

## FORM P.

(See art. 556.)

*Oath of commissioners in expropriations.*

I , having been appointed commissioner under the provisions of the (*cite the act*) do swear that I will faithfully, impartially, honestly, and diligently, execute all the duties of the said office, according to the best of my judgment and ability : So help me God.

(Signature,)

Ste. Cunégonde, (date)

## CAP. LXXI.

An Act to consolidate the acts respecting the corporation of the town of St. Johns.

[Assented to 2nd April, 1890.]

**W**HEREAS it is expedient to consolidate the acts 43-44 Preamble.  
Victoria, chapter 62 ; 44-45 Victoria, chapter 74, and  
51-52 Victoria, chapter 82, which relate to the corporation  
of the town of St. Johns ; and whereas it is expedient to  
grant further and better defined powers to the said corpo-  
ration ;

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

## PRELIMINARY TITLE

## MISCELLANEOUS PROVISIONS.

## SECTION I.

## DECLARATORY AND INTERPRETATIVE.

**1.** The acts 43-44 Victoria, chapter 62, 44-45 Victoria, 43-44 V., c. 62,  
44-45 V., c. 74  
and 51-52 V.,  
c. 82 repealed. chapter 74, and 51-52 Victoria, chapter 82, are repealed and  
replaced by the present act.

**2.** Except where it is otherwise provided and notwith- Provisions  
contained in  
c. 1, title XI  
R. S. Q. not  
to apply. standing all acts to the contrary, the provisions of the  
law governing town corporations contained in chapter first  
of title eleventh (articles 4178 and following) of the Revised  
Statutes of the Province of Quebec, do not apply to the cor-  
poration hereby constituted.

Name of act.  
Coming into  
force.

3. This act shall be known under the name of " the charter of the town of St. Johns " and shall come into force on the day of its sanction.

Interpreta-  
tion.

4. Unless the context of the provision indicates or declares otherwise, the following expressions, terms and words have the meaning, sense and application which are respectively assigned them in this article :

" Council ; "

1. The word " council " means the council of the corporation of the town of St. Johns, incorporated by this act ;

" Corpora-  
tion ; "

2. The word " corporation " means the corporation of the town of St. Johns ;

" Town ; "

3. The word " town " means the town of St. Johns ;

" Mayor ; "

4. The word " mayor " means the mayor of the town of St. Johns or his authorized representative ;

" Members ; "

5. The words " members " or " members of the council " mean the members of the council of the town of St. Johns who are the mayor and town councillors ;

" Members of  
the council ; "

6. The words " secretary " or " secretary treasurer " mean the secretary-treasurer of the town of St. Johns.

" Secretary or  
secretary-  
treasurer ; "

7. The word " rate-payer " means any person who has to pay to the corporation any assessment or tax of anykind whatsoever ;

" Rate-  
payer ; "

8. The word " persons " comprises individuals, joint stock companies, associations, commercial firms and corporations ;

" Nomina-  
tion ; "

9. The French expressions "*mise en candidature*," "*nomination*" and "*appel nominal*" mean what is called "*nomination*"

" Elector ; "

10. The word " elector " means any municipal elector of the town of St. Johns who is qualified to vote when he exercises his right as elector ;

" Electors  
who are pro-  
perty own-  
ers ; "

11. The expression " electors who are property owners " means all those who are entered on the valuation roll in force in the town as proprietors of taxable real estate, either in their own name or in that of their wives, who at the time they exercise their rights as electors are still proprietors in possession of the same property ;

Qualifica-  
tion of proper-  
ty owner.

