

Until such by-laws are made, the provisions of the Municipal Code shall apply to such lands, and the corporation shall be bound to appoint officers for that purpose.

Municipal Code to apply until by-laws are made.

78. This act shall come into force in the day of its sanction.

Coming into force.

C A P. L X I I I .

An Act to consolidate the acts respecting the corporation of the town of Salaberry of Valleyfield.

[Assented to 8th January, 1894.]

WHEREAS the corporation of the town of Salaberry of Valleyfield has, by its petition, alleged that it is necessary to amend and consolidate the acts 37 Victoria, chapter 48 ; 42-43 Victoria, chapter 62, and 50 Victoria, chapter 60, which relate to the said corporation, and has prayed that further and better defined powers be given to the said corporation ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

PRELIMINARY TITLE.

MISCELLANEOUS PROVISIONS.

SECTION I.

DECLARATORY AND INTERPRETATIVE.

1. This act shall be known under the name of “ the charter of the town of Salaberry of Valleyfield.”

Name of Act.

2. The acts 37 Victoria, chapter 48 ; 42-43 Victoria, chapter 62, and sections 1 to 5, inclusively, and 57 to 67 inclusively, together with paragraph 4 of article 21 of chapter 60 of the act 50 Victoria, are repealed.

Acts repealed.

The act 46 Victoria, chapter 83, shall continue to have its effect.

Act remaining in force.

3. The articles of the law governing town corporations contained in chapter first of title eleventh of the Revised Statutes, which are not expressly excluded, shall apply to the corporation hereby constituted.

Provisions of the general act to apply.

4. As regards the said town, the words : “ Circuit Court of the county of Beauharnois, sitting at Salaberry of Valley-

Meaning of certain words.

field, or of the district of Beauharnois," are substituted for the words : "Superior Court ;" the words "clerk of the said court," for the word : "prothonotary," and the words : "clerk's office," for the words : "prothonotary's office," wherever they occur in section seventh of chapter first of title eleventh of the said Revised Statutes.

- Interpretation : 5. Unless the context of the provisions indicates or declares otherwise, the following expressions and terms have the meaning, sense and application which are respectively assigned to them in this article :
- Council. 1. The word "council," signifies the council of the corporation of the town of Salaberry of Valleyfield ;
- Corporation. 2. The expression "corporation," signifies the corporation of the town of Salaberry of Valleyfield ;
- Town. 3. The expression "town," means the town of Salaberry of Valleyfield ;
- Mayor. 4. The word "mayor," means the mayor of the town of Salaberry of Valleyfield, or his authorized representative ;
- Members. 5. The expressions "members" or "members of the council," mean the members of the council of the town of Salaberry of Valleyfield, who are the mayor and the town councillors ;
- Secretary, &c. 6. The words "secretary" or "secretary-treasurer," signify the secretary-treasurer of the town of Salaberry of Valleyfield ;
- Rate-payer. 7. The word "rate-payer" means any person who is bound to pay to the corporation any assessment or tax of any kind whatsoever, or water or light rates ;
- Elector. 8. The word "elector," signifies any municipal elector of the said town, who is qualified to vote at the time he exercises his right as an elector ;
- Electors who are proprietors. 9. The expression "electors who are proprietors," means all those who are entered on the valuation roll in force in the town as proprietors of taxable real estate, either in their own name, or in that of their wives, and who, at the time they exercise their rights as electors, are still proprietors in possession of the same property.
- The elector who is proprietor may be a woman of the age of majority, single or a widow ;
- Municipal dues. 10. The expression "municipal dues," means all taxes, whether general or special, imposts, dues, assessments for drains, or other purposes, apportionments, licenses, special assessments, rates or compensation for water and lighting, when the same may apply, fines or penalties, as well as all debts due to the corporation and forming part of its revenue ;
- Contract. 11. The word "contract" does not apply to the lease of stalls or shops, nor to the lease, sale or purchase of land, nor to loans of money, nor to any agreement in connection

therewith, nor to any agreement for the supplying of any goods or effects whatsoever in the ordinary course of the business of the corporation, when the total cost of any such goods or effects shall not exceed, annually, the sum of one hundred dollars, nor to any professional work done for the said corporation, when the fees shall not exceed, in any one year, the sum of one hundred dollars;

12. The words " assessors " and " valuator " are synonymous ; Valuators, &c.

13. The expressions " valuation roll " and " assessment roll " are synonymous ; Valuation roll.

14. The expressions " police officers " and " constables " are synonymous ; Police officers, &c.

15. The expressions " bonds " and " debentures " are synonymous and mean the bonds which the council is empowered to issue ; Bonds, &c.

16. The French expressions " *maire adjoint*," " *maire suppléant* " and " *pro-maire*," are synonymous and mean the " pro-mayor " ; Pro-mayor.

17. The words " court," " Circuit Court " or " tribunal " are synonymous and mean the " Circuit Court in and for the county of Beauharnois, sitting in the town of Salaberry of Valleyfield, or of the district of Beauharnois," and the words " Judge of the Superior Court," mean the " Judge of the Superior Court sitting in the said Circuit Court," unless such interpretation should not agree with the context ; Court, &c.

18. The term " justice of the peace " includes equally the recorder, and the mayor and every councillor acting *ex-officio* as a justice of the peace, under article 4210 of the Revised Statutes ; Justice of the peace.

19. The word " proprietor " means a person who possesses or whose wife possesses an immoveable as owner or usufructuary thereof, or one who is proprietor only of the buildings erected on a lot of land, without being proprietor of the land itself ; Proprietor.

He who has the enjoyment and usufruct of an immoveable has the right to vote as proprietor of such immoveable, to the exclusion of the person who is only owner thereof ; Usufructuary.

20. The word " tenant," comprises both the person who pays rent in money or in kind, and the person who is obliged to give to the proprietor any portion whatever of the fruits and revenues of the immoveable which he occupies ; every tenant, to be an elector, must be a householder in the said town, except tenants of stores, shops or offices ; Tenant.

21. The words " immoveables " or " real estate," or " immoveable property," mean every immoveable and, amongst other things, comprise all lands, town lots or portions of lots, and all buildings, all wharves, whether filled Immoveables, &c.

in or resting on piles, and all mills or other buildings erected on the river St. Lawrence or on the Beauharnois canal ;

R. S., arts.
4178 to 4180
and 4190
excluded.

6. Articles 4178, 4179, 4180 (less paragraph 9) and 4190 of the said Revised Statutes are excluded from this act.

Prescription
of suits for
damages, &c.

7. No action, suit or proceeding to annul any by-law or other act of the council, or for damages or indemnity, or relating to any matter or by-law in connection with this act, can be instituted against the town or against any person after three months from the date at which the cause of action originated, or from the adoption of the by-law, resolution or act of the council sought to be annulled.

Forms.

8. The forms of oath, ballot-papers, nomination papers, and municipal notices of all kinds, as well as the forms required by this act, shall be those generally in use for similar cases, unless others are prescribed by the council.

SECTION II.

TEMPORARY PROVISIONS.

Corporation
under act to
replace old
corporation,
&c.

9. The corporation, as hereby constituted, is substituted for all purposes whatsoever for the aforesaid corporation, "The corporation of the town of Salaberry of Valleyfield," and succeeds to all its rights, powers, privileges, debts and obligations.

Powers, &c.

It is vested with all the powers, rights and privileges conferred by the acts repealed by article 2 of this act, and shall be bound to perform all the duties imposed by the said acts.

Term of office
of present
mayor and
councillors.

10. The mayor and councillors of the town of Salaberry of Valleyfield shall remain in office until their respective terms of office expire.

Present municipal
officers
continued in
office.

11. The present municipal officers and employees of the said town shall likewise remain in office until they are removed or replaced by the council.

Existing *pro-*
cès-verbaux,
&c., to re-
main in force.

12. All *procès-verbaux* governing water-courses and streets, assessment rolls, statements of dues, by-laws, orders, lists, rolls, plans of the town, resolutions, ordinances, agreements, provisions, engagements or municipal acts whatsoever, passed and agreed to by the mayor and council of the town of Salaberry of Valleyfield, or their predecessors, shall continue to have full force and effect until they are cancelled, amended, set aside or accomplished.

13. All notes, bonds, debentures or obligations and all negotiable instruments and engagements whatsoever signed, accepted, endorsed, issued, or contracted by the council of the said town, up to the coming into force of this act, shall have all their legal effect.

Legal effect
of present
engagements,
&c.

TITLE I.

ORGANIZATION OF THE CORPORATION.

SECTION I.

INCORPORATION OF THE TOWN.

14. The inhabitants of the town of Salaberry of Valleyfield, and their successors, are hereby constituted a body politic and corporate, under the name of "The town of Salaberry of Valleyfield"; provided, always, that the name "Salaberry," when used alone, shall suffice for all purposes.

Constitution
of the town.
Name.

15. The town shall be and remain separate from the county of Beauharnois for municipal purposes.

Separate from
county of
Beauharnois.

16. The corporation of the said town, under its corporate name, shall have perpetual succession, and may :

General pow-
ers.

1. Sue and be sued in any cause or proceeding and before any court of justice;

Sue and be
sued.

2. Have a common seal, which it may change or alter at will;

Seal.

3. Accept donations or bequests, and acquire, transfer and alienate all real and personal property for the use of the town;

Acquire real
and personal
property.

4. Enter into and become a party to contracts, transactions and agreements, within the limits of its powers;

Enter into
contracts.

5. Sign, draw, endorse, transfer, give, accept or receive notes, bills of exchange, cheques, bonds, obligations, debentures, judgments, securities or other titles, whether negotiable or not, in the fulfilment of all rights and powers conferred upon it by its charter and by law, and of the duties and obligations devolving upon it, and in particular, for the securing of loans, for the payment and settlement of amounts due by or to the said corporation under any deed, contract or agreement, for the payment of grants or bonuses and for other legitimate purposes;

Sign notes,
&c.

6. The council may, by resolution, without being authorized by the electors who are proprietors, issue promissory notes with or without interest, payable at such places, and under such terms and conditions as it may deem proper, for the settlement of interest on moneys due, accounts or other running expenses; but the total aggregate amount of these notes shall not, at any one time during the year, exceed

Issue of notes
restricted.

a sum equal to one half of the annual interest paid during the preceding year, and such notes must be reimbursed and paid at short terms, from the ordinary revenues of the town;

Other powers. 7. The corporation may, generally, exercise all the powers vested in it or which are necessary for the objects of this charter.

SECTION II.

BOUNDARIES.—DIVISION INTO WARDS.

Boundaries of the town. 17. The said town of Salaberry of Valleyfield is comprised within the following boundaries, to wit : starting at a point one hundred and eighty feet from the Government boundary stone, on the south side of the Beauharnois Canal, between the lands of the representative of the late Michel Beautronc *dit* Major and of Antoine Viau, that is to say, between the number 135 on the official plan and in the book of reference of the parish of Ste Cécile, and number 2 on the official plan and in the book of reference of the said town, running south-westerly, to a point on Larocque road, in the said parish of Ste Cécile, nine hundred and thirty-nine feet from the boundary stone showing the old limits of the said town, on the said road, crossing the numbers 2, 3, 4, 5 and part of number 6 on the official plan and in the book of reference of the said town, and the numbers 142, 143, 144, 145, 146 and 147, 149 and 151 on the official plan and in the book of reference of the said parish ; thence, in a straight line, to the south-westerly boundary stone of the said town, crossing numbers 152, 153, 154, 155, 156 and 157 on the official plan and in the book of reference of the said parish ; thence, following the division line between numbers 158, 159 and 160 on the official plan and in the book of reference of the said parish, and numbers 530 and 536 on the official plan and in the book of reference of the said town, to the river St. Lawrence ; thence, in a straight line, towards the north-east, to a point of intersection between numbers 92 and 93 on the official plan and in the book of reference of the said parish and the public road ; thence, along the said public road, fronting the said number 92, continuing in a straight line with the said road, across numbers 91, 90 and 89 to the line of division between numbers 89 and 87 on the plan and in the book of reference of the said parish ; thence, along the said division line, towards the south-east, to the branch of the river St. Lawrence on the south side of Grande Ile ; thence, in a straight line, towards the south-east, to a point of junction of the front road of the first concession of Cathérinestown and the road on number 101 on the plan and in the book of reference of the said parish, along the north side

of the said Beauharnois Canal ; thence along the division line between the said number 101 and numbers 115, 116 and 117 on the said plan, and from thence in a straight line to the point of departure.

18. The said town is divided into three wards, which are respectively known as the North ward, the East ward and the West ward. Division of the town into wards.

1. The North ward includes all that part of the said town situated on the north side of the Beauharnois Canal ; North ward.

2. The East ward includes all that part of the said town situated on the south side of the aforesaid canal, between the eastern line of the said town and the west line of numbers 86, 93, 92, 235, 234, 233, 232 and 231 on the official plan and in the book of reference of the said town of Salaberry of Valleyfield, and continuing towards the south-east on the division line between number 148 and numbers 149 and 150 on the official plan and in the book of reference of the said parish of Ste. Cécile ; East ward.

3. The West ward includes all that part of the said town situated on the south side of the said canal, between the west line of the East ward and the west boundary of the said town. West ward.

19. Article 4472 of the said Revised Statutes, is replaced, for the town, by the following : R. S., art. 4472, replaced for town.

The council may, by a by-law and upon a vote of at least two thirds of its members, alter the boundaries and limits of the wards, increase or decrease the number thereof or suppress them entirely ; but an interval of at least five years must elapse between each such change or alteration, unless it be on account of the annexation of new territory to the town. Alteration of boundaries of wards.

The council may also, in the same manner, and subject to the same interval as above, between any change or alteration, except in the case of annexation of new territory, fix, decrease or increase the number of councillors to be elected for each ward and designate those who shall cease to represent the wards which may be suppressed. Increase or decrease in the number of councillors.

The number of councillors cannot, in any case, be more than twelve nor less than six for the whole town. Proviso.

SECTION III.

ANNEXATION OF TERRITORY.

20. It is lawful for the town council, by an affirmative vote of two thirds of its members, to pass by-laws for the purpose of extending the limits of the town, by annexing, for all municipal purposes, any part of an adjoining municipality or of a territory contiguous to that of the town. Power to annex.

It may also, in the same manner, annex any territory adjoining any already annexed.

Every such by-law must contain a full description of the territory to be annexed, with a plan thereof, showing the area and boundaries, and also the terms and conditions of such annexation.

Contents of by-law for such purpose.

Such by-law must likewise state whether the territory so annexed shall constitute a ward by itself, or whether it shall be annexed, in whole or in part, to one of the wards of the town already in existence.

Application to be made therefor.

The council shall take no steps with regard to annexing territory, except upon a petition, signed by a majority of the electors who are proprietors in the territory sought by the petition to be annexed to the town, and on a resolution of the municipal council of the municipality in which the said territory is comprised.

By-law to be approved by proprietors, &c.

21. Every by-law respecting the annexation of territory, in order to be valid, must be sanctioned and approved of by the majority of the electors who are proprietors in the limits of the territory to be annexed ; which sanction or approbation is established in the manner indicated in this act.

Approval by the Lieutenant-Governor in Council.

22. Such by-law must, further, be approved by the Lieutenant-Governor in Council, and published by the secretary-treasurer, within the fifteen days after notice of such approbation, in the manner prescribed by this act, and also by two insertions in a newspaper published in the town and in the *Quebec Official Gazette*.

Rights and obligations resulting from the annexation.

23. From and after the annexation, the proprietors of land annexed by virtue of the three preceding articles shall enjoy all the benefits, rights and privileges conferred by this act upon the inhabitants of the town, and be subject to the duties and obligations imposed upon them by the said act ; and any annexation thus made, for municipal purposes, shall be considered to be, at the same time, an annexation of the same territory to the school municipality of the said town, for school purposes.

SECTION IV.

THE TOWN COUNCIL.

R.S., art. 4193, replaced for town.

Composition of the council.

24. Article 4194 of the Revised Statutes is replaced, for the town, by the following :

The municipal council of the town consists of a mayor and six councillors, to wit : two councillors for each ward.

25. Articles 4195 and 4196 of the said Revised Statutes, R. S., arts. 4195 and 4196, replaced for the town, by the two following articles :

The mayor is elected for one year, by the majority of the municipal electors of the town ; but remains in office until his successor has entered upon the discharge of his duties. Term of office of the mayor.

The councillors, in each ward, are elected for two years, by the majority of the municipal electors of the ward ; but remain in office until their successors have entered upon the discharge of their duties. Term of office of councillors.

26. At the monthly session of the months of February, May, August and November of each year, the council shall appoint one of the councillors to fulfil the duties of pro-mayor during the following three months, when the mayor may be absent, unwell or otherwise unable to perform them ; and the councillor, so appointed pro-mayor, has and exercises, when necessary, all the powers, authority and privileges with which the mayor is lawfully vested. Appointment of pro-mayor and his duties, &c.

27. The corporate seat is at the office of the secretary-treasurer, at the town-hall. Corporate seat.

Such office must be open and of access to the public every juridical day, from nine in the forenoon to four in the afternoon. Office hours.

28. The office of the corporation is closed on polling days in the town. Office to be closed on polling days.

29. Articles 4191 and 4192 of the said Revised Statutes are excluded from this act. R. S., arts. 4191 and 4192, excluded.

TITLE II.

PERSONS DISQUALIFIED FOR MUNICIPAL OFFICE.

30. Article 4215 of the said Revised Statutes is replaced, for the town, by the following : R. S., art. 4215, replaced for town.

Whosoever receives any pecuniary allowance or other consideration from the corporation for his services, or has, directly or indirectly, by himself or his partner, any contract with the corporation, cannot be appointed a member of the council of this corporation, nor act as such. Contractors.

Nevertheless, a shareholder in any incorporated company which has any contract or agreement with the corporation or which is paid a subsidy, either by way of bonus or exemption or commutation of taxes, is not disqualified from acting as a member of the council ; but he is deemed to be interested if any measure affecting such company is discussed or voted on in the council or in a committee. Exception.

Municipal
dues must be
paid.

31. Whosoever has not paid all his municipal dues, with the exception of such amounts as may have to be made up owing to involuntary error or omission of the tax collector is disqualified from being appointed a member of the council

Deposit of
qualification.

32. Upon a written demand made by a member of the council or a rate-payer, before the council, upon the mayor or any councillor present, such mayor or councillor must, within the eight days following, give, in writing and under oath, and deposit in the office of the council, a declaration of qualification containing the description of the real estate in virtue of which he is qualified to sit.

Property qual-
ification of
councillors.

33. The immoveables upon which a councillor bases his eligibility must be situate within the ward for which he desires to be elected, and this eligibility must be enjoyed in the ward during all the time which he fills the office.

Councillor
not to be a can-
didate for
mayor.

34. A councillor cannot be nominated as a candidate for the office of mayor, unless he has previously resigned as councillor at least fifteen days before the nomination.

TITLE III.

MUNICIPAL ELECTORS.

SECTION I.

PERSONS QUALIFIED TO BE ELECTORS.

R.S., art. 4227,
replaced for
town.
Qualification
of municipal
electors.

35. Article 4227 of the said Revised Statutes is replaced, for the town, by the following :

Whoever fulfils the following conditions is a municipal elector of the town, and, as such, has the right to vote at municipal elections :

1. Has attained the age of majority and is a British subject ;

2. Is in possession in the town, in his own name or in that of his wife, as shown upon the valuation roll, either as proprietor of real estate of the real value of at least one hundred dollars ; or as tenant farmer or lessee, or as occupant by any title whatsoever, of real estate of the annual value of at least eighteen dollars ; or

3. Has paid taxes to the amount of four dollars and is a resident of the town.

4. Has paid all municipal dues and school taxes, both in his own name and in that of his wife, on or before the fifteenth of December, preceding an election or the exercise of his vote as such elector ; and

5. Is inscribed on the list of electors.

36. Whenever two or more persons, either individually or as members of a society or company not incorporated, are co-owners, co-tenants or co-occupants of any real estate valued at an amount sufficient for the share of each to confer upon him the electoral suffrage, each of such co-owners, co-tenants or co-occupants is an elector, in conformity with this act, and shall be entered upon the list of electors.

Co-proprietors, &c.

37. If the real estate be owned, leased or occupied by an incorporated company, no one of the members of such company is an elector, nor entered upon the list of electors by reason of such real estate.

Members of incorporated companies, &c.

38. The permanent officers and employees of the corporation, and constables and policemen appointed and paid by the council may be entered on the list of electors, but they must not vote at the municipal elections if they are still then employed by the corporation.

Employees of town, &c.

39. The secretary-treasurers of schools in the limits of the town are bound to furnish gratuitously the secretary-treasurer of the council, within the first five days after the fifteenth of December of each year, with a certified list of those who have paid their school taxes at this latter date, under a penalty of a fine of fifty dollars.

Duties of secretary-treasurers of schools in the town.

SECTION II.

LIST OF ELECTORS AND REVISION THEREOF.

40. Article 4515 of the said Revised Statutes is replaced, for the town, by the following:

R. S., art. 4515, replaced for town.

Between the fifteenth and the thirtieth days of December, in each year, the secretary-treasurer is bound to make, for each ward of the town, an alphabetical list of the names of the persons who, according to the books of the corporation and the lists supplied by the secretary-treasurers of schools in the limits of the town, appear to have paid all municipal dues and school taxes up to the previous fifteenth of December inclusively, and who, according to the valuation roll of the town then in force, appear to be electors under the terms of this act.

