the lots thus for sale in the municipality may be included in the same statement and in the same notice;

15. Every Secretary-Treasurer of a Local Council may, under the authority of such Council, and at the expense of the Municipality, employ one or more persons to assist him as Collector of assessments and of other debts due to the Municipality, but he shall be responsible for the acts and omissions of all persons so employed.

Sales of Property.

LXXV. All lands, goods and chattels to be sold under the authority of this Act for the payment of taxes or other dues, shall be offered to public competition; but such lands, goods or chattels so publicly sold, shall be exempt from auction duty, and shall not be required to be sold by a licensed auctioneer:

2. At the place, day and hour appointed for the sale of lands', the Secretary-Treasurer of the County Council shall make known the amount of the sum to be raised as aforesaid upon each such property, to which amount he shall add the just proportion of the costs and expenses to be borne by each such property; the person who shall then and there offer to pay to such Secretary-Treasurer the amount of the said sum thus to be raised, together with costs and expenses for the smallest part, quantity or portion of the said property, shall be considered the purchaser, and such said part, quantity or portion of the said property shall be adjudged to him by the Secretary-Treasurer, who shall sell such portion of the property as shall appear to him best for the interest of the proprietor thereof;

3. If any purchaser fail to pay on the day of sale the amount of the said purchase, the Secretary-Treasurer shall adjourn the sale to any day not more than eight days distant, by giving all persons present notice of such adjourned sale, in an audible and intelligible voice, in both the English and French languages; and on the day of such adjourned sale the Secretary-Treasurer shall again put up the said property for sale, and shall sell the same or any portion thereof, unless the first purchaser shall in the meantime have paid the full amount of assessments and charges due thereon;

4. On payment by the purchaser of the said amount of purchase, the Secretary-Treasurer shall give a certificate under his signature to such purchaser, specifying the particulars of such sale, and the said purchaser may forthwith enter upon and take possession of such lot or parcel of land;

5. If within twelve calendar months from the time of such sale, the original proprietor of the lot, or any one on his behalf, pay to the Secretary-Treasurer the amount levied, together with twenty per cent in addition to the same, then he shall be entitled to recover possession of the lot or parcel of land so sold, and the Secretary-Treasurer shall on demand pay to the purchaser thereof, his heirs, assigns or representatives, the amount so received by him, after deducting therefrom two and a half per cent as his own fees; and the right acquired by such purchaser in such land shall thenceforth wholly cease and determine;

6. If at the expiration of twelve calendar months from the time of such adjudication, the land so adjudged be not redeemed as aforesaid, then the Secretary-Treasurer, on demand by the purchaser, his heirs, assigns or representatives, and upon payment of the arrears of any other assessments which may, in the meantime, have become due thereon, shall execute a deed of sale in due form of law, conveying, in the name of the County Municipality, the property so adjudged to such purchaser, his heirs, assigns or legal representatives; and such deed of sale shall be a legal conveyance of the said land, and shall not only transfer to the purchaser all rights of property which the original holder had therein, but shall also purge and disencumber such Land from all privileges and hypothecs due thereon. But whenever any lot of Land situate in any Township shall be so sold before the issuing of Letters Patent from the Crown granting the same, such sale shall in no wise affect the rights of Her Majesty in such land, but shall solely have the effect of transferring to the purchaser such rights of pre-emption or other claims, as the holder of such Land or any other person had acquired in respect of the same.

Penalties.

LXXVI. Every person who being elected or appointed to any of the Offices mentioned in the following List, shall refuse or neglect to accept of such Office, or to perform the duties of such Office during any portion of the period for which he was so elected or appointed, shall incur the penalty mentioned in such List opposite the name or designation of such Office, that is to say:

The Office of Warden of a County, ten pounds currency;

The Office of Mayor of a Local Municipality, seven pounds ten shillings currency;

The Office of Council] or of any Municipal Council, five pounds currency;

2. Whenever the Valuers of a Local Municipality neglect to make the valuation which they are required to make under this Act, or neglect to draw up, sign and deliver the Valuation-Roll containing such valuation to the Secretary-Treasurer of the Local Council, within two months from the date of their appointment, every such Valuator shall incur a penalty of ten shillings currency, for each day which shall elapse between the expiration of the said period of two months, and the day upon which such Valuers' Roll shall be so delivered, or upon which their Successors in Office shall be appointed;

3. Every Member of any Municipal Council, every Officer appointed by such Council, every Justice of the Peace, and every other person who shall refuse or neglect to do any act, or perform any duty required of, or imposed upon, him by this Act, shall incur a penalty not exceeding five pounds and not less than one pound currency;

4. Every person who shall vote at any Election of Municipal Councillors without having at the time of giving his vote at such election, the qualifications by law required to entitle him to vote at such election, shall thereby incur a penalty of five pounds currency;

5. Every Inspector of roads who shall refuse or neglect to perform any duty assigned to him by this Act, or to obey any lawful order of the County Superintendent, shall for each day on which such offence shall be committed or shall continue, incur a penalty of one pound currency, unless some other and heavier penalty be by law imposed on him for such offence;

6. Every Overseer of roads who shall refuse or neglect to perform any duty assigned to him by this Act, or to obey any lawful order of the County Superintendent, or of the Inspector of Roads for his division, shall for each day on which such offence shall be committed or shall continue, incur a penalty of one pound currency, unless some other and heavier penalty be by law imposed on him for such offence;

7. Every person who shall hinder or prevent or attempt to hinder or prevent any Municipal Officer in the exercise of any of the powers or in the performance of any of the duties conferred or

imposed upon him by this Act, shall incur a penalty of five pounds currency for every such offence, over and above any damages which he may be liable to pay;

8. Every person who shall wilfully tear down, injure or deface any advertisement, notice, or other document, required by this Act to be posted up at any public place for the information of persons interested, shall incur a penalty of two pounds currency for every such offence.

