

the fee therefor shall be the sum of two dollars, which shall be paid by the said town secretary-treasurer and deducted from the first payment due each board in the proportion of the interest each board has in the taxes due by virtue of the properties contained in the said extract.

General law respecting public instruction to govern town, if consistent.

88. The general law relating to Public Instruction, contained in Title V of the said Revised Statutes, shall be followed in all matters affecting education in the said town in which this act is silent or has no enactment relating thereto.

Salary of secretary-treasurers of boards.

89. The two boards of school commissioners for the said town may severally fix the salary to be paid annually to their respective secretary-treasurers.

Coming into force.

90. This act shall come into force on the day of its sanction.

## CAP. LXXXVI.

An Act to amend the act incorporating the town of Drummondville.

[Assented to 30th December, 1890.]

Preamble.

WHEREAS the corporation of the town of Drummondville has, by its petition, prayed for amendments to its act of incorporation, and whereas it is expedient to grant its prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

51-52 V., c. 88, s. 4, amended.

1. Section 4 of the act 51-52 Victoria, chapter 88, is amended by adding the words " of the first range " after the words " numbers one, two and three ; " and the said section 4, is hereby further amended by the addition of the following clause thereto, after the words " the whole in the county of Drummond ; "

Annexation of territory.

" Provided, however, that it shall be lawful for the town council by by-law, to be sanctioned and approved of by the majority of the electors, who are proprietors, within the territory proposed to be annexed, to include, within the limits of the town, the remaining half of lots one and two of the first range of Wendover and lots one, two and three of the first range of the township of Simpson.

Privileges and obligations of proprietors so included.

Upon such property being included, as aforesaid, by by-law, the proprietors, whose properties shall be thereby included, shall have and possess all the municipal privileges and be subject to all the obligations, duties and

charges imposed upon persons and properties originally included within the limits of the town.

Such properties thus included shall form part of the ward of the town to which it will be contiguous or adjacent." To form part of wards.

#### VACANCIES IN THE OFFICE OF MAYOR OR COUNCILLOR.

2. There shall be a vacancy in the office of mayor or councillor in each of the cases following : Vacancy in office of mayor or councillor.

1. In case of death ;
2. In case of an election being set aside ;
3. In the case of incapacity ;
4. In the case of absence from the sessions of the council or of its committees for over two consecutive months ;
5. In the case of absence from the town for over two months, without the permission of the council ;
6. In the case of the election of a person who is not eligible ;
7. In the case of a written resignation and the acceptance of such resignation by the council ;
8. When a member of the council has refused to accept or to continue to occupy the office ;
9. When a member of the council no longer has his residence or place of business in the town ;
10. When a member of the council has become incapable, after his election, owing to one of the incapacities enacted by law ;
11. When a member of the council is exempt from office when elected or becomes exempt while in offices ;
12. When a member of the council has made an assignment of his property on account of insolvency, or has been declared bankrupt, or has applied to obtain the benefit of any law respecting insolvency ;
13. When a member of the council is unable to act for two consecutive months, on account of illness, infirmity or any other case ;
14. In the case of a councillor being appointed by the council to replace the mayor whose office has become vacant.

3. Any member who refuses to accept or to continue to fill the office to which he has been elected in the council, or who has been unable to perform the duties of such office for two consecutive months on account of absence, illness, infirmity or other case, may always, if the vacancy caused by his refusal or inability to act, has not been filled, resume and exercise his office, provided he is still able to do so, without prejudice, however, to the costs of the proceedings against him. Resumption of office.

**Vacancy when and how filed.** **4.** When a vacancy occurs in the office of mayor or councillor, the council shall, at its first regular session or at a special session, fill the vacancy, by resolution, either from amongst its members or the duly qualified electors, if the office of mayor be vacant, and for the office of councillor by selecting one from the persons in the town who may be qualified therefor.

**Term of office of substitute.** **5.** In any case, the mayor or councillor elected or appointed in the place of another shall remain in office only for the remainder of the period for which his predecessor was elected.

**Remaining members to exercise powers of council.** **6.** Notwithstanding any vacancy in the council, the members who remain in office shall continue to exercise their powers and to perform their duties as such, and if there be more than three vacancies, the majority of the remaining members shall constitute a quorum.

#### CONTESTATION OF MUNICIPAL ELECTIONS.

##### SECTION I.

##### GROUNDS FOR CONTESTATION.

**By whom and for what reasons may be contested.** **7.** Any election of a member of the council may be contested by any candidate or by five qualified electors on the ground of violence, corruption, fraud, or incapacity, of insufficiency of votes or the non-observance of essential formalities.

##### SECTION II.

##### PROCEDURE.

##### § 1.—*General provisions.*

**Court before which brought.** **8.** The Circuit Court of the county of Drummond shall take cognizance of such contestation, and the costs shall be taxed accordingly as in non-appealable cases, notwithstanding the provisions of the following article, the effect of which is only to accelerate the procedure.

**Contestation summary. Procedure.** **9.** The contestation is tried and judged summarily. The usual procedure before the Superior Court in proceedings on prerogative writs shall be followed, in so far as the same may apply to the contestation and incidents connected therewith.

**Proof.** The evidence shall be taken orally.

If the court so orders, the whole or a portion of the evidence may be taken down in writing.

§ 2.—*Petition to set aside the election.*

**10.** Such contestation shall be made by a petition <sup>Petition.</sup> signed and sworn to by the petitioner or petitioners in which shall be set forth the facts and reasons alleged in support of the contestation.

The petitioners may also, in their petition, indicate the persons who have a right to the office in question, and state the facts necessary to establish such right and pray that they be placed in possession of such office.

**11.** A copy of the petition, with a notice stating the day <sup>Service.</sup> on which it will be presented, shall be served upon and left to each member of the council whose election is contested, within fifteen days from the date of such election; otherwise the right of contesting shall be forfeited.

**12.** No such petition shall be presented or received after <sup>When to be</sup> the thirty days following the date on which the contested <sup>presented.</sup> election was held.

§ 3.—*Security.*

**13.** The petitioners shall give security for the costs <sup>Security.</sup> before the service of the petition; otherwise such petition shall not be received by the court.

**14.** The security required by the foregoing article shall <sup>Before whom</sup> be put in before the clerk of the Circuit Court. <sup>given.</sup>

The sureties shall be owners of real estate to the total <sup>Qualification.</sup> value of two hundred dollars, over and above any incumbrances there may be on such property.

One surety shall suffice. <sup>One suffices.</sup>

The security may be given by means of a deposit of an <sup>Deposit in</sup> equivalent amount of money or securities in the hands of <sup>lieu of bond.</sup> the prothonotary in his office or sitting the court.

§ 4.—*Return of the petition and trial.*

**15.** The petition shall be presented in open court, or to <sup>Presentation</sup> a judge in chambers together with the returns of the pre- <sup>of petition.</sup> liminary services.

If the petition must be presented to a judge in chambers, and if the judge be absent, it may be filed in the office of the clerk of the Circuit Court.

**16.** If any defects or irregularities in the formalities <sup>Technical</sup> prescribed for the election are alleged in the petition as <sup>objections.</sup> ground for setting the election aside, the court may admit or reject such grounds, according as they may or may not essentially affect the election.

Proof and hearing.

**17.** If the court or the judge, after having heard the parties, is of opinion that the grounds set forth in the petition are sufficient in law to have the election declared null, it shall order proof to be adduced and the parties interested to be heard, on the day it deems the most convenient.

§ 5.—*The judgment and incidental proceedings.*

Judgment.

**18.** The court or the judge by his judgment may confirm or annul the election, or declare that another person has been duly elected.

Costs.

**19.** The court or the judge may condemn either of the parties to pay the costs of the contestation.

How recoverable.

Such costs shall be recoverable as well against the parties to the suit as against their sureties and all other persons who may be condemned to costs.

When executory against sureties.

The judgment, in so far as regards the costs, shall be executory against the sureties, fifteen days after a copy thereof has been served upon them.

Power of judge, if necessary to examine poll-books, &c.

**20.** If, in consequence of the contestations raised in connection with such petition, it should become necessary to verify the addition, examine or otherwise dispose of the poll-books used in the election and other documents connected therewith, or to examine the officers who superintended the election or acted therein in any capacity, the court or judge shall have the same jurisdiction, power and authority as any court or judge in this province in similar cases.

Persons contributing to render election null may be condemned to costs.

**21.** If it be proved, during the contestation, that a person, other than the defendant, has contributed by any means to render such election null, the court may condemn such person or any others who may have contributed thereto to pay the whole or a portion of the costs.

Service of judgment.

**22.** The court may order that its judgment, if it annul the election, be served at the expense of the party against whom the judgment has been given, at the office of the council.

Court to be continued if case not concluded at close of term.

**23.** If the trial of the contestation is not concluded at the close of the term of the court at which the petition was presented, the sitting judge shall continue it without interruption during the vacation, adjourning from day to day until he shall deliver his final judgment upon the merits of the contestation.

Case to be continued until concluded, if in chambers.

If the petition has been presented in chambers the judge shall continue the case from day to day until his judgment has been rendered.

**24.** No election shall be contested in any other manner No other manner of contestation. nor according to any other procedure than that prescribed by this act.

## BRIBERY AT ELECTIONS.

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

1. Every elector who, directly or indirectly, at any time, Elector receiving money, &c. to vote &c. 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 ;

2. Every candidate at such election, or any other person, Candidate offering money, &c. 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 shall vote or abstain from voting at such election ;

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

4. Whoever shall receive any money, gift, reward or Elector receiving money, &c., indirectly, to vote &c. promise, under the form of hiring of vehicles or for loss of time, so as to give his vote, who shall accept for any article of commerce an excessive price, for his vote or with a view of his abstaining from voting at any municipal election in the town ;

5. Every employer, foreman or person in charge of any Employers influencing employees, &c. establishments or works of any kind who threatens to dismiss or do any injury to his employee or to any employee ;

6. Any candidate or other person who engages or hires Hiring car- ters. a carter for the purpose of conveying electors to the polls, or

7. Any person who, for any money or any gift, reward, Loaning wag- gons. or promise, or other pretext, shall loan his waggon or other vehicle to any candidate or other person for the purpose of conveying electors to the poll houses during an election

**26.** Whoever shall infringe any of the provisions of the Penalty. preceding article, shall incur and pay for each offence a fine of forty dollars, which shall be recovered with costs of suit, and for his own benefit, by any person who shall sue for the same before the Circuit Court for the county of Drummond.

Every offender found guilty in the cases mentioned in Loss of right of voting, &c. the preceding article shall be deprived of the right of

voting or of being a member of the council of the said town for three years, and his name shall be struck from the list of electors during that period.

#### POWERS OF COUNCIL.

##### SECTION I.

##### GENERAL PROVISIONS.

- 27.** The council shall have jurisdiction throughout the entire extent of the town.
- 28.** By-laws, resolutions and other municipal orders shall be passed by the council in session.
- 29.** The council in the discharge of its functions shall fulfill all the formalities required by the provisions of this act, and by the by-laws in force in the town.
- 30.** Any document, order or proceeding of the council, the publication of which is required by the provisions of this act or by the council itself, shall be published in the manner and at the places prescribed for public notices, save the cases otherwise provided for.

##### SECTION II.

##### BY-LAWS OF THE COUNCIL.

#### § 1. — *Promulgation and amendment of by-laws.*

- 31.** The original of every by-law, to be authentic, shall be signed by the mayor or person presiding the council at the time of the passing of such by-law, and by the secretary-treasurer.
- 32.** The originals of the by-laws submitted for the approval of the municipal electors, when such approval has been given, shall be accompanied by a certificate under the signatures of the mayor, or of the person who presided at the meeting of the electors, and the secretary-treasurer, establishing the fact of such approval and such certificate shall form part thereof.
- 33.** The council may order that the municipal by-laws be read two or three times before they pass, on different days or on the same day.
- 34.** The by-laws shall be translated into the English language when the council shall require it.

**35.** The certificate of the secretary-treasurer, stating that the necessary procedure and formalities have been observed by the council or its officers at the time of the passing of the by-law, shall be *prima facie* evidence of their regularity.