List of electors, how made.

41. Article 4228 of the said Revised Statutes is excluded from this act.

R. S., art. 4228, excluded.

42. If the three revisors do not meet on the day fixed, the mayor may appoint others, who shall meet on the following day, and from day to day, at the same hour and at the same place, until the revision of the lists be completed.

Appointment of another board if first does not act.

R. S., art. 4522, replaced for town. **43.** Article 4522 of the said Revised Statutes is replaced for the town, by the following :

Lists to be signed and by whom. The lists so revised are signed by the chairman of the board of revisors, countersigned by the secretary-treasurer, or signed only by the secretary-treasurer, as the case may be.

Duration. Such lists, to the exclusion of all others, remain in force up to the entry into force of the new lists drawn up in virtue of these provisions.

List annulled. Whenever the list, or any of the lists in force, has been lawfully annulled, the old list comes again into force and remains so until the entry into force of another list.

Voting subdivisions. **44.** The secretary-treasurer must make a distinct and separate list for each of the voting subdivisions in the town.

One list in wards in certain cases. When drawing up the lists, should it happen that the number of electors to be entered for the same ward be less than two hundred, the secretary-treasurer may make only one list for that ward, taking in the electors of one or more voting subdivisions into one list, so as to make only one poll when the elections take place.

TITLE IV.

MUNICIPAL ELECTIONS.

SECTION I.

DATE OF THE ELECTIONS.

R. S., art. 4229, replaced for town. **45.** Article 4229 of the said Revised Statutes is replaced, for the town, by the following :

Date of elections. The general elections are held annually in the month of January.

Nomination. The nomination of candidates takes place on the third Monday in January.

Polling. When a poll is necessary, it is held on the fourth Monday in January.

R. S., arts. 4230 and 4231, excluded. **46.** Articles 4230 and 4231 of the said Revised Statutes are excluded from this act.

SECTION II.

MEETING OF ELECTORS.

§ 1.—*Presiding officer and election clerk.*

R. S., art. 4235, replaced for town. **47.** Article 4235 of the Revised Statutes is replaced, for the town, by the following :

Appointment of the election president. The council appoints one of its members, who is not to go out of office at the coming election, to preside at the said election ; in default of which the secretary-treasurer is president *ex-officio*.

The president appoints an election clerk to assist him in the performance of his duties relating to the election ; and, if the president be absent or unable to act, the election clerk performs the duties of the president and is liable to the same penalties, and appoints another election clerk to act in his place.

48. The president and the election clerk shall make oath that they will well and faithfully discharge the duties of their office.

49. At the opening of the meeting, the president or the secretary shall read the notice convening the meeting, if such notice has been published ; otherwise, the president shall inform the electors of the object of the meeting.

§ 2.—*Nomination of candidates and election by acclamation.*

50. Article 4237 of the said Revised Statutes is replaced, for the town, by the following :

The president receives the nomination papers, and nominates the candidates proposed by such nomination papers.

51. The nomination paper shall contain the names, surnames, occupation and residence of each candidate.

If for the office of mayor, it shall be signed by at least twenty electors of the town qualified to vote at such election, and, if for the office of councillor, by at least ten electors qualified to vote in the ward for which the election is to take place.

52. The nomination paper shall be accompanied by a declaration under oath made by a rate-payer other than the candidate, setting forth that the signatures to the said paper, or at least the required number thereof, have been affixed in his presence.

Such nomination paper shall moreover be accompanied by the written consent of the person nominated, unless such candidate be absent from the town, in which case the nomination paper shall set forth such absence.

53. The president shall, at the request of any elector, ascertain whether a sufficient number of qualified electors have signed the nomination paper.

If the number be insufficient, the paper may be corrected, provided less than an hour has elapsed since the opening of the meeting.

54. Article 4241 of the said Revised Statutes is excluded from this act.

R. S., art. 4240, replaced for town. **55.** Article 4240 of the said Revised Statutes is replaced, for the town, by the following :

Poll, if more candidates than the required number. **55.** If more than the required number of candidates be nominated for each of such offices, an election shall be had in the manner prescribed by this act.

Nomination necessary. **55.** No one can be voted for and elected, unless he has been previously nominated as aforesaid, excepting as provided in paragraph 4 of section 3 of the present title.

Publication of name of candidates. **56.** The secretary-treasurer shall publish the names of the candidates nominated for each ward and also of those nominated for the office of mayor, by means of a notice posted up on the door of his office, at the town-hall, from the nomination day to the polling day.

Resignation of candidates. **57.** Any candidate placed in nomination may, at any time before the closing of the polls, withdraw from the contestation by handing to the president a written declaration to that effect ; such declaration shall be signed in presence of two witnesses, who also sign the same.

Proclamation of candidate elected. **57.** If there remain only one candidate for the office to be filled, there shall be no poll, or, if commenced, the polling shall cease, and the president shall declare the only remaining candidate elected by acclamation.

SECTION III.

POLLING.

§ 1.—*Election officers.*

R. S., arts. 4242 and 4268, replaced for town. **58.** Articles 4242 and 4268 of the said Revised Statutes are replaced, for the town, by the following :

Deputy presiding officers, &c. **58.** The presiding officer appoints a deputy-presiding officer for each voting subdivision in which a poll is to be held ; such deputy-presiding officer appoints his poll clerk.

Oath. **58.** Both these officers shall take the oath of office.

Appointment of new officers in certain cases. **59.** If any of the deputy-presiding officers or poll clerks should die or become unable to perform the duties of his office, through illness, absence or other cause, or should he refuse to accept such office or to perform the duties thereof, the presiding officer shall, at once, appoint another deputy-presiding officer, or the latter shall appoint another clerk, as the case may be.

Fine on officers infringing act. **60.** Every person acting as deputy-presiding officer or poll clerk at any poll, who infringes the provisions of this act by receiving and registering any vote which is declared inadmissible, or by refusing to accept any legal vote, incurs

for each offence, a fine not exceeding fifty dollars, and, in default of payment of the fine and costs, an imprisonment not exceeding two months.

§ 2.—Polls.

61. The election president shall, in due time, select, Location of in each ward of the town, the places required for the pur- polls. pose of establishing polls therein.

62. The polls shall be established in each ward where Where polls to an election is held, in a room or building of easy access, be establish- with a door to admit voters and, if possible, another door by ed. which they may go out after voting.

§ 3.—Good order at elections.

63. Every restaurant, hotel, tavern, licensed store or Hotels to be shop, for the sale of spirituous or fermented liquors in the closed, &c. town, shall be closed during the whole time that the polls are open, and for one hour after their closing, under a penalty of a fine of one hundred dollars and three months impr- Fine. sonment in default of payment against any one who shall keep any of the said establishments open.

Whosoever sells or gives, in the town, spirituous or Fine for sel- fermented liquors during the election, is subject to the ling liquors, same penalty. &c.

§ 4.—Case in which elections have not been held on the day appointed.

64. Article 4269 of the said Revised Statutes is replaced, R. S., art. for the town, by the following: 4269, replaced

In default of action on the part of the mayor, in the Mayor's manner required by article 4266 of the Revised Statutes, the default to act. council may, by resolution, appoint another mayor or one or more councillors, to replace the mayor or the councillors whose term of office is expired.

SECTION IV.

BALLOT.

§ 1.—Voting.

65. Articles 4244, 4245, 4247, 4249 to 4251, inclusively, Certain arts. and 4253 to 4259, inclusively, of the said Revised Statutes, of R. S., ex- are excluded from this act. cluded.

50 V., c. 60,
s. 21, § 4,
replaced.

Payment of
assessments.

66. Paragraph 4 of section 21 of the act 50 Victoria, chapter 60, is replaced by the following :

“4. Were all your assessments, taxes and other municipal dues and school taxes, which were exigible, either in your own name or in that of your wife, paid on or before the fifteenth of December last ?”

§ 2.—*Close of election.*

R. S., arts.
4261 to 4264,
excluded.

67. Articles 4261 to 4264 of the said Revised Statutes, inclusively, are excluded from this act.

Absence of
notice.

68. The absence of the notice, which the president is obliged to give to the candidate elect, shall not have the effect of invalidating the election, nor of preventing the member elect from taking his seat.

Report on
election to
council, and
return of
documents.

69. Within eight days next after the close of the election, the presiding officer shall draw up a faithful report of his proceedings, and shall forward it to the office of the council, together with the ballot boxes which have been used in the said elections, the original notice to the candidates elected, the certificates, poll-books and other papers, which have been in his possession as presiding officer of the election.

Such various documents shall be certified as correct by him and shall form part of the archives of the council.

§ 3.—*Recount before a judge.*

When recount
may be ap-
plied for.

70. Within the ten days following the election, one of the candidates or five qualified electors may apply for a recount.

Petition for
such purpose
and affidavit
in support.

71. Such application is made to the judge of the Superior Court of the district of Beauharnois, who shall sit in the town of Salaberry of Valleyfield; and all the proceedings on such recount shall form part of the records of the Circuit Court in and for the county of Beauharnois, in the town of Salaberry of Valleyfield. Such application is made by means of a petition accompanied by an affidavit made by a credible person to the effect that such person believes that, when the ballots were counted, one of the deputy-presiding officers or his poll clerk improperly counted the ballots or rejected some ballot papers or added up the votes incorrectly.

Notice to be
given to can-
didates, &c.

72. The judge before whom the petition is brought gives notice to the candidates of the day and hour at which he will proceed to recount the votes, and he summons the

presiding officer and election clerk and the secretary-treasurer to appear before him, and orders them to have with them and produce the poll-books, electors' lists and the packages containing the ballot papers used at the election.

73. The judge proceeds summarily to the recount; in recounting the votes, he corrects the original addition, if need be, and, as the case may be, declares who is really elected, confirms or annuls the election. Proceedings at recount.

74. The application for recount can only be made in the manner set forth in this paragraph. No other way of demanding recount.

The decision of the judge on such application is final and without appeal. Decision final.

§ 4.—*Final provision.*

75. The council may, by by-law, make all forms or schedules, and modify the details of the proceedings in the manner of conducting elections and receiving ballot papers; provided that, in so doing, it does not adopt provisions inconsistent with the principle of election by ballot. Forms and schedules.

TITLE V.

VACANCY IN THE OFFICE OF MAYOR AND COUNCILLOR.

76. The council may also, instead of ordering an election, appoint another mayor or another councillor to fill the vacancy. Vacancy filled by the council.

TITLE VI.

CORRUPT PRACTICES.

77. The following persons shall be deemed guilty of bribery and liable to the penalties hereinafter imposed for such offence: Persons guilty of bribery:

1. Every elector who, directly or indirectly, at any time, before, during or after any municipal election in the town, demands or receives any money or reward, in the form of a gift or loan or any other pretext, or agrees or stipulates that he shall receive any money, gift, office, employment or other reward to vote or abstain from voting at such election; Elector receiving money to vote, &c.;

2. Every candidate at an election, or any other person who, directly or indirectly, by himself or by an agent, by means of a gift, reward, promise, agreement or guarantee, corrupts or attempts to corrupt an elector, so that he may vote or abstain from voting at such election; Candidates offering money;

3. Every elector who, directly or indirectly, by means of any gift, loan, reward, promise or any other pretext, favors or agrees to favor or endeavors to assure the election of any candidate at any municipal election in the town; Elector receiving money to favor candidate, &c.;

Elector receiving money indirectly, &c. ;

4. Every person who receives any money, gift, reward or promise, under the form of hiring of vehicles or for loss of time, so as to give his vote, or who accepts an excessive price for any article of commerce on account of his vote, or with a view of his abstaining from voting, at any municipal election in the town ;

Employers influencing employees, &c. ;

5. Every employer, foreman or person in charge of any establishment or works of any kind who threatens to dismiss or do any injury to his employee or to any employee, with a view to make him vote or to make him abstain from voting at an election ;

Hiring carters ;

6. Every candidate or other person who engages or hires a carter for the purpose of conveying electors to the polls ;

Loaning vehicles ;

7. Every person who, for any money or any gift, reward, promise or other pretext, loans his waggon or other vehicle to any candidate or other person for the purpose of conveying electors to the polls during an election ; or

Furnishing food, &c., to elector.

8. Every person who gives or causes to be given to an elector, because such elector has voted or is about to vote, any food, liquor or refreshments, or money to enable such elector to procure liquor or refreshments.

Penalty.

78. Whoever infringes any of the provisions of the preceding article incurs and pays for each offence a fine of forty dollars, recoverable with costs of suit, and for his own benefit, by any person who sues for the same, before the Circuit Court.

Loss of municipal franchise.

Every offender found guilty in the cases mentioned in the preceding article, shall be deprived of the right of voting or of being a member of the council for the three years following his condemnation, and his name shall be struck from the list of electors during that period.

TITLE VII.

SESSIONS OF THE COUNCIL.

R. S., art. 4289, replaced for town.
General sessions.

79. Article 4289 of the said Revised Statutes is replaced, for the town, by the following :

The general or ordinary sessions of the council are held on the first Wednesday of each month.

Place of meetings.

The meetings of the council are held in the town-hall, in the town.

Change of place.

The council may, by by-law, determine another place of meeting, and may also, in the same manner, establish other regular sessions.

Certain resolutions confirmed.

80. The resolutions adopted by the former council of the town of Salaberry of Valleyfield, at its meetings held on the first Wednesday of each month and at all adjournments of

the said meetings, are hereby confirmed, ratified and rendered valid, notwithstanding any informalities or irregularities; such confirmation shall not, however, affect any pending case.

81. The majority of the members of the council shall form a quorum. Quorum.

82. Articles 4290 to 4292 of the said Revised Statutes are excluded from this act. R. S., arts. 4290 to 4292, excluded.

83. No session of the council or any committee can lawfully be held, if more than one hour has elapsed from the hour fixed for the holding of the meeting to the opening of the session. Delay for opening sessions.

84. Article 4298 of the said Revised Statutes is replaced for the town, by the following : R. S., art. 4298, replaced for town.

All the sessions of the council shall be public, except when the council shall have to judge any of its members for any reason whatsoever, in which case it shall, at the request of the member accused or of two councillors, sit with closed doors. Sessions public.

85. The council shall also sit with closed doors at the request of two members, when it has to judge of the conduct of one of its officers or employees, or when it has to open tenders for public works or other objects whatsoever, and when it has to decide upon granting licenses for the sale of intoxicating liquors. Certain sessions private.

86. Article 4305 of the said Revised Statutes is replaced for the town, by the following : R. S., art. 4305, replaced for town.

The council may appoint standing or special committees, composed of as many of its members as it may deem fit, to which it delegates its powers respecting the examination of any question, the management of any business or particular kind of business, or the execution of certain duties. Committees.

It may also add to such committees any other person or persons, not being members of the council, or may appoint such person or persons alone for any special purpose. Persons joined to committees.

87. The standing committees are formed, each year, at the first meeting after the annual general elections. Standing committees.

88. The chairman of each committee has, as regards every meeting of the committee, the same power as the mayor. Power of the chairman, &c.

He convenes the meetings of the committee by a written notice left at the domicile or place of business of each member, at least four hours before that fixed for the meeting.

Replacing of members of committees.

89. The council may replace any member of the committees, whenever it deems expedient.

Mayor *ex-officio* member of committees.

90. The mayor is *ex-officio* a member of all the committees, and he may vote therein.

Reports of committees.

91. The committees render account of their labors and of their decisions by reports signed by their chairman or by a majority of the members of such committees.

Reports to be adopted by council.

No report or order from a committee has any effect, until it has been ratified or adopted by the council, unless such committee has been specially authorized to take action immediately on the resolution it is to adopt.

TITLE VIII.

OFFICERS OF THE COUNCIL.

One of the valuers must be a trader.

92. One of the valutors appointed by the council must be or have been a trader of experience.

TITLE IX.

MUNICIPAL NOTICES.

R. S., art. 4367, replaced for town.

93. Article 4367 of the said Revised Statutes is replaced, for the town, by the following :

Publication of notices.

The publication of a public notice for municipal purposes is made by posting up a copy of such notice at the following places, to wit : in the public hall of the post office and in the portion of the secretary-treasurer's office intended for the public.

How notices to be posted.

The council may, by resolution, change the places where public notices must be posted, or change the manner for publishing such notices.

R. S., arts. 4368 and 4369, replaced for town.

94. Articles 4368 and 4369 of the said Revised Statutes are replaced, for the town, by the following :

Language in which notices are given.
Publication of notices.

A public notice is given in the French and English languages, and, when it has to be published in the newspapers, it is inserted in two newspapers published in the town, one in the French and the other in the English language.

One insertion is sufficient.

If there be no newspapers published in the town, in either the French or English language, the notice shall

be published in the newspapers of the district, and in both languages.

95. Any bailiff of the Superior Court may serve and post up any notification required by this act and make a return thereof, under his oath of office. Bailiffs may serve notices.

96. Any persons, purposely tearing, destroying, damaging or effacing any advertisement, notice or other document posted up under the provisions of this act or of any by-law, is liable to a fine of ten dollars for each offence, and, in default of payment of the said fine, an imprisonment of eight days. Damaging notices, &c.

TITLE X.

POWERS OF THE COUNCIL.

SECTION I.

GENERAL PROVISIONS.

97. Article 4373 of the said Revised Statutes is replaced, for the town, by the following : R. S., art. 4373, replaced for town.

The council has jurisdiction throughout the limits of the town ; and such jurisdiction extends, in all matters concerning decency and good morals as well as public peace and good order, up to fifteen arpents beyond the limits of the town, except in special cases where more ample authority may be conferred upon it by this act. Extent of jurisdiction.

98. Article 4376 of the said Revised Statutes is excluded from this act. R. S., art. 4376, excluded.

SECTION II.

BY-LAWS OF THE COUNCIL.

99. It is not necessary that the by-laws be registered at full length in the minute book of the council ; it is sufficient to designate them summarily in the motion made to adopt them. By-laws entered summarily in minute book.

100. By-laws are translated into the English language, if so required by the council. Translation of by-laws.

101. In certain cases of urgency, the council may order that certain by-laws shall come into force immediately after publication, or within a delay of less than fifteen days ; but such by-laws must contain a provision to that effect. Coming into force of by-laws in cases of urgency.

By-laws to be public laws.

102. By-laws passed by the council shall, when published, be deemed public laws within the limits of the town, and outside of the same within the jurisdiction of the council.

SECTION III.

APPROVAL OF ELECTORS WHO ARE PROPRIETORS REQUIRED FOR CERTAIN BY-LAWS.

Approval of by-laws.

103. Every by-law, to be submitted to the electors who are proprietors, must, before coming into force, be approved by the majority in number and in real value of such electors who are proprietors.

How majority is formed.

The approval or disapproval of the by-law is determined by the number and real value of the electors who are proprietors who have voted only.

Time for approval.

104. Any such by-law must be submitted for the approval of the electors within thirty days after the council has passed the same.

Proceedings for approval of by-laws by electors.

105. When a by-law of the council is submitted to the electors who are proprietors, the proceedings at the meeting held for such purpose and at the voting, if the same be necessary, are those hereinafter prescribed.

Convening the meeting.

106. The general meeting of the electors who are proprietors is convened at least eight days previously, by a public notice signed by the mayor, for a day fixed by the council, and is held in the town-hall, at ten o'clock in the forenoon.

Who presides.

107. The meeting is presided over by the mayor or pro-mayor.

If both are absent or unable to act, the secretary-treasurer appoints one of the councillors to preside.

Secretary. Reading of by-law.

The secretary-treasurer acts as secretary, reads the by-law and submits it to the meeting.

By-law approved, if no poll required within certain time.

108. If more than one hour elapses after the meeting is opened, without a poll being demanded by the number of electors hereinafter required, the by-law is deemed to be unanimously adopted by the rate-payers interested.

Who may demand poll.

109. Six electors who are proprietors, present and qualified to form part of such meeting, may require the holding of a poll to ascertain whether the by-law is approved or disapproved.

Duties of the mayor in such case.

On such demand, the mayor or other person presiding the meeting shall, at once, grant such poll, which is then and there opened and held up to four o'clock in the after-

noon of the same day, and on the following day from ten in the morning until four in the afternoon.

110. The mayor or other person presiding may absent himself during the holding of the poll, being represented by a member of the council. Mayor may absent himself.

111. Each elector comes forward in his turn and votes by "yea" or "nay"; the word "yea" signifying his approval of the by-law, and the word "nay" his disapproval thereof. Electors how to vote.

The name of the elector and the vote given by him are entered in a special book kept for the purpose by the secretary-treasurer. Entry in poll-book.

112. No one is allowed to vote on such by-law, unless his name is entered on the valuation roll in force as a proprietor, and unless, at the time of giving his vote, he has paid all municipal dues due and payable, either by him or his wife, and he must show a certificate of payment of such dues before being allowed to vote. Right to vote.

113. No elector who is a proprietor can vote, if the by-law submitted to the electors grants any privilege or benefit to himself personally, to the partnership, company or corporation of which he is a member or shareholder, or to any person, partnership or company of which he is the agent or employee. Elector not to vote in certain cases.

114. If, after the poll has been opened, either on the first or the second day, one hour should elapse without a vote being recorded, the president must close the poll. Poll closed, if one hour elapses without recording a vote.

115. At the close of the poll, the mayor or the person presiding over the voting counts the "yeas" and the "nays." At the first session after the polling, he submits to the council the result of the voting, together with a statement of the value of the taxable real estate of each voter, according to the valuation roll in force. Counting of votes. Report to council.