Recovery of Penalties, Taxes, &c.

LXXVII. All rates or assessments either in money, materials or labour, and all penalties imposed by this Act or by any By-law made by competent authority in virtue of this Act (except in cases where special provision to the contrary may be made,) shall be recoverable before any one of the Justices of the Peace in the Local Municipality where the person sued resides, other than the Chief Officer of such Municipality, and if there be no Justice of the Peace in such Local Municipality, then before any one of the Justices of the Peace in an adjacent Local Municipality; and all the rates, assessments or taxes payable, and all the fines and penalties incurred by any one person may be included in the same suit:

2. Every judgment rendered in any such suit shall be so rendered with costs, and execution may issue thereon at the expiration of eight days from the date of such judgment;

3. The Secretary-Treasurer of the Local Municipality in which such suit is brought, shall be *ex officio* in every such suit, Clerk to the Justice of the Peace, and it shall be his duty to keep in a faithful and correct manner, a separate Register-in which he shall enter the judgments of the Justices of the Peace in all such suits; and the summons and every other proceeding relating to such suit shall remain of record in his office:

4. On the day of the return of the summons, and at every other stage of the proceedings thereon, the Justice of the Peace who shall have signed the summons shall have the right to sit in the case, in preference to, and to the exclusion, of any other Justice of the Peace present;

5. There shall be an interval of at least three clear days between the day of the service of the summons and the day of the return thereof;

6. Every such suit shall be decided upon the oath of any Municipal Councillor, or of the County Superintendent, or of any Inspector or other Municipal Officer, or of any other credible witness;

7. Every person condemned in Every such suit shall be liable to pay the same costs to which he would have been condemned in a case brought for the recovery of an equal amount of money before a Court of civil jurisdiction;

8. Every suit brought for the recovery of penalties under this Act shall be commenced within six months of the date on which such penalty shall have been incurred; and all penalties paid either before or after such suit as aforesaid shall belong, one half to the Municipality with reference to

which, or to the infraction of the By-laws of which, such suit is brought, and the other half to the prosecutor, unless such suit is instituted by the order of any Municipal Council or by any of its Officers, in which case the whole of the penalty shall belong to such Municipality.

Oaths.

LXXVIII. Any Oath required by this Act may be made before any Warden or Mayor, or Justice of the Peace:

2. Any person before whom any Oath may be made under this Act, is empowered and required to administer such Oath, without payment, whenever called upon to do so; and to deliver to the person taking the same a certificate thereof, and the person taking such Oath shall, without delay, deliver such certificate to the Secretary-Treasurer of the Council in relation to the affair of which such Oath was made.

Language of Publication.

LXXIX. The Governor General may, by Order in Council, declare that the publication to be made under this Act of any Notice, By-law or Resolution, shall be made in one language only, in any Municipality the Council whereof shall have shewn that such publication may be so made without detriment to any of the inhabitants thereof. The Provincial Secretary shall cause a copy of every such Order in Council to be inserted in "The *Canada Gazette*," and from the date of such insertion the publication of all such Notices, By-laws and Resolutions may be legally made in the Municipality referred to in such Order in Council, in that language only which shall be thereby prescribed.

Forms.

LXXX. The forms given in the Schedule to this Act shall suffice for the purposes for which they are given; but any other form to the like effect shall be sufficient; and any form shall be sufficient for such purposes or any other under this Act, if according to the ordinary construction of the language, the purport and intent thereof can be *bonâ fide* understood from the words used; and no unnecessary or irrelevant allegations or expressions, in any such form, shall affect the validity thereof, if by passing them over as mere surplusage the remainder can be made to bear the sense required; the rules of construction embodied in the Interpretation Act, and in this Act, shall apply as well to the forms here given and to any other such form as aforesaid, as to the allegations, statements, orders or directions therein contained; and no objections of mere form or founded on the omission of any formality shall be allowed to prevail in any action, suit or proceeding under this Act, unless substantial injustice would be done by not allowing such objection.

Schedule of Forms.

(A.)

Notice of Public Meeting for the Election of Local Councillors.

To the Municipal Electors of the (Township, Parish, &c., here insert name of Municipality.)

Public Notice is hereby given that a Public Meeting of the Inhabitants of the Local Municipality of the (Parish, Township, &c, here, insert name of Municipality) qualified to vote for Municipal Councillors, will be held at _____ (here describe the Place, Public Room, House, &c.,) in the said Municipality, on _____ day, the _____ day of _____ instant, at _____ of the clock in the _____ noon, for the purpose of then and there electing seven Councillors for the said Municipality, pursuant to the pro-visions of "The Lower Canada Municipal and Road Act, 1855."

Dated at _____ this _____ day of _____, one thousand eight hundred and _____

A. B.

Registrar, Deputy Registrar (or Warden)
of the County of _____, or of the
Registration Division Number _____
of the County of _____, as the case
may be.)

(A 2.)

Notice of Public Meeting for the Election of Councillors, in Place of Those Whose Election Has Been Declared Null and Void.

To the Municipal Electors of the (Township, Parish, &c., here insert name of Municipality.)

Public Notice is hereby given that a Public Meeting of the Inhabitants of the Local Municipality of the (Parish, Township, &c., here insert name of Municipality) qualified to vote for Municipal Councillors, will be held at _____ (here describe the Place, Public Room, House, &c.,) in the said Municipality, on _____ day, the _____ day of _____ instant, (or next) at _____ of the clock in the _____ noon, for the purpose of then and there electing _____ Councillor _____ for the said Municipality, in stead of (A. B. and C. D. as the case may be) whose election has been declared null and void, pursuant to the provisions of "The Lower Canada Municipal and Road Act, 1855."