Certificate of secretary-treasurer as to by-laws.

**36.** One and the same by-law may regulate several of the objects mentioned in the provisions of this act. In the event of the various objects, with regard to which one and the same by-law disposes, requiring the approval of the municipal electors, one approval alone is sufficient for the whole by-law.

Several objects may be regulated in one by-law.

One approval for the whole.

**37.** The by-laws of the council come into effect and have the force of law, if not otherwise provided for in the provisions of the by-laws themselves, fifteen days after publication, except when otherwise provided for by the provisions of this act.

Coming into force of by-law.

**38.** The by-laws which in virtue of their own provisions, or those of this act, do not come into force until after the expiration of a certain period, shall be published by public notice at least fifteen days before such period.

Publication of certain by-laws.

**39.** The by-laws are published after the passing thereof, or their definitive approval in cases in which they have been submitted for the approval of the municipal electors, by a public notice signed by the mayor or secretary-treasurer, in which mention shall be made of the object of the by-law, of the date on which it was passed, and of the place where communication may be taken thereof.

How by-laws are published.

**40.** If the by-law be approved of by the municipal electors, the notice of publication also mentions that such formality has been observed, and the date upon which it was complied with.

Publication of by-law after approval.

The council may, moreover, publish its by-laws in a French newspaper of the town.

Publication in newspaper.

**41.** By-laws are executory and remain in force until they are amended, repealed or annulled by competent authority, or until the expiration of the period for which they have been made.

How long by-laws remain in force.

**42.** 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.

By-laws to be public laws in town.

**43.** By-laws, which before coming into force and effect must be submitted for the approval of the municipal electors.

Amending of by-laws approved by the electors.

tors, cannot be amended or repealed except by another by-law approved in the same manner, except those which contain a provision reserving to the council the right of amending or repealing the same ; but in such case the amendment cannot derogate from the principles approved by the electors, and the by-law can only be amended in such manner as to make it more advantageous for the town.

Notice re-  
quired to  
amend by-law.

The repeal or amendment of any by-law can only be made by means of another by-law , and, before proposing such by-law, it is necessary that a notice of motion should have been given at a previous session.

§ 2 — *Approval of electors who are real estate owners required for certain by-laws.*

Proceedings  
for approval  
of electors to  
by-law.

44. When a by-law of the council has to be submitted to the electors who are real estate owners, the proceedings at the meeting held for the purpose and at the voting, if the same be necessary, are those hereinafter prescribed.

Convocation  
of meeting.

45. The general meeting of such electors who are real state owners is convened at least fifteen days before hand by a public notice signed by the mayor, for a day specified by the council, and held in the public municipal hall at the hour of ten in the forenoon.

Who presides.

46. The said meeting is presided 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.

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

By-law ap-  
proved if cer-  
tain time  
elapses.

47. If more than one half hour elapses after the meet-  
ing is opened without a poll being demanded, the by-law is deemed to be unanimously adopted by the rate-payers interested.

Poll how de-  
manded.

48. Six electors who are real estate owners, and quali-  
fied to form part of such meeting, may require that a poll be held to ascertain whether the by-law is approved or not.

Poll to be  
granted.

Upon such requisition, the mayor or other person pre-  
siding shall, at once, grant such poll, which shall there-  
upon be opened and held until the hour of four in the  
afternoon of the same day, and on the following day from  
ten in the morning until four in the afternoon.

Temporary  
absence of  
mayor during  
voting.

49. The mayor or other person presiding may absent  
himself during the voting, provided he be represented by  
a member of the council.

50. Each elector shall present himself in his turn and give his vote by "Yea," or "Nay;" the word "Yea" meaning that he approves of the by-law, and the word "Nay" that he disapproves of it. How electors to vote.

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

51. No one shall be allowed to vote on such by-law, unless his name be inscribed on the last list of municipal electors in force as a municipal elector and real estate owner. Right to vote.

52. At the close of the poll, the mayor shall count the "Yeas" and "Nays," and, at the first session after the polling, he shall submit 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.

It shall be certified over the signatures of the mayor and secretary-treasurer, for the information of the council, whether the majority of the electors in number and in value of the taxable real estate approve or disapprove of such by-law; the decision of the majority in number shall, however, predominate. Report to council.

If the council wishes to examine the poll books and the assessment roll, they shall be at once submitted. Certificate of mayor and secretary.

53. When the votes are equally divided, the mayor, whether he has or has not presided at the meeting or at the voting, shall, inasmuch as he represents the whole town, alone have the right to give his casting vote during the twenty-four hours following the closing of the poll. Examination of poll books.

If he does not vote or is absent from the town, the council shall decide the question by a resolution passed at a regular or special session. Casting vote of mayor.

54. The poll books, as well as the statement and certificate produced, shall be deposited in the archives of the council. Council to decide in certain event.

#### SECTION XL.

##### POWER TO PASS CERTAIN BY-LAWS AND LEVY TOLLS.

#### § 1.—General Powers.

55. The council has power to make and put into force such by-laws and ordinances as it may deem necessary or useful for the internal government of the town, and, amongst other things, for the following objects: Power to pass certain by-laws.

- Improve-  
ments ;  
Water ;
- Lighting ;
- Peace and  
good order ;  
Cleanliness of  
streets, &c. ;  
Nuisances ;
- Public health ;
- Purchasing,  
&c., of pro-  
perty ;
- Repairing  
buildings, &c. ;
- Use of public  
buildings ;
- Internal  
government  
of town.  
Right to  
amend, &c.,  
by-laws.
1. For improving the locality ;
  2. For supplying the town and neighbourhood with water ;
  3. For lighting the town and neighbourhood with gas or otherwise ;
  4. For the maintenance of peace and good order, and for keeping clean and in good order and draining the streets and public squares and vacant or occupied lots ;
  5. For the prevention or suppression of all public or other nuisances ;
  6. For the preservation of the public health ;
  7. For the purchasing or leasing of moveable or immovable property for the use of the town and for selling or disposing of the same ;
  8. For the construction or repair of any building which may be required by the town in the exercise of its rights, powers and attributions ;
  9. For granting the free use of any such building to any person or manufacturer, as the council may deem advantageous to the town ;
  10. In a word for everything respecting the internal economy and government of the town ;
- The council shall also have the right to amend, modify, repeal or replace, in whole or in part, the said by-laws and ordinances, as well as those made by the municipal councils which have had the management of the internal government of the town.

### § 2.—Miscellaneous by-laws.

- Power to  
make certain  
by-laws.
- 56.** The council has also power to make, amend, modify, repeal or replace, in whole or in part, by-laws respecting itself, its officers, or the municipality upon each of the subjects mentioned in the present act.

#### I. GOVERNMENT OF THE COUNCIL AND OF ITS OFFICERS.

- By-laws re-  
specting :  
Good order  
during sit-  
tings, &c ;  
Date thereof ;
- Duties of offi-  
cers.
- 57.** The council may, by by-law, regulate the manner of conducting its debates, and the maintenance of order during the sessions of the council or of its committees ;
- Determine the date of the ordinary sessions of the council and the number of days they shall last ;
- Define the duties of the officers of the council which are not determined by this act.

#### II. PUBLIC SAFETY.

- Public safety,  
&c.
- 58.** Protect the lives and property of the inhabitants of the town, and for the better prevention of danger from fire to regulate the construction, the dimensions of chimneys and their height above the roofs, or even in certain

cases above the surrounding houses buildings ; and compel the proprietors or occupants to cover them with a screen ; and declare by whom the cost of the raising of such chimneys shall be paid and, within what delay such chimneys shall be raised or repaired.

**59.** Regulate and provide for the inspection and construction 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. Inspection of buildings, &c.

**60.** Prevent any baker, potter, blacksmith, brewer, manufacturer of pot-ashes or pearl-ashes, or other manufacturer or person, from building, or having any oven or furnace, unless such oven or furnace communicates with and opens into a chimney of stone or brick, 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. Construction of ovens, &c.

**61.** Compel the proprietors or occupants of houses or other buildings, to provide a fixed number of fire buckets, and to have ladders from the ground to the eaves, and from the eaves to the ridge of the roof. Fire-buckets, ladders.

**62.** Prevent any person from entering any shed, stable, pig-sty, barn or out-house, with a light not enclosed in a lantern, or with a lighted cigar or pipe, or from carrying into the same any fire without proper precaution, so as to prevent fires. Lights in sheds, &c.

**63.** Prevent any person from lighting or keeping a fire in any out-house, pig-sty, barn, shed or other building, otherwise than in a chimney or a metal stove ; Fires in out-houses.

Prevent any person from carrying fire over any public street, or in any garden, yard or field, otherwise than in a metal vessel ; Fires in streets.

Compel the owners or occupants of barns, hay-lofts, or other buildings containing combustible or inflammable substances, to keep the doors thereof shut ; Doors of hay-lofts, &c., to be shut.

Compel the owners or occupants of houses to have or permit their chimneys to be swept ; to regulate the manner and period in which such chimneys shall be swept ; to name the sweeps to be employed, and to fix the amount payable to the sweeps or to the council and the price for the license to be granted to the sweeps ; impose a fine on all persons whose chimneys have caught fire after they have refused to allow them to be swept ; Sweeping of chimneys. Fine, if not 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 aforesaid fine may be

recovered wholly from each owner, tenant or occupant of such house or divided between them at discretion.

Precautions  
for gun-  
powder, &c.

**64.** Determine the precautions to be adopted in the sale of gunpowder or other explosive substance.

Quick-lime.

**65.** Regulate the manner in which quick lime or ashes shall be kept or deposited.

Storage of  
oils.

**66.** Construct fire-proof buildings for the reception and storage of oils and other inflammable fluids, liquids or substances ; establish a tax upon persons who store such articles.

Fire-works,  
&c.

**67.** Prevent all persons from setting off fire-works or crackers, or from discharging fire-arms, or lighting fire in the open air, on the high road or in the neighbourhood of any building, grove or inclosure, or to permit the same under certain conditions.

Demolishing  
ruinous build-  
ings, &c.

**68.** Cause to be demolished and removed all walls, chimneys or buildings, in ruins or likely to fall ; and determine in what time, by what means and at whose expense, such demolition or removal shall be effected.

Wooden  
buildings.

**69.** Prevent the erection of wooden buildings or fences in the town, or in any specified part thereof, and determine in certain cases the nature of the materials to be used for making roofs.

Removal of  
snow and ice.

**70.** Compel all proprietors or occupants of houses or other buildings erected on the public street, to remove the snow and ice from the roof of such buildings or edifices.

Steam-  
engines, &c.

**71.** Determine the place for the erection and regulate the erection and use in the town of all steam-engines and machinery, oil refineries, soap or glue factories or other factories whatsoever liable to vitiate the air and incommode the neighbourhood by smoke or smell, or of all shambles and establishments in which work is done or processes carried on which endanger or are liable to endanger public health or safety, of which the council shall be the judge ; and permit the erection and use thereof under such restrictions and conditions as the council may deem necessary ; provide for the inspection of steam-engines and of all factories such as those above mentioned, and impose and levy a fee for that purpose.

Protection of  
citizens in  
streets.

**72.** Take all possible means to protect the citizens in the streets and public places, at railway stations and passenger steamboat wharves.

For that purpose, the council may compel all railway companies to make, construct and maintain at all hours of the day or 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 of their agents or employees shall be liable to such penalty as the council may impose.

Precautions to be taken by railways.

2. Prevent the obstruction of the streets by railways, cars, or trains of cars, locomotives or other engines of railway 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 said town, and impose, either on the said servants of the said railway company or on the company itself, a fine for each infringement of the by-laws passed for that purpose.

Obstruction of streets by cars.

**73.** Prevent thefts and deprecations at fires in the town, and punish any person who resists, opposes or illtreats any member or officer of the council, while in the execution of the duty assigned to him by the council.

Thefts at fires, &c.

**74.** Regulate the conduct of all persons present at any fire in the town; oblige idle persons to assist in extinguishing the fire, or in saving effects which may be in danger, and oblige all the inhabitants of the town to keep at all times, upon and in their houses, ladders, fire-buckets, and firehooks, in order to more easily check the progress of fire.