116. The mayor and the secretary-treasurer must deliver to the council a certificate stating whether the majority in number and in real value has approved or disapproved the by-law. Certified statement

The decision of the majority in real value, though a minority in number, shall however predominate, if such value represents three fifths of the total value of the votes registered; on the contrary, the decision of the majority in number, though a minority in value, shall predominate. Majority to carry.

If the council wishes to examine the poll-books and the assessment roll, they shall be forthwith laid before it. Examination of the poll-book.

Casting vote
of mayor.

117. When the votes are equally divided, the mayor, whether he has or not presided at the meeting or at the voting, has alone the right to give his casting vote during the twenty-four hours following the closing of the poll.

If he does not vote or is absent from the town, the council decides the question by a resolution passed at a regular or special session.

Deposit of
poll-books.

118. The poll-books, as well as the statement and certificate produced, are deposited in the archives of the council.

SECTION IV.

GENERAL POWERS TO MAKE CERTAIN BY-LAWS.

R. S., art.
4398, replaced
for town.

General
powers of the
council.

119. Article 4398 of the said Revised Statutes is replaced, for the town, by the following :

The council may make, amend, repeal, annul or replace, totally or partially, from time to time, by-laws for the good government, peace, welfare, improvement, progress, cleanliness, health, safety and internal economy of the town, and for the preservation of order and the prevention and suppression of all acts and proceedings obstructive thereof or disadvantageous thereto ; and, without limiting the effect and purview of the authority hereby granted, such by-laws may be so made for the following amongst other purposes, namely :

§ 1.—*Aid and subsidies.*

R. S., arts.
4402 to 4407,
replaced for
town.
Subsidies, &c.

120. Articles 4402 to 4407 inclusively of the said Revised Statutes are replaced, for the town, by the following :

1. Grant subsidies, by all suitable means, to agriculture, horticulture, education, hospitals, the sciences, arts, industries, trades and manufactures, railways and steamboat companies or owners, under the restrictions hereinafter set forth ;

Agricultural
societies, &c.

2. Give a grant to any agricultural society, cause exhibitions or agricultural competitions to be held in the town or within a radius of one mile from the limits of the town, and pay the expenses thereof in whole or in part, establish a suitable place for holding such exhibitions or competitions, and assist the development of agriculture to the best of its ability, by granting prizes or otherwise ;

Railways,
&c.

3. Subsidize, on suitable conditions, one or more railway companies whose lines may be advantageous to the travelling public and for the carrying of freight, and which may further the progress of the town ; permit, upon the conditions agreed upon, the use of any street or part of a street by any railway company for laying its track therein ; abolish or turn off any street or part of a street for that purpose,

and acquire, by expropriation or otherwise, the ground required for replacing such street or part of such street, if it deems it advisable to replace it ;

4. Subsidize one or more lines of ferry steamers, on condition that the rate of ferriage and the number of crossings to be made daily be approved by the council, so as to facilitate communication between the town and neighboring localities on the River St. Lawrence, and also give easier access to the markets ;

Ferries.

5. Aid in the construction, repair and maintenance of any bridge, causeway, pier, wharf, macadamized or paved road, railroad or other public work situated, in whole or in part, within the town or its vicinity ;

Bridges, dams, &c.

6. Aid one or more persons or firms or joint stock companies already established or to be established, which carry on or propose to carry on any trade or industry in the town ;

Trades and industries.

7. Agree with any person, association, firm or company having already established or proposing to establish any industry or manufacture, to accept a certain sum, payable annually, for a period not exceeding ten years, as commutation for all taxes on the property occupied for such industry as well as on such industry itself ;

Commutation of taxes.

8. Exempt from municipal taxes, in whole or in part, for a period not exceeding twenty years, any industry, trade, manufacture or factory to be established within the limits of the town, as well as the land and immoveables required for the use of such industry, trade, manufacture or factory ;

Exemption from taxes.

No exemption can extend to the work to be done or apportionments for work to be done to water-courses, drains, ditches, fences, sidewalks, front roads or streets, or for the use of water ;

9. Vote, annually, a sufficient sum for the purpose of raising, keeping and maintaining a band of music ; enter into all agreements and pass such by-laws as may be deemed necessary for the maintenance of such band, and retain and protect its rights of ownership by all legal means .

Band of music.

10. The aforesaid subsidies may be granted :

How subsidies may be granted.

(a) By taking, subscribing and paying for, in money or in debentures of the town, shares in companies formed or projected and for which such subsidies are intended ;

(b) By giving or lending money, immoveable property or debentures of the town bearing interest, or both interest and sinking fund, to such persons or companies, or to the Federal or Provincial Government ;

(c) By guaranteeing, by endorsement or otherwise, any sum of money borrowed by such persons or companies ;

11. When the council grants a subsidy in virtue of this act, it may receive hypothecary or other security for the

Security for subsidies.

performance of the conditions contained in the by-laws passed to that effect.

Special tax.

12. Every by-law passed in virtue of this act may provide for the levying and collection of a special tax upon all the taxable property to cover the sinking fund and interest, which shall not exceed five per cent.

Nature of grant made.

13. By-laws made in virtue of this paragraph must determine the nature of the aid to be given and the conditions upon which the aid or subsidy is granted.

Approval of by-law by electors.

14. Every by-law passed by the council in virtue of this paragraph, before coming into force, must be approved by the electors who are proprietors in the town, within thirty days from its adoption.

Such approval is not necessary for a by-law granting, lending or guaranteeing a sum of less than one hundred dollars.

Recovery of loan or subsidy in certain cases.

15. In cases where those who have received a subsidy from the town do not comply or cease to comply with the conditions and guarantees stipulated in the by-law, the council may recover the amount of the loan or subsidy so granted, or its value, by privilege upon the moveables and immoveables of the manufacturers or companies, as in the case of a municipal tax and with the same priority, unless it specially renounces such privilege.

R. S., arts. 4479 and 4559, excluded.

121. Articles 4479 and 4559 of the said Revised Statutes are excluded from this act.

§ 2.—Public markets.

R. S., arts. 4409 to 4412, replaced for town. General management of markets.

122. Articles 4409 to 4412, inclusively, of the said Revised Statutes, are replaced, for the town, by the following:

Sale of articles.

1. Regulate all that relates to the government of public markets and the sale of merchandise, farm produce and other articles of traffic in the town;

Goods to be sold on markets.

2. Regulate or prohibit the sale of any kind of articles or produce or certain articles in particular;

How produce, &c., to be sold.

3. Prevent persons bringing produce of any kind, wood or materials, or any other articles into the town, from selling or exposing them elsewhere than on the markets; and compel all such vendors to pay the dues, tolls, duties and licenses imposed for selling them elsewhere;

Dues upon waggons, &c.

4. Determine in what manner produce and all other articles shall be sold and delivered, whether by quantity, measure or weight; and compel all persons to observe in such matters the by-laws which the council shall deem useful to establish;

5. Impose duties upon waggons, carts, sleighs, boats, canoes and vehicles of every description, in which articles shall be delivered, sold or exposed for sale in or upon any public

market, street, wood-yard, or beach, within the town; regulate the manner in which such articles or vehicles shall be placed for such purposes on the markets, and regulate how such duties shall be collected;

6. Regulate the measuring of all lumber for building purposes, sawn lumber and firewood, and the weighing of coal, salt, grain, lime and hay, brought to or sold in the town by strangers or by persons residing therein; Weights and measures.

7. Authorize, on such conditions as the council deem fit, regulate and restrict the opening or keeping of private stalls by butchers or hucksters; impose dues and taxes for the carrying on of such trade, by license or otherwise, and restrict the sale of fresh meat, vegetables, or fish or any provisions usually sold on public markets; Private stalls.

8. Empower any person to sell, offer or expose for sale beyond the limits of the said markets, meat, vegetables and provisions usually brought to and sold on public markets, and grant him a license for that purpose, upon payment of such sum, and the performance of such conditions and under such restrictions as shall be fixed; Sale outside of markets.

9. Erect and maintain public scales; establish rates for their use; compel every person who sells, by weight, in the town, any hay, straw, coal, grain or other articles, to have them weighed by the person having charge of the said public scales, if the buyer so desires, and prohibit any person in the town from weighing for others any of the said articles; Public scales.

10. Regulate the sale of horses and impose a tax on horses sold or offered for sale by horse dealers in the town, and establish the duties to be paid for such sale; Sale of horses.

11. Regulate the hour when and the manner and route in and by which horned cattle shall be driven in the town, and the destination of cattle intended for slaughter; Horned cattle driven into the town.

12. Determine and define the duties and powers of all persons employed in superintending public scales or markets throughout the town; and confer upon such officers power to confiscate any merchandise, articles and produce, in case of fraud as to measure, weight or quality, and determine the manner in which such confiscated articles shall be disposed of. Duties and powers of employees on markets, &c.

13. The market clerks of the town shall have full power and authority to enter into yards and lanes, for the purpose of recovering and collecting the market fees due for cattle, grain, produce, provisions or other articles brought into the town to be sold or delivered. Market clerks.

§ 3.—*Sale of bread, milk, etc.*

123. Article 4413 of the said Revised Statutes is replaced, for the town, by the following: R. S., art. 4413, replaced for town.

1. Regulate the making, sale, quality, weight and inspection of bread sold or exposed for sale in the town; Sale of bread.

Marks on bread.

2. Compel bakers to make on their bread such marks as the council ordains, and authorize officers or persons to enter into bakers' shops or other places, and to stop vehicles carrying bread, for the purpose of examining and weighing such bread, and to do any other act or thing that may be necessary or that may be deemed advantageous to the public interest, health and safety, for the attainment of such object or for causing the by-laws to be enforced ;

Sale of milk.

3. Regulate the sale, quality and inspection of milk, the powers conferred upon the police or health officers for that purpose being the same as mentioned in the preceding clause;

Junk stores.

4. Regulate junk stores or shops for the sale and purchase of second-hand goods or merchandise, and authorize and regulate the granting of licenses to persons keeping such stores or shops ;

Sale of other effects.

5. Regulate the sale, by weight or otherwise, of all articles sold, offered for sale or delivered in the town ;

Inspectors.

6. Provide for the nomination and determine the duties, powers and authority of one or more persons to inspect ice, meat, milk, bread, or any other provisions or articles offered for sale in the town ;

Confiscation.

7. Authorize the seizure and confiscation of all such articles, for deficiency in measure, weight or quality, or being sold contrary to the by-laws, and regulate the manner of disposing of such articles after their confiscation.

§ 4.— Sale of intoxicating liquors.

R. S., arts. 4414 and 4415, replaced for town.
Sale to children, &c.

124. Articles 4414 and 4415 of the said Revised Statutes are replaced, for the town, by the following :

Prohibition of the sale of liquors.

1. Prohibit the sale or delivery of all spirituous, alcoholic, vinous or intoxicating liquors to women, apprentices or servants or to children under sixteen years of age ;

2. Prevent or prohibit the sale of spirituous, vinous, alcoholic or intoxicating liquors, as well as the opening and keeping of houses called " temperance hotels," or allow the same under the conditions and restrictions which the council may deem proper ;

Limit number of licenses.

3. Limit and determine the number of licenses, which the collector of provincial revenue for the district may grant for the sale of intoxicating liquors in restaurants, taverns, inns and other places of public entertainment, and in shops and stores ;

Conditions for granting licenses.

4. Determine under what restrictions and conditions, and in what manner the collector of provincial revenue shall grant licenses to shop-keepers, traders, inn-keepers or other persons for the sale of such liquors, and fix the amount payable to the council upon the confirmation and delivery of each certificate or transfer of license, or the other dues and taxes imposed by virtue of this act ;

The council may refuse to deliver the certificate, in the case where the sum fixed, for the confirmation of the certificate and for any annual duty or tax, which may be demanded on account of such license, is not previously paid.

The collector of provincial revenues shall not grant any such license, or renewal or any transfer of any license, without having first obtained from the secretary-treasurer a certificate stating that the dues imposed, for the confirmation of the certificate and the annual tax, have been paid, and that the other conditions and restrictions exacted by the council have been complied with.

5. Prohibit the transfer of any license, determine under what restrictions and conditions and in what manner transfers shall be accepted by the collector of revenue, and require the payment of a duty to the council before the approval of the transfer ;

Transfer of licenses.

6. Regulate and govern shop-keepers, tavern-keepers and other persons selling liquors, as the council may think proper, in order to prevent drunkenness and disorder by day and by night ;

Regulation of shop-keepers, &c.

7. The council has alone the right to grant and deliver certificates for obtaining licenses for inns and houses of public entertainment, and for all other licenses for the sale of intoxicating liquors within the limits of the town, and may regulate and determine the conditions and restrictions upon which such certificate shall be confirmed by the council, and impose obligations more onerous than those contained in the Quebec License Law, so as to have these houses well kept, provide for their better supervision by the police, and generally to give better accommodation to the public.

Certificates for licenses granted by the council.

The said certificates are signed by the mayor and the secretary-treasurer of the town.

125. Any by-law made in virtue of the preceding articles, for prohibiting or limiting the sale of intoxicating liquors and the granting of licenses for such purpose, the granting of licenses to temperance houses, or the enforcing of certain conditions and restrictions to the granting of such licenses, or to repeal, annul or amend such by-law, comes into force only after the first day of the month of May which follows its promulgation ; provided, always, that an authentic copy of the same has been sent, before that date, to the collector of provincial revenue for the district, who must act in accordance with the said by-law.

Coming into force of by-law.

§ 5.—*Masters and servants.*

126. Oblige every person, firm or company having obtained a contract or sub-contract of any kind in the town,

Declaration from certain masters and foremen.

requiring the employment of laborers, to file in the office of the council, within a specified time, a declaration containing the name, occupation and residence of such person, or the names, occupations and residence of each of the members of the partnership, as well as the name and principal place of business of such company.

§ 6.—*Public health.*

Appointment
of health offi-
cers.

127. Appoint health officers, and confer upon such officers and upon boards of health all the privileges and authority necessary for the performance of the duties imposed upon them, for acquiring all useful information on the progress and general effects of all contagious diseases, or for making such regulations as such boards of health may deem necessary for preserving the citizens from any contagious diseases or for diminishing the effects or danger thereof.

Inspection of
houses, &c.

128. Authorize the visiting and examining by such health officers of any house or lot whatsoever, for the purpose of enforcing the observance of all by-laws and regulations concerning public health and cleanliness in the town, and punish all persons obstructing, resisting, hindering or opposing, or aiding in obstructing, resisting, hindering or opposing any such health officers in the discharge of their duties.

Powers of
health officers
for such pur-
pose.

129. The health officers may be authorized, under the preceding article, to inspect and examine every house or lot, situated within a radius of one mile from the limits of the town, in order to secure the observance of the by-laws and regulations respecting public health.

Erection, &c.,
of factories of
a dangerous,
&c., nature
regulated.

130. Regulate or prohibit the erection, use or working, in the town, of establishments or factories of a dangerous or injurious nature, liable to endanger public health, especially soap and candle factories, and other factories of a similar nature, lime-kilns, bone-boiling establishments, oil or oil-cake mills, rubber or oil-cloth factories, dye-works, slaughter-houses, abattoirs, tanneries, breweries, distilleries, gas-works, blue stone, glue and varnish factories, refineries or warehouses for petroleum or coal oil, roofing, fire-works, match or chemical product factories, establishments for rectifying spirits, and all other workshops and factories of any kind whatsoever, the working or operating of which may endanger public health and safety, either from danger of fire or from smoke and other emanations from such establishments,

131. Impose a penalty for the infringement of any by-law passed in virtue of the preceding article and for each day that the offender shall continue to infringe such by-law ; but no suit can be taken against a person who, at the time of the passing of such by-law, has a prohibited establishment, workshop or factory in operation, unless the town council has had a six months' notice, signed by the secretary-treasurer, served on him to stop working such prohibited establishment, and unless such person has continued working after the delay of six months.

Penalty for breach of by-law under preceding article.

Notice required.

Such notice shall be valid, both as regards the person infringing the by-law and the person who may become proprietor, by any title whatever, of the establishment complained of, or the property on which operations are carried on.

Effect of notice.

132. Establish, regulate and manage public slaughter-houses, inside or outside of the limits of the town, oblige butchers to kill their cattle there, provide for the inspection of cattle which are killed there, and impose and collect dues for the use of such slaughter-houses.

Erecting of slaughter-houses.

133. Exact and recover from any company or person who own an abattoir or slaughter-house kept in the town or in the vicinity, for the payment or aid for the payment of the salary of the health officers or inspectors appointed by the council to inspect the cattle and other animals killed at any such slaughter-house, a sum not exceeding two hundred dollars per annum for each abattoir worked by any such company or persons.

Recover payment of salary for inspector.

134. Regulate the construction and clearing of privies, and prohibit their being built outside of houses, anywhere where there are proper drains in the streets, approved by the health inspector of the province.

Regulate, &c., privies, &c.

135. Constitute, establish and enforce a complete and efficient system of vaccination ; establish offices for that purpose, appoint officers, authorize them to make domiciliary visits, with power to destroy linen, clothing and other articles infected with small-pox or other contagious disease, isolate patients labouring under any such disease, whenever the said officers shall deem it necessary for the welfare of such patients, or of the public at large ; cause the body any person who may have died of any such disease to be buried within a short delay, and generally take such measures, as the council may deem necessary, to regulate, control, prevent or arrest the progress of small-pox or other contagious, endemic or infectious disease, any law now in force to the contrary notwithstanding.

Vaccination, &c., appointment of health officers.

§ 7.—*Public safety.*

Public safety,
&c.

136. Protect the lives and property of the inhabitants of the town ; and, for the better prevention of danger from fire, regulate the construction and dimensions of chimneys and their height above the roofs, or even in certain cases, above those of the surrounding houses or buildings, and compel the proprietors or occupants to cover them with a screen ; declare by whom the cost of raising such chimneys shall be paid, and within what delay such chimneys shall be raised or repaired, and determine, in certain cases, of what materials the roofs shall be made.

Materials for
erection of
buildings.

137. Regulate the mode to be followed and the materials to be used in the erection or repair of buildings, with a view to security against fire and the safety of the occupants.

Inspection of
buildings.

138. Regulate and provide for the inspection of houses and buildings in the town, both of those already built and of those being built, and appoint a building inspector and define and determine his duties.

Fire escapes
for hotels, &c.

139. Compel proprietors of buildings occupied as hotels, theatres, factories, other than those which are under the control of the Government inspector, schools, places of public entertainment and other such buildings which the council shall designate, to provide the same with effectual means of escape in case of fire ; have such buildings examined, from time to time, by the building inspector of the town, and prohibit the use of the same so long as they are not so provided and have not been examined.

Construction
of ovens, &c.

140. Prevent any baker, potter, blacksmith, brewer, manufacturer of pot-ashes or pearl-ashes, or other manufacturer or person, from building, or having an oven or furnace, unless such oven or furnace communicates with and opens into a chimney of stone or brick, or of any other material approved by the building inspector of the town, rising at least three feet higher than the top of the building in which, or in connection with which such oven or furnace is placed.

Fine for
refusing to
have chim-
neys swept.

141. Impose a fine on all persons whose chimneys have caught fire after they have refused to allow them to be swept. Whenever a chimney, which shall have so taken fire as aforesaid, shall be common to several houses or to several households in the same house, the said fine may be recovered wholly from each owner, tenant or occupant of such house, or divided between them, at the discretion of the council.

142. Prohibit, regulate or license, in the town, the storage of powder, petroleum, coal oil, benzine, naphtha and other inflammable and explosive substance, and fix the quantity of such articles that may be kept therein. Storage of powder, petroleum, &c.

143. Confiscate all powder, oil, fluid or other inflammable substance or explosive kept or carried contrary to the by-laws. Confiscation of powder, &c.

144. Forbid the use in the streets or other public places of kites, small sleighs or games of a nature to frighten horses and impede traffic. Forbid small sleighs, &c.

145. Compel every person, desirous of keeping a wood-yard in the town to previously obtain a license or permit from the council, and also determine under what conditions such license shall be granted ; provided that it shall be lawful for the said council, when it shall deem it advisable, for the prevention of fire or for any other reason, to refuse such permit or to grant it only for certain places in the town ; and the council may also determine by such by-laws how such wood-yards shall be kept and fenced in, and to what height wood may be piled, both by owners of wood-yards and by other persons in the town. License to keep wood-yard.

146. Determine the place for the erection and permit and regulate the erection and use in the town, and provide for the inspection of all steam-engines and machinery, in refineries, manufactories or factories, under such restrictions and conditions as the council may deem necessary, and impose and levy a fee for such inspection (the steam-engines or machinery under the control of the Government as to their inspection not being affected by this article) ; regulate the height of chimneys and compel the proprietors to put a screen thereon for arresting sparks. Steam-engines, &c.

147. Take all possible means to protect the citizens in the streets and public squares, at railway stations and passenger steamboat wharves. Protection of citizens in streets.

148. Compel all railway companies to make, construct and maintain, at all hours of the day and night, such gates, fences or other works as may be deemed necessary for the protection of the citizens, vehicles and animals passing through such streets or public places ; and all such companies shall be liable to such penalty as the council may impose. Gates, &c. Fine.