Dated at _____ this _____ day of _____, one thousand eight hundred and _____

A. B.

Registrar, (Deputy Registrar or Warden)
of the County of _____, or of the

Registration Division Number _____
of the County of _____, as the
case may be.)

(B.)

Certificate of the Publication of a Public Notice, to Be Annexed to or Endorsed on the Original
Notice.

I, A. B., residing at the (Township, Parish or place, here insert residence,) being duly sworn on the Holy Evangelists, do hereby certify and return that I did publish the within Original Notice, by posting a true copy thereof on the front door of _____ (here describe the Churches or Chapels on the door of which and the other public place where the notice was so posted) on _____ day, the _____ day of _____ instant, (or last) between the hours of _____ in the _____ noon and _____ in the _____ noon, (if it be within a Seigniorly or *Fief*, add) and by reading the same at the door of the said Church, at the close of Divine Service in the forenoon, on the _____ day of _____ last (or the _____ instant,) being the Sunday next following the day on which the same was published by posting a copy thereof as aforesaid.)

Dated at _____ this _____ day of one thousand eight hundred and _____

Sworn before the undersigned, Warden of
the Municipal Council of the County of
(here insertname of County), or Mayor
of the Municipal Council of the
(Parish, &c., here insert name of
Municipality,) or one of Her Majesty's
Justices of the Peace for the District of
(here insert name of District, as the
case may be).

}
}
}

B. C.

C. D.

(C.)

Special Notice to the Person Appointed to Preside at a Public Meeting for the General Election of
Local Municipal Councillors.

Office of the Municipal Council of the County of _____ (or Registry Office of the County of
_____, as the case may be).

(Place.) (Date.) 185__.

Sir,

Hereby take notice, that pursuant to the provisions of "The Lower Canada Municipal and Road Act, 1855," in that behalf made, I have this day appointed you to preside at a Public Meeting of the Inhabitants of the Local Municipality of the (Parish, Township, &c., here insert name of Municipality) to be held at _____ in the said Municipality, on _____ day, the _____ day of _____ instant, at _____ of the clock in the _____ noon, for the election of Municipal Councillors for the same; And that I do hereby fix (here describe the house and place,) as the place at which, and _____ day, the _____ day of _____ (instant or next,) as the day and hour on and at which the first Session of the Council of the said Municipality of _____ shall be held. And I do hereby require you to make known the said place and time of such Session, to each of the persons who shall be elected Councillors as aforesaid.

D. E.

Warden (or Registrar or Deputy Registrar)
of the County of _____, or of the
Registration Division Number _____
of the County of _____, as the
case may be.)

(D.)

Certificate to Be Annexed to or Endorsed on Every Special Notice.

I, _____ A. B., residing at the (Parish, Township or Place, here insert residence), being duly sworn on the Holy Evangelists, do hereby certify and return, that on _____ day, the _____ day of _____, in the year of Our Lord, one thousand eight hundred and _____, at the hour of _____ of the clock in the _____ noon, in the (Parish, Township or Place), in the County of _____, I did serve the within Original Special Notice on the person (s) therein named to be notified, at his (or each of their, as the case may be) domicile (s), by leaving a true Copy thereof with (here mention the manner in which the service is made, either adding the said _____ personally, or, a reasonable person of his family, and then and there exhibiting to him (or her) the said Original Special Notice.

Dated at _____, this _____ day of _____, one thousand eight hundred and _____

Sworn before the undersigned, Warden of
the Municipal Council of the County of
(here insert name of County,) or Mayor
of the Municipal Council of the
(Parish, &c., here insert name of
Municipality,) or one of Her Majesty's
Justices of the Peace for the District
of (here insert name of District, as the
case may be).

E. F.

F. G.

(E.)

Special Notice to Municipal Councillors Informing Him of His Election and of the Day of the First Session.

(Place.) (Date.) 185__.

Sir,

I hereby notify you that at a public Meeting of the Electors of the Municipality of (here insert name of Municipality) convened and held in conformity to the provisions of "The Lower Canada Municipal and Road Act, 1855," at the said (Parish, &c.,) on the _____ day of _____ (instant or last past,) you were then and there duly elected a Municipal Councillor for the said Municipality of (here insert name of Municipality,) and you are hereby required to attend the first Session of the said Council which will be held at (here describe place of first Meeting,) on _____ day, the _____ day of _____ (instant or next,) at the hour of _____ of the clock in the _____ noon.

G. H.
President of the Election,

To H. I.

Municipal Councillor.

(F.)

Notice from President of Election to Warden or Registrar, When an Election Has Taken Place.

(Place.) (Date.) 185__.

Sir,

I hereby inform you that at the public Meeting of the Inhabitants of the Municipality of the (Parish, Township, &c.,) of (here insert name of Municipality,) held at _____ on _____ day, the _____ day of _____ (instant or last past):

Name	Residence.	Occupation.
A. B.	Quebec,	Carpenter,
C. D.	do.	do.
E. F.	do.	do.
G. H.	do.	do.
J. K.	do.	do.

were elected Councillors for the said Municipality, (by acclamation, they being the only candidates, if such be the case,) or they having the largest number of votes, as appears by the Poll Books, duly certified by me and herewith transmitted.

I. J.

President of Election.

To J. K., Esquire,
 Warden or Registrar of _____
 the County of _____

(G.)

Appointment of a Deputy County Superintendent.

(Name of place.) (Date.) 185__.

Sir,
 I hereby nominate, constitute and appoint you to be a (or one of the) Deputy County Superintendent (s) for the County of _____, pursuant to the provisions of "The Lower Canada Municipal and Road Act, 1855."

K. L.

County Superintendent for the
 County of _____

To L. M.
 (Address.)

(H.)

Notice of Appointment of a Deputy County Superintendent.

(Name of place.) (Date.) 185__.