Conduct of persons at fires, &c.

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

Powers of mayor.

**75.** Authorize certain persons to cause to be pulled down, removed or demolished such buildings as may appear necessary, in order to avert the progress of any fire, saving all damages and indemnity payable by the corporation to the proprietors of such buildings, to an amount agreed between the parties, or on contestation, to an amount settled by arbitrators.

Demolishing buildings to stop fires.

In the absence of by-laws under this article, the mayor may during the course of a fire, exercise such power by giving a special authorization.

Mayor's authority.

**76.** Authorize the formation and organization of companies of firemen or sappers, and determine the duties of the members of such companies and impose penalties upon such of their members as fail in their duties.

Firemen.

Provide for the purchase of fire-engines or apparatus destined for the same purpose; and generally adopt measures best calculated to prevent accidents through fire and to avert its progress.

Fire engines.

Enquiries in cases of fire.

**77.** Hold, authorize or cause to be held, after each fire in the town, an enquiry into the cause and origin of such fire.

Summoning and examination of witnesses.

For this purpose, the council, or a committee composed of at least two of its members by it authorized, may summon witnesses, and compel them to appear and give evidence and examine them under oath to be administered by any one of the members.

Examination of buildings.

**78.** Authorize such officers, as the council shall think fit to appoint for that purpose, to visit and examine, at suitable times and hours, either the inside or the outside of all houses and buildings of any description, within the town, for the purpose of ascertaining whether the by-laws passed by the council, under the authority of the preceding articles are regularly observed; and oblige all proprietors, or occupants of houses in the town, to admit all officers for the purposes afor. said.

### III.—PUBLIC HIGHWAYS.

Repairing highways, &c.

**79.** 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.

Railways keeping certain streets in order.

**80.** 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.

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.

Fences.

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

Line fences.

Regulate the manner of constructing fences between neighbours.

Encroachments, &c., on streets.

**82.** Compel the proprietors or occupants of houses to remove from streets or public squares all encroachments or projections of any kind, such as steps, galleries, porches, posts, gates opening upon the public way, signs, boxes, wood or other obstacles and prevent encumbering by vehicles.

Transport of houses through streets.

**83.** Prohibit the transport, or removal through the town, of any house or building, without a special permit from

the council, on payment of such compensation as the council may exact.

**84.** 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 underground pipes. Responsibility for damages.

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

**85.** Regulate and license the posting of bills and placards ; Posting of bills, &c.

Prevent the posting up, or the making or writing of indecent or offensive placards, paintings, drawings, words or inscriptions upon houses, walls or fences, or other public or private property, or on any street or public place in the said town, or in any store or any place visible from such street or public place. Indecent placards, &c.

**86.** Regulate awnings, signs, signboards, 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. Awnings, signs, &c.

**87.** 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 or are suspended or placed so as to be dangerous for foot passengers. Removal of awnings, &c.

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

**88.** Oblige the proprietor of land or their representatives to plant, keep and maintain in good order trees in front of their properties ; and the council may determine the kind of such trees or cause the same to be planted by a municipal officer or employee at the expense of such proprietors. Ornamental trees.

Punish those who tear up or injure any tree.

Penalty for injuring, etc.

**89.** Lay out, open up and keep in order the ice-roads crossing the River St. Francis to the North Shore. Ice roads.

Regulate the circulation over all such roads in front of the town and starting from its limits or ending thereat throughout the whole length of such roads ;

Make the municipalities to which such roads lead or pass pay their share of the total cost of the same during the winter. Cost thereof.

Recovery thereof.

The amount thereof may be recovered before the Circuit Court of the county of Arthabaska.

Telephone and telegraph lines.

**90.** Regulate the laying of telephone or telegraph wires in the town, the quality of posts and order them to be painted; order, if necessary, that the wires be laid underground in certain places so as not to obstruct the streets.

Statute labour tax.

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

Duties of council after passing of by-law.

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 the amount in money of such personal statute labor tax as the by-law may have fixed and established.

Commutation for personal tax.

**92.** The amount paid for such personal statute labour tax shall be a commutation of the works required on the streets, without including the making or repairing of side-walks, common sewers, of paving or macadamizing.

#### IV.—IMPROVEMENT OF PUBLIC SQUARES.

Streets and squares.

**93.** The council may, by by-law, purchase, open, enclose, alter, embellish, improve and maintain, at the costs and charges of the corporation, streets, squares, parks, or public places, of a nature to conduce to the health and well being of the citizens.

Opening new streets and squares, &c.

**94.** Order the opening of new streets or portions of streets, public squares and the enlargement, continuation, straightening or other alteration of streets or fixed portions of streets or public squares in the town, according to such plans and upon such conditions as it may deem expedient.

Plan of streets, &c.

**95.** Cause to be prepared a plan to the future location of any street, part of a 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 interested parties.

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 lot indicated on the plan as required to be

used for locating, extending, opening or improving any public highway.

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. Value of land to be paid to proprietors.

**§6.** Order that any street or fixed portion of a street or public square within the town be thereafter gradually widened to a specific width to be mentioned in the said by-law, and to thereby fix 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 said 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 costs thereof shall be assessed, in whole or in part, upon the lands or parcels of land belonging to parties interested in or benefited by such improvement. Widening of streets.

The corporation shall have the right to purchase any land, ground or real property whatsoever within the limits of the town, either by private agreement or amicable arrangement between it and the proprietor or other persons interested, or by expropriating the same. Purchase of land.

**§7.** Acquire, by private agreement or by expropriation, all lands required for such purposes; order how the expense so caused shall be apportioned and levied, in whole or in part, by the corporation or by the proprietor whose properties benefit by the improvement. Acquisition of land for such purposes and payment of cost of improvement.

**§8.** 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 town council, require the making of a common sewer, the macadamizing, plankings, or making of any other improvements whatsoever, to such street or part of a street, 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. Common sewers, macadamized roads, &c.

When any real property shall be situated on two or more streets, or on one or two streets or 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 in 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. Assessment therefor.

Rebuilding of houses projecting on streets.

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

Level of streets

**100.** The council may, by resolution, determine and change the height or level of the streets of the town, provided that if any person suffer damage thereby, he shall receive compensation to be settled by arbitrators.

Closing of streets, &c.

**101.** The council may by by-law, close any street or fixed part of street or public square, and sell the land for the benefit of the municipal treasury.

Roads to be public streets.

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

Streets opened by private parties.

**103.** 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.

#### V.—SIDE-WALKS.

Sidewalks of stone, &c.

**104.** The council may by by-law oblige the proprietors of land situated on any road, street, square or public way, to make and maintain, in front of their properties, sidewalks of wood, stone or other material in the streets or portions of streets of the town.

How to be made.

**105.** Determine the manner of making and keeping such side-walks in order, and even to have the same entirely or partially made at the expense of the corporation or of the proprietors of the land before which they are made.

Cost thereof.

In the latter case, the cost shall be debited to the account of the various proprietors, and such charges shall be considered as municipal dues.

Sidewalks generally and assessment therefor.

**106.** Construct and maintain sidewalks in the town and, if necessary, levy an assessment therefor upon the interested parties together with ten per cent to cover the expense and loss incurred in the collection.

If the council undertakes the construction and repair thereof, it may levy a general assessment for this particular object.

Regulations as to sidewalks.

**107.** Until the council has taken charge of the construction and maintenance of the sidewalks in the town,

in whole or in part, it shall 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 of the town.

In default of such persons making, placing or repairing such sidewalks within three days from a notice to that effect, the council shall have them made, and shall determine and regulate how they shall be made, placed or repaired, or how and from whom the cost of the work and materials shall be recovered from the persons in default.

Corporation to make in default of proprietors after notice.

**108.** 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.

Instructions to be followed.

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.

Removal of those made contrary thereto.

**109.** The council shall regulate and may alter the line, height or level of the town sidewalks, provided that if any person suffer damage thereby he shall receive compensation to be settled by arbitrators.

Alteration of line of sidewalks, &c.

**110.** The council may compel every proprietor or occupant of lands to remove, entirely or partially, the ice, snow or water from the sidewalks, in front of their property within a special delay and in the manner indicated by the council.

Removal of ice and snow.

If they neglect or refuse, the council may have such work done at the expense of those who are obliged to do it and this within the shortest possible delay.

The cost thereof shall be charged to them and shall form part of the municipal dues.

**111.** Whenever any person, obliged, by by-law, to make and keep in order and clean any sidewalk in front of his property in any street or portion of a street, shall fail to perform the required works, it shall be lawful for the council or committee, after three days' notice given to such persons in the case of sidewalks and three hours' notice in the case of removal of ice, snow or water, to have the said works performed under the direction and superintendence of the road officer, and to include the amount so expended in the account of taxes and assessments due by the person held to the performance of such works, so that the said amount may be levied and collected, together with any other tax or real estate assessment imposed on the same property, unless, however, the said council should deem it advisable to order the recovery of the sum expended

Cleaning, &c., sidewalks and removal of snow and ice by corporation in default of individuals after notice.

in any particular case by an action at law against the party in default.

Occupants of government property, &c., to make sidewalks.

**112.** Occupants of lands belonging to the Federal or Provincial governments or to county or local council or other corporation, institution or fabrique, are bound to make and keep sidewalks in order before the property they occupy or to pay all taxes or assessment imposed for such work, as being personal taxes for such occupants authorized by this special provision if no other be applicable.

VI. PUBLIC MARKETS.

By-laws for :  
Markets.

**113.** The council may by by-law ;  
Establish, erect, change, enlarge, abolish or maintain the public markets that now exist, or those which shall be established in future and the site thereof.

Leasing of stalls, &c.

**114.** Regulate the letting of stalls and other places in or around such markets.

Sale of articles.

**115.** Regulate or prohibit the sale or exposing for sale of any kind of articles or produce or certain articles in particular.

Public scales.

**116.** Establish and maintain public scales and collect the revenue thereof

Dues upon waggons, &c.

**117.** Impose duties upon waggons, carts, sleighs, boats, canoes and vehicles of every description, in which articles shall be delivered, sold or exposed for sale upon any public market or in any street, or on the wharves, or in wood-yards, or upon any beach within the town, and also regulate the manner in which such articles or vehicles shall be placed for such purposes on the markets.

Dues upon vehicles.

**118.** Impose dues upon all vehicles in which articles shall be exposed for sale, or which may take up places in the said markets, and establish the manner in which the said dues shall be levied.

Goods to be sold on markets.

**119.** Prevent persons bringing produce of any kind, wood or materials, into the said town, from selling or exposing them elsewhere than on the markets ; and compel

Dues thereon.

all such vendors to pay the dues, tolls, duties and licenses imposed for selling them elsewhere.

Hucksters.

**120.** Restrict and regulate the commerce of hucksters and persons buying articles brought into the town for the purpose of reselling them, and for imposing dues and

taxes upon them in the prosecution of their traffic by license or otherwise.

**121.** 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 hereafter deem useful to establish.

How produce, &c., shall be sold, by weight or otherwise.

**122.** Impose rates, dues or charges and licenses upon all persons selling in the streets or roads, on the markets of the corporation or around the same or on the wharves or beach.

Rates on persons selling on streets.

In a word to regulate what relates to the government of the public markets and the sale of all merchandise, farm produce and other articles of traffic in the town.

General rules for markets, &c., sale of effects, &c.

**123.** Regulate the weighing and measuring of all lumber for building purposes, sawn lumber, fire wood, coal, salt, grain, lime and hay brought or sold in the town by strangers or by persons residing therein.

Lumber, coal, &c.

**124.** Determine and define the duties and powers of all persons employed in superintending public weigh-houses or markets throughout the town, and confer upon such officers the power of confiscating 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 of superintendents of weigh-houses.

**125.** 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.

Powers of market clerks.

#### VII. SALE OF BREAD.

**126.** The council may make by-laws concerning the bakers in the said town, and the persons in their service.

Bakers.