149. Prevent the obstruction of the streets by railway cars or trains of cars, locomotives or other engines of railway Obstruction of streets by cars.

companies, and determine what precautions the conductors, engine-drivers or stokers of such trains, cars or engines shall take, when crossing or about to cross the streets in the town, and impose on the company a fine for each infringement of the by-laws passed for that purpose.

Fine.

Thefts at fires, &c. **150.** Prevent thefts and depredations at fires in the town.

Punishment for interference with the fire brigade. **151.** Punish any person who interferes with any member of the fire brigade in the execution of his duties, or who obstructs or injures any signal box, or the wires or other apparatus of the fire alarm department.

Conduct of persons present at fires. **152.** Regulate the conduct of all persons present at any fire in the town ; and oblige idle persons to assist in extinguishing the fire or in saving effects which may be in danger.

In default of any by-law to that effect, the mayor may act in accordance with this article.

Furious driving, &c. **153.** Prevent furious driving and the racing of horses in the streets and impose penalties therefor.

Transport of dangerous articles. **154.** Order that the transporting of all things which are dangerous or injurious to public health and safety be effected at certain hours of the night and through certain streets of the town.

Supplying electricity. **155.** Define and prescribe the method by which electricity shall be supplied and applied for lighting and other purposes ; and determine the intensity and strength of the currents and the insulation of the wires.

Underground conduits. For better protecting the lives and property of citizens, construct or cause to be constructed conduits or underground tubes, in the streets and lanes of the town, for receiving the telegraph, telephone and electric wires of the various companies, in consideration of such yearly remuneration as the council may agree upon with the consent of the said companies ; in default of such agreement, the remuneration shall be determined by arbitrators, one to be appointed by the town and the other by such companies, and, in the event of their differing in opinion, such arbitrators shall appoint a third arbitrator ; finally, if they cannot agree upon the choice of such third arbitrator, the Circuit Court shall appoint one.

§ 8.—*Decency and good morals.*

R. S., art. 4442, replaced for town. **156.** Article 4442 of the said Revised Statutes is replaced for the town, by the following :

Houses of prostitution. Suppress and close all houses of prostitution or of ill-fame, and order the arrest on view and punishment of the inmates and frequenters thereof.

Restrain gaming, either by betting or games of chance, or by colorable sales or purchases of stocks, shares, or merchandise, without the intention actually to purchase, sell, deliver or receive the articles purporting to be sold ; and also to make any special provision for enforcing, through its officers, the laws against gaming. Games, &c.

157. Prohibit games of billiards, pool, mississippi, pigeon-hole, ten-pins, bagatelle, or other games in any hotel, restaurant, or other place of public entertainment, and permit the same on such conditions and under such restrictions as may be deemed convenient. Games of billiards, &c.

158. Prevent, regulate and restrict all games with cards or dice, or dominoes, or other games of the kind, with or without bets, in any hotel, restaurant, inn or place of entertainment or amusement whatsoever, whether licensed or not, in the town, and arrest on view and punish persons who are found therein while playing at any of the above games. Games of hazard.

159. License, regulate or prohibit musical saloons or establishments where intoxicating liquors are sold, and wherein instrumental or vocal music is used as a means of attracting customers ; license or prohibit the use by itinerant players of hand organs or other musical instruments, for pay or in expectation of pay, in any of the streets or public squares ; prohibit the sale or exhibition of any lewd book, picture or other thing of an immoral or scandalous nature, or the performance of any indecent or immoral play or representation. Musical saloons, &c.

160. Prohibit the selling by shop-keepers, peddlers, hotel-keepers, tavern-keepers or other persons, on Sundays, of goods, wares, merchandise or intoxicating liquors, or the purchasing or drinking thereof, in any hotel, tavern, restaurant, store or place of public entertainment ; and also enforce the closing of saloons, restaurants, hotels, taverns and liquor stores, whether wholesale or retail, from seven o'clock or any later hour on Saturday evening until Monday morning ; but the council may allow, under such restrictions as it may deem proper to impose, the sale of fruits, cigars, confectionery and temperance drinks. Closing of hotels, &c., on Sundays.

161. Compel the closing of all photographers' and barbers' establishments, throughout the whole day on Sundays. Closing of barber shops, &c.

162. Secure the proper observance of Sunday and prevent the opening of public places of amusement in the town on that day. Sunday observance.

Swearing, &c. **163.** Prevent profane oaths and blasphemous and obscene language from being used on the roads or squares or in their vicinity.

Vagrants, &c. **164.** Suppress and punish vagrants, beggars, prostitutes and disorderly persons.

Prize fighting, &c. **165.** Prohibit prize fighting, boxing matches or sparring exhibitions.

Fortune telling. **166.** Prohibit fortune telling and the use of any subtle craft, means or device by palmistry or otherwise, to deceive and impose upon any of Her Majesty's subjects.

§ 9.—*Public nuisances.*

Pigs. **167.** Regulate or prohibit the raising and fattening or keeping of pigs within the limits of the town, or within such parts of the town as the council may determine.

Stagnant water. **168.** Compel every owner or occupant of land in the town, on which there is stagnant water, to drain, fill up or raise such land, in such a manner that the neighbours be not incommoded or the public health injuriously affected.

Steam engines, &c. **169.** Compel persons, owning or using steam engines, steam boilers, factories, chemical works, or owning other workshops or establishments, to obtain a permit from the council before being able to work such machines, factories or workshops, and to provide the same with the necessary apparatus to consume the smoke and gas escaping therefrom, so as to effectually remove and abate any nuisance arising from the working of such establishments.

Teasing of wool, &c. **170.** Regulate the teasing and carding of wool, hair or other similar articles and the collection of rags.

Deposit of filth, &c. **171.** Prevent any person from depositing in the town any filth, dirt or other offensive matter whatsoever, and compel the removal thereof by the owner or occupant of the premises on which the same may be, and, in default of his so doing, authorize the removal or destruction thereof by the proper officer; the cost of such removal or destruction shall be recovered from the person refusing or neglecting to do so, subject to his right to recover the amount so paid by him from the person having deposited the same.

Removal of carcasses, &c. **172.** The council has power to cause to be removed from the limits of the town, by the owner or occupant of the lot on which they may be, any dead body or carcass as

well as any object liable to become unwholesome ; and, in default of their so doing, authorize the removal or destruction thereof by some officer of the town, and recover the cost from the persons refusing or neglecting to remove or destroy them.

173. When the council, in its discretion, may deem it expedient to cause privy vaults or privies in the town to be emptied by contract, it may stipulate in such contract that the owners of such privy vaults or privies shall be bound to pay to the contractor the cost of removing the contents of the same, at the price fixed by such contract ; provided such price does not exceed seven cents per cubic foot.

Contracts for emptying privy vaults.

Such contractor has the right to recover from the owner of the premises the sum due under such contracts, before the ordinary tribunals.

174. Prevent sheds, manure boxes, stables, closets or other similar buildings being erected on any lot in the town, at a distance of less than thirty feet from the street.

Stables, closets, &c.

§ 10.—Sewers.

175. Regulate the manner of making drains ; determine the time during which private drains shall be made, the materials of which they shall be built and the manner in which they shall be joined or connected with the municipal drain.

Construction of drains.

176. The town council may, of its own accord or upon the application of the rate-payers interested, order the repairing of existing sewers or the construction of sewers in the streets or any part of the streets in the town.

Repair of sewers.

177. When the diameter of the sewer does not exceed two feet, the expense caused by such repairs and construction is paid one third by the town and the remaining two thirds by the proprietors whose properties are situated on the street in which the sewer is.

Payment of cost of sewers.

178. If such diameter exceeds two feet, the excess of the expenditure is paid by the town.

If diameter over two feet.

179. Every sewer or drain is made or repaired, by contract or otherwise, under the direction of the town inspector.

Repairs, &c., how to be made.

180. In any case, the secretary-treasurer keeps an account of the amounts paid for such construction or repairs, and, when the work is completed, he makes out the assessment or apportionment of the cost of such repairs or construction.

Accounts to be kept.

- 181.** He bases such assessment on the number of feet of frontage of the lots assessed or taxed without regard to their depth, and, for that purpose, the secretary may use the cadastre of the town.
- 182.** After having completed the assessment or apportionment, the secretary-treasurer gives a notice to each rate-payer interested, setting forth the total cost of the sewer or drain, its diameter and length, and the amount payable by such rate-payer, and specifying the day and hour when the assessment or apportionment shall be submitted to the council for homologation.
- 183.** On the day specified, the council hears the parties interested and homologates the assessment or apportionment, with or without amendments.
- 184.** Fifteen days after the homologation of the assessment, the amount charged to each proprietor is due and payable, and the secretary-treasurer shall collect the same.
- 185.** In default of payment, the secretary-treasurer may levy such assessment by a warrant of distress signed by the mayor or by a justice of the peace and addressed to a bailiff or constable.
- 186.** The debts due for assessment for sewers are privileged like the debts due for the taxes imposed on immovables ; and every immovable so assessed may be seized and sold in the manner, within the delays, on the conditions, and with the formalities prescribed for the sale of immovables liable for taxes.
- 187.** The council may also, when it deems it advisable, order the construction of a main sewer or contribute towards the cost thereof.
- 188.** The council is, in this respect, vested with all necessary powers ; it may conduct such sewer outside of the limits of the town and expropriate any land required for the purpose, even when such land is outside the limits of the town.
- 189.** For that purpose, the council is authorized to contract a loan, the interest and sinking fund whereof shall be

Basis of assessment.

How some lots are to be taxed.

Notice of assessment.

Homologation of assessment.

When assessment becomes due.

Distress in default of payment.

How executed.

Debts for sewers are privileged.

Construction of main sewers.

Powers of council therefor.

Loan for such purpose.

paid out of the revenues of the corporation, and, in case they are insufficient, by means of a special tax.

190. The council may charge a portion of the cost of such sewer to the proprietors who benefit thereby in a special manner and for whom the sewer serves as an ordinary drain. Payment of portion of cost.

191. In such case, the portion charged to such proprietors is apportioned in the manner hereinabove prescribed, and the assessment is accompanied and followed by the formalities for ordinary sewers or drains, and is payable in the same manner. Apportionment of such cost.

192. The assessments for sewers or drains may also be recovered by suit brought before the Circuit or Recorder's Court. Recovery of amount by suit.

193. Such assessments are a privileged claim on moveables and on immoveables. Assessments privileged.
They are prescribed by five years. Prescription.

194. The council may compel all the adjacent municipalities or the proprietors of land situated outside the limits of the town who make use of such drains, to pay their share of the cost of the construction, repair or maintenance of the said works, in proportion to the area of land to be drained and to the benefit derived therefrom, or exact from such proprietors or municipalities the payment of an annual rent for the use of such works. Contribution for the cost of drains.

If the indemnity to be paid cannot be agreed upon amicably, such indemnity shall be determined by arbitrators named and acting according to the provisions of section eleven of the present title. Arbitration in default of agreement.

195. Articles 4452 and 4453 of the said Revised Statutes are excluded from this act. R. S., arts. 4452 and 4453, excluded.

§ 11.—*Public highways.*

196. Repair, level, sweep, water and keep clean and in good order any street or a determined portion of a street or public square, or remove the snow therefrom, at the expense of any owner or occupant residing on such street or portion of a street. Repairing of streets, &c.

197. Subject to the provisions of the general laws respecting railways, compel railway companies to keep in order the streets, portions of streets and public squares through which their trains run, in such manner as the council by resolution or the town inspector may indicate. Railways keeping certain streets in repair.

If railways
refuse.

If such companies neglect or refuse to do such work, the council may have the same done and recover the amount thereof from such companies in default.

R. S., art.
4477, replaced
for town.
Fences.

198. Article 4477 of the said Revised Statutes is replaced for the town by the following :

Oblige the proprietors of land in the town or their representatives, to fence such lands, and fix the level and height of the fences, as also the nature and kind of the materials to be used in them.

Line fences.

Regulate also the manner of constructing fences between neighbours.

Transport of
houses
through
streets.

199. Prohibit the transport or removal, through the streets of the town, of any house or building, without a special permit from the council, on payment of such compensation and on such conditions as the council may exact.

Damages
caused there-
by.

Every person, so transporting or removing a house or building, shall be responsible for the damages which may be caused to the town by injuring the trees or streets or conduits of any kind.

By whom
fixed.

Such damages may be determined by the council, and the building or house causing the same may be seized and sold to pay for such damages, which shall be a privileged claim after the costs of sale.

Posting of
placards, &c.

200. Regulate and license the posting of bills and placards, and prevent posting the same on any property, whether private or otherwise.

Regulate
awnings, &c.

201. Regulate awnings, signs, sign-boards, show-bills or show-boards, and prevent the pulling down or defacing of the same, or the pulling down or defacing of printed or written notices lawfully posted up, or the defacing of private or other property by printed or other notices posted thereon.

Removal of
awnings, &c.

202. Authorize the council to cause to be removed or taken away all awnings, signs or any object serving as such, which project upon the public highway.

Hand-bills,
&c.

203. Prohibit the distribution of printed hand-bills or circulars at church doors on Sundays.

Ice-roads.

204. Lay out, open up and keep in order the ice-roads crossing the St. Lawrence river to the north shore.

Regulate the traffic over all such roads in front of the town, starting or ending thereat, throughout the whole length of such roads.

Compel the municipalities to or through which such roads lead or pass to pay their share, on an award of arbitrators, of the total cost of the same during each Winter.

The amount thereof may be recovered before the Circuit Court.

Cost thereof.

Recovery of same.

205. Punish those who tear up or injure any tree, whether on the streets or public squares.

Penalty for injuring trees.

206. Regulate the laying of telephone and telegraph wires or of those being used for electric lighting, or the transmission of electricity for any purpose whatever, in the town, the quality of posts, and order them to be painted, and order, if necessary, that the wires be laid underground in certain places, so as not to obstruct the streets, so soon as underground conduits shall be constructed.

Telephone, &c., lines.

207. Establish and fix the amount of the personal statute labor tax, that is to say, the amount which is to be paid yearly by the persons bound by by-law to repair the streets and keep them in order.

Statute labor tax.

From and after the passing of a by-law to that effect, the council shall refuse the labor of such persons for the repair and keeping in order of such streets, which it may have under its immediate control for the carrying out of work to be done, and it shall collect such amount in money for such personal statute labor tax as the by-law may have fixed and established.

Duties of council after passing by-law.

The amount paid for such personal statute labor tax shall be a commutation of the work required on the streets, without including the making or repairing of sidewalks, common sewers, paving or macadamizing.

Commutation for personal work.

208. Establish one or more public landing places or stations, and make all necessary improvements thereto; establish and determine the charges and dues to be levied therein for the corporation, and alter, increase or diminish such dues and charges, from time to time, as the public interest may require.

Landing places.

209. The council may order the town inspector to notify all who encroach or shall encroach in the future on streets or public squares, with their fences, houses or other buildings or obstructions whatsoever, to remove such encroachments and obstructions within a given time to be stated in the inspector's notice.

Cause encroachments on streets to be removed.

In default of such persons complying with the notice within the delay therein specified, the council may order the inspector to remove the said encroachments and obstructions.

The council may allow the inspector his reasonable expenses and recover them, before the Circuit or the Recorder's Court, from the party in default.

Wheel-tires
of waggons.

210. Regulate the width of wheel-tires of waggons, or drays carrying heavy loads, and prohibit or regulate the use of such vehicles and of those used in the transport of coal, in such streets or section of streets of the town as the council may see fit.

R. S., art.
4464, ex-
cluded.

211. Article 4464 of the said Revised Statutes is excluded from this act.

§ 12. *Improvement of streets and public squares.*

Plan of
streets.

212. Cause to be prepared a plan of the future location of any street, part of street or public road, which it may be necessary to alter, extend or continue beyond its actual terminal point, upon lands or farms not yet laid out in town lots, by giving public notice thereof, mentioning that such plan is deposited in the office of the corporation for the information of all persons interested.

Notice of
deposit of
plan, effect
thereof.

Such notice and deposit of the plan shall relieve the council from the payment of any compensation on account of any buildings which shall be put up, after the date of the notice, upon the lots indicated on the plan, as required to be used for locating, extending, opening or improving any public highway.

Indemnity to
proprietors.

The corporation shall, in all cases, be bound, upon being so required by the proprietors, to pay to such proprietors the value of the land upon which one or more streets have been so located, by agreement, or according to the value to be determined by arbitrators on an expropriation.

Widening
of streets.

213. Order that any street or fixed portion of a street or public square within the town be thereafter gradually widened to a specified width to be mentioned in the said by-law, and determine the new line thereof; order that the land required for such increased width be acquired or expropriated, from time to time, as the buildings or structures thereon are removed or destroyed, or when and as the council may, by such by-law, fix and determine, and order that such improvement shall be made out of the funds of the town, or that the cost thereof shall be assessed, in whole or in part, upon the lands or parcels of land belonging to the parties interested in or benefited by such improvement.

Purchase of
land.

214. Acquire, by private agreement or by expropriation, all lands required for such purposes, and order how the ex-

penses so caused shall be apportioned and levied, in whole or in part, on the corporation or on the proprietors whose properties benefit by the improvement.

215. Whenever the majority of the proprietors of real estate in a street or part of a street in the town shall, by a petition addressed to the council, require the paving with stone or asphalt, or macadamizing or planking of such street or part of a street, the making of a common sewer therein, or the making of any other improvements whatsoever there-to, the council may order such improvements to be made, and may regulate the manner of levying and collecting a sufficient assessment to defray the cost thereof on the persons who may be interested in such improvement, or on all proprietors of lands opposite to which such improvements may be made.

216. When any real property is situated on two or more streets or on one or two streets and a public square, the council, in passing such by-law, shall decide what proportion or part of the said real property is benefited by the special improvement made on such street or public square, and shall, in consequence, apportion the special tax or assessment to be levied on the said property to defray the cost of such improvement.

217. The council may, by resolution, prevent the rebuilding, in the same place, of a demolished house which projects upon the line of a street or portion of a street or public square, and may acquire or expropriate the land.

218. The council may, by by-law, close any street or fixed part of a street or public square, and sell the land for the benefit of the town.

219. The public roads now within the limits of the town shall, in future, be considered as public streets for the purposes of this act.

220. No proprietor who has opened or who opens a street, part of a street, lane, public road or passage through his property, shall close the same without the consent of the council; and such street, part of a street, lane, public road or passage shall become the property of the town, without indemnity therefor from the council.

§ 13.—Sidewalks.

221. Change, from time to time, as the council shall deem expedient, the mode of making the sidewalks and

keeping them in repair, determining whether they shall be so made and repaired by and at the cost of the proprietors or of the corporation.

Assessment therefor.

222. When the council has charge of the construction and maintenance of a sidewalk, it may, if necessary, levy a special assessment on the persons interested, or a general assessment for this particular purpose, together with ten per cent to cover the expense and loss incurred in the collection.

Regulations as to construction of sidewalks by private parties.

223. When the council has not charge of the construction and maintenance of the sidewalks of the town, in whole or in part, it must regulate and establish by what persons, when and in what manner, of what size and quality, and where such sidewalks shall be made, placed or repaired in the streets, parts of streets or public squares in the town.

Instructions to be followed.

224. No person can make a sidewalk before his property, without following the instructions of the town inspector, under the by-laws regulating how and in what manner such sidewalks shall be made.

Uplifting of sidewalks.

In default thereof, the council may cause such sidewalk to be uplifted and remake the same if it be necessary to avoid any detrimental irregularities.

R. S., art. 4463, replaced for town. Removal of ice and snow.

225. Article 4463 of the said Revised Statutes is replaced, for the town, by the following :

The council may compel every proprietor or occupant of land to remove, entirely or partially, the ice, snow, or water from the sidewalks, in front of his property, within a specific delay and in the manner indicated by the council.

Work done by corporation.

226. Whenever any person obliged, by by-law, to make, keep in order and clean any sidewalk in front of his property, in any street or portion of street, shall fail to perform the required work, it shall be lawful for the council or committee to have the said work performed under the direction and superintendence of the town inspector.

Cost thereof how recovered.

The cost of such work is a municipal due, privileged on the immoveables in front of which such work has been done, and may be recovered, in the ordinary way, from the person in default.

Occupants of Government property to make sidewalks, &c.

227. Occupants of land belonging to the Federal or Provincial Government and other corporations, institutions or *fabriques*, whose property is not liable to or is exempt from taxation, are bound to make and keep the sidewalks in order in front of the properties they occupy, and to pay all taxes

or assessments imposed for such work, as being personal taxes for such occupants, authorized by this special provision, when the sidewalks are at the charges of proprietors.

228. Upon a petition of the proprietors of the town, the council may have sidewalks made of asphalt or other substance, and apportion the cost of such work, whether in whole or in part, upon those who have asked for the same. Durable sidewalks.

§ 14.—*Public pounds.*

229. Restrain and regulate the custody and abandonment of animals of all kinds, and authorize their detention in public pounds and provide for the sale thereof for the penalty incurred and the costs of prosecution and detention. Custody of animals, &c.

230. Regulate and prevent the allowing of dogs to go at large in the town, and authorize the impounding and destruction of all dogs wandering at large, and the destruction of dogs whose owners reside in the town and have not paid the tax thereon, or of dogs kept in contravention of any by-law of the council. Dogs, &c.

231. If the proprietor of the animals found wandering be known the fine may be levied upon and recovered from him, without bringing the animals into the pound or seizing them. Levy of fine.