Sir,

Hereby take notice, that pursuant to the provisions of "The Lower Canada Municipal and Road Act, 1855," and under the authority of a Resolution of the Municipal Council of the County _____, in that behalf made, I have this day nominated, constituted and appointed A. B. of (residence, profession or calling,) to be a (or one of the) Deputy County Superintendent (s) for the County of _____

M. N.
County Superintendent for the
County of _____

To N. O.

Warden of the County
of _____

By-Laws and Resolutions.

(I.)

County Council By-Law.

Corporation of the
County of _____ }
}

At a General Quarterly Session of the Municipal Council of the County of (here insert the name of County) * held at _____, in the said County, on _____ day, the _____ day of _____, in the year of Our Lord, one thousand eight hundred and _____, in conformity to the provisions of "The Lower Canada Municipal and Road Act, 1855," † at which Meeting are present, A. B-, Mayor of the Corporation of the (Parish, &c.,) C. D., Mayor of the Corporation of (Parish, &c.,) E. F., Mayor of the Corporation of (Parish, &c.,) the said (three Mayors, or more, as the case may be,) forming a *quorum* of the said Council, the said A. B. presiding (as Warden of the said Council, if such be the case,) ‡ the said Council doth hereby ordain and make the following By-law, to wit:

A By-Law.

(Here give a heading to By-law concisely indicating the purport of such By-law.)

I. That, &c., &c.

(Seal.)

A. B.

Warden (or Chairman, as the case may be.)

Attested, C. D.,
Secretary-Treasurer of said Council.

* (If it be a Special Meeting of the Council, the following head should be substituted):

At a Special Session of the Municipal Council of the County of (here insert the name of County), duly convened by Special Notice given to all the Members of the said Council by (the Warden of the said Council, or by A. B. and C. D., two Members of the said Council, as the case may be,) and, &c.

(J.)

Local Council By-Law.

Corporation of the
(Parish, Town-
ship, &c.,) of _____

At a General Monthly Session of the Municipal Council of the (Parish, &c.,) (here insert the name of Municipality) * held in the said (Parish, &c.,) on _____ day, the _____ day of _____ in the year of Our Lord, one thousand eight hundred and _____, in conformity to the provisions of "The Lower Canada Municipal and Road Act, 1855," † at which Meeting are present A. B., C. D., E. F., &c., (here insert the names of the Councillors present) Members of the said Council, and forming a *quorum* thereof, the said A. B. presiding (as Mayor, if such be the case,) ‡ the said Council doth hereby ordain and make the following By-law, to wit:

A By-Law.

(Here give a heading to By-law concisely indicating the purport of such By-law.)

I. That, &c., &c.

(Seal.)

A. B.

Mayor (or Chairman, as the case may be.)

Attested, C. D.,
Secretary-Treasurer of said Council.

* (If it be a Special Meeting of the Council, the following head should be substituted):

At a Special Session of the Municipal Council of the (Parish &c.) of (here insert the name of Parish, &c.,) duly convened by Special Notice given to all the Members of the said Council by (the Mayor of the said Council, or by A. B. and C. D., two Members of the said Council, as the case may be,) and, &c.

† (If the Meeting of any Council be continued by adjournment, add):

And adjourned from the said day to _____ day, the _____ day of _____ in the
(said) year, (if further adjourned), and thence unto, &c.

(K.)

Publication of Resolution of a Municipal Council.

(When by any part of this Act a resolution of a Municipal Council is ordered to be published, the
above heading of By-laws may be used in the public notice as far as ‡ after which, add, It was
resolved, and for the words “are present” substitute “were present.”)

(L.)

Notice for Special Meeting of a Municipal Council.

Office of the Municipal Council of the (County, Parish, &c)

(Place.) (Date.) 185__.

Sir,

Hereby take notice that a Special Session of the Municipal Council of the (County, Parish, &c., as
the case may be,) will be held on _____ day, the _____ day of _____ instant (or
next), at the hour of _____ of the clock, in the _____ noon, at the usual place of
meeting.

P. Q.

Warden, or Mayor, or Members of the
Municipal Council of the (County,
Parish, &c.)

To Q. R.

(M.)

Notice for an Adjourned Meeting of Municipal Council to Be Served on Members Absent at the
Time of Adjournment.

Office of the Municipal Council of the (County, Parish, &c.)

(Place.) (Date.) 185__.

Sir,

You are hereby notified that the Session of the Municipal Council of the (County, Parish, &c.,) stands adjourned from _____ day, the _____ day of _____ instant, to _____ day, the _____ day of _____ instant (or next), on which latter day the said Council will meet at the usual place and at the hour of _____ of the clock, in the _____ noon.

R. S.
Secretary-Treasurer of the Municipal Council of the
(County, Parish, &c.)

To Q. R.

(N.)

Oath of Office.

I, A. B., having been elected or appointed (as the case may be) Councillor, Mayor, or Warden of the Municipal Council of the (County, Parish, &c.) do sincerely and solemnly swear, that I will faithfully fulfil the duties of the said Office, according to the best of my judgment and ability.

Sworn before the undersigned, Warden of the Municipal Council of the County of (here insert name of County), Mayor of the Municipal Council of the (Parish, &c., here insert name of Municipality,) or one of Her Majesty's Justices of the Peace of the District of (here insert name of District, as the case may be).

}

S. T.

T. U.

(O.)

Secretary-Treasurer's Surety Bond, When Given Under Private Seal.