**127.** It may regulate the sale, quality and weight of bread sold or offered for sale in the said town, and provide for the inspecting and weighing of all bread offered for sale, and for the seizure, forfeiture and confiscation of all such bread offered for sale in contravention of the said regulations, or bread that may be unwholesome or too light; and to this end it may authorize officers or persons to enter into bakers' shops or other places, and to stop vehicles carrying bread, for the purpose of inspecting and weighing such bread, and to do any other act or thing that may be

Regulate sale of bread, &c., confiscation thereof.

necessary, or that may be deemed advantageous to the public interest, health and safety for the attainment of such object or for causing such by-law to be enforced.

Marks on bread.

**128.** To compel bakers to mark the bread made by them with the initials of their respective names.

VIII. PUBLIC HEALTH.

Precautions for public health.

**129.** The council may by by-law prescribe the taking of proper measures for securing the inhabitants of the municipality from contagious or pestilential diseases or for diminishing the danger or effects resulting therefrom.

Board of health.

**130.** Establish one or more boards of health, appoint health officers, and confer upon such boards all the necessary privileges and authority for the performance of the duties imposed on them, or for acquiring every useful information on the progress or 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.

Examining of premises, &c.

**131.** Authorize the visiting and examining, by such health officers, of any house or lot, or of any premises whatsoever, for the purpose of enforcing the observance of all by-laws, rules and regulations concerning public health and cleanliness in the town, and to punish all persons obstructing, resisting, hindering or opposing, or aiding and abetting in obstructing, resisting, hindering or opposing any such health officers in the performance of their duty.

IX. DITCHES AND WATER-COURSES.

Opening, &c., of ditches.

**132.** Cause to be opened, dug, enlarged, covered and maintained, and have the line altered of any ditch necessary for drainage, or any boundary or division ditch or any water-course situate in the town or beyond the limits thereof, as the council may judge advisable.

At whose expense.

Determine the time and manner of making such works, as also the persons of the town by whom or at whose expense, the same shall be made.

Apportioning cost of drains, &c.

**133.** Levy, if the works are to be executed at the joint expense of the parties interested, on the properties of the lands situate within the town and outside of its limits and drained by the ditch or water-course, the sums required for such works, according to the estimated value of such lands or the length of the ditch or water-course, and regulate the manner of levying the taxes so imposed.

**134.** Impose penalties on any person obstructing deranging, or suffering the obstruction or derangement of ditches or water-courses, or refusing to make or suffer to be made the works ordered by the inspector under the by-laws upon all public or private lands. Penalties on persons obstructing drains, &c.

**135.** Carry on at the expense of the corporation, for a determined or undetermined period, all works on ditches or water-courses. Works on ditches, &c.

**136.** Raise, by special assessment, sufficient money to make or repair one or more common sewers in any street, or portion of a street, or section of a street, public square or special section determined by the council, from all the owners of lands situate along the line of such sewers; and determine the mode of making such sewers and the manner of collecting the cost thereof, with, in addition, ten per cent for costs of collection, superintendence and other purposes. Special assessment for common sewers.

**137.** Order, by by-law, the recovery of the cost of works or water-courses; cause all proprietors of lands liable to the payment of the costs to be apportioned, to be designated and assessed; order works to be done for the purpose of utilizing old water-courses as common sewers, and determine the sums to be apportioned among the interested proprietors who make use of such works for draining their lands or as common sewers. Recovery of cost of works on water-courses.

#### X. CARTERS.

**138.** Authorize the granting of licenses to carters, owners and drivers of vehicles for public hire in the town; compel such persons to take out an annual license, and determine everything relating to the better government of carters and their vehicles of public hire. Licenses to carters, &c.

**139.** Establish a tariff of fares payable to carters for their services; compel the latter not to exact higher fares than those settled by the tariff, and punish every person who hires, engages, or employs a carter and refuses to pay him according to the tariff. Tariff of fares.

**140.** Compel all carters under license to give their services to any person asking the same at the tariff rates. Carters to take fares offered.

#### XI. DECENCY AND GOOD MORALS.

**141.** Regulate, restrict and suppress every kind of gambling and the existence of gambling houses or houses of ill-fame of any kind in the town. Gambling, &c.

Games of hazard.

**142.** Regulate, prohibit or restrict all games with cards or dice, or other games of hazard, with or without bets, in any hotel, restaurant, inn or shop, whether licensed or not, in the town.

Arrest of gamblers.

**143.** Arrest on the spot and punish persons who are found therein while playing at cards or dice, or other games of hazard.

Vagrants, &c.

**144.** Suppress and punish vagrants, beggars, prostitutes and disorderly persons.

Houses of prostitution.

**145.** Suppress and close all houses of prostitution or of ill-fame, and arrest with warrant and punish the inmates and frequenters thereof.

Circuses, &c.

**146.** Prohibit circuses, theatres, or other public exhibitions from being held ; regulate and permit them to be held upon such conditions as may be deemed fit, and prohibit all spectacles or exhibitions tending to affect public safety or morals, of which the council, or, in its default, the mayor of the town, shall be judge.

Races on Sundays, &c.

**147.** Prevent, on Sundays and holidays of obligation, races and all other horse exercises upon any race course or place whatever within the limits of the town, and of the jurisdiction of the council on the river Saint Francis.

Closing of stores, &c., on Sundays.

**148.** To compel the closing of all stores or shops and photographers and barbers' establishments, throughout the whole day on Sundays.

Cock-fights, &c.

**149.** To prevent cock-fights, dog-fights, and every other cruel amusement ; and punish any person taking part therein or being present thereat, within the limits of the town.

Bathing.

**150.** To prevent persons from bathing or washing themselves in public waters, or in the open air, close to public roads or squares.

XII.—PUBLIC NUISANCES.

Stables, &c.

**151.** The council may, by by-law, compel the proprietors or occupants of houses to clean their stables, cattle-sheds, pig-sties, sheds, privies, and the yards connected with such buildings, and fix the time and manner in which they shall be drained and order that they be constantly kept clean.

Groceries, &c.

**152.** Oblige the owners or occupants of all groceries, cellars, manufactories, tanneries, drains or other unhealthy

and fetid places, to keep them clean and render them wholesome.

**153.** Regulate or prohibit the raising and fattening of Figs, &c. pigs within the town.

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

**155.** If the owner of such land is unknown and has no City to drain, &c., such, in certain cases. representative in the town, or if he is too poor, or if he refuses or neglects to drain or raise the same, the council may order the drainage or elevation of such land, at the expense of the corporation, reserving recourse against the owner, and the amount so expended shall be a privileged tax upon such lot.

**156.** Prevent the making deposits of, or of leaving Noxious deposits, &c. within the town, or in the river Saint Francis within the limits of its jurisdiction, substances or matters from whence issue noxious gases or odors, such as dead bodies, coal oil, superphosphate of lime in course of preparation, contents of privies, filth from yards or roads and other nuisances, as well as every object on the point of becoming or likely to become unwholesome; and regulate the mode of making such deposits.

Impose a penalty not exceeding fifty dollars for every Penalty. infringement of such by-law.

#### XIII.—MAINTENANCE OF THE PEACE—ENFORCING OF BY-LAWS.

**157.** The council may establish, regulate, arm, lodge, Police force. 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 in the town.

**158.** All the constables have the necessary powers for Powers of constables. the performance of the duties imposed on them within the limits of the town.

**159.** Every constable, policeman or police officer who Penalties upon constables. is guilty of disobedience, insubordination, drunkenness, neglect, bad conduct, abuse of power, partiality or misfeasance in the performance of the duties imposed on him by law, incurs upon conviction of such offence before a magistrate, a fine not exceeding forty dollars.

Dismissal of constables.

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

Powers of police to arrest on view.

**161.** 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, out-house 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, within the limits of the town, and all persons contravening or advising, aiding or encouraging any person whomsoever to contravene any federal or provincial law, or any by-law of the said town.

Arrest on information without warrant.

They may also arrest, on view and without a warrant, any such persons immediately after the commission of the offence, on good and sufficient information being given as to the nature of the offence.

Power to enter groceries, &c., to search for suspected goods.

**162.** 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 other suspicious house, and to go into every yard or other place, within the limits of the town, in which any person may be reasonable 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 inns, &c.

**163.** Any 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 serve summonses, &c.

**164.** They 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 or remanded for examination or for trial, or arrested in virtue of a warrant of arrest for the commission of any crime or misdemeanor, or the violation of any federal or provincial law, or any by-law of the town.

Power to serve special notices.

**165.** The constables shall have power and authority to serve all special notices and to publish all public notice,

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.

**166.** Any constable may, and shall if he is so required by the mayor or by another member of the council, or by the council itself, apprehend and arrest on view without warrant all persons found contravening the provisions of any by-laws of the council punishable by fine, if it is so ordered by the by-law, and bring them before any justice of the peace to be dealt with according to law. Power to arrest when ordered by mayor, &c.

**167.** It shall be lawful for any one of the members of the said town council, individually, to order the immediate apprehension of any drunken or disorderly or riotous person whom he shall find disturbing the public peace within the limits, and to confine him in the common goal of the district or other place of confinement, in order that such person may be secured until he can be brought before the mayor or a justice of the peace to be dealt with according to law. Power of members of council to order arrest of drunken persons, &c.

**168.** Every person who shall assault, beat or forcibly resist any constable engaged in the execution of his duty, or who shall aid or excite any other person to assault, beat, or forcibly resist such constable, shall, upon conviction thereof before the mayor or a justice of the peace or the recorder, be liable to a fine of from four to forty dollars, or to imprisonment not exceeding two calendar months, notwithstanding any provisions of this act to the contrary. Assaulting constables.

It shall be lawful for the council or such constable, if the offence be serious, to proceed by indictment against any such offender, but nevertheless only one proceeding as law shall be adopted. Offenders may be indicted.

**169.** 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 a member of the said council or before a magistrate, if it be in day-time, or to hand over such person to the guardian of the prison or other place of detention, if it be at night, to be afterwards dealt with according to law. Arrest of persons refusing to pay carters.

**170.** Upon an order of the council or the mayor, any constable may enter upon, inspect and examine, at any hour of the day or night, any moveable or immoveable property, the interior or exterior of any yard, house or building whatsoever, in order to ascertain whether the by-laws of the council are observed, or for the purpose of arresting anyone. Entry and inspection of buildings by constables.

To be allowed. 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.

Constables to obey orders. **171.** All the constables shall obey the lawful orders they may receive from the council, from any of the members thereof individually, or from any justice of the peace for the district of Arthabaska.

Confinement of persons arrested. **172.** All such persons, so summarily arrested in virtue of this act, shall be immediately conveyed to the common gaol of the district of Arthabaska or to the place of confinement established in the town, there to be safely kept until they may be taken before the mayor or one or two justices of the peace; but such persons so arrested may give bail or a sufficient recognizance, to be taken or received by the said mayor, for their appearance, and shall appear on the day appointed, before the said mayor or justices of the peace.

Discharge on bail.

Duty of sheriff and gaoler respecting. **173.** The sheriff and gaoler of the district of Arthabaska shall be bound to receive, and safely keep until duly discharged, all persons committed to their charge by the said council, or any member or officer thereof under the authority thereof, or arrested by a policeman or constable.

Lock-up may be built. **174.** The council may erect a building or obtain a suitable place for a lock-up for the temporary confinement of delinquents arrested by police-constables; and determine, in the best possible manner, 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.

XIV.—SUBSIDIES.

Subsidies to agriculture, &c. **175.** The council may grant subsidies, by all suitable means, to agriculture, horticulture, education, hospitals, the sciences, arts, trades, industries, railways and manufactures, under the restrictions hereinafter set forth.

Grant to agricultural societies, &c. **176.** Give a grant to the agricultural society of the county, cause exhibitions or agricultural competitions to be held in 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.

**177.** Subsidize one ore more railway companies, whose lines may offer the greatest advantages to the travelling public and for the transport of freight and which may further the progress of the town on suitable conditions.

Subsidies to railways.

**178.** Assist the construction, repair or maintenance of any road leading to the town, or of any bridge or public work, under the direction of the federal or provincial government, or of the corporation of any other municipality, or of a railway company.

Assist construction, &c., of roads and bridges, &c.