On payment of the fine and dues and costs of keeping, every pound-keeper is bound to deliver back and give up all such animals, whether they be in the pound or not, to the proprietor thereof. Return of animal when fine paid.

§ 15.—*Lighting.*

232. The council is vested with all the necessary powers for the establishment and administration of systems of lighting by gas, electricity or otherwise, for public requirements; and for those of private individuals or companies, who require light for their houses or establishments. System of lighting.

233. Articles 4485 to 4496 inclusively of the said Revised Statutes are applicable, *mutatis mutandis*, to the system of lighting. R. S., arts. 4485 to 4496 applicable to system of lighting.

234. Article 4497 of the said Revised Statutes shall also apply to the town, with regard to the said system of lighting, provided the by-law effecting the transfer of the rights and powers of the council be previously approved, in the manner prescribed by this act, by the municipal electors who are proprietors. R. S., art. 4497 also applicable in certain cases.

Acquired rights not affected.

The provisions of this paragraph shall not affect acquired rights.

§ 16.—*Maintenance of the peace.—Enforcing of the by-laws.*

Police force.

235. The council may establish, regulate, arm, lodge, clothe and pay a police force in the town, and determine the duties of the officers and men of such force or constables, for maintaining peace and good order, and for the observation of the municipal by-laws within the limits of the jurisdiction of the council.

Powers of constables.

236. All constables have the necessary powers for the performance of the duties imposed on them within the limits of the town and, outside thereof, upon all wharves and bridges, upon the ice and waters, and on any boat or vessel, on the river St. Lawrence, within the limits of the jurisdiction of the council.

Extension of the jurisdiction of constables.

237. The powers of the police constables extend over the whole district of Beauharnois; but they cannot act outside of the limits of the jurisdiction of the council without the written authorization of the mayor or an order from the recorder.

Penalties upon constables.

238. Every constable, policeman or police officer who is guilty of disobedience, insubordination, drunkenness, neglect, bad conduct, abuse of power, partiality or malfeasance in the performance of the duties imposed on him by law, incurs, upon conviction of such offence before a justice of the peace or before the Recorder's Court, a fine not exceeding forty dollars.

Dismissal of constables.

239. The mayor or the council may suspend or dismiss any constable who is guilty as aforesaid.

Effect thereof.

No police officer or constable, who is so dismissed, can thereafter become a member of the police force.

Arrest on view.

240. All and every such police officers or constables may arrest, on view and without a warrant, any person they may find breaking the public peace, or lying or loitering, either during the night or day time, in any highway, field, yard or other place, or lodging, or sleeping in any barn, outhouse or other unoccupied building, or under any tent, cart or other vehicle, and not giving a satisfactory account of himself, as well as any person drunk, shouting, swearing or causing tumult on the public roads or highways, wharves or bridges, or in any other place whatever, within the limits of the jurisdiction of the council.

241. They shall have power and authority to arrest, even without the limits of the town, all persons who shall contravene any federal or provincial law, or any by-law of the town, or who shall have advised, aided or encouraged any person whomsoever to contravene any such federal or provincial law, or any such by-law.

Power to
arrest outside
town limits.

242. It shall be lawful for any police officer or constable of the said town to go into every house, store-house, grocery, store, shop, inn or suspicious house, and to go into every yard or other place, within the limits of the town, in which any person may be reasonably suspected to be for evil motives, or when there is reason to believe that some stolen articles have been hidden or received therein ; and, if any such person be found in such places, the said police officers or constables shall arrest, on view and without warrant, and shall keep in custody, any such person.

Power to
enter gro-
ceries, &c.,
to search for
suspected
goods.

243. Every constable shall also have power and authority to go into every inn, hotel, and into every shop licensed for the sale of spirituous, vinous or fermented liquors, to ascertain if the laws or the by-laws regulating such houses be faithfully observed, and to arrest, on view and without a warrant, all such persons whom they may find in such houses contravening any laws or by-laws.

Power to
enter inns,
&c.

244. Constables shall have power and authority to serve all summonses and subpoenas, and execute all warrants and other proceedings for the arrest and the confinement in gaol of all persons accused of the commission of any crime or offence, or the violation of any federal or provincial law, or any by-law of the town.

Power to
serve sum-
monses, &c.

245. Constables shall have power and authority to serve all special notices and to publish all public notices, in accordance with the various provisions of this act, and they shall certify to the correctness thereof under their oath of office, without being obliged to take a special oath to that effect.

Power to
serve special
notices.

246. Any constable may confiscate, to be disposed of for the benefit of the corporation, the effects, merchandise and articles of commerce of hawkers or of peddlers selling, retailing, peddling or offering for sale, in the streets of the town, such effects, merchandise and articles of commerce, without having previously paid the duties or annual taxes imposed by the by-laws of the town.

Confiscation
of articles by
constables.

247. It shall be lawful for any one of the members of the council individually to order the immediate apprehen-

Arrest on
order of a
member of the
council.

sion of any drunken or disorderly or riotous person whom he shall find disturbing the public peace, loitering, using obscene language, impeding passengers, or contravening the by-laws, within the limits of the jurisdiction of the council, and to have such persons confined in the temporary place of confinement, in order that such persons may be secured until they can be brought before the mayor, a justice of the peace or the recorder, to be dealt with according to law.

Arrest of persons refusing to pay carters.

248. Any constable may arrest on view, either by day or night, any one infringing any of the by-laws of the town, by refusing to pay the hire of any licensed carter's vehicle, and to bring him immediately before the mayor, a justice of the peace, or the recorder, if it be in day-time, or to hand over such person to the guardian of the police station or other place of detention, if it be at night, to be afterwards dealt with according to law.

Entry and inspection of buildings by constables.

249. Any constable may, upon an order of the council, the mayor or recorder, inspect and examine, at any hour of the day or night, any moveable or immoveable property, and the interior or exterior of any yard, house or building whatsoever, and also inspect the interior of any craft or vessel within the limits of the jurisdiction of the council, on the River St. Lawrence, in order to ascertain whether the by-laws of the council are observed, or for the purpose of arresting any one.

Penalty for refusing entry.

The owners or occupants of such moveables or immoveables are bound to receive and admit such constable, under penalty of a fine not exceeding forty dollars.

Constable to obey orders.

250. All constables shall obey the lawful orders which they may receive from the council, any of the members thereof individually, the recorder, or any justice of the peace for the district of Beauharnois.

Confinement of persons arrested.

251. Every person, summarily arrested in virtue of this act, shall be immediately conveyed to the place of confinement established in the town, there to be safely kept until he may be taken before the mayor, the recorder, or one or two justices of the peace, but any such person so arrested may give bail or a sufficient recognizance, to be taken or received by the said mayor or the chairman of the police committee, for his appearance, and shall appear on the day appointed.

Should he fail to appear, the bail is forfeited for the benefit of the municipality.

Lock-up may be built.

252. The council may erect a building or obtain a suitable place for a lock-up, for the temporary confinement of

offenders arrested by police constables, and determine what supervision shall be exercised over the persons so confined, until such time as they are brought before the proper authority, to answer to the charges and offences for which they were arrested and confined.

253. Articles 4474, 4475 and 4482 of the said Revised Statutes are excluded from this act. R. S., arts. 4474, 4475 and 4482 excluded.

§ 17.—*Miscellaneous.*

254. Prevent horses or other animals from being cruelly or barbarously treated. Cruelty to animals.

255. Compel owners of dogs to take out a license for each and every dog, annually, and punish every person who shall keep or have in his possession a vicious dog, which shall bite or attack the passers-by, or disturb the rest of the citizens. Dogs. Vicious dogs.

256. Prevent the opening and establishment of new cemeteries within the limits of the town, or determine the place where they may be made; compel the exhumation of all bodies which may have been interred contrary to the present provisions, except the bodies of priests, nuns or Protestant ministers interred in the churches of the town; determine the places where vaults may be constructed, and regulate how such vaults shall be constructed, the whole subject to the laws governing public health. Burials in the town.

257. Prevent the profanation of burying grounds, graves, sepulchres, monuments or vaults where the dead are buried. Profanation of burying grounds.

258. Compel every person who, during the winter season, rides or drives a horse or other beast of burden, whether harnessed or not, through the streets, to have bells attached to the animal or vehicle, for the purpose of preventing accidents. Bells.

259. Prohibit or regulate the cutting of ice opposite the town, on the St. Lawrence river or in the bay of Valleyfield; permit the same on certain conditions and under certain restrictions, and determine at what place such ice may be taken. Cutting of ice.

260. Establish, regulate and maintain drinking fountains, baths and public privies in the town. Drinking fountains, &c.

261. Authorize and regulate and impose dues on the granting of licenses to the owners of vehicles used in the Licenses for vehicles delivering meat, &c.

town for the delivery of meat, bread, milk, ice, vegetables, groceries, liquors or other articles, goods, effects or merchandise, whether such owners reside inside or outside of the town.

262. Prevent any person, residing beyond the limits of the town, from carrying on his trade or business within the town, without being authorized and without taking out a license for the purpose, and without taking out a number for each and every vehicle used in the town for the purposes of such trade or business; provided that there be no discrimination against such person.

Non-residents
to take
licenses.

Issuing of
licenses.

263. Authorize the issue and signature of licenses, prescribe the manner in which such licenses shall be issued and registered, and oblige the persons holding such licenses to exhibit them to the officers of the council, when requested so to do, and keep them in a conspicuous place of their establishments.

Early closing
of stores.

264. Provide for the early closing of stores in the town, at least two or three evenings in the week, upon a petition signed by at least two thirds of the merchants of the town, who, according to the valuation roll, have a stock-in-trade of two hundred dollars or more.

The by-law passed to that effect cannot be amended or repealed before the expiration of one year, and only on a petition signed in the same manner.

Religious
assemblies.

265. Prohibit the disturbance of any congregation or assembly for religious worship.

Railway
tracks in
streets.

266. Sanction and permit, under such conditions and restrictions as the council may impose, a track of any street railway to be laid on any of the streets in the town, and regulate the number of passengers to be carried in each car or vehicle used by such street railway.

Locomotive
engines.

267. Regulate the use of locomotive engines or any other steam or motive power on any street railway in the town.

Speed of cars.

Prescribe and regulate the speed of cars, and impose penalties upon the company managing any such railway, or on any of their servants, for each and every violation of any such by-law.

Work to be
done by
council, to
whom and
how charge-
able.

268. Whenever the council shall have passed any by-law directing work to be done within the said town, or whenever the infringement of any by-law renders the execution of some work necessary, and any proprietor should refuse or neglect, or from absence, poverty or any other cause be

unable to perform such work, it is lawful for the council to cause the work to be done, and, in all such cases, the sum expended by the council is a municipal due, payable by such proprietor.

269. Divide each ward of the town into polling districts, so that there shall not be more than two hundred voters in each polling district. Division of wards into voting subdivisions.

The limits of such districts shall be properly defined and shall not divide any immoveable property which gives a right to vote.

As soon as one of the polling districts shall contain over two hundred electors, it shall be the duty of the council to subdivide, by by-law, such district into other districts containing not more than two hundred voters each.

The council may, at any time, for the greater convenience of the electors, amend or repeal any by-law made in virtue of this article, and make a new division.

270. Articles 4480 and 4481 of the said Revised Statutes are excluded from this act. R. S., arts. 4480 and 4481 excluded.

SECTION V.

WATER SUPPLY.

271. Article 4497 of the said Revised Statutes applies to the town, provided the by-law effecting the transfer of the rights and powers of the council be previously approved, in the manner prescribed by this act, by the municipal electors who are proprietors. R. S., art. 4497, applicable on certain conditions.

SECTION VI.

VALUATION ROLL.

272. Article 4498 of the said Revised Statutes is replaced, for the town, by the following : R. S., art. 4498, replaced for town.

It is the duty of the valuers in office to make, each year, between the fifteenth day of May and the fifteenth day of July, or at any other time which the council may order, the valuation of the taxable property of the town, according to its real value. When valuation roll to be prepared.

They also make the valuation of the annual value of such property, and enter it in the roll in a separate column.

They also enter in the roll the names of tenants and the amount of annual rent paid by each, and also the names of occupants and the annual value of the property which each occupies.

Annual value to be ascertained in certain cases.

273. When the rent agreed upon for any property does not represent the annual value, the valuator shall enter on the valuation roll the true annual value, which alone shall serve as a basis for the imposition of the tax on tenants and occupants, and also for the collection of water rates.

R. S., art. 4501, replaced for town.

Return to be made by railway companies owning property in town.

274. Article 4501 of the said Revised Statutes is replaced, for the town, by the following :

Railway companies, which possess real estate in the municipality, shall transmit to the office of the council, in the month of May in each year, a return, showing the actual value of their real estate in the municipality other than the road, and also the actual value of the land occupied by the road estimated according to the average value of land in the locality.

To be communicated to valuator.

Such return must be communicated to the valuator by the secretary-treasurer in due time.

In what actual value consists.

275. The actual value of taxable real estate in the town shall comprise the value of the buildings, workshops and machinery, and the accessories thereon erected, and that of all existing improvements which have been made to it.

Valuation of farming lands.

276. All lands used for farming purposes must be valued as such, so long as they are so employed.

Designation of property held *par indivis*.

277. When the valuator assess property possessed *par indivis* by more than one person, or of which the partition is not known, it shall be lawful for them to designate such property by mentioning the name of the *auteur* of the interested parties, or the name of one of the known co-proprietors ; and any of the co-heirs, or co-proprietors may be compelled to pay the taxes, saving his recourse against every other person liable therefor.

Persons liable to taxation to answer correctly to valuator.

278. Every person who is subject to taxation on account of his employment, profession or business, and every proprietor, tenant or occupant of any assessable property or object, shall be obliged to answer correctly all questions put to him by the valuator upon the subject, and to give all possible and necessary information.

Penalty for refusing.

If such persons refuse to answer the questions put to them, or if the answers they have given be false or incorrect, they shall be liable to the penalty hereinafter provided.

Cadastral number sufficient to describe property.

279. The cadastral number, given to any immoveable property upon the official plan and in the book of reference of the town, shall be a sufficient description of such property in the valuation roll.

Whenever the subdivision of such property shall not have been duly registered, the assessors may value it as a whole, and it shall be lawful for the town to levy the assessments on the whole or on any part of such property; if, on the contrary, a subdivision thereof has been duly registered, it shall be the duty of the assessors to value each subdivided lot separately.

When property is subdivided.

280. The council may order the valuers to make a separate and distinct valuation of the lands and of the buildings thereon erected.

Separate valuation of lands and buildings.

281. If, after the valuation roll shall have been homologated, any immoveable property in the town shall be considerably diminished in value, either by fire, the pulling down of buildings, accidents, or any other cause, the council may, on petition of the owner, reduce the valuation of such property to its actual value.

Reduction of valuation in certain cases.

282. Article 4510 of the said Revised Statutes is replaced, for the town, by the following:

R. S., art. 4510, replaced for town.

The council may, at any time, after the homologation of the roll, cause all taxable property omitted from the roll, as well as all taxable property added afterwards, to be assessed entirely or proportionately, so as to be entered on a supplementary roll, which shall be opened by the secretary-treasurer.

Supplementary roll in certain cases.

2. If any omission has been made in the roll, or if any new building, tending to increase the value of real property in the town, shall have been erected subsequent to the completion of the roll, or if lots have been detached from farms or lands under cultivation and sold as town lots, after the homologation of such roll, the council may order the assessors to value any property so omitted or increased in value as aforesaid for the purpose of adding it to the supplementary roll.

If property valued has increased in value.

3. The supplementary roll is received and homologated by the council, at one of its sessions, after the parties interested have been notified, by a special notice of eight days, of the day and hour of the meeting and its object.

Supplementary roll and homologation.

283. On the day fixed, the council shall hear the parties interested and shall maintain or amend such supplementary roll, as it may deem expedient, and shall declare it homologated and in force up to the time of the entry into force of a new roll.

Objection to supplementary roll.

284. Whenever the valuers 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 to

Fine on valuers neglecting duty.

the secretary-treasurer, within the time specified during which such roll must be completed under this act, every such valuator shall incur a penalty of two dollars for each day which shall elapse between the expiration of the said specified time, to make the deposit of the roll, and the day upon which such valuation shall be so delivered.

R. S., art.
4513, replaced
for town.
Roll set aside.

285. Article 4513 of the said Revised Statutes is replaced, for the town, by the following :

Whenever the valuation roll has been set aside, under title twelfth of this act, the former roll revives and avails until a new valuation roll comes into force.

SECTION VII

LOANS.

R. S., arts.
4529 to 4537,
excluded.

286. Articles 4529 to 4537, inclusively, of the said Revised Statutes are excluded from this act.

Signatures
to coupons.

287. The signature of the mayor and of the secretary-treasurer may be lithographed or printed on the coupons.

Loans to be
made by by-
law only, and
approval
thereof.

288. Loans, except those made under paragraph 6 of article 16, whether by the issue of debentures or otherwise, are only made under a by-law of the council to that effect, which must be approved by the majority of the electors who are proprietors.

Approval of
by-laws in
certain cases.

289. Every by-law, resolution or contract to impose an obligation or to affect the taxable real estate of the town, requiring the imposition and payment of a tax, beyond the then current year, must, before having force and effect, be approved by the electors who are proprietors in the town.

Contract for
lighting may
be made by
resolution.

The council may, by resolution, however, without being obliged to observe the formalities above mentioned in this article, make contracts for the lighting of the town ; provided that the prices agreed upon for such lighting shall not be more for future years than for the first year of such contracts.

Redemption
of debentures.

290. The council may always, upon a favorable report of the finance committee, make by-laws to authorize the issue of debentures to renew or redeem, on advantageous conditions, any debentures of the town which it has power to redeem, without the formality of submitting such by-laws for the approval of the electors who are proprietors.

Amount of
total issue of
debentures
limited.

291. The total issue of debentures of the town, as well as the amount representing the floating debt, shall never

exceed, in capital amount, a sum equal to twenty per cent of the total estimated value of taxable real estate in the town, according to the last valuation roll then in force.

292. In the event of a reduction in the estimated value of the taxable real estate in the town, as shown on the valuation roll, after the total debt of the town has reached the maximum authorized, the council cannot incur further debts, and it cannot, in such case, exceed for the annual expenditure and disbursements the amount of revenue actually collected during each year. Restriction of expenditure in certain cases.

293. Each member of the council is held personally responsible for his share of the deficit, and any rate-payer may sue for the recovery of such sum, which shall revert to the municipality. Responsibility of members.

The two preceding articles do not derogate from the provisions of title eleventh of this act, which, in all cases, shall be followed and complied with.

SECTION VIII.

TAXES AND LICENSES.

§ 1.—*Non-taxable property.*

294. Article 4500 of the said Revised Statutes is replaced, for the town, by the following : R. S., art. 4500 replaced for town.

The following property is exempt from taxation : Property exempt from taxation.

1. All lands and property belonging to Her Majesty, her heirs and successors, or held by any public body, office or person in trust for the service of Her Majesty, her heirs and successors ;

2. All federal and provincial property and buildings ;

3. Every place of public worship, bishop's palace, presbytery, (parsonage or manse) and its dependencies, and every burying-ground ;

4. Every public school-house and the ground on which the same is constructed ;

5. Every educational establishment subsidized by the state or by the town, and the ground on which the same is constructed, and all libraries gratuitously opened to the public ;

6. All buildings, ground and property occupied or possessed by hospitals or other charitable or educational establishments ; but properties in the possession of such religious, charitable, or educational establishments, for purposes of revenue, shall not be exempt from taxation ;

7. Every court house and district gaol, and the grounds attached thereto.

Exception.

The said exemption shall not, however, extend to lots, or to buildings built upon lots, in the town, leased or occupied by tenants under the Government, and such lands belonging to the Government, occupied by tenants, shall be valued and assessed in like manner as other real property in the town; and such rates or assessments shall be paid by the tenants or occupants thereof, as expressly assessed upon them personally, and the occupants who pay no rent shall be subject to the tax imposed on tenants and occupants.

Further exception.

The proprietors of the property mentioned in paragraphs 3, 4, 5, 6 and 7 shall, nevertheless, be bound for the works of making and maintaining roads, streets, water-courses, ditches, drains, sidewalks, water supply and lighting, according to the by-laws, and shall be liable for all special taxes for such purposes and for the compensation for the use of water.

§ 2.—*Imposition of taxes.*

Imposition of taxes on:

295. In order to raise the necessary funds to meet the expenses of the council and to effect all necessary and beneficial public improvements, and to enable it to meet its obligations, the council may levy annually on the persons and on the moveable and immoveable property in the town, all general or special taxes, contributions, licenses and other imposts, as hereinafter provided.

I.—TAX ON REAL ESTATE.

Immoveables.

296. Upon all lands, town lots or parts of lots, together with all buildings thereon erected, if any, a sum not exceeding one and one half per cent of their actual value, as shewn on the valuation roll.

The council, may, however, divide the tax on real estate, and levy and impose taxes separately on the lands and on the buildings thereon erected, or impose taxes only on the lands or only on the buildings.

II.—TAXES ON TENANTS AND OCCUPANTS.

Tenants.

297. Upon all tenants paying rent in the town, an annual tax not exceeding five cents per dollar on the amount of the rent entered in the valuation roll or of the annual value of the property leased or occupied, this latter value being taken for the imposition of the tax; provided, always, that the said annual tax shall be at least one dollar, that is to say, that each tenant shall pay at least one dollar per annum.

Occupants.