Province of }
Canada. }

Know all men by these presents, that We, A. B. (here insert name of Secretary-Treasurer,) of the (Parish &c.) of _____, in the District of _____, and (here insert names, residences and occupations of two Sureties,) are jointly and severally held and firmly bound to the Corporation of the (County, Parish, &c. lawful money of this Province, to be paid to and for the use of the said

Corporation, for which payment well and truly to be made we jointly and severally (*solidairement*) bind ourselves and our respective heirs, executors and administrators, firmly by these presents, and do hereby specially hypothecate the properties hereinafter mentioned, to wit: the said A. B. (here insert name of Secretary-Treasurer, if he has real property) a certain (description of property hypothecated) and the said (here insert separately the name of each surety, together with description of the property hypothecated), signed in duplicate by our respective hands, sealed with our respective seals, and dated at _____, the _____ day of _____, in the year of our Lord, one thousand eight hundred and _____, in presence of (here insert names of Witnesses,) the subscribing Witnesses.

Whereas the said bounden (here insert the name of Secretary-Treasurer elect) hath been elected (or appointed) Secretary-Treasurer of the Municipal Council of the (County, Parish, Township, &c.); and whereas in accordance with the provisions of "The Lower Canada Municipal and Road Act, 1855," the said bounden (here insert names of Sureties) have been approved by a Resolution of the said Council as Sureties for the payment of all sums of money for which he the said (insert name of Secretary-Treasurer) so elected (or appointed) Secretary-Treasurer, may as such Secretary-Treasurer at any time be accountable to the said Corporation, including principal, interest and costs, as well as all penalties and damages to which he the said (insert name of Secretary-Treasurer) as such Secretary-Treasurer shall become liable in the exercise of his office.

Now the condition of the above written obligation and recognizance is such, that if the above named (insert name of Secretary-Treasurer) do faithfully discharge the duties of the office of Secretary-Treasurer as aforesaid, to which he has been elected (or appointed) so as aforesaid, and do well and truly account for and pay over to the said Corporation or to such person or persons as under the said Act shall be authorized to demand and receive the same, all sums of money for which he the said (insert name of Secretary-Treasurer) as such Secretary-Treasurer shall be accountable to the said Corporation, including principal, interest and costs, as well as all penalties and damages to which he the said (insert name of Secretary-Treasurer) as such Secretary-Treasurer shall become liable in the exercise of his office, for and during the time the said (insert name of Secretary-Treasurer) shall continue to hold the said office of Secretary-Treasurer, then this obligation to be void and of none effect, otherwise to be and remain in full force and virtue.

A. B., Signature of Secretary-Treasurer. (Seal.)
C. D., Signatures of _____ (Seal.)
E. F., Sureties. (Seal.)

Witnesses. (Names of Witnesses.) { G. H.
J. H.

(P.)

Special Notice of Appointment of a Municipal Officer.

Office of the Municipal Council of the (County, Parish, &c.,) of _____
(Place.) (Date.)

Sir,

You are hereby notified, that at a _____ Session of the Municipal Council of the (County, Parish, &c., as the case may be,) of _____ held on the _____ day of _____ instant (or last past), you were, by a resolution of the said Council, duly appointed to the office of (here insert name of office).

U. V.

Secretary-Treasurer of the Municipal Council of the
(County, Parish, &c.,) of _____

To V. W.

(Address.)

(Q.)

Notification of Election or Appointment of Mayor.

Office of the Municipal Council of the (Parish, Township, &c.)

(Place.)

(Date.)

Sir,

You are hereby notified that (A. B., here insert name of Councillor) was on the _____ day of _____ instant (or last), duly elected (or appointed, as the case may be), Mayor of the Municipality of the said (Parish, Township, &c.)

W. X.

Secretary-Treasurer of the said Council.

To X. Y.

Registrar of the County
of _____ or Secretary-
Treasurer of the Council
of the County of _____

(R.)

Petition for Erection of a Village.

To the Municipal Council of the County of _____

The Petition of the undersigned Inhabitants of the (Parish, Township, &c.,) of _____ qualified to vote at the Election of Local Councillors —

Respectfully sheweth:

That they are desirous that the hereinafter described tract of land be erected into a separate Town (or Village) Municipality, under such name as may be given thereto by His Excellency the Governor General, under the provision of "The Lower Canada Municipal and Road Act, 1855."

That the said tract of land lies within the limits of the Municipality of the said County of _____ and is bounded as follows, to wit: (here give boundaries and description of the said tract), and contains at least sixty inhabited houses within the space of thirty superficial arpents.

Wherefore the said Petitioners, resident within the said tract, pray that the Municipal Council of the said County of _____ will order on their said Petition as in and by the said Act prescribed.

(Place.)

(Date.)

(Signatures.)
(Not less than forty.)

(S.)

Public Notice to Be Given by the County Superintendent in Relation to the Erection of a Town or Village.

(Place.)

(Date.)

Public Notice is hereby given, that in pursuance of an order to me given by the Municipal Council of the County of _____, I shall, on _____ day, the _____ day of _____ instant (or next), at the hour of _____ of the clock in the _____ noon, visit the tract of land mentioned and described in the petition of certain inhabitants of the Municipality of the (Parish, Township, &c.) of _____ presented, to the Municipal Council of the County of _____, on the _____ of _____ instant (or last past), praying for the erection of the said tract of land into a Town (or Village) Municipality; and all parties interested who may be desirous of being heard in relation to that petition are hereby notified to present themselves then and there before me for that purpose.

Y. Z.
County Superintendent.

(T.)

Public Notice to Be Given by a County Council Before the Homologation of a County Superintendent's Report in Relation to the Erection of a Town or Village.

Office of the Municipal Council of the County of _____

(Date.)

Public Notice is hereby given, that on _____ day, the _____ day of _____ instant, (or next) at the hour of _____ of the clock in the _____ noon, the Municipal Council of _____ the County of _____ after having heard the County Superintendent and parties interested, will proceed to the examination of the County Superintendent's report on the petition of certain Inhabitants of the Municipality of the (Parish, Township, &c) of _____ praying for the erection into a separate Town (or Village) Municipality of a certain tract of land therein mentioned.