**179.** Aid in the building, repairing or maintenance of any bridge, causeway, pier, wharf, macadamized or paved road, railway or other public work situate, in whole or in part, within the town or its vicinity.

Assist in building bridges, &c.

**180.** 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.

Aid industries.

**181.** The council may agree with any person, firm, association or company which has already established or proposes to establish any industry or manufacture, to grant a certain sum, payable annually, for a period not exceeding ten years, as commutation for all taxes on the property used for such industry as well as on such industry itself ;

Commutation of taxes may be granted.

It may also, with a view of encouraging such industry or manufacture, exempt such property and such industry from all taxes for a period not exceeding ten years.

Exemption from taxes.

**182.** The council may, by by-law, 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, manufactory.

Exemptions of industries from taxes for certain time.

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

Not from certain taxes.

**183.** The council may, annually, vote a sufficient sum for the purpose of raising, keeping and maintaining a band of music.

Band of music.

It may enter into all the agreements and even 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.

Regulations therefor.

**184.** The aforesaid subsidies may be granted :

How subsidies may be granted.

Subscribing for shares.

1. By taking, subscribing and paying for, in money or town debentures shares in companies already formed or projected and for which such subsidies are intended ;

Giving or lending money, &c.

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

Guaranteeing by endorsement.

3. By guaranteeing, by endorsement or otherwise, any sum of money borrowed by such persons or companies or by the said Governments.

Security may be received when subsidies granted.

**185.** When the council grants a subsidy in virtue of this act, it may receive hypothecary or other securities for the performance of the conditions contained in the by-laws passed to that effect

Sinking fund provided for.

**186.** Every by-law passed in virtue of this act may include the levying and collection of a special tax upon all the taxable property to cover the sinking fund and interest.

Nature of aid and conditions to be set out in certain by laws.

**187.** By-laws made in virtue of articles 175 to 180, inclusively, and 184, shall determine the nature of the aid to be given and the conditions under which it is granted.

How long such by-laws remain in force.

**188.** By-laws passed by the council in virtue of articles 175, 177 to 180, inclusively, and 184, remain in force for twelve months after they are finally adopted ; they become null if, during that time, the interested parties do not avail themselves of them, unless it be otherwise provided in the by-laws themselves.

By-law to be submitted for approval of electors, if granting over a certain sum.

**189.** Every by-law passed by the council in virtue of articles 175 to 180, inclusively, and 184, when the sum granted, lent or to be guaranteed, exceeds the amount of one thousand dollars in capital, shall, before being finally sanctioned by the council, be submitted for the approval of the municipal electors of the town who are real estate owners, at a general meeting held within thirty days after the by-law is passed by the council.

Proviso, if interested parties do not avail themselves of by-law within certain time.

**190.** If at the expiration of six months from the final passing of the by-laws granting subsidies, the interested parties have not availed themselves thereof, the council may, upon a three-fourth's vote of the members assembled at a special meeting, give the benefit of the same to one or more other persons or companies already founded or projected.

Recovery of loan or subsidy in certain cases.

**191.** 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 by the by-law, the

council may recover the amount of the loan or subsidy so granted or the value thereof 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 to such privilege.

XV. INDEMNITIES, RELIEFS AND REWARDS.

**192.** The council may indemnify persons whose property has been destroyed or injured, either wholly or in part, by rioters or persons tumultuously assembled, within the limits of the municipality. Indemnity to persons for property damaged by rioters.

The council is authorized to levy, over and above any other tax, on the taxable property of the town, the amount which the corporation may be bound to pay for damages occasioned to property by rioters or person riotously assembled. Rate for such payments.

In default of the council paying such damages within six months, according to the award of arbitrators, the corporation may be sued before any competent court for the damages so occasioned. Recourse against corporation in default of payment.

**193.** The council may relieve any person who has received any wound or contracted any sickness or disease working to stop a fire. Relief to certain persons.

**194.** Grant rewards, in money or otherwise, to any person who performs a meritorious action at a fire, or who saves or endeavours to save any one from drowning or exposed to serious accident. Rewards.

**195.** Provide for the wants of the family of any person who loses his life at a fire, or while saving or endeavouring to save any one from a serious accident. Provision for families of certain persons.

**196.** Contribute to the maintenance or support of poor persons residing in the municipality, who from infirmity, age, or other causes, are unable to earn their own livelihood, and exempt them from the payment of taxes and water rates. Poor.

**197.** Establish and maintain poor-houses, houses of refuge, or other establishments for the support and relief of the destitute; and to aid charitable institutions established in the municipality. Poor houses, &c.

**198.** Offer and give rewards for the discovery and arrest of persons who have committed criminal offences. Rewards for discovery of crime.

## XVI.—LICENSES FOR THE SALE OF LIQUOR.

Prohibition of sale of liquors to certain persons. **199.** The council may prohibit the sale of all spirituous, alcoholic, vinous or intoxicating liquors to women, children, apprentices or servants.

Regulation, &c., of sale of liquors. **200.** Prohibit the sale of spirituous, vinous, alcoholic and intoxicating liquors, or allow the same under proper conditions and restrictions.

Conditions under which licenses may be transferred, &c. **201.** Prohibit the transfer of licenses and determine under what restrictions and conditions, and in what manner, the transfers shall be accepted by the collector of revenue, by exacting the payment of not less than ten dollars before the approval of the transfer.

Regulation of shop-keepers, &c. **202.** Regulate shop-keepers, inn-keepers and other persons who retail liquors, as the council may deem expedient in order to prevent drunkenness and disorder by day and by night.

Certificates to obtain licenses. **203.** After the coming into force of this act, the council shall alone have the right to give certificates for obtaining licenses for inns and houses of public entertainment, and every other license for the sale of spirituous liquors within the limits of the town, and such certificates shall be signed by the mayor or secretary-treasurer of the town.

Temperance hotels. **204.** The council shall have power to license temperance hotels on payment of an annual license of twelve dollars at the most.

## XVII.—OTHER MATTERS.

Fast driving. **205.** The council may prevent horses being driven at an immoderate pace in the streets or passing on the sidewalks, and may regulate the manner in which horses shall be left standing, whether tied or free, in the streets, yards, or open sheds in the city.

Bells in winter. During the winter season, whosoever shall drive any horse or beast of burden, whether it be ridden or harnessed to any vehicle, through the streets of the town, without bells being attached to such horse or its harness for the purpose of warning foot-passengers, shall be liable to a fine of at least five dollars with the costs of suit, and in default of immediate payment of the fine and costs, to an imprisonment not exceeding fifteen days.

Riots, &c **206.** Prevent all riots and noisy and disorderly meetings, and punish the authors thereof.

No public meeting shall be convened or held within the limits of the jurisdiction of the council without the consent of the mayor or council. How public meeting may be held.

**207.** Regulate and determine the manner in which the streets shall be kept during the winter season by the council or by those persons who are obliged to do so. Keeping of streets in winter.

**208.** Prohibit the use of winter vehicles in the streets of the town unless the horse or horses, or other animals, when not harnessed in pairs, are so harnessed that the left runner of the vehicle shall follow the track of such horse or horses, or other animals ; and regulate moreover the length and breadth of the vehicles to be used on the roads, and in such case no person will be allowed to make use of winter vehicles other than those above mentioned. Manner of harnessing horses to winter vehicles.

**209.** Abolish, suspend or alter the market-tolls and fees and reduce them in certain cases only, to encourage the use of winter vehicles known as "double sleighs" or sleighs with side shafts ; and authorize the giving of prizes to farmers who constantly use such vehicles for bringing their produce to the markets of the town. Certain privileges may be granted to persons using "double sleighs" or sleighs with side shafts.

**210.** Prevent burials within the limits of the town ; or fix the places where they may take place ; compel the disinterment of bodies buried in contravention of this provision ; except the interment of the bodies of priests or nuns, or protestant clergymen in the churches of the town. Burials.

**211.** Prevent the profanation of burying grounds, graves, sepulchres, monuments or vaults, where the dead are buried. Profanation of burial grounds, &c.

**212.** Prevent horses or other animals from being cruelly treated. Cruelty to animals.

**213.** Authorize the confiscation, for the benefit of the poor of the town, of any article offered for sale or sold or delivered, in contravention of the by-law. Confiscation of articles.

**214.** Cause the houses and lots of the town to be numbered ; compel every owner, tenant or occupant to allow numbers to be affixed on their houses or lots, as also the name of the street or square. Numbering of houses, &c.

**215.** Prohibit or regulate the cutting of ice opposite the town on the River Saint-Francis ; permit the same under certain conditions and restrictions, and determine at what place such ice may be taken. Cutting of ice.

Masters and servants.

**216.** Regulate the conduct of apprentices, servants, hired persons, day-labourers, or journeymen, whether they be of age or minors, towards their masters or mistresses, and the conduct of masters and mistresses towards the former.

Impounding of animals.

**217.** Restrain and regulate the custody and abandonment of animals of all kinds, and authorize the detention thereof in public pounds, and provide for the sale thereof for the penalty incurred, and the costs of prosecution and the detention thereof.

Abuses prejudicial to agriculture.

**218.** Prevent or remove all abuses prejudicial to agriculture and not specially provided against by-law.

Public pounds.

**219.** Establish public pounds for the safe-keeping of animals and poultry found astray, or doing damage on the public ways and bridges or on the lands of others than the owners of such animals and poultry; determine the fees to be paid to such keepers of such pounds, the damages payable by owners of such impounded animals and poultry, and the manner in which such animals or poultry shall be sold, in the event of their not being claimed within a reasonable time, or in case the damages, penalties, fines and expenses shall not have been paid according to law, and the by-laws.

Dues, &c., for public pounds.

**220.** Establish a tariff of fines and dues which shall be paid to the public pounds which are now kept, or which shall hereafter be established in the town.

Dogs.

**221.** 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 city and have not paid the tax thereon or of dogs kept in contravention of any by-law of the council.

Drinking fountains, &c.

**222.** Establish, regulate and maintain drinking fountains and public privies in the city.

Council may have certain works performed and charge same to proprietor, &c.

**223.** Whenever the council shall have passed any by-law or by-laws directing work to be done within the town or in any part thereof, and when any proprietor shall be unable, from absence, poverty or any other cause, to perform the said work, it shall be lawful for the said council to cause the work, which such proprietor may be bound under such by-laws to perform, to be done, and the sum so expended by the council shall remain a lien upon the property, as a special and privileged hypothec in preference to all other debts whatsoever, and shall be recoverable, in the same

manner as the taxes due to the said council, with interest at the rate of six per cent.

**224.** The council is authorized, in the interest, of the town, to make all other local by-laws not contrary to law. Local by-laws generally.

#### WATER-WORKS.

**225.** The council may acquire, maintain, improve, increase, enlarge, alter or remove the present water-works or a portion thereof with its appurtenances and accessories within the limits of the town. Council may acquire, &c., water-works.

It may maintain the present by-laws, amend them or pass others for its maintenance and management. By-laws respecting.

**226.** The council may make, construct, lay and maintain, within its limits, all buildings, machinery, reservoirs, basins, pipes and other works necessary to conduct water throughout the town and parts adjacent as aforesaid, as well as in the River Saint Francis. Buildings, &c.

**227.** The powers of the council for conducting water throughout the town, and for the construction and maintenance of all buildings, machinery, pipes, reservoirs, basins, and other apparatus and works, extend beyond the limits of the town over the River Saint Francis. Extent of powers of council, &c.

**228.** For the purposes of the water-works, the council may acquire and hold any land, servitude, usufruct in the town; acquire a right of way wherever it may be necessary; pay any damages occasioned by such works either to buildings or lands; pass over and lay its pipes or other apparatus in the River Saint Francis, and take all steps necessary to protect all apparatus or works which may be laid or done. Acquisition of land, &c.

**229.** The council may prevent all persons from throwing filth, placing obstructions or committing nuisances or from anchoring, placing or wintering any boat, or other vessel within a radius of four hundred feet above and fifty feet below the place where the water of the water-works is drawn from the River Saint Francis, or from any other place where it may draw the same hereafter. Powers respecting obstructions.