Such tax is likewise exigible from the occupant of a property, according to the estimated value of his occupation, as shewn by the valuation roll.

III.—PROFESSIONAL TAX.

298. Upon every person habitually practising, in the town, the profession of advocate, physician, notary, surgeon, dentist, veterinary surgeon, oculist, aurist, surveyor, architect, civil engineer, bailiff or any other profession, or acting as clerk of any court whatever, or as a civil service employee, a sum not exceeding five dollars. Professional men, &c.

Every partnership formed for the practice of any of the professions mentioned in this article shall be responsible for the tax imposed upon each of the co-partners, without prejudice to the recourse against any of the co-partners for his respective share.

The persons who are subject to the professional tax are bound to pay the same, even when they do not reside in the town, provided they hold an office therein.

IV.—TAX ON MOVEABLES.

299. Upon the following moveables, kept in the town to wit : Certain moveable property.

a. Upon every stallion kept in or brought temporarily into the town for breeding purposes, a sum not exceeding ten dollars ;

b. Upon every horse, mule or ass for hire, a sum not exceeding one dollar ;

c. Upon every horse over three years old kept for the ordinary use of a house, a sum not exceeding one dollar ;

d. Upon every bull, a sum not exceeding four dollars ;

e. Upon every pig, a sum not exceeding one dollar ;

f. Upon every dog or bitch, a sum not exceeding two dollars ;

g. Upon every vehicle, covered or uncovered, of two or four wheels, with one or more seats, for one or two horses, used for promenading, a sum not exceeding five dollars ;

h. Upon every sleigh, covered or uncovered, for one or two horses, with one or more seats, used for the same purposes, a sum not exceeding five dollars.

2. The person in possession of the animals and articles above enumerated is deemed to be the owner thereof, and is taxed in consequence, saving his recourse against the real owner. Who are to be deemed owners.

Traders are not subject to the tax imposed by this article, as regards the animals or vehicles which they buy, make or keep for sale in the ordinary course of their trade. Horse dealers, &c., not subject to tax.

All horses, cattle, implements and moveable effects employed exclusively for agricultural purposes or intended for use in farming, are exempt from all taxes whatsoever. Certain animals and vehicles not liable to tax.

V.—TAX ON LIQUOR DEALERS, ETC.

Tax upon : **300.** Upon all the following persons, whether they reside in the town or not, a sum not to exceed two hundred dollars, including the confirmation of the license certificate, to wit :

- Liquor dealers ; 1. Upon every person keeping a hotel, tavern, temperance hotel, saloon, café, restaurant, refreshment room, wholesale or retail liquor store, or house of public entertainment ;
- Licensed clubs, &c. 2. Upon every licensed club, distiller, beer bottler, or dealer in intoxicating liquors.

VI.—BUSINESS TAX.

Business tax. **301.** Upon all persons exercising, practising or carrying on in the town one of the following trades, occupations, business, arts, professions, industries, manufactures or means of profit or of livelihood, a sum not to exceed one hundred dollars, to wit :

- Proprietors of theatres, &c. a. Upon every proprietor, possessor or agent (established permanently or temporarily) of a theatre, circus, caravan, skating rink, shooting alley, games of pigeon-hole, bagatelle, mississippi, billiards, pool, ten-pins or other games, plays or amusements of any kind whatever, and upon every club, society or company of sports, incorporated or not, licensed or not ;
- Peddlers, &c. b. Upon every peddler or itinerant trader, residing in the town or not, selling or offering for sale within the limits of the town any article of trade whatsoever ;
- Brokers, &c. c. Upon every broker, commission merchant, agent, pawn-broker, auctioneer and exchange broker ;
- Insurance companies, &c. d. Upon every fire, life, accident or marine insurance company or their agents, brokers or employees, residing in the town or not, and doing business therein or temporarily taking risks ;
- Banks, &c. e. Upon every money lender on notes or otherwise or his agents, and upon every banker, bank, loan or building society, or their agents or managers, doing business in the town ;
- Telegraph companies, &c. f. Upon every telegraph, telephone, electric lights gas, or power company, or their chief agents, and upon every person, firm or company supplying light, power or water to any part of the town ;
- Merchants, &c. g. Upon every merchant or manufacturer or their agents ; and upon every butcher, grocer, confectioner, druggist, baker, milk dealer, hawker, huckster, pork-butcher, tobacconist, barber, photographer, dress-maker, tinsmith, shoemaker, plumber, slater, plasterer, painter, blacksmith, tailor (resident or non-resident), professor of music, clerk, book-keeper, bank

clerk, book-store, proprietor of a laundry, printer, book-binder, hatter and furrier, watch-maker, ebonist, cabinet-maker, saddler, tanner, mason, carriage-maker, wheel-wright, carpenter keeping a shop, undertaker, brick-maker, brick-layer, contractor, miller, boat-builder, proprietors of water-power or steam mills, foundries, manufactories whatsoever, or their agents, or managers, or upon every person making the same, upon every proprietor or tenant of a stone-yard or ice-house, carter, proprietor of a livery-stable, proprietor or keeper of a yard of sawn lumber, building materials or cord-wood, or of coal, or of slaughter-houses or tanneries, or of public scales, and upon all horse dealers, resident or non-resident, ferrymen, persons hiring out horses for towing purposes, and manufacturers of soap, tallow, candles, glue, ginger beer, or other beer, or any other aerated waters, boatmen and persons who let boats on hire;

h. Upon every person, except widows and orphans, receiving a revenue, whether in money or goods; Burgesses, &c.

i. Upon every person receiving an annual salary of five hundred dollars or more, provided that such person is not already taxed for a sum of four dollars per annum; Salaries.

j. Upon every owner or captain of a barge or other craft or vessel, who offers for sale or sells or allows the sale on board his vessel of merchandise or moveable effects of any kind whatever within the limits of the town; Barge owners, &c.

k. Generally, upon all and every trade, industry, profession, art, occupation or business exercised or which may be exercised, practised or introduced into the town, whether they be mentioned in this act or not, and upon all the persons who exercise or carry on the same in the town, either on their own account or as chief agents for others, temporarily or otherwise, and upon the premises in or upon which they may be carried on or exercised. Trades, &c., generally.

2. Persons or companies liable for the business tax are obliged to pay the same on account of their business or industry within the town, even if they do not reside therein. Non-residents liable for the payment of the business tax.

The business tax is exigible for carrying on each such trade, business or occupation, even when it is so carried on by the same person, firm or company. Business tax exigible for each trade, &c.

The council may, if it thinks it convenient, divide the different lines of trade carried on by merchants or traders, and impose an annual tax, not exceeding twenty-five dollars, on each of such lines. Lines of trade.

VII.—GENERAL PROVISIONS.

302. Article 4538 of the said Revised Statutes is excluded from this act. R. S., art. 4538, excluded.

303. It shall be lawful for the council, at any time, to declare, by resolution, that the rate-payers, who pay their Reduction may be allowed to

certain rate-payers.

Notice of such to be given.

taxes or municipal dues within a specified period, shall benefit by a reduction which the council shall determine.

The secretary-treasurer shall give public notice of such resolution.

R. S., art. 4542, replaced for town.
Interest on taxes, &c.

304. Article 4542 of the said Revised Statutes is replaced, for the town, by the following :

Taxes and municipal dues shall bear interest, at the rate of six per cent per annum, from the expiration of the delay during which they ought to be paid, without its being necessary for such purpose that a special demand of payment be made.

Interest not to be remitted.

Neither the municipal council nor its officers shall remit such interest.

R. S., art. 4543, replaced for town.
Municipal dues to be a privileged debt.

305. Article 4543 of the said Revised Statutes is replaced, for the town, by the following :

All municipal dues and the interest thereon shall constitute a privileged debt exempt from the formality of registration ; and, in the case of distribution of moneys by authority of justice, according to law, or by voluntary liquidation, such dues shall be collocated in preference to all other claims, both on the proceeds of the sale of moveables and of that of immoveables, next after the Crown.

Amount of dues, how fixed.

306. The amount of the dues and taxes, which the council may impose by this act, is fixed and determined by the council in its discretion, and may be imposed and levied either by the same by-law or by different by-laws, or by resolution, and is payable annually at the time fixed by the council.

Resolution valid during year only.

307. Whenever a tax is levied by resolution, it shall only be valid for the taxes so levied during the then current year.

Mode of collecting taxes levied by by-law.

Taxes which are levied by by-law are imposed permanently, to be collected annually by the secretary-treasurer of the town as other taxes, at the time fixed by the by-law, without further municipal ordinance, until repealed or amended by by-law in the ordinary manner.

How taxes to be levied.

308. The taxes enumerated in the present paragraph may, in so far as possible, but in the discretion of the council, be imposed and levied under the form of a license signed by the secretary-treasurer, and are then payable annually at the time and under the conditions and restrictions fixed by the council ; and, in such case, it is not necessary that the persons liable for the payment of such taxes be mentioned in the valuation or collection rolls.

309. The council may direct the valuator to prepare a roll of the moveable property and of the persons mentioned in articles 297 to 301, inclusively, of this act.

It has also the right to name one or more persons, not being the valuator, to prepare such roll.

Roll of persons and moveable property.

Roll by whom prepared.

310. Every person who, during the fiscal year, carries on or practises any kind of business or occupation, which renders him liable to the tax, is bound to pay the whole of such tax, whatever be the time of the year at which it becomes due, unless the council remit any portion of such tax to him on account of the short time to elapse before the end of the current year.

Taxes upon persons carrying on business for only part of year and power of council to remit part.

The council, however, cannot remit such tax, except when the same would become due only during the last three months of the fiscal year.

Exception.

311. The council may, moreover, by by-law or by simple resolution, levy and collect, by special license, a sum not exceeding one hundred and fifty dollars of and from all persons who come temporarily into the town to sell or cause to be sold merchandise or goods belonging, in whole or in part, to a bankrupt stock or other stock of merchandise, goods or effects, either by auction or by private sale.

Special license for transient traders selling bankrupt, &c., stocks in trade.

The whole without prejudice to the right to impose the taxes mentioned in the present paragraph.

Proviso.

312. Every license is signed by the secretary-treasurer and gives the holder the right to practise or carry on his art, trade, profession, business or industry until the expiration of the time therein specified.

Rights conferred by license.

313. No license granted shall be transferable by the owner thereof, except with the consent of the council.

License not transferable.

314. Every person who holds a license shall, at any time that he may be required by a municipal officer, exhibit his license, which must be kept conspicuously exposed to the public in the principal place of business in the establishment of such person, unless such license be granted to a person who has no known place of business in the town.

License to be shown to municipal officers.

315. Persons, whose names have been added to the valuation roll after the collection roll has been prepared, must pay the annual tax, in the same manner as if their names had been entered when making the valuation roll.

New persons entered on the roll, &c.

316. The council may, by by-law :

a. Levy, by special assessment, upon all moveable or immoveable property, or upon both, belonging to persons who,

Special taxes for public works.

in the opinion of the council, are interested in a public work under the control of the council, and who benefit by such work, all sums of money necessary for the payment of the construction or maintenance of such work ;

Special assessments for works done on petition.

b. Levy moneys, by special assessment, for any object whatsoever, within the limits of the powers of the council, upon all property, or only upon the immoveables comprised within the limits of the town, upon a petition of the majority of rate-payers who will have to pay such tax, to the amount and upon the conditions set forth in the petition.

Proviso as to certain exempted persons.

In such case, those who are exempt from taxation under the provisions of this act, shall be liable to the assessment imposed under this clause.

Payment of such taxes how made.

2. Every tax or assessment imposed in virtue of the provisions of the present article shall be payable in the manner and at the periods fixed by such by-laws, over and above all other annual taxes which may be imposed under this act.

Penalty for carrying on trade without license, &c.

317. Every person who carries on business, or exercises any industry, profession, art or trade in the town as above set forth, without having first obtained, from the council, a license or permit to that effect, or without having paid the annual tax imposed by the council, on account of such industry, profession, art or trade, is liable to a penalty.

R. S., art. 4555, replaced for town.
Prescription of arrears.

318. Article 4555 of the said Revised Statutes is replaced, for the town, by the following :

All arrears of municipal dues are prescribed by five years.

§ 3.—*Collection of taxes.*

R. S., art. 4547, replaced for town.
General collection roll.

319. Article 4547 of the said Revised Statutes is replaced, for the town, by the following :

It is the duty of the secretary-treasurer to make, each year, at the time fixed by the council, and as soon as the valuation roll is closed and homologated, a general collection roll of all general and special taxes, which must be levied according to the valuation roll and imposed annually under this act by resolution of the council.

Special collection roll.

The secretary-treasurer also makes a special collection roll, whenever any special tax has been imposed, after the making of the general collection roll, or whenever he is ordered so to do by the council.

How made.

Such rolls may be made under the form of extensions of the entries made in the valuation roll.

Notice of taxes due under by-laws not required.

320. Taxes and license fees imposed by virtue of the by-laws passed by the council are due at the time fixed by the by-law, without it being necessary that a special or

general collection roll of the same be prepared, or that a public notice be given of the deposit of such rolls, if any be made.

321. Whenever a tax or license fee is due by a peddler, hawker, non-resident tailor, proprietor of a circus, or any other person temporarily practising his profession or exercising his trade, art, business or industry in the limits of the said town, and such tax is not paid or such license is not taken, the amount thereof shall be demanded by the secretary-treasurer or other municipal officer, and, if not paid on demand, it may be recovered with costs on all the moveables and effects, even those exempt from seizure, found in the possession of such person in the town, upon a warrant signed by the mayor or pro-mayor and executed in the manner prescribed for ordinary taxes.

Distress warrant against peddlers, &c.

322. When a tax is imposed on the members of a firm or association of merchants, on account of the business of such firm or association, such tax may be claimed and recovered in full, either from one of the partners or from the firm or association itself.

Taxes on firms &c., how recovered.

323. The immoveables, moveables or effects to be sold under the provisions of this act, for the recovery of taxes, assessments or other dues, shall be put up to public auction; and it shall not be necessary that they be sold by a licensed auctioneer.

Property to be sold by auction for taxes, &c.

324. Article 4554 of the said Revised Statutes is replaced, for the town, by the following :

R. S., art. 4554, replaced for town. Stoppage of sale.

The sale on a warrant of seizure cannot be stopped, except on an order of a judge of the Superior Court sitting in the Circuit Court in and for the county of Beauharnois, at Salaberry of Valleyfield, made on a petition presented either in chambers or to the said Circuit Court.

The proceedings on such petition are summary, and without appeal.

Proceedings summary and without appeal.

325. No opposition, based upon a right of property or privilege upon moveables and effects seized, nor any other opposition, shall have the effect of preventing the sale and the payment of the taxes and costs from and out of the proceeds of the sale, unless there be deposited at the same time a sum of ten dollars in the hands of the secretary-treasurer, and such opposition be accompanied by an affidavit alleging the truth of the allegations contained.

Deposit required before opposition to seizure is allowed.

Every opposition shall be served upon the officer charged with the execution of the warrant of seizure and returned before the Circuit Court within eight days.

Service of opposition.

Hearing and
decision
thereof.

It shall be heard and decided according to the ordinary rules of procedure, and when the conclusions of the opposition are maintained, the amount deposited, as above, shall be returned to the party who made it, if not, then the amount is imputed towards the payment of the costs incurred.

R. S., art.
4556, replaced
for town.

326. Article 4556 of the said Revised Statutes is replaced, for the town, by the following :

Recovery of
taxes by suit.

The payment of municipal taxes may be also claimed by an action brought in the name of the corporation before the Circuit Court or the Recorder's Court, or before the mayor.

Remission of
taxes to poor
people.

327. The council may remit, in whole or in part, to poor people, their taxes and assessments in case of loss by fire, long illness, or such other cause as the council may consider sufficient.

All debts due
to be included
in the same
claim.

328. Whenever any proceedings are taken for the recovery of a tax or due of any kind, all which is then due by the debtor may be included in the same claim, together with the costs of publication and other costs.

SECTION IX.

SALE OF IMMOVEABLES FOR TAXES.

Sale of lands
for arrears of
municipal
taxes, &c.

329. In every case where a person not residing in the town is taxed for vacant property or other immoveables which he possesses, and in every case where there is not sufficient seizable property to pay the taxes imposed on any person in the town for lands, buildings or other immoveables to him belonging, and whenever claims or municipal dues, secured by privilege in virtue of this act, exist on any immoveable of the said town, if the taxes are not paid within the six months after the notice of the deposit of the collection roll of the town has been given, or if the said claims or municipal dues are not paid within six months after they become due, the council may, upon a report to that effect made by the secretary-treasurer at one of the meetings in the month of July, authorize him to sell or have sold by public auction, at the ordinary place of meeting of the council, in the manner hereinafter prescribed, on the first Tuesday in October following, at the hour of ten in the forenoon, the immoveables so indebted for taxes, claims or other municipal dues.

Sale of lands
for arrears of
school taxes,
&c.

330. The council may, likewise and at the same time, upon a certificate from the secretary-treasurer of the Roman Catholic school commissioners or dissentient school trustees of the town, setting forth that the school taxes imposed upon one or more immoveable properties in the town have

not been paid within the six months following the notice of the deposit of the collection roll of the said school commissioners or school trustees was given, authorize its secretary-treasurer to sell or have sold by public auction, at the ordinary place of meeting of the council, in the manner hereinafter prescribed, but at the cost, risk and perils of the said school commissioners or school trustees, any immoveable property designated by resolution of the said school commissioners or school trustees as so indebted for school taxes.

331. In the case of the sale of immoveables for taxes or other municipal dues to which such immoveables may be subject in virtue of this act, the council may add to the amount of such taxes all other municipal dues whatsoever due by the proprietor of said immoveables, with the same privilege, when the public sale of such immoveables takes place.

All municipal dues to be collected out of the sale.

332. The secretary-treasurer shall prepare a list containing a sufficient designation or summary description, according to article 2168 of the Civil Code, of the properties which have been ordered to be sold by the council, with the names of the proprietors, as shewn by the valuation roll, and opposite the description of such immoveables, the amount of municipal dues and school taxes affecting such immoveables.

List of properties to be sold for taxes.

333. The secretary-treasurer must give, within fifteen days after such order has been given, in the ordinary manner, a public notice of the day, hour and place where such sale shall take place.

Notice of the sale.

Such notice and the copies thereof to be posted up shall be respectively accompanied with a copy of the list of the immoveables to be so sold, with the amount of taxes and other municipal dues due on each property respectively.

Posting of the notice, &c.

A like notice and the list which shall accompany the same shall be published twice in the French and English languages, in the *Quebec Official Gazette*, in the month of August preceding the sale.

Manner of publishing.

334. The secretary-treasurer is bound to give, during the month of August, a special notice to every person whose property is to be sold, by a registered letter mailed to the address of such person.

Special notice to proprietors.

If the debtor or proprietor has no known domicile, the notice must be sent to the occupant of the immoveable which is to be sold, unless such immoveable be a vacant lot, in which case the notice is not necessary.

Notice to absentees, &c.

Notice in cases
of successions.

If the immovable assessed is entered on the valuation roll as forming part of a succession or as belonging to co-proprietors, the notice addressed to one of the heirs or representatives of the succession, or upon one of the co-proprietors, shall be sufficient.

Sale to highest
bidder.

335. At the time indicated for the sale, the secretary-treasurer, or some other person acting in his name, sells separately to the highest and last bidder, the immovables described in the list on which municipal taxes or dues are still due, after having made known the amount to be levied on each of them, including the costs incurred for such sale.

Apportion-
ment of costs
of advertis-
ing, &c.

The costs of advertising and publication are equally apportioned upon each immovable advertised or sold.

Who becomes
purchaser.

336. Whosoever offers thereupon to pay the highest price and is the last bidder, becomes the purchaser of the immovable so put up for sale; the said immovable is immediately adjudged to him by the secretary-treasurer or other person holding the sale.

Price to be
paid at once.

The purchaser is bound to pay the price of the immovable immediately after the adjudication thereof.

Re-sale in
default or
adjournment
of sale.

In default of the immediate payment thereof, the secretary-treasurer or the person holding the sale, at once puts the immovable up again at auction, or adjourns the sale for eight days, by giving notice of such adjournment to all persons present, in a loud and intelligible voice.

Continuation
of sale in
certain event.

337. If, at the time of the sale, no bid is made, or if all the lands advertised cannot be sold on the same day, the sale must be adjourned to the following or any other day within eight days, in the manner set forth in the preceding article.

Certificate
to purchaser.

338. On payment by the purchaser of the amount of his purchase money, the secretary-treasurer shall give a certificate under his signature to such purchaser, specifying the particulars of such sale, and the purchaser may forthwith enter upon and take possession of such immovable.

Notice of the
sale to the
proprietors
of property
sold.

The secretary-treasurer must, without delay, inform, by a special notice, the proprietors or occupants of the immovables sold, of the sale which has been made of such immovables.

Redemption
of lands sold.

339. Every proprietor, whose immovable has been so sold, may resume possession of the same, within two years from the date of the sale, by paying to the purchaser the price of sale, all expenses incurred for preserving the same, insurance

premiums paid, all taxes and the value of all public works imposed or made upon such immoveable, with fifteen per cent on the whole.

The purchaser cannot, during the said two years from the sale, despoil, destroy or deteriorate any portion of the said immoveable or allow the same to be damaged, saving the ordinary use thereof.

Purchaser not to deteriorate property during certain time.