V. U.
Secretary-Treasurer of the Municipal
Council of the County of _____.

(U.)

Oath to Be Administered to Special Constables.

I, A. B., do swear that I will well and truly serve our Sovereign Lady the Queen in the office of Special Constable for the _____ of _____, without favor or affection, malice, or ill will; and that I will to the best of my power cause the peace to be kept and preserved, and will prevent all offences against the persons and properties of Her Majesty's subjects; and that while I continue to hold the said office, I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law: So help me God.

(V.)

Warrant of Commitment on View.

Province of Canada, }
Municipality of the (Parish, }
Township &c.) of _____ }

To all or any of the Constables and Peace Officers in the District of _____ and to the Keeper of the (House of Correction, Lock-up House, &c.) at _____, in the said District of _____

Whereas A. B. (here describe the person) hath this day during the. Election for the Municipal Councillors for the Municipality of the (Parish, Township, &c.) of _____ broken and disturbed the public peace and tranquillity (here, describe the manner), in the presence and within view of the undersigned duly appointed to preside and presiding at the said Election; and whereas I have adjudged the said A. B. for the said offence to be imprisoned in the (House of Correction, Lock-up House, See.) for the time and space of _____ days.

These are therefore to command you the said Constables or Peace Officers, or any one of you, in Her Majesty's name, forthwith to convey the said A. B. to the (House of Correction, Lock-up House, &c.) at _____, and there deliver him into the custody of the Keeper thereof, together with this Precept; And I hereby require you, the said Keeper, to receive the said A. B. into your custody in the said (House of Correction, Lock-up House, &c.) and there safely keep him until the expiration of the said period of imprisonment.

Given under my Hand and Seal,
this _____ day of _____, one
thousand eight hundred and _____,
at _____ in the Municipality
aforesaid.

}
}
}

Z. Y.

(W.)

Distress Warrant in virtue of any By-law made under Section XXIII, par. 7.

Province of }
Canada. }

The Corporation of the (Parish, Township, &c., as the case may be,) to wit:

To all or any Constables and Peace Officers in the District of _____

Whereas in and by a certain By-law made and passed by the Municipal Council of the (Parish, Township, &c., as the case may be,) at a (General Monthly) Session of the said Council of the (Parish, Township, &c., as the case may be,) held at _____, on _____ day, the _____ day of _____, in the year of our Lord, one thousand eight hundred and in conformity to the provisions of an Act of the Legislature of the Province of Canada, passed in the eighteenth year of Her Majesty's Reign, intituled, an Act (here insert title of this Act,) it was provided (here insert part of By-law made in virtue of the fifth paragraph of the twenty-third Section of the above Act.)

And whereas _____ certain person _____ did lately, to wit: on the _____ day of _____ (instant or now last past,) hold (here state the nature of performance or exhibition,) and whereas A. B. being (the proprietor &c., as the case maybe,) (here insert the connection such person may have with the performance or exhibition,) hath been required by the Secretary-Treasurer of the said Municipal Council to pay into his hands for and on behalf of the said Municipal Council, the sum of _____ being the amount of duly imposed on every such (performance or exhibition) under and in virtue of the said Law and of the said By-law; And whereas the said A. B. hath neglected and refused to pay unto the said Secretary-Treasurer, on his said demand, the said sum of _____ so as aforesaid, lawfully imposed on the said (performance or exhibition). These are therefore to command you forthwith to make distress of the goods and chattels of the said A. B., and of all and every the goods and chattels appertaining to

the said (performance or exhibition)) or of all or any of the persons connected with such (performance or exhibition); and if within the space of _____ days after the making of such distress, the said mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you detained, and do pay the money arising from such sale unto the Secretary-Treasurer of the said Municipal Council, that he may apply the same as by law directed, and may render the overplus, if any, on demand, to the said A. B., or others whom it may concern, and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein, as to Law doth appertain.

Given under my Hand and the Seal
of the said Corporation, this _____
day of _____, in the year of our
Lord _____, at _____ in
the District aforesaid.

}

Y. X.
Mayor of the said Corporation.

(X.)

Special Notice to Be Given to any Person Appointed by the Governor General, and to the
Secretary-Treasurer of the Municipality in Which Such Person Has Been Appointed.

Office of the Registrar or of the Municipal
Council of the County of _____

(Place.) (Date.)

Sir, — You are hereby notified that (you have) or (A. B. of _____, in &c. has) been appointed by the Governor General to the Office of _____ in the Municipality of the (County, Parish, or Township, &c.) of _____ (if it be addressed to a Councillor, add) _____ and that the first (or next) Session of the Municipal Council of the said (County, Parish, Township, &c.,) will be held at (here describe place) on _____ day, the _____ day of _____ instant (or next) at the hour of _____ of the clock of the _____ noon.

W. U.
Registrar or Warden of
the County of _____

To A. B., Warden, or
D. H. Secretary-Treasurer of the Municipal Council of _____

(Y.)

Notice to Perform Statute Labour.

Municipality of the (Parish, Township, &c., &c.) of _____

(Date.)

To Mr. _____

You are required to attend at (here insert place) on the (insert days of month) days of _____
 (instant or next) at _____ of the clock in the _____ noon, bringing with you an axe
 and a hoe, (or a horse, ox, waggon, car or other vehicle and harness,) for the purpose of
 performing statute labour on the (here describe road, bridge, &c..)

K. L.
 County Superintendent (or Inspector
 or Overseer of Roads, as the
 case may be.)

(Z.)

Secretary-Treasurer's Notice for the Payment of Assessment.