**230.** The council may enter into contract with any person for the construction of the said water-works in whole or in part; superintend by its officers the works when completed; enter during the day-time, upon the lands of private individuals or others for the purposes aforesaid, and make excavations, and take and remove stones, soil, rubbish, trees, roots, sand, gravel, or other materials, but May let out works.

by paying or offering a reasonable compensation, for such materials, and by conforming in all things with the provisions hereinafter made.

Expropriations.

**231.** When the parties cannot come to an amicable arrangement with respect to the acquisition of any immovable property for the water-works, either within or without the town limits, or the right of way through such property, or any servitude thereon, the same may be acquired by expropriation in the manner herein provided with respect to expropriations generally.

Entering upon property.

**232.** The town may enter upon any land or property, street or highway, for the purpose of laying or repairing pipes and other necessary works in connection with the water-works.

Interfering with officers and damaging works.

**233.** If any person prevents the town, or any person in its employ, from doing any of the said works, or from exercising any of the powers and rights hereinbefore granted, or embarrasses, or interrupts them in the exercise of such rights, or causes any injury to the water-works, apparatus or the accessories thereof, or obstructs or prevents the working of the water-works, or the apparatus or accessories thereto belonging, or any portion thereof, such person shall be liable to the damages that the town may suffer from any such act; such damages, with costs, may be recovered by complaint or suit before the ordinary courts having jurisdiction in the matter.

Unlawfully using water.

**234.** Whoever shall apply, or cause to be applied, any pipe or conduit to communicate with any pipe or conduit belonging to the said corporation, or whoever shall obtain or make use of the waters belonging to the said corporation, without their consent, shall incur and pay to the said corporation, the sum of one hundred dollars, with also another sum of four dollars, for each day during which such pipe shall be so applied; which said sums, with the costs of suit incurred in that respect, may be recovered by civil action before any court of justice having jurisdiction to that amount.

Prohibit supply to persons not entitled to or wasting water.

**235.** The council may make by-laws to prohibit any occupant of a house or building, supplied with water from the water works, from furnishing water to others or from using it otherwise than for his own use, or from increasing the supply of water agreed for, or from wasting it

Regulation of pipes, &c.

**236.** The council may prescribe the size, quality, and strength of the pipes, valves, cocks, cisterns, water-closets, baths, and other apparatus to be used in the town; and

also their location ; provide that hydrometers be placed in buildings or establishments, for the purpose of determining and measuring the quantity of water used therein ; and fix the amount of the annual rent to be paid therefor ; finally, determine the conditions on which water will be supplied in certain cases or generally or agree upon charges or special supplies for a limited time and for a fixed purpose.

**237.** The council may, by by-law, establish a tariff for <sup>Tariff.</sup> the price of the water, and the time and mode of payment therefor.

**238.** The council may make by-laws to prevent the <sup>Pollution of</sup> pollution of the water in the aqueduct or reservoirs or the <sup>water.</sup> river in the town, and the practising of frauds upon the town with regard to the supply of water from the water-works, and regulate all other matters having reference to the water-works and to the proper working thereof.

**239.** As soon as the corporation is ready to furnish <sup>Notice to be</sup> water to any part of the town not already supplied, public <sup>given of</sup> notice thereof shall be given, and after such notice, all <sup>readiness to</sup> persons liable to the payment of water-rates in such part <sup>supply water</sup> of the town, whether they consent or not to receive the water, shall pay the rates fixed by the tariff.

**240.** The introduction of the water into houses or other <sup>Water intro-</sup> buildings is performed by and at the expense of the town, <sup>duced at ex-</sup> but the distribution of the water through such houses or <sup>pense of cor-</sup> buildings, after being thus introduced into them, is made <sup>poration.</sup> by and at the expense of the proprietors or occupants.

In all cases where such house or building stands at a <sup>If buildings at</sup> distance from the line of the street, the town may lay the <sup>a distance</sup> distribution pipe to the line of the street, and has the <sup>from the line</sup> right to exact payment of the water-rates from the pro- <sup>of street.</sup> prietor, although the latter refuses or neglects to connect such pipe with such house or building.

**241.** If any proprietor refuses or neglects to make such <sup>If proprietor</sup> distribution ; and the council exacts payment of the water- <sup>does not make</sup> rates from the tenant, then such tenant may withhold <sup>such distribu-</sup> from the proprietor, out of the rents to be paid him for <sup>tion and town</sup> the property he occupies, the amount thus paid by him, <sup>exact water</sup> unless otherwise provided in the lease, <sup>rate from</sup> <sup>tenant.</sup>

**242.** If any person disturbs or damages any water pipe, <sup>Wasting</sup> valve, cock, cistern, water-closet, bath, or other apparatus <sup>water, &c.</sup> or causes them to be so used or contrived as that the water supplied from the water-works be wasted, or unduly consumed ; or if he refuses or neglects to pay the

rates lawfully imposed for the water supplied to him, for thirty days after the same are due and payable, the town may in such cases cut off the water and cease the supply so long as the cause of complaint is not removed : which shall not prevent the rates from running as before, or exempt such defaulter from the payment of such rates as if the water had continued to be supplied to him.

Special agreement for extra supply.

**243.** The town may make a special agreement with consumers for the supply of water, in special cases, where it is considered that there is more than the ordinary consumption of water.

Houses with several occupants.

**244.** In all cases of a dwelling house or other building, being tenanted by two or more tenants, sub-tenants or families, the town may require from the proprietor, that a separate and distinct service pipe be by him provided for each such tenant, sub-tenant or family, occupying separate apartments, so that the town may at all times have control over the supply of water furnished to each such tenant, sub-tenant or family ; and if the proprietor, after being notified in writing to that effect by the secretary-treasurer, refuses or neglects to comply with the requirements hereof, within a reasonable delay, not to exceed fifteen days, he shall be liable to the payment of the rates imposed for the water so supplied to the said tenants, sub-tenants or families ; and such liability, on the part of the proprietor, shall continue so long as he does not comply with the requirements aforesaid.

Application of preceding article to rows of dwelling houses.

**245.** The provisions of the preceding article apply to any proprietor of a row of dwelling houses or tenements contiguous to one another, who refuses or neglects to provide each such house or tenement with a separate and distinct service pipe, after notice given to him, as aforesaid ;

Several tenants in one house.

They also apply to the proprietor in all cases where the number of tenants, sub-tenants or families in a dwelling-house, is such that it is impossible to provide a separate service pipe for each of them.

It shall be lawful for the corporation, in such cases, to exact from the proprietor the ordinary price of water for each such tenant, sub-tenant or family.

Special compensation for water.

**246.** The council may, by by-law, fix a special compensation for water which shall be exigible from every proprietor of an unoccupied house, as also for every service pipe under the ground on which a house has been demolished or removed to leave the lot vacant ; and likewise order that every proprietor, who has one or more tenants or occupants in his houses or buildings, shall be

obliged to pay the charges for water in the place and stead of such tenants or occupants, if he refuses or neglects to provide a distinct and separate supply pipe for each tenant or occupant.

**247.** The town shall not be bound to guarantee the quantity of water to be supplied, and no one can refuse to pay the annual tax or compensation for the use of the water on the ground of the insufficiency of the supply thereof or the want of water owing to cold or other causes. Quantity of water supply not guaranteed.

#### LIGHTING OF THE TOWN.

**248.** The town may provide for the lighting thereof by means of electricity or otherwise. Lighting of town.

**249.** The council may compel the proprietors of real estate in the town to allow the necessary work for the purpose to be done on their respective properties and to allow all the pipes, lamps and apparatus or posts to be placed upon their houses; provided that, in such case, the expense of the materials and work shall be borne by the town, that the solidity of the buildings be in no wise affected, that all damages which may be caused be paid by the council, and that every proprietor be indemnified by the town if there be occasion therefor, or by the private individuals or company performing such work. Proprietors to allow placing of fixtures on their houses.

**250.** The council may enter into all agreements and stipulations for the supply of gas for lighting; sell the residue and products of the gas-works, acquire and work all apparatus, instruments and machinery suitable for the manufacture and purifying of gas, make use of any gas-meters for establishing the quantity of gas consumed in each and every case, either by the cubic metre or by the cubic foot and finally make all by-laws concerning the proper administration of that department. Power to contract, &c.

#### VALUATION ROLL.

**251.** The council shall, when it deems expedient, appoint three valuers or assessors, one of whom shall be or must have been an experienced merchant, who shall, within the delays and in the manner prescribed by the council, value the taxable properties in the town according to their actual value. They shall make a roll in which they shall also enter all information of public interest required by the council. Appointment of assessors.

Such valuation shall be made at least every three years, and the roll shall be revised every year. Roll when to be made and revised.

Basis for valuation by assessors.

**252.** The assessors, in assessing the real estate in the town, shall take as a basis for their valuation, the actual value of the property, if they consider that the rent is not in proportion to the value of the property assessed.

In what actual value shall consist.

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

Persons to answer assessors truthfully.

**254.** Every proprietor, tenant or occupant of any assessable property or object shall be obliged to answer, correctly, all questions put to him by the assessor upon this subject and to give all necessary and possible information ;

Penalty for not doing so.

In the case where the said proprietor, tenant or occupant should refuse to answer the questions put to him, or if the answers he has given on any subject or matter of information, which is required to be inserted upon the roll, be false or incorrect, he shall be liable to a fine of not more than twenty dollars and not less than eight dollars, or to imprisonment for not more than one calendar month.

Deposit of assessment roll. Notice.

**255.** The valuator shall lodge the valuation roll in the office of the council, immediately after its completion ; and notice of such deposit shall be given by the secretary-treasurer, in the two days following.

Open to inspection.

The roll remains open to public examination for thirty days.

Complaints.

**256.** During such space of time, any person who deems himself aggrieved by the roll as drawn up, personally or for another, may appeal therefrom to the council, by giving to that end a written notice to the secretary-treasurer stating the grounds of his complaint.

Hearing of complaints.

**257.** The council in general committee at its first session, or as soon as possible after the expiration of the thirty days above mentioned, may hear the parties and their witnesses as well as the assessors under oath and shall report to the council, which shall maintain or alter the roll, as it may deem proper, and shall declare it to be homologated and in force until another roll comes into force.

If property diminished in value after completion of roll

**258.** If, after the valuation roll for real estate shall have been declared closed as aforesaid, any 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 from the owner, cause the valuation of such property to be reduced by the assessors to its actual value.

If any omission has been made in the assesment roll, <sup>Omitted prop-  
erty.</sup> or if any new building, tending to increase the value of real property in the town, shall have been erected subsequent to the closing of the valuation roll, or if one or more lots had been detached from farms or lands under cultivation and sold as town-lots after the closing of such roll, the council may order the assessors to value any property so omitted or increased in value as aforesaid for the purposes of adding it to the supplementary roll

**259.** The council may, at any time, after the closing of <sup>Additions to  
roll.</sup> the roll cause all persons, 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.

**260.** After every change of owner or occupant of any <sup>Erasing of  
names from  
roll.</sup> land set forth in the valuation roll in force, the council, on a written petition to that end, and after sufficient proof, may erase the name of the former owner or occupant, and inscribe on such roll the name of the new one; but such change of owners shall in no wise affect the list of electors in force.

#### TAXES.

##### SECTION I.

##### NON-TAXABLE PROPERTY.

**261.** The following property is exempt from taxation <sup>Property ex-  
empt from  
taxation.</sup> in the town, except for the water supply and light and the making and repairing of water-courses, drains and side-walks:

1. All lands and property belonging to Her Majesty, Her Heirs and Successors, held by any public body, officer 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, presbytery 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;
6. All buildings, grounds and property occupied or possessed by hospitals or charitable or educational establishments; but properties in the possession of religious, charitable, or educational establishments for purpose of revenue shall not be exempt from taxation.

7. Every Court House and District Gaol and the grounds attached thereto.

## SECTION II.

## IMPOSITION OF TAXES.

General power to levy taxes annually.

**262.** In order to raise the necessary funds to meet the expenses of the council and to effect all necessary and beneficial public improvements in the town for the management of the property of the town and to cover the expenses of administration generally incurred in the interest of the town, the council shall have the right to levy annually, upon persons and moveable and immoveable property in the town, all general and special taxes, contributions, licenses and other imposts, as hereinafter provided.