340. Any person, whether authorized or not, may redeem the lot in the same manner, but only in the name and for the benefit of the person who was the owner thereof at the time of the adjudication.

Who may redeem.

When the power of redemption is exercised, the parties must jointly notify the secretary-treasurer of the town, of such fact.

Notice of redemption to secretary-treasurer.

341. The council may, by resolution, at any time before the sale, prevent the sale of such of the said immoveables as it may deem advisable, in the interest of the corporation, to exempt from such sale.

Sale of all or some of the property may be stayed.

342. The corporation may bid upon such immoveables and become the purchaser thereof, through the mayor or any other person authorized by the council, without being obliged to pay the price of sale immediately.

Corporation may bid, &c.

343. The secretary-treasurer shall transmit to the registrar a list of the immoveables sold as aforesaid within the eight days following the sale thereof, and for so doing he is entitled to fifty cents for each parcel of land mentioned in the list; one half whereof is sent by him to the registrar to pay the latter's fees on the deposit and entry thereof and for the cancellation.

List of lands sold to be sent to registrar.

Fee therefor. Application thereof;

The provisions of article 5843 of the said Revised Statutes, concerning sales for municipal taxes, shall apply to sales made under this section.

R. S., art. 5843, to apply

344. Whenever an immoveable is redeemed by the proprietor thereof, the secretary-treasurer must immediately inform the registrar of such redemption having been effected.

Notice of redemption.

345. If, after the sale of any property, any money remains out of the price of adjudication after the municipal and school rates, taxes and costs have been paid, the surplus is deposited by the secretary-treasurer in the municipal treasury, to be, after the redemption, finally handed over, with interest, to the proprietor on his demand.

Deposit of surplus.

346. If the redemption be not effected, and if a surplus exist, the secretary-treasurer must procure from the regis-

Report of distribution.

trar of the county of Beauharnois, a certificate of the privileges and hypothecs, which the land thus sold shall be subject to.

The secretary-treasurer draws up a report of distribution according to the rights of the parties, as shewn by the certificate of hypothecs received from the registrar and according to the oppositions, claims or seizures placed in his hands.

Notice of preparation to be given.

He gives public notice that such report of distribution has been prepared, and if, within eight days after the notice has been given, no contestation in writing is filed with him, he pays the moneys according to such report of distribution.

Contestation to be forwarded to Circuit Court. How decided.

If any contestations are filed, he forwards them to the office of the Circuit Court.

Payment on judge's order.

They are submitted to the judge of the said court in chambers, who renders judgment thereon and on the report of distribution in a summary manner; the secretary-treasurer shall then pay the money in accordance with the judge's order.

Deed of sale after two years have elapsed.

347. If, at the expiration of two years from the time of such adjudication, the immoveable so adjudged has not been redeemed, the purchaser remains the irrevocable owner thereof, and, upon proof of payment of all municipal dues and of all school taxes which have become due and payable on such property during the interval, the secretary-treasurer, in the name of the corporation, shall execute a deed of sale in due form, conveying the immoveable thus sold to the purchaser or his representatives, under his signature and the seal of the corporation, the purchaser paying previously the cost of such deed, together with the costs of the registration thereof; and the secretary-treasurer shall immediately cause the said deed to be registered.

Effect of sale.

348. Such sale has the same effect as a sale by authority of justice, and purges the property from all claims, privileges and hypothecs to which it may be subject, except claims for the payment of municipal debentures or the taxes to pay the same or interest thereon.

Proceedings if property also seized by sheriff.

349. If, before the sale of any property by the secretary-treasurer, the same be seized by the sheriff, the secretary-treasurer, upon being notified of such seizure, by the seizing creditor or his attorney, shall not proceed with the sale, but shall complete his advertisement, and shall, without delay, transmit to the sheriff a statement of the sums due for municipal or school taxes or dues and costs incurred on account thereof, which sums are paid by the sheriff, by privilege, out of the proceeds of the sale.

350. If, on the day on which the sale is to take place, under the provisions of this act, the proceedings of the sheriff on the sale are discontinued or stopped by any opposition, the secretary-treasurer may sell the land in the usual manner.

Proceedings
if sheriff's
sale does not
take place.

351. Every action to annul a sale of immoveables made under this act, or to recover damages against the council, resulting from such sale, is prescribed by one year from the date of the adjudication.

Prescription
of actions to
annul sale, &c.

352. Articles 4557 and 4558 of the said Revised Statutes are excluded from this act.

R. S., arts.
4557 and 4558,
excluded.

SECTION X.

FINES AND PENALTIES.

353. Every recorder, justice of the peace, member or officer of the council, or any other person who refuses or neglects to do a thing or to fulfil a duty required from him, or which is imposed upon him by this act or by any by-law of the council, or who contravenes in any way any of the provisions of this act or of any of the by-laws of the council, is liable for each offence, except in cases where penalties are especially prescribed, either to a fine with or without costs, or to an imprisonment with or without hard labor; and, if the fine is imposed with or without costs, imprisonment may be ordered, in default of the immediate payment of the said fine and costs.

Penalty for
contraven-
tion to this
act, &c.

Such punishments are inflicted in the discretion of the court, but the fine must not be less than one dollar nor more than one hundred dollars, with or without costs, and the imprisonment must not be less than one day nor more than three months, with or without hard labor.

354. The council may, in order to assure the execution of the by-laws, enact the imposition of punishment by fine with or without costs, or imprisonment with or without hard labor, and itself determine, in the by-laws, in an absolute or discretionary manner, the amount of the fine and the period of imprisonment; and, if the fine is imposed with or without costs, it may order imprisonment in default of the immediate payment of the said fine and costs.

Penalty for
infringement
of by-law.

If the by-law does not impose the penalty in an absolute manner, such punishments are inflicted in the discretion of the court; but the fine cannot in any case be less than one dollar nor more than one hundred dollars, with or without costs, and the imprisonment less than one day nor more than three months, with or without hard labor.

Discretion of
the court.

Continuous
infringements

355. If the infringement of this act or of any by-law continues, it constitutes, day by day, a separate offence, and the penalty decreed for such infringement may be inflicted for each day such infringement lasts.

Imprison-
ment imposed
in certain
cases.

356. Whenever the present act or any by-law of the council imposes a punishment by fine only, the court may order that, in default of immediate payment of the fine imposed and costs, the offender shall be imprisoned for a period not less than one day, nor more than three months, with or without hard labor.

Punishment
by whom
imposed.

357. Such punishments are imposed by any of the tribunals mentioned in title thirteenth of this act.

R. S., art.
4560, ex-
cluded.

358. Article 4560 of the said Revised Statutes is excluded from this act.

SECTION XI.

EXPROPRIATIONS.

R. S., art.
4561, replaced
for town.
Power of
council to
receive, &c.,
expropriate
property for
opening
streets, &c.

359. Article 4561 of the said Revised Statutes is replaced, for the town, by the following :

The council may receive by gratuitous or onerous title, or expropriate the land required for the works ordered by it, within the limits of its powers, especially for the opening, widening or straightening of streets or specified portions of streets, public squares, parks, drains, sewers, the construction of buildings for the use of the town, for all purposes connected with supplying the town with water, for all water-works and dependencies and accessories, and for all purposes connected with the lighting of the town.

R. S., arts.
4565 to 4569,
excluded.

360. Articles 4565 to 4569, inclusively, of the said Revised Statutes are excluded from this act.

Indemnity to
tenants of
Government
property.

361. In all cases where a lot of land required for municipal purposes forms part of Government property occupied by tenants, the indemnity to be paid to the tenant shall be determined and fixed by arbitrators, unless it be settled by mutual agreement.

R. S., art.
4564, replaced
for town.
Indemnity.

362. Article 4564 of the said Revised Statutes is replaced, for the town, by the following :

The indemnity to be paid for any land liable to expropriation may be fixed and established by agreement between the council and the owner thereof, and it may also be agreed that no indemnity be allowed to the expropriated owner.

363. Articles 5754*b* to 5754*s*, inclusively, of the said Revised Statutes, as enacted by the "Expropriation Act" 54 Victoria, chapter 38, shall apply to the town; the proceedings to be adopted under such act having, however, to be carried on in the Circuit Court of the county of Beauharnois, at Salaberry of Valleyfield, and the interpretation given by articles 4 and 5 to the words "judge," "Superior Court," "tribunal," "prothonotary," "office of the prothonotary," being applicable in the present case.

Expropriation act, 54 V., c. 38, R. S., arts. 5754*b* to 5754*s* to apply, and where proceedings to be had.

TITLE XI.

MUNICIPAL FINANCES AND BUDGET.

364. The fiscal year in the town, for all taxes, licenses, assessments, imposts or annual dues, shall commence on the first day of January and terminate on the last day of December in each year, whatever may be the date or time of the year at which such taxes, licenses, assessments, imposts or dues have been imposed or have become due.

Fiscal year.

365. As soon as possible after the permanent committees of the council are reconstituted, each committee shall prepare a statement of the expenses to be provided for, and the finance committee shall further submit a statement of the probable revenue for the year.

Statement of expenses to be provided.

The council must, immediately after the different committees have prepared their reports, make an appropriation of the amount which it may deem advisable to sanction for the expenses of the current year, by providing :

Appropriations.

1. For the payment of the interest on the debt due by the town, and for a sinking fund of at least one per cent ;

2. For the general and ordinary expenses of the town, including contingencies ;

3. For the cost of contemplated public improvements ;

4. For a reserve of not less than five per cent on the gross revenue of the preceding year, to be used exclusively to meet unforeseen wants.

From the first of January up to the time of making the appropriations by the council, the secretary-treasurer is authorized to take from the general funds the moneys necessary to pay the current expenses of the municipal administration.

366. Such appropriation shall never exceed the amount of the revenues of the preceding year, added to the balance of such revenues remaining unexpended.

Limitation of appropriations.

367. The council may modify the use of sums appropriated for any committee, and use them for any other purpose within the powers of such committee.

Alteration in the appropriations.

Finance committee to report on by-law requiring expenditure.

Every by-law, resolution, motion or notice of motion respecting any expenditure shall, before being finally adopted, be submitted to the finance committee, which shall report thereon at the next ensuing session of the council, whether it be a regular, special or adjourned session.

Council to act if committee do not report.

368. If the finance committee refuses or neglects to make a report as aforesaid, the council may proceed without it.

Penalty on members voting for such excess.

369. Every member of the council who joins in sanctioning the expenditure of any sum of money beyond the amounts so appropriated and the amounts at the disposal of the council or of any committee, in conformity with the preceding articles, shall be personally responsible therefor.

Secretary-treasurer not to pay out of reserve fund without authorization.

370. The secretary-treasurer is forbidden to pay any money out of the said reserve fund, before such expense has been approved of by the finance committee and confirmed by the council. He is also forbidden to dispose of any surplus over the amount of any appropriation, without a special authorization from the council.

Composition of finance committee. Minutes to be kept.

371. The finance committee shall consist of all the members of the council.

The secretary-treasurer shall keep a register of the proceedings of the committee, under the signature of the chairman of the committee and of the secretary-treasurer or of one of them.

Special appropriations.

372. In cases of urgent necessity, the council may, by by-law, make any appropriation it may think necessary beyond the amounts at its disposal; provided that by such by-law an additional assessment shall be imposed, payable at a fixed period during the course of the year in which such by-law is passed, sufficient to cover the amount so appropriated. The said assessment shall be imposed, recovered and collected in the same manner as the ordinary taxes and assessments imposed and levied in virtue of this act, subject, always, to the limit of the total rate, determined by this act.

Special assessment in such case.

TITLE XII.

ANNULLING OF BY-LAWS AND OTHER ORDINANCES.

Who may petition to annul by-laws, &c.

373. Any municipal elector may, in his own name, by a petition presented to the Circuit Court or to a judge of such court, ask for and obtain the annulling, on account of illegality, of any by-law, resolution, list, roll or other ordinance of the council or of any part thereof.

374. The petition must set forth, in a clear and precise manner, the reasons in support thereof, and be accompanied by a certified copy of the by-law, roll, resolution, list or other ordinance complained of, if such copy could be obtained.

Form and contents of petition.

If the copy could not be obtained, the court or judge, on application and on the tender and deposit of the approximate cost of such copy, orders the production thereof by the secretary-treasurer, who is, for that purpose, considered an officer of the court.

375. The petition is served at the office of the council at least eight days before being presented to the court or judge.

Serving of petition.

376. The rules prescribed in articles 4280, 4281, 4282, 4284, 4286 and 4288 of the said Revised Statutes are likewise applicable, *mutatis mutandis*, to the petition presented in virtue of the three preceding articles.

R. S., arts. 4280 to 4282, 4284, 4286 and 4288, applicable to petition, &c.

377. The court may, by its judgment, annul such by-law, roll, list, resolution, or ordinance of the council, in whole or in part, order the service of the judgment at the office of the council interested, and have the same published in the form prescribed for the orders of the council or in one or more newspapers.

Power of judge in deciding.

378. Every by-law, roll, list, resolution or ordinance of the council or portion thereof so annulled, ceases to be in force from the date of the judgment.

When by-law annulled ceases to be in force.

379. The corporation is alone responsible for the damages and suits which may arise from the putting in force of any by-law, roll, list, resolution or other act, the annulment of which has been so obtained.

Damages.

380. The right of demanding any such annulment is subject to the prescription of three months, mentioned in article 7 of this act.

Prescription of suit to annul.

After the delay required for prescription, the by-laws, rolls, resolutions, and other ordinances can no longer be annulled, either by a direct action or an incidental or other proceeding, unless they relate to objects beyond the powers of the council.

After delay, by-laws can not be cancelled.

381. Articles 4389 to 4397, inclusively, of the said Revised Statutes shall be excluded from this act,

R. S., arts. 4389 to 4397, excluded.

TITLE XIII.

RECOVERY OF PENALTIES.

SECTION I.

GENERAL PROVISIONS.

R. S., art. 4584, replaced for town. **382.** Article 4584 of the said Revised Statutes is replaced, for the town, by the following :

Recovery of penalties. The penalties imposed by the dispositions of this act or by the by-laws of the council, shall be recoverable, whatever may be the amount thereof, either before the Circuit Court or the Recorder's Court, or before the mayor or a justice of the peace ; and these same courts are authorized to impose any of the punishments indicated in section tenth of title tenth of this act, even impose imprisonment in the first place, whenever they believe that such action will better serve the purposes of justice.

R. S., art. 4586, replaced for town. **383.** Article 4586 of the said Revised Statutes is replaced, for the town, by the following :

Prescription of suits for penalties. Every suit for the recovery of penalties is prescribed by three months.

R. S., art. 4589, replaced for town. **384.** Article 4589 of the said Revised Statutes is replaced, for the town, by the following :

Application of penalties. All penalties recovered in virtue of the provisions of this act or of the by-laws of the council, shall belong to the corporation and form part of its general fund, unless it be otherwise ordered.

If the penalty be due by the corporation, it belongs wholly to the prosecutor.

Any person may settle his case before appearance. **385.** Any person arrested or summoned to appear, and who may be sentenced to a fine or penalty imposed under this act or the by-laws made by the council, may settle his case before his appearance.

Payment of fine, &c., in such case. The mayor of the town, the chairman of the police committee and the secretary-treasurer are each authorized to accept payment of any such fine or penalty, and to determine the payment thereof, as he may think proper or expedient, as well as the costs incurred, without the appearance of the offender or without awaiting the decision of the court, or even without any prosecution having been commenced.

R. S., art. 4590, replaced for town. **386.** Article 4590 of the said Revised Statutes is replaced, for the town, by the following :

Imprisonment in default of payment of fine and costs. In default of immediate payment of the fine imposed by the court and of the costs, the person against whom judg-

ment shall have been rendered may be sent to gaol for the period mentioned by the court, according to the provisions of this act or of the by-laws.

387. The court may also grant, for the payment of the fine and costs, a delay which is not to exceed fifteen days after judgment is rendered. Delay for payment of fine.

In default of the payment of the fine and costs within the delay allowed, such person may be imprisoned for the period mentioned in the judgment of the court. Imprisonment in default.

388. Imprisonment, ordered in default of payment of a fine and costs, ceases nevertheless on payment of the sum due. Imprisonment ceases on payment of fine and costs.

Such imprisonment discharges the person who undergoes it from the obligation of paying the fine and costs imposed. Effect of imprisonment.

389. Article 4591 of the said Revised Statutes is replaced, for the town, by the following : R. S., art. 4591, replaced for town.

The plaintiff or the complainant, whose demand or complaint has been dismissed with costs, is bound to pay the costs, under penalty of imprisonment, in the manner and within the delay prescribed in the three preceding articles. If demand dismissed.

390. The fines, as well as the costs taxed, may also be recovered and levied upon the moveables and effects of the offenders. Fines may be levied by sale of moveables.

391. All fines and penalties, recovered under this act, shall be paid into the hands of the secretary-treasurer of the town. Fines to be paid secretary-treasurer.

392. Any joint-owner or occupant of any lot, house, building or other immovable in the town, complained of for violation of any by-law of the council, bearing upon such joint-owner or occupant, or upon the said lot, house, building or other immovable, by reason of any nuisance or other offence committed thereon, may be sued alone, or conjointly with his co-owners or co-occupants, as may be deemed advisable, as also any agent of the said joint-owner or occupant ; in the suit, it is sufficient to mention the name of one such joint-owner or occupant, or of such agent, with the addition of the words : "and others," and oral testimony of such ownership or occupancy, whether sole or joint, or of such agency, is sufficient. Liability of joint-owner, &c.

393. Whenever, in the present or any other act relating to the town, or in any by-law, imprisonment is imposed, Imprisonment where to be.

such imprisonment is presumed and held to be in the common gaol of the district of Beauharnois.

Remission of fines.

394. The council has alone the right of remitting the whole or any part of any fine belonging to the town, as well as of the costs of the suit occasioned by the prosecution for the fine.

How effected.

395. The said remission shall be made in each case, by a resolution adopted by the absolute majority of all the council, on a petition presented to the council to that effect, accompanied by a recommendation of the judge or magistrate who shall have imposed the fine; the said petition to be presented by the person asking such remission.

Penalty upon member or officer of council infringing provision respecting remissions.

393. Any member or officer of the council who shall infringe the provisions of any of the two next preceding articles must reimburse to the corporation the sum which has been lost by such illegal remission, and shall incur a fine not exceeding twenty dollars for each offence.

SECTION II.

PROSECUTIONS BEFORE JUSTICES OF THE PEACE.

R. S., art. 4592, replaced for town.
Procedure.

397. Article 4592 of the said Revised Statutes is replaced, for the town, by the following :

In default of any special provisions to the contrary, the prosecutions brought before the mayor or a justice of the peace, in virtue of this act, shall be heard and decided according to the usual rules of procedure laid down respecting summary convictions and orders contained in part fifty-eight of the Criminal Code, 1892, in so far as the same are not inconsistent with the provisions of this act.

Mode of procedure.

398. Any offender may be proceeded against either by writ of summons or by warrant of arrest.

R. S., art. 4594, replaced for town.

399. Article 4594 of the said Revised Statutes is replaced, for the town, by the following :

Delay between service and return.

Whenever a writ of summons is issued, there shall be an interval of at least two juridical days between the day of the service of the summons and that of the return.

R. S., arts. 4598 to 4600, excluded.

400. Articles 4598 to 4600, inclusively, of the said Revised Statutes are excluded from this act.

R. S., art. 4596, replaced for town.

401. Article 4596 of the said Revised Statutes is replaced, for the town, by the following :

Returns.

The returns of service are made by the bailiffs or constables, under their oath of office.

402. In any complaint or prosecution brought before the mayor or a justice of the peace, it is not necessary to specify or recite the provisions of the law or of the by-law under which such suit, prosecution or complaint is brought, but it is sufficient to state that it is in virtue of the act or by-law passed to that effect.

Certain allegations not necessary.

403. In any case tried for drunkenness, or where a person is arrested, on view or upon information, by a police constable of the town, for an offence against the provisions of this act or of any by-law, it is not necessary that the complaint be in writing; but a verbal complaint, under oath, made before the court or justice by the constable who has arrested such person, is deemed a sufficient complaint.

Verbal complaint sufficient in certain cases.

If the defendant demand that the complaint be taken in writing, the court shall direct the clerk to write down the said complaint.

Exception.

404. Article 4597 of the said Revised Statutes is replaced, for the town, by the following :

R. S., art. 4597, replaced for town.

It is not necessary that the depositions of the parties or of the witnesses be taken in writing.

Depositions in writing not necessary.

Notes of the proceedings written on the margin or on the back of the writ or original warrant are considered as a sufficient proof.

Notes of proceedings sufficient.

405. Every member or officer of the council is a competent witness in any prosecution heard and decided under this section.

Member of the council, &c., competent witness.

406. In any action, proceeding or complaint by the corporation or by any person for an infringement of the provisions of any by-law of the council, it is not necessary to allege or to prove that the formalities required for the passing of such by-law have been observed; the fact that such formalities have been observed is presumed, until proof to the contrary be shown.

Certain allegations and proof dispensed with.

407. In all cases in which a fine has been incurred by a corporation, association, or society recognized by law, such fine and costs may be levied by the seizure and sale of the goods and effects of the said corporation, association or society, in virtue of a writ of execution issued in the ordinary manner; the proceedings are had upon the said writ in the manner prescribed for seizure and execution issued from the Circuit Court.

If offender be a corporation.

SECTION III.