Municipality of the (Parish, Township, &c.) Mr. _____ (Copy of Account.)	Municipality of the (Parish, Township, &c.) (Date of delivery) To the Corporation of the (Parish, Township, &c.) , Dr.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center;">£</td> <td style="width: 33%; text-align: center;">S.</td> <td style="width: 33%; text-align: center;">D.</td> </tr> <tr> <td style="height: 40px;"> </td> <td> </td> <td> </td> </tr> </table>	£	S.	D.				X. S. Secretary-Treasurer.
£	S.	D.							
Assessment on your (here mention the property as house, land, &c.) valued at £ _____, at (¼ d.) in the £. (Here add the various other items of taxation) Total		Sir, Hereby take notice that under "The Lower Canada Municipal and Road Act, 1855," you are required to pay the within mentioned sum of £ _____ s. _____ d. within thirty days from the above date.							
Notice served (here insert date of notice.)									

(AA.)

Public Notice of the Examination of any *Procès-Verbal*.

Office of the Municipal Council of the (County, Parish, Township, &c.) of _____
(Place.) (Date.)

Public Notice is hereby given to all parties interested, that pursuant to the provisions of "The Lower Canada Municipal and Road Act, 1855," on _____ day, the _____ day of _____ instant (or next,) at the hour of _____ of the clock in the _____ noon, at (here describe the place) the Municipal Council of the (County, Parish, Township, &c.) of _____ will proceed to the examination or revision of the County Superintendent's *Procès-Verbal* relative to the (here give the nature of the work, &c.)

B. F.

Secretary-Treasurer of the Municipal Council of the (County, &c.) of _____

(BB.)

Special Notice of County Superintendent, &c., of His Intention to Enter on Occupied Land for the Purpose of Survey.

Sir, — Hereby take notice that under the authority in me vested by the provisions of "The Lower Canada Municipal and Road Act, 1855," on _____ day, the _____ day of _____ instant (or next), I shall enter on the land occupied by you situate in (here describe land) for the purpose of then and there making a survey for a certain Road, viz: (here describe road by its direction, &c.)

C. F.

County Superintendent
(or other person, as the case may be.)

(CC.)

Public Notice of County Superintendent's Intention to Examine Roads in Local Municipality.

(Place.) (Date.)

Public Notice is hereby given that on _____ day, the _____ day of _____ (January or June, as the case may be), I shall visit the (Parish or Township, here insert name of Local Municipality,) for the purpose of then and there examining the Roads within the said Municipality.

G. H.
County Superintendent.

(DD.)

Special Notice of the Intension of Inspector of Roads to Visit an Overseer's Section.
(Place.) (Date.)

Sir, — Hereby take notice that on _____ day next, the _____ day of _____ instant (or next) I shall visit the roads in that portion of my division of the Municipality of the (name of Local 3Innmpaaily) embraced within the section thereof for which yon are Overseer; and you are hereby required to meet me at the hour of _____ of the _____ noon of that day at (place of meeting) and to accompany me in my visit of that section, conformably to the provisions of "The Lower Canada Municipal and Road Act, 1855."

E. F.
Inspector of Roads.

To S. T.
Overseer.

(E.E.)

Valuation-Roll of the Municipality of the (Parish, Township, &c.) of (name of Municipality.)

Owner of Real Property.			Occupant of Real Property.			Liable to Statute Labour.			Assessable Property					
Name.	Designation.	Name.	Designation.	Name.	Designation.	Range.	Lot or part	Real.		Profession or business.	Other items according to By-law, &c., of Municipality.			
								If in a Village.	Value of Property.					
								No. of Houses.	£ s. d.	£ s. d.				
John Brown	Notary.	John Brown	Notary.	.....	.....	1	E ½ 10	.....	£ s. d.	£ s. d.	
Isaac Smith	Physician.	William Jones	Advocate.	.....	.....	4	3 12	.....	150 0 0	200 0 0	
.....	.....	.....	.....	Robert Lee	Farm servant.	.....	.....	4	200 0 0	300 0 0	

Sect. lxxv
par. 3.

A. B. } Valuators for the said Municipality of the (Parish, Township, &c.)
 C. D. } of _____

(FF.)

Public Notice of the Revision of a Valuation-Roll.

Office of the Municipal Council of the (Parish, Township, &c.,) of _____

(Place.)

(Date.)

Public Notice is hereby given to the-inhabitants of the Municipality of the (Parish, Township, &c.,) of that on day, the _____ day of _____ instant, (or next) at the _____ hour of _____ of _____ the clock in the _____ noon, the Municipal Council of the said (Parish, Township, &c.,) will proceed to the examination or revision of the Valuation-Roll for the said Municipality.

F. G.

Secretary-Treasurer of the said Council.

(G G.)

Collection-Roll of the Municipality of the (Parish, Township, &c.) of (name of Municipality.)

Taxable Persons.		Assessable Property.										Other items according to By-Law, &c, of Municipality.	Total amount of Tax payable.	
		Real.					Personal.							
Name.	Designation.	Concession	Range.	Lot of part.	Name of Street.	If in a Village.	Value of Property.	Nature of.	Value of.	Total value of assessable Property.	Amount of Tax ¼ in the £.	Total amount of Tax payable.		
						No. of house.	£ s. d.		£ s. d.	£ s. d.	£ s. d.	£	s.	d.
John Brown	Notary.	1	2	E½ 10	.....	.....	150 0 0	Profession.	200 0 0	350 0 0	0 7 3½	0	7	3½
Isaac Smith	Physician.	4	3	12	.....	.....	200 0 0	Do.	300 0 0	500 0 0	0 40 5	0	10	5
Wm. Roe	Merchant.	..	..	.....	Main.	12	300 0 0	Trade.	500 0 0	800 0 0	0 16 8	0	16	8
John Jones	Printer.	5	4	18	.....	.....	100 0 0	Do.	100 0 0	200 0 0	0 4 2	0	4	2
Robt. Snow	Farmer.	5	5	19	.....	.....	200 0 0	.....	200 0 0	200 0 0	0 4 2	0	4	2
Thos. Silk	Carter.	..	..	.....	St. John.	2	600 0 0	.....	.....	60 0 0	0 1 3	0	1	3
(Here insert columns according to circumstances.)														