Council may make by-laws:

**263.** The council may make by-laws:

To impose taxes on certain persons, &c. ;

To impose and levy annually the taxes, contributions or licenses, hereinafter mentioned, upon all persons, commercial or financial corporations, firms, insurance or railway companies and their agents or employees, and upon all moveable and immoveable property in the town.

To levy special assessments upon persons interested in public works ;

**264.** To levy by special assessment upon all moveable or immoveable property, or upon both, belonging to persons who, in the opinion of the council, are interested in a public work under the control of the corporation and who benefit by such work. all sums of money necessary for the payment of the construction or maintenance of such work.

To levy special assessments for certain purposes.

**265.** To levy moneys, by special assessment, for any object whatsoever within the limits of the powers of the council, upon all property or only upon 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 persons exempted.

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

To levy, &c., taxes upon :

**266.** To levy and collect the following, amongst other taxes :

Real estate.

Upon every lot of land, town lot or portion of a lot, whether there be buildings erected thereon or not, with all buildings thereon erected, an amount not exceeding one and one half cents per dollar of their actual value, as shewn on the valuation roll of the town.

**267.** To levy upon and collect, from every tenant paying rent in the town, an annual sum not exceeding six cents in the dollar on the amount of the rent ;

Such tax shall be exigible also from the occupant of a property in proportion to the estimated value of his occupation as shewn on the assessment roll.

**268.** To levy and collect, upon all stocks in trade or goods kept by merchants or traders exposed for sale on shelves in shops or kept in vaults or warehouses, in wood or coal yards or in any other place whatsoever, a tax not exceeding one per cent on the average estimated value of such stock in trade or goods, in addition to the license to be taken out for carrying on trade.

**269.** To levy upon and collect, from every person in the town receiving an annual salary of three hundred dollars or over payable in any manner whatsoever, an annual tax not exceeding one per cent on the amount of such yearly salary.

**270.** To levy upon and collect, from every owner or possessor of horses, animals or vehicles whatsoever, a sum not exceeding one cent in the dollar of the value which the council or the valuator may determine.

Working vehicles, as well as the plant and agricultural implements of farms under cultivation, shall be exempt from all taxes whatsoever.

**271.** To levy and collect, by license or otherwise, an annual sum not exceeding three dollars, from every owner or possessor of a dog kept in the town, except the dogs kept by farmers on their farms.

The said council shall have power to regulate the collection of such tax or license, and to cause to be destroyed or shut up any dog allowed to roam or whose owner shall not have complied with the above provisions.

**272.** The council may levy and collect a tax, not exceeding one hundred dollars, from the following persons:

1. By license or otherwise upon all owners, possessors, agents, directors or agents of theatres, circuses, menageries, pigeon-hole, bagatelle and billard tables, nine-pine alleys or other games or amusements of every kind.

2. By license or otherwise upon all merchants, pedlars, traders, manufacturers and their agents ; upon all proprietors or keepers of wood and coal yards and abattoirs ; upon all money-changers or exchange-brokers, pawnbrokers and their agents ; money lenders on notes or otherwise, or their agents, upon all bankers, banks loan or building societies or their agents ; upon all fire and life insurance

companies or their agents, or employees, whether they reside in the town or not, even those who do business therein temporarily or otherwise ; upon all telegraph and telephone companies and their agents or operators.

Auctioneers,  
&c ;

3. By license or otherwise, upon all auctioneers, grocers, bakers, butchers, hawkers, hucksters, sausage makers, livery stable keepers, brewers and distillers, dry goods merchants, commercial or joint stock or their agents or representatives in the town.

By license  
upon non-  
resident  
traders ;

4. By license for a year or for a determined period or otherwise, upon all persons who do not reside within the limits of the town and who sell, retail, expose for sale or peddle any species of goods and effects or cause such goods or effects of any nature whatsoever to be sold, re-tailed, peddled or exposed for sale, such yearly sum as the council may determine.

By license or  
otherwise,  
upon manu-  
facturers of  
ginger beer,  
&c ;

5. By license or otherwise, upon all manufacturers of ginger beer, spuce beer and root beer and the agencies and agents of each of them :

Brick manu-  
facturers, &c ;

Upon all brick manufacturers, wood dealers and upon tanneries ; upon all owners or occupants of mills driven by steam or water-power ; upon all scales ;

Advocates,  
&c.

Upon all advocates, physicians, apothecaries, notaries, land surveyers, dentists, bailiffs and other professions or occupations ;

All trades, &c.,  
callings ;

Upon all business, manufactures, occupations, arts, trades and professions exercised in the town, whether they be mentioned in this act or not, and

Persons carry-  
ing on such.

Upon all persons by whom they may be exercised or carried on in the town either on their own account or as agents for others, temporarily or otherwise, and upon the premises in or upon which they may be carried on or exercised.

Special sales  
of bankrupt,  
&c., goods,  
&c.

**273.** By license, a sum not exceeding one hundred dollars, upon all persons coming temporarily into the town to sell or cause to be sold therein wares or merchandize belonging, in whole or in part, to a bankrupt estate or other stocks of merchandize, goods or goods or articles, either by auction or by private sale.

Penalty for  
not taking out  
license.

**274.** In default of taking out such license, the delinquents shall be liable to a fine not exceeding one hundred dollars and, in default of payment of such fine and costs, to an imprisonment not exceeding three months.

Signature to  
license and  
rights con-  
ferred.

**275.** Every license signed by the secretary-treasurer shall give the bearer thereof the right to carry on his art, trade or industry for the period determined by by-law.

**276.** The council may, whenever it deems advisable, authorize, by resolution, the secretary-treasurer or any other officer to add to the amount of all taxes to be levied upon taxable property in the city, a sum not exceeding ten per cent to cover the losses, costs and bad debts, and for the discount which the council may allow for taxes, rates or apportionments paid before they are due. Sum to cover losses.

**277.** All sums of money or revenues not specially appropriated shall form part of the general funds of the town, as well as every surplus from special revenues. Application of funds not specially appropriated.

**278.** All sums of money forming part of the general funds of the town may be employed for any purposes within the scope of the council. Application of general funds.

**279.** All fines and penalties recovered under this act shall be paid into the hands of the secretary-treasurer, and the proceeds of all licenses granted under this act shall form part of the funds of the town, any law to the contrary notwithstanding. Application of fines and penalties.

#### SECTION III.

##### COLLECTION OF TAXES.

#### § 1.—Of the mode of collection.—Miscellaneous provisions.

**280.** Immediately after the homologation of the valuation roll or the annual revision thereof, the secretary-treasurer shall give public notice of the fact and require all persons liable for the payment of the sums therein mentioned, to pay the same at his office, within the twenty days following the publication of such notice. Notice to rate-payers to pay taxes.

At the expiration of such delay of twenty days, the secretary-treasurer shall make a demand of payment of all sums entered in the collection roll and remaining uncollected, by serving upon them personally or at their domicile, or by registered letter, a special notice to that effect. Demand of payment.

**281.** If, after the fifteen days next following the demand made in virtue of the preceding article, the sums due by the persons entered on the collection roll have not been paid, the secretary-treasurer shall levy them together with costs, by seizure and sale of the goods and chattels of the debtors which may be found in the town. Seizure and sale in default of payment.

**282.** Such seizure and sale shall be made under a warrant signed by the mayor or two councillors, addressed to a constable, who shall act under his oath of office and be subject to the provisions respecting executions in virtue of a writ *de bonis* issued by the Circuit Court. Warrant for such purpose and signature thereto.

Officer signing not personally responsible.

The mayor or the two councillors in giving and signing such warrant shall act under the responsibility of the corporation.

Taxes by way of license payable on demand. Levied in default of payment.

**283.** All taxes imposed by means of licenses by the town shall be payable on demand by the secretary-treasurer or a municipal officer, and, if not paid, may be levied by a warrant addressed to a bailiff or constable, issued under the hand and seal of the mayor, or of a councillor, immediately after such default of payment, and the goods or effects may be seized and sold for the payment of such licenses by such bailiff or constable, who shall follow the procedure respecting the execution of a writ *de bonis* issued by the Circuit Court, and who shall be liable to the penalties and subject to the responsibilities set forth in the case of the execution of such writ *de bonis*, except all recourse for penalties incurred.

Opening of doors.

**284.** If the debtor is absent, or if there is no person to open the doors of the house, cupboards, chests or other closed places, or in the event of refusal to open the same, the seizing officer may, by an order of the mayor or any justice of the peace, be empowered to cause the same to be opened by the usual means, in presence of two witnesses with all necessary force, without prejudice to coercive imprisonment, if there be refusal, violence or other physical obstacle.

Sale not to be stopped except on judges order.

**285.** The sale on such warrant shall not be stopped, except on an order of a judge of the Superior Court, made on petition presented either in chambers, or to the Circuit Court.

Council may decree that all assessments shall be included in one account.

**286.** It shall be lawful for the council to decree by a by-law which may be amended or modified from time to time, as the council may deem it necessary, that all assessments on property, or personal tax, water tax and all other municipal dues or claims, general or special which may be exacted from or payable by any and every rate-payer, be included as far as possible, in one and the same account, in the name of the assessed party, so as to form one complete statement of all his taxes, assessments and dues, including the accounts for water and gas, the rents payable by tenants of shops or market stalls, when rented under deeds of lease; and the total amount of such account shall be levied by seizure under warrant of distress issued in the usual manner for the levying of taxes and without any suing and obtaining judgment against the debtor.

Total to be levied by seizure.

Account in detail to be furnished only once.

**287.** When the secretary-treasurer shall have furnished a rate-payer in arrear with a detailed statement of his ac-

count, he shall not be bound to repeat the same details in the account which he may subsequently furnish, but he shall mention a lump sum; the amount of which he shall have previously given the details to such rate-payer and he shall be bound to give the details only of the new arrears of that year.

He shall, however, make out an account in detail upon payment of a fee of fifty cents which shall revert to the municipal treasury. Except on payment of fee.

**288.** When proceedings are taken for the recovery of any tax or debt whatsoever, all that shall then be due by the person interested may be included in the same claim, as well as the cost of advertizing and all other costs, with ten per cent in addition. Amount to be proceeded for.

When several properties are sold belonging to different proprietors the costs or sale shall be distributed over the various properties according to their valuation at the time of the sale. Costs how distributed in certain cases.

**289.** The debt due to the corporation for water is a privileged debt in favour of the corporation the same as for taxes and assessments; but such privilege shall not come before the claim for rent beyond an amount representing the use of such water for six months. Debt due for water, privileged.

**290.** All municipal taxes, imposed on any immoveable, may be collected from the tenant, occupant or other possessor of such land, as well as from the owner thereof, or from any subsequent purchaser of such land, even when such tenant, occupant, possessor or purchaser is not entered on the valuation roll, but the town may first discuss the moveable and immoveable property of the owner; provided always that the non-payment of the property tax on the fifteenth December shall not have the effect of disqualifying the tenant of the property. Collection of taxes from tenants.

**291.** Any person, not being the proprietor, who shall pay municipal taxes imposed in consideration of the immoveable which he occupies, shall be subrogated, without other formality, in the privileges of the corporation, on the moveable or immoveable property of the proprietor, and may, unless there be an agreement to the contrary, withhold from the rent or from any other debt that he owes the sum which he has paid in principal, interest and costs. Subrogation of person who pays taxes.

**292.** 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 Interest on taxes.

its being necessary for such purpose that a special demand of payment be made.

Not to be remitted.

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

Certain taxes may be levied by warrant.

**293.** All taxes, assessments or licenses, imposed by any by-law under this act, may, when a person is liable thereto and when his name does not appear upon the valuation roll then in force, be levied, if not paid on demand, upon all the goods and effects found in the possession of such person within the town by a constable, by means of a distress warrant signed by the mayor or by two councillors.

Dues and interest privileged.

**294.** 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 or according to law or by voluntary liquidation, such dues shall be collocated in preference to all other claims.

Taxes may be sued for.

**295.** The payment of municipal taxes may be also claimed by an action brought in the name of the town before the magistrate's court, or the circuit court, or before the mayor.