APPEALS TO THE CIRCUIT COURT.

408. Article 4601 of the said Revised Statutes is replaced, for the town, by the following :

R. S., art. 4601, replaced for town.

An appeal lies to the Circuit Court from any judgment rendered by the mayor or a justice of the peace or by the

Right of appeal.

recorder, in suits brought under the provisions of this act or of the by-laws of the council.

TITLE XIV.

RECORDER'S COURT.

SECTION I.

CONSTITUTION OF THE COURT.

409. The council of the town may, by by-law, establish, maintain, abolish and re-establish a court of record called the "Recorder's Court".

By whom and where to be held. It shall be held by the recorder, appointed as hereinafter provided, and have its sittings in the town-hall or any other place set apart for the purpose by the council.

Seal of court. The said court shall have a seal.

410. The recorder is appointed by the Lieutenant-Governor ; he is *ex-officio* a justice of the peace in and for the district of Beauharnois, and is vested with all the rights, powers and authority of one or two justices of the peace, and of the Recorder's Court.

Dismissal upon address of Legislative Assembly and Council. The Lieutenant-Governor may, however, dismiss him upon a joint address from the Legislative Council and the Legislative Assembly.

Qualifications of recorder, &c. **411.** The recorder shall be an advocate of the Province of Quebec, of at least five years' standing :

Recorder may practise before other courts. The acceptance by such officer and the exercise of such functions shall not disqualify him from practising his profession before any court of justice, except the said Recorder's Court, any law or by-law to the contrary notwithstanding.

Salary of recorder. **412.** The salary of the recorder shall not be more than five hundred dollars, and shall be paid monthly out of the funds of the town.

Appointment of deputy, &c. **413.** The municipal council may, from time to time, appoint a deputy-recorder, who shall be an advocate of five years' standing, and shall *ipso facto* be vested with all the powers of the recorder.

The original of such appointment shall be deposited and registered in the office of the clerk of the Recorder's Court.

Such nomination may be revoked and a new appointment made by the municipal council, as circumstances may require.

Jurisdiction of such deputy recorder. **414.** Every person so appointed shall, for and during the period of time limited in the instrument containing his

appointment, or, if no period of time be therein limited, from the date of the registration thereof, until the revocation thereof, have and possess, all and every the jurisdiction, rights, powers, privileges and authority, and be bound to discharge all the duties of the recorder for the town, in his absence or during his illness; provided, nevertheless, Proviso. that the Recorder's Court shall not any time be deemed to have been illegally held, nor shall the acts of any deputy-recorder of the town be deemed to be invalid, by reason of the absence of the recorder, not being deemed necessary within the meaning of this act.

415. In case of the death of the recorder, his deputy shall act as such until the Lieutenant-Governor appoints his successor, in accordance with the law, and, if the recorder dies without a deputy having been appointed, then the council shall appoint one, who will possess the jurisdiction and be vested with all the rights, powers and privileges of the recorder, until one is appointed by the Lieutenant-Governor. In case of recorder's death.

416. The clerk of the Circuit Court in and for the county of Beauharnois, at Salaberry of Valleyfield, shall be *ex-officio* the clerk of the Recorder's Court, during good behaviour. Clerk.

417. The clerk of the court may, by an instrument under his hand and seal, to be acknowledged by him before the recorder, and entered in the register of the court, appoint a fit and proper person to be and act as his deputy; he may remove any person so appointed, and appoint another in his stead. Appointment of deputy clerk.

418. So long as he holds office, such deputy shall fulfil all the duties, and shall be invested with all the powers imposed or conferred by this act on the clerk of the court. Duties, &c., of such clerk.

In the event of the death of the clerk, the deputy-clerk continues to act as such, until another clerk is appointed. Deputy to act if clerk dies.

419. Before entering into office, the recorder, the deputy-recorder, the clerk and the assistant-clerk of the said court, shall make oath before a justice of the peace to well and faithfully perform the duties of their office. Oaths of office.

A certificate that such oath has been taken must be delivered by the justice of the peace before whom it was made, and annexed to the register of the court. Certificate of taking.

420. The town council may, by resolution, appoint, revoke and replace, at will, such number of bailiffs of the Recorder's Court as may be necessary. Appointment, &c., of bailiffs, &c.

Oath of office. Persons appointed bailiffs of the Recorder's Court must take an oath of office before the recorder, who delivers a certificate thereof, which is annexed to the register of the court.

Bailiffs of the Superior Court can act. Every bailiff of the Superior Court residing in the town has, however, the right, power and authority *ex-officio*, without being obliged to take a second oath, to perform the duties of a bailiff of the Recorder's Court.

SECTION II.

JURISDICTION OF THE COURT.

Jurisdiction of recorder's court. **421.** The Recorder's Court has the jurisdiction of a recorder within the limits of the town, and shall hear and determine summarily :

Collection of taxes. 1. Any action brought for the recovery of any sum of money due to the corporation for any tax, assessment, or municipal due whatsoever, imposed by any by-law or resolution of the council ;

Market dues. 2. Any action for the recovery of any sum of money due to the corporation for the rent of any butcher's stall, or other stall or stand in or upon any of the public markets or elsewhere in the town, in virtue of any by-law of the council, or for any tax, duty or license imposed and levied in and upon the public markets or private butchers' stalls in the town ;

Water rates, &c. 3. Any action for the recovery of any water or light rate, or any sum of money whatsoever that may be due and payable to the corporation for any supply of water given or furnished from the town water-works, or of light to any house or building, or given or furnished to or for the use of any person in or outside the town ; or for the introduction of any pipe or pipes from the said water-works or of any wire, into any house or building in the town, at the instance or for the use or benefit of any person, in or outside the town ;

Suits for servants' wages, &c. 4. Any action for the recovery of wages of servants, apprentices, domestics or journeymen, or of damages arising out of the lease or hire of work, the amount of which shall not exceed twenty-five dollars ;

School taxes. 5. Any action for the recovery of any tax, assessment or contribution for schools or monthly dues, due and payable to the school commissioners of the town or to the dissentient school trustees of the town.

Powers for such purpose. **422.** The said court and the said recorder shall have and exercise, for that purpose, all the powers and jurisdiction by law granted to the Superior or Circuit Courts or to the judges thereof.

423. It has concurrent jurisdiction with the Circuit Court, or with any judge of the Superior Court, as to matters between lessors and lessees, and may proceed in virtue of paragraphs 1 and 2 of article 1624 of the Civil Code, and of the legislative provisions amending the same, in the same manner and with the same formalities as the Circuit Court, or any of the judges of the Superior Court, in accordance with the Code of Civil Procedure; and the Recorder's Court has, to that end, all the necessary powers and authority, including that of issuing writs of summons, execution and possession, and of fixing and determining the costs to be paid by the losing party, which costs however shall not include any attorney's fees.

Concurrent jurisdiction with Circuit Court, &c., in certain cases.

It can, however, take cognizance of such matters only in cases where the rent or equivalent value does not exceed the sum of one hundred dollars, and applies to real estate within the limits of the town.

424. After judgment ordering the eviction of a tenant, in virtue of the next preceding article, the party suing may, two days after service of such judgment on the tenant, obtain from the Recorder's Court, a warrant or writ of possession, which shall be put into execution by a bailiff of the Superior or Recorder's Court, or by a constable or member of the police force, each of whom is vested with all necessary authority to that effect.

Writ of possession.

425. The Recorder's Court may take cognizance of and determine in a summary manner, all offences referred to in articles 2783 to 2793, both inclusive, of the said Revised Statutes in so far as the provisions of these articles are applicable to the town, and article 2782 of the said Statutes applies, *mutatis mutandis*, to the recorder.

Court may take cognizance of certain offences.

426. The same court also has jurisdiction in any suit for the recovery of any fine or penalty or the imposition of any punishment imposed in virtue of this act or any by-law of the council, and hears and determines in a summary manner all offences against or infringements of any of the provisions of this act or of any by-law.

Jurisdiction certain cases of penalties.

427. The said court has the power of coercive imprisonment mentioned in articles 781 and 782 of the Code of Civil Procedure.

Coercive imprisonment.

428. The Recorder's Court may issue writs of *saisie-arrest* after judgment, in the same manner as the ordinary courts of civil jurisdiction, and shall follow in relation thereto the rules and procedure prescribed in such courts as regards the issuing of the writ, the return and judgment in matters of *saisie-arrest*.

Saisie-arrest.

SECTION III.

PROCEDURE.—JUDGMENTS.—EXECUTION.

429. The Recorder's Court may sit daily, and as many times as may be necessary each day, and it may fix any time for the hearing and disposing of any offence punishable upon summary conviction and within its jurisdiction; and any police officer or constable may bring before the court any person accused of any such offence, to be then and there dealt with according to law.

430. The clerk shall prepare and make out every summons, order, writ and warrants whatsoever, issued by the said court.

431. Every summons, order, writ and warrant of any nature whatsoever, issued out of or by the Recorder's Court, shall run and be in the name of Her Majesty, her heirs or successors, and shall be signed by the clerk of the said court.

432. The clerk shall, when the corporation is interested, conduct, for and in the name of the corporation, all cases and suits cognizant by and within the jurisdiction of the said court, except in cases where the corporation shall deem it expedient to appoint a special attorney.

433. The clerk shall enter daily, and in a succinct manner, in a register, the proceedings had in each cause or complaint brought before the court.

434. It is not necessary for the clerk to register at full length the proceedings, judgments and convictions of the said court.

A roll of the said judgments and one of convictions shall be regularly kept by him, wherein are set forth, in the first case, the name of the defendant, the nature and amount of the debt, and the date of judgment; and, in the second, the name of the offender, the nature of the offence, the penalty, and the date of conviction.

The notes of proceedings endorsed on the original summons or complaint shall be sufficient evidence thereof.

435. The depositions of the parties or of the witnesses, both in civil cases and in cases of complaint or prosecution for offences as aforesaid, need not be reduced to writing.

436. Every bailiff, the bearer of a writ or order whatsoever, shall make a return in writing, under his oath of

office, of all proceedings taken by him in relation to such writ, and such return shall suffice for all purposes whatsoever.

437. Articles 2, 3, 4, 5, 7, 8, 10, 11, 18, 24, 54, 55, 57, 59 to 72, inclusively, 74, 76, 77, 79, 80, and the articles from 615 to 631, inclusively, and articles 1188, 1190 and 1191 of the Code of Civil Procedure, as amended, shall apply, *mutatis mutandis*, as the case may be, to the recorder and the Recorder's Court. Certain articles of Code of Civil Procedure to apply to recorder and Recorder's Court.

438. In all prosecutions instituted before the Recorder's Court, other than civil actions, the provisions of part fifty-eight of the Criminal Code, 1892, respecting summary proceedings, in so far as they are not inconsistent with the provisions of this act, shall apply to the recorder and to the Recorder's Court; and all the provisions of sections one and two of title thirteen of this act, concerning the recovery of fines and penalties, shall also apply to the recorder and the Recorder's Court. Criminal Code 1892, applicable in certain cases.

439. Article 403 of the present act shall apply to all the prosecutions for any infraction of the provisions contained in articles 2783 to 2793 inclusively of the said Revised Statutes. Application of article 403 to certain prosecutions.

440. In every civil action in the said court, there shall be an interval of at least two clear days between the service of the writ of summons and the day of its return into court. Delay between service of writ and day of return and procedure thereafter.
If the person so summoned does not appear, proceedings by default may be taken against him, and, upon proof made, even by the oath of the plaintiff alone, the court shall render judgment accordingly with costs.

If he appears, he must plead to such action within twenty-four hours, and his plea shall be entered or filed, proof shall be adduced by the parties, and judgment finally rendered in the case, in accordance with law and justice, with costs.

If he confess judgment, judgment shall be entered with costs.

441. The delay upon summons in cases of seizure by garnishment after judgment is the same as that in ordinary civil actions issued by the Recorder's Court. Delay upon summons in certain suits.

442. The Recorder's Court has power to compel witnesses to appear in any action, prosecution, or complaint pending before it, and to answer all legal questions put to them in the same manner as in the ordinary courts of civil jurisdiction in this Province. Power of court to compel attendance, &c., of witnesses.

Rules
respecting
evidence, &c.

443. In any civil action, the Recorder's Court shall, as regards the admissibility of oral testimony, and the competence and the number of witnesses, follow the rules prescribed in that respect by the law in relation to civil matters; subject, however, to the provisions of this present section, and of the acts to which it refers.

One witness
sufficient in
all cases.

444. Any tax, assessment or water or light rate due to the town, or any penalty, fine or municipal due whatsoever, which may be claimed or sued for before the said court, is recoverable on the oath of one witness, and any person accused in the said court of any offence within its cognizance, may also be condemned on the oath of one witness.

Members of
council and
employees of
corporation
competent
witnesses.

Proviso.

445. In any civil action or proceeding, and in any prosecution or complaint for any offence committed against this act or any by-law or against the provisions of any of the acts herein before cited, any member of the council, or any officer or servant of the corporation, shall be a competent witness, provided he has no direct interest in the result of the action, prosecution or complaint, or is not incompetent from any other cause.

Delay upon
confession of
judgment.

446. The court may grant a delay of not more than one month to any defendant who confesses judgment after the return of the action brought against him.

Clerk may
adjourn court
in absence of
recorder.

447. In the absence of the recorder, the clerk may adjourn the court to any hour of the same day or to any future juridical day.

Suits in
whose name
taken.

448. All actions taken by the town in the Recorder's Court, are instituted in the name of "the town of Salaberry of Valleyfield," those taken at the instance of private parties are in the name of such parties respectively.

Execution
how levied.

449. The execution of any judgment rendered in any civil action, as above mentioned, shall be levied by the seizure and sale of the goods, moveables and effects of the defendant.

Delay after
judgment
before
execution.

No writ of execution shall be issued until the expiration of eight days after the day on which judgment shall have been rendered.

Proceedings
by bailiff upon
writ of
execution.

450. The bailiff, the bearer of the writ of execution, shall proceed to the seizure of such goods, moveables and effects, according to the provisions of the Code of Civil Procedure applicable to the Circuit Court in summary matters, subject, however, to the provisions concerning the collection of taxes contained in this act.

451. If the effects of the defendant are already under seizure in virtue of any writ of execution issued by any other court, the bailiff, the bearer of the writ of execution issued by the Recorder's Court, shall suspend proceedings, and upon production to him of the *procès-verbal* of such seizure, he shall hand over the writ issued by the Recorder's Court to the sheriff of the district, or to the bailiff who shall have made the seizure.

Proceedings, if effects are already seized under writ of another court.

452. The delivery of such writ of execution has the effect of an opposition for payment and is sufficient to secure to the town, by privilege (in cases in which such privilege exists), the payment of the sum due, including principal, interest and costs.

Writ from Recorder's Court in such case has effect of opposition for payment.

453. If the defendant has no goods and chattels in the district of Beauharnois, or if they be insufficient to satisfy the judgment rendered against him for sums of more than forty dollars, or, if after the sale of the said goods and chattels of the defendant, there still remains a balance due to the corporation on such judgment, the Recorder's Court may issue a writ *de terris*, signed as aforesaid, to seize the immoveables of the said defendant, situated in any district of the Province, and such writ is addressed to the sheriff of the district in which such immoveables are situated.

If defendant has no goods, &c.

Issue of writ *de terris*.

The writ shall be returnable before the Superior Court for the district of Beauharnois.

Return of writ.

On receipt of such writ, the sheriff to whom it is addressed shall act and proceed upon the said writ in every respect as if it had been issued by the Superior Court, and he shall make a return of his proceedings in executing it to the Superior Court for the district of Beauharnois.

On receipt of such writ how sheriff shall act, &c.

454. All subsequent proceedings resulting from the issue of such writ, or necessary for its execution, as well as regards the plaintiff and the defendant, as regards any other person who shall have legally intervened by opposition or otherwise, shall be had before the said Superior Court, as if the action had originally been taken and decided in the Superior Court.

Subsequent proceedings shall be had before Superior Court, &c.

455. The council may make and establish a tariff of the fees which may be exacted by the clerk and bailiffs, and change the tariff, from time to time; but neither the tariff, nor any of the changes made therein, shall have force and effect, until the same shall be approved by the Lieutenant-Governor in Council.

Tariff of fees for clerks and bailiffs.

Law stamps. **456.** It is not necessary to affix any law stamps to the summonses, writs, warrants or other documents issued by the Recorder's Court.

Punishment to be proportioned to offence. **457.** The Recorder's Court shall have the power of proportioning the punishment to the gravity or frequency of the offence, within the limitations mentioned in this act and in the by-laws of the council of the said town.

Costs. **458.** The Recorder's Court may use its discretion in awarding or withholding costs, or ordering each party to pay his own costs.

Attorney's fees. The fees of the advocates or attorneys shall not be taxed in civil or penal cases.

Amendment of errors in summons, &c. **459.** In all cases where, in any action or summons in civil or penal matters, there is variance between the allegation and the proof relating to the Christian or surname, the occupation, description, or residence of any party mentioned in such action or summons, the said court may, at any time, before, during, or after the trial, or before judgment, upon petition to that effect made by an interested party, direct the amending of such action or summons, if necessary, and allow the adverse party a sufficient delay to prepare a defence to the action or summons so amended, if the party require it for the ends of justice.

TITLE XV.

FINAL PROVISIONS.

Difference between the French and English text. **460.** In case there should be any difference between the English and French text of this act, the French text shall prevail.

Changing the numbers of the lots. **461.** The corporation may, at any time and whenever it may think it necessary or of any advantage, with the consent of the interested parties and on the conditions hereinafter mentioned, change the numbers of any of the lots designated on the official plan and in the book of reference of the town of Salaberry of Valleyfield, and of those of the parish of Ste Cécile, which form part or may in future form part of the town, giving to these latter lots official numbers of the official plan and book of reference of the town; the corporation may also make a new division of such lots, when necessary.

New plan after changes. **462.** The corporation shall make and prepare, whenever any changes have to be made, a correct plan of the new numbers of the town, which will replace the old

numbers, either of the parish of St. Cécile or of the town, while following as much as possible the series of numbers actually existing on the plan of the town, or subdividing or redividing the same.

463. Such plan shall be transmitted to the Commissioner of Crown Lands, together with a book of reference, containing :

Plan delivered to the Commissioner of Crown Lands with a book of reference and contents thereof.

1. A general description of each lot of land shewn upon the plan ;

2. The name of the owner of each lot, so far as it can be ascertained ;

3. All remarks necessary to the proper understanding of the plan.

Such plan and book of reference must be accompanied by a declaration signed by the secretary-treasurer, containing a true description, according to the old plans, of each of the immoveables, lots or portions of lots to which new numbers have been given, pointing out and giving at the end of each description the number entered on the new plan under which the land described and mentioned in the said declaration shall be known in future.

Declaration accompanying the plan.

464. A copy of the said plan, book of reference and declaration shall also be delivered to the Commissioner of Crown Lands.

Copies also to be delivered.

465. After the said plan and book of reference shall have been approved, the Commissioner of Crown Lands shall deposit a copy thereof, together with a copy of the declaration of the secretary-treasurer, in the registry office of the county of Beauharnois.

Deposit made of the plan and book of reference.

A notice of such approval and of such deposit shall be given in the *Quebec Official Gazette* ; and the provisions of article 2168 of the Civil Code, as regards the said new plan and book of reference, shall come into force thirty days after the publication of such notice.

Notice of deposit.

466. From and after such deposit, the registrar must prepare a supplement to all the books necessary for the registration of deeds relating to immoveables situated in the said town.

Books to be prepared by the registrar.

467. Without interrupting prescription and without changing the rank held by any creditor, or decreasing or increasing the rights of the parties, the council shall, after all such changes, within thirty days from the publication of the notice that the said plan and book of reference have been approved and deposited, renew, at its own costs, the registration of any real right and of all charges or

Renewing of hypothecs.

hypothecs which may exist up to the time of the coming into force of such new plan and book of reference, upon the lots or parts of lots which have been so changed.

Designation
of lots
changed.

468. Whenever a change, subdivision or redivision has been made in virtue of the above provisions, the particular number and designation given to each lot upon the new plan and book of reference shall be the true description of such lot, which shall be sufficient as such in any document whatever; and the provisions of article 2168 of the Civil Code shall apply to such lot.

Change to be
noted in
index.

469. As soon as any said above mentioned plan and book of reference shall be deposited with him, the registrar shall note in the index to immoveables, under the number of the original lot, or of the subdivision or redivision, the fact that such lot has been changed, subdivided or redivided, in whole or in part, as the case may be.

Costs by
whom to be
paid.

470. The costs incurred by such changes shall be paid by the town and may be recovered from the proprietors interested in the same manner and with the same privileges as municipal dues, unless the council shall have declared, by a resolution, that such costs or any part thereof be borne by the town, as may have been agreed between the corporation and the proprietors interested.

Lists for elec-
tions of 1894.

471. The annual elections for the year eighteen hundred and ninety-four shall be held upon the electoral lists now in force in the town.

Coming into
force.

472. This act shall come into force on the day of its sanction.

CAP. LXIV.

An Act to incorporate the town of Côte Saint Paul.

[Assented to 8th January, 1894.]

Preamble.

WHEREAS the corporation of the village of Côte Saint Paul has, by petition, prayed to be incorporated as a town, in accordance with the provisions of chapter first of title eleventh of the Revised Statutes;

Whereas it is in the interest of the rate-payers of the said village that such prayer be granted;