F. H.
 Secretary-Treasurer of Municipality of the (Parish, Township, &c.) of

(HH.)

Distress Warrant for Assessments Due.

Province of }
Canada. }

The Corporation of the (Parish, Township, &c., as the case may be,) to wit:

To all or any of the Constables and Peace Officers in the District of _____

Whereas A. B., (name and designation of debtor,) hath been required by the Secretary-Treasurer of the Municipal Council of the (name of Municipality,) to pay into his hands for and on behalf of the said Municipal Council, the sum of _____ being the amount due by him to the said Municipality, as appears by the collection-roll of the said Municipality for the year 18__; And whereas the said A. B., hath neglected and refused to pay onto the said Secretary-Treasurer, within the period prescribed by law, the said sum of _____; these are therefor to command you forthwith to make distress of the goods and chattels of the said A. B.; and if within the space of eight days after the making of such distress, the said mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do on such day as shall be indicated to you by the said Secretary-Treasurer, sell the said goods and chattels so by you detained, and do pay the money arising from such sale unto the Secretary-Treasurer of the said Municipal Council, that he may apply the same as by law directed, and may render the overplus, if any, on demand, to the said A. B., or others whom it may concern, and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein, as to Law doth appertain.

Given under my Hand and the Seal
of the said Corporation, this _____
day of _____, in the year of our
Lord _____, at _____ in
the District aforesaid.

}
}

Y. X.
Mayor of said
Corporation.

(II.)

Notice of the Day and Place of Sale of Goods and Chattels Seized for Taxes.

Public Notice is hereby given that on _____ day, the _____ day of instant (or next) at the hour of _____ of the clock in the _____ noon, at (here describe the place), the goods and chattels of A. B. (name of person) now under seizure for non-payment of municipal assessments (or other dues, as the case may be), will be sold by public auction at (here name place) on _____ day, the _____ day of _____ instant (or next.)

(Place.)

(Date.)

D. B.

Secretary-Treasurer of the
Municipal Council of the _____

(JJ.)

Certificate of a Secretary-Treasurer of County Council of Amount Required From a Local
Municipality.

Office of the Municipal Council of the County of _____

(Place.) (Date.)

Sir, — I hereby certify to you that under and by virtue of a By-law passed by the Municipal Council of the County of (here insert name of county), on the _____ day of _____ instant (or last past), intituled, a By-law [insert title of By-law] the sum of (insert sum) is therein directed to be levied in the Municipality of the (Parish, Township, &c. insert name of local Municipality) for the county purposes mentioned in the said By-law.

G. F.

Secretary-Treasurer of the Municipal Council
of the County of _____

(KK.)

Statement of Value of Assessable Property.

Office of the Municipal Council of the (Township, Parish, &c.) of _____

(Place.) (Date.)

Sir, — In conformity to the provisions of "The Lower Canada Municipal and Road Act, 1855," I transmit you the following statement of the value of the assessable property in the Municipality of the (Township, Parish, &c.,) according to the last Assessment-Roll as finally revised.

Nature of Property.	Value (or Annual Value.)
Real Property	£25,222 0 0
Personal Property	20,106 0 0

K. M.
 Secretary-Treasurer of Municipal
 Council of _____

To Z. H.
 Secretary-Treasurer of the Council
 of the County of _____

(LL.)

Statement of Lands to Be Sold for Taxes, and Notice of Sale.

Office of the Municipal Council of the County of _____

I do hereby give Public Notice, that the lands hereinafter mentioned will be sold by Public Auction, at the (here insert name of place), on Monday, the _____ day of February next, at _____ of the clock in the _____ noon, for the assessments and charges due to the Municipalities hereinafter mentioned upon the several lots hereinafter described, unless the same be paid with costs at least two days before the above day.

Description of Land.					Amount of Due on Each Lot.
Name of Municip'y.	Concession.	Range.	Lot.	Extent.	
	1	2	7	100 Acres.	£ 0 18 9
	3	1	6	175 do.	0 17 6
	5	3	8	200 do.	1 1 3
	6	4	11	200 do.	1 0 9
<i>(If in a Seigniori, give Boundaries.)</i>					

P. Q.,
 Secretary-Treasurer of Municipality of
 the County of _____

(M M.)

Form of Debenture.

Municipality of the (as the case may be.)

No. _____

£ _____

Cy. or Stg.

This Debenture witnesseth, that the Municipality of the (name of Municipality), under the authority of a By-Law passed by the Council of the said Municipality, in conformity to the provisions of "The Lower Canada Municipal and Road Act, 1855," intituled, a By-Law, &c., (insert title of By-Law,) have received from (name) of (domicile, profession, or occupation,) the sum of (insert sum at full length), as a loan, to bear interest from the date hereof at the rate of _____ per centum per annum, payable half yearly on the _____ day of _____ and _____, at _____, which sum of (insert sum at full length) the said Municipality, as a Municipal Corporation, hereby binds and obliges itself to pay on the day of _____, at _____, to the said _____, or to the bearer hereof, and to pay the interest thereon half yearly, as aforesaid, according to the coupons or interest warrants hereto attached.

In testimony whereof I, _____, Mayor of the said Municipality, being hereunto duly authorized, have signed these presents, and have hereunto affixed the Common Seal of the said Municipality, at _____, in the County of _____, on this _____ day of _____, in the year of our Lord, one thousand eight hundred and _____.

(Signature of Mayor.)

Countersigned by
(Secretary-Treasurer.)

[Seal.]