Reduction on payments made within certain time.

**296.** It shall be lawful for the council at any time to decree by resolution that the rate-payers who pay their taxes or municipal dues within a specified period, shall benefit by a reduction which the council shall determine, and the secretary-treasurer shall give public notice of such resolution.

Property sold for taxes to be sold by auction and exempt from auction duty.

**297.** The immoveables, moveables or effects to be sold under the provision of this act, for the recovery of taxes, assessments or other dues, shall be put up to public auction, but such moveables or effects shall be exempt from auction duty, and it shall not be necessary that they be sold by a licensed auctioneer.

#### LOANS.

Power to borrow money.

**298.** The council may borrow, from time to time, various sums of money, for the purpose of improvements in the town, and generally for all objects within the scope of its authority.

Interest and sinking fund.

**299.** Whenever the council shall contract a loan by means of debentures, it may immediately provide, from and out of the revenues of the corporation, for the payment the annual interest, and for the establishment of a sinking fund of at least one per cent per annum.

The annual rate of interest shall in no case exceed the legal rate of interest in this Province. Rate of interest.

**300.** The sinking fund may be invested in the purchase of public securities belonging to the Dominion or to the Province, or in the redemption of bonds issued by the council, or may be deposited in a bank. Investment of sinking fund.

**301.** The council may, if the lenders consent thereto, deposit in their hand the sums intended for such sinking fund. Payment of sinking fund to lenders.

In such case the receipts given to the council shall be so drawn as to define what amount shall have been given for interest, and what amount for the sinking fund. Special receipt in such case.

**302.** The council may, by resolution, issue promissory notes, with or without interest, payable at such places and on such terms and conditions as it may deem expedient, to settle accounts or other current matters. Promissory notes may be issued.

**303.** The council may always, upon a favourable report of the finance committee, make by-laws authorizing the issue of debentures or promissory notes to pay floating debts or meet engagements contracted or to renew or redeem, on more advantageous conditions, any debentures in circulation. Issue of debentures, &c., for certain purposes.

**304.** It may issue debentures with coupons of the same date and tenor, to the amount of the total debt of the town, in order to consolidate the same; and all debentures so issued shall be equally privileged upon all the moveable and immoveable property in the town. Issue of debentures for consolidation of debt. Privilege of such.

**305.** The notes of the corporation shall be signed by the mayor and the secretary-treasurer. Signature to notes.

**306.** The debentures shall be signed by the mayor and secretary-treasurer; but the signature of the mayor may be lithographed upon the coupons. Signature to debentures.

They shall be sealed with the seal of the town Seal thereon.

**307.** The debentures shall never be for more than one thousand dollars nor for less than one hundred dollars currency, or the equivalent thereof in foreign currency. Amount of each debenture.

**308.** The debentures of Drummondville may be made payable to order or to bearer, on the terms, and conditions and at the places specified by the resolutions or by-laws authorizing the same. How payable.

They shall bear coupons for the amount of the half-yearly interest, at a rate not exceeding six per cent per annum. Coupons for interest to be annexed.

Coupons may cover sinking fund.

The coupons may also cover a sinking fund.

Security for notes, &c.

**309.** The principal and interest of every note, bond or debenture, shall be secured on the general funds of the corporation.

Power to call in bonds.

**310.** It shall always be lawful for the town to call in its bonds or debentures, whensoever it shall be in a position to do so with advantage; in which case the interest of such bonds or debentures shall cease to accrue after one month from the date of the publication of such calling in in the Quebec Official Gazette.

Amount of total issue of debentures limited.

**311.** 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 of over twenty per cent of the total estimated value of taxable real estate in the town according to the last valuation roll then in force.

Case of reduction of estimated value of taxable real estate.

**312.** 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.

Redemption of debentures by sinking fund, &c.

**313.** In creating a sinking fund for the municipal debt, the council may provide for the redemption of the debentures of the town or of those of other municipal corporations, and the purchase, out of the general funds of the corporation, and not otherwise, of lands belonging to the government within the limits of the town, in order to divide them into building lots and to dispose of the same, by securing the deposit of the proceeds of sale and of the interest in such manner as, in all cases, to formally affect such moneys and their product in accumulated interest to the extinction or reduction of such debt.

How moneys deposited for such purpose may be withdrawn if to be applied otherwise.

**314.** No moneys derived from the sale of land, bonds, shares or securities deposited in an incorporated bank, or destined for the sinking fund, shall be withdrawn for the purpose of being appropriated to a different object, without the passing of a by-law, sanctioned by the Lieutenant-Governor in Council.

Loans by not to exceed a certain sum, unless by-law be approved by electors.

**315.** In any case the council cannot contract a loan for an amount greater than one thousand dollars by notes or otherwise, unless the by-law authorizing such loan has been previously approved in the manner mentioned in articles 44 and following of this act

At no time shall the total amount of loans not authorized by the electors exceed two thousand dollars. Amount not authorized not to exceed certain sum.

## RECOVERY OF PENALTIES.

**316.** Fines and penalties imposed by the by-laws of the council, or by the provisions of this act, are recoverable either before the circuit court of the county of Drummond, before the mayor or before a justice of the peace. Before what court fines are recoverable.

**317.** The plaintiff or the complainant, whose demand or complaint has been dismissed with costs, shall be bound to pay the costs, under penalty or imprisonment, in the manner and within the delay prescribed in the article 323. Costs against plaintiff, how recovered.

**318.** The council may, in any by-law made under the provisions of this act, enact the imposition of punishment, by fine or imprisonment, for enforcing any such by-law, provided that the fine does not exceed the sum of fifty dollars, and that the imprisonment be for a period not exceeding thirty days, saving offences against by-law respecting the sale of liquors and licenses, and others for which it is otherwise ordered by this act. Power to impose certain penalties.

The court which decides upon the offence may limit the fine or imprisonment. Discretion of court.

**319.** All penalties incurred by the same person may be included in the same suit. Several penalties in same suit.

**320.** Every suit for the purpose of recovering such penalties is prescribed by six months. Prescription of suits.

Such prosecutions may be brought by any person of age, in his own name, or by the mayor or secretary-treasurer, in the name of the town of Drummondville. Who may sue

**321.** Any such suit may be decided on the oath of one credible witness. One witness sufficient.

**322.** Penalties recovered in virtue of by-laws of the council or of the provisions of this act shall belong, unless it is otherwise provided, one half to the prosecutor, and the other half to the corporation. Application of penalties, if a prosecutor.

If the prosecution has been brought in the name of the corporation, the penalty shall belong wholly to the corporation. If prosecution in name of corporation.

If the penalty is due by the corporation, it shall belong wholly to the prosecutor. If penalty due by corporation.

**323.** In default of payment of the fine ordered by the court, and the costs, within fifteen days from the render- Imprisonment in default of payment.

ing of the judgment, the person condemned may be imprisoned for any time not exceeding thirty days, which imprisonment shall end, however, on payment of the sum due.

Effect thereof. Such imprisonment shall discharge the person who undergoes it from the obligation of satisfying the judgment against him.

Levy for fines and costs.

**324.** The fines as well as the costs taxed by the justice of the peace, or the mayor, after judgment, may be recovered and levied upon the moveables and effects of the delinquents.

Fine on valuers neglecting duty for two months.

**325.** 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 containing such valuation to the secretary-treasurer, within two months from the date of their appointment, every such valuator shall incur a penalty of two dollars for each day, which shall elapse between the expiration of the said period of two months, and the day upon which such valuation roll shall be so delivered, or upon which their successors in office shall be appointed.

Fine on persons not performing duties under act.

**326.** Every member of the council, every officer appointed by such council, every justice of the peace and every other person, who shall refuse or neglect to do any act, or perform any duty required of, or imposed upon him by this act, shall incur a penalty not exceeding twenty dollars and not less than four dollars.

Fines on inspectors or officers of roads.

**327.** Every inspector or officer of roads, who shall refuse or neglect to perform any duty assigned to him by this act, or by the by-laws of the council, shall, for each day on which such offence shall be committed or shall continue, incur a penalty of one dollar, unless some other penalty be by law imposed on him for such offence.

Interfering with officers.

**328.** Every person, who shall hinder or prevent, or attempt to hinder or prevent, any officer of the council or constable in the exercise of any of the powers or in the performance of any of the duties conferred or imposed upon him by this act, or by any by-law or order of the council, shall incur a penalty of twenty dollars for every such offence, over and above any damages which he may be liable to pay.

Destroying, &c., notices, &c.

**329.** Every person who shall wilfully tear down, injure or deface any advertisement, notice or other document required by this act or by any by-law or order of the council to be posted up at any public place, for the inform-

ation of persons interested, shall incur a penalty of eight dollars for such offence.

**330.** Every person, who shall vote at any election of councillor, without having, at the time of giving his vote at such election, the qualification by law required to entitle him to vote at such election, shall thereby incur a penalty not exceeding twenty dollars. Voting when not qualified.

**331.** 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.

The proceeds of all licenses for the sale of spirituous and vinous liquors shall form part of the funds of the town, as well as those of all other licenses granted under this act, any law to the contrary notwithstanding. Proceeds of liquor licenses to belong to town.

**332.** To the mayor and council alone shall appertain the right of remitting the whole or part of any fine belonging to the town, as well as of the costs of the suit occasioned by the prosecution for such fine. Remission of fines and costs.

**333.** This remission shall be made, in each case, by a simple resolution adopted by the majority of the council. How to be made.

**334.** Any person who shall transgress any by-law, made by the town council under the authority of this act, shall be liable for such offence to the fine or imprisonment, with or without hard labor, specified in the said by-law, with the costs to be allowed by the justice or justices of the peace who shall try such offence. Fines for breach of by-laws.

**335.** Every person aged twenty-one years, residing in the town of Drummondville, shall have the right to take any action authorized by this act or by the by-laws of the town. Who may sue

All such actions may also be taken by the council in the name of the town Drummondville Council may also sue in name of town.

**336.** Article 4207 of the Revised Statutes of the Province of Quebec, is amended, as regards the town of Drummondville, by adding thereto the words " which shall also be countersigned by the secretary-treasurer. " R. S. Q. art. 4207 amended for town.

**337.** As regards the said town of Drummondville, the words " Superior Court " wherever found in chapter first of title eleventh of the said Revised Statutes, shall be followed by the words " or Circuit Court in and for the county of Drummond " and the word " prothonotary " by the words " or clerk of the Circuit Court in and for the county of Drummond. " Chapter first of title eleventh of Revised Statutes amended for town

Who may administer oaths.

**338.** Any oath required to be taken under the provisions of this act or of the said general clauses act may be administered by the secretary-treasurer.

R. S. Q. art. 4328 amended for town.

**339.** Article 4328 of the said Revised Statutes is amended by adding thereto the words "or a first hypothec of not less than two thousand dollars given on his real estate and approved by resolution of the Council."

Council of town of Drummondville declared to have all powers conferred by Municipal Code upon towns and village councils, in addition to powers by its charter.

**340.** For the removal of all doubts, it is hereby declared that the council of the town of Drummondville always had and now has, in addition to the powers conferred upon such council by the special charter or this act, all and every the powers conferred upon town and village councils by the Municipal Code, in all cases where the same are not incompatible with or contrary to the provisions of such special charter or of the present act.

Inconsistent provisions of town corporations' general clauses act not to prevail.

**341.** If any articles of the town corporations general clauses act or of the act incorporating the town of Drummondville are inconsistent with this act, the latter shall prevail.

Coming into force.

**342.** This act shall come into force on the day of its sanction.

## C A P . L X X X V I I .

An Act to grant a special charter to the town of Louiseville.

[Assented, to 30th December, 1890.]

Preamble.

**W**HEREAS the provisions of the Municipal Code no longer meet the requirements of the inhabitants of the town of Louiseville and the corporation of the said town have, by petition, prayed for the granting of a special charter; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

### PRELIMINARY TITLE.

#### TRANSITORY AND OTHER PROVISIONS.

Present mayor and councillors continued in office.

**1.** The present mayor and councillors of the town of Louiseville shall remain in office until the entry into office of their successors.