The elector who is a property owner must be of the male sex and twenty-one years of age ;

" Municipal  
dues ; "

12. The expression " municipal dues " means all taxes, whether general or special, imposts, dues, assessments, for drains, apportionments, licenses, special assessments, rates or compensation for water and lighting, when the same may apply, fines or penalties, as well as all debts due the corporation whether they form part of its revenue or not ;

" Contract ; "

13. The word " contract " does not apply to the lease of stalls nor to the lease, sale or purchase of land, nor to loans of money nor to any agreement in connection therewith ;

14. The words "assessors" and "valuators" are synonymous : "Assessors ;"  
"Valuators ;"

15. The words "valuation roll" and "assessment roll" are synonymous ; "Valuation  
roll" "assess-  
ment roll ;"

16. The words "police officers" and "constables" are synonymous ; Police offi-  
cers ;

17. The words "bonds" and "debentures" are synonymous and mean the bonds which the council is empowered to issue ; "Bonds" "de-  
bentures ;"

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

19. The word "judge" means any judge of the superior court, any justice of the peace, district magistrate or the mayor ; "Judge ;"

The French expressions "*cour*" or "*tribunal*" are synonymous and mean "court," which, unless otherwise indicated, means every court having jurisdiction under this act ; "Court ;"

20. The word "proprietor" means a person who possesses or whose wife possesses an immovable as owner or usufructuary ; "Proprietor ;"

Only the person who has the enjoyment, and usufruct of an immovable has the right to vote as proprietor of such immovable, to the exclusion of the person who has the ownership thereof ; Qualifica-  
tion of pro-  
prietor ;"

21. The word "occupant" means the person who occupies, in his own name or in that of his wife, an immovable by any other title than that of proprietor, tenant or usufructuary, and who draws the revenues thereof ; "Occupant ;"

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

23. The words "immovables" or "real estate", or "immovable property" mean every immovable and, amongst other things, comprise all lands, town lots or portions of lots and all buildings, wharves whether filled in or resting on piles, mills or other buildings erected on the river Richelieu or on the Chambly canal, and every toll bridge for that portion thereof which is within the limits of the city ; "Immove-  
ables ;"

24. The words "public notice published" mean a public notice which has been published in two newspapers in the town, one in the French and the other in the English language ; "Public no-  
tice publish-  
ed ;"

25. The word "session", when employed alone, means indifferently either an ordinary or a general or a special session of the council ; "Session ;"

"Referen-  
ces."

26. Unless the contrary be indicated, every reference to an article refers to an article of this act.

Exercise of  
powers.

5. The council and its officers exercise all the powers conferred by law upon the town.

Fine against  
officers, &c.,  
neglecting  
duty.

6. 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.

Fine against  
inspector or  
officer of  
roads neglect-  
ing to per-  
form duties.

7. 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.

Fine against  
persons tear-  
ing down, &c.,  
by-laws or  
orders posted  
by council.

8. 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 information of persons interested, shall incur a penalty of eight dollars for every such offence and in default of payment to fifteen days imprisonment.

Error or in-  
sufficiency.

9. No act connected with municipal affairs, performed by the council, its officers or any other person, shall be null or void, solely on account of error or insufficiency in the designation of the corporation of the town of St. Johns, or of this act, or in the designation of the qualities of such officers or person, nor even on account of the omission of the designation of such person, provided no surprise or injustice result therefrom.

Objections  
as to form.

10. No objection founded upon form, or upon the omission of any formality even imperative, shall be allowed to prevail in any action, suit or proceeding respecting municipal matters, unless substantial injustice would be done by rejecting such objection, or unless the formality omitted be such, that its omission, according to the provisions of this act, would render null the proceedings or other municipal acts needing such formality.

Prescription  
of certain  
suits.

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

of action originated, or from the adoption of the by-law, resolution or other act of the council sought to be annulled.

**12.** If the day fixed upon for the execution or performance of any duty prescribed or proceedings, the holding of any meeting, poll, sale, deliberations or other things whatsoever be a non juridical day they shall *pleno jure* be postponed or adjourned to the following juridical day. Delays expiring on holidays.

**13.** Any oath required by the provisions of this act may be made before the mayor, a judge, the secretary-treasurer or any justice of the peace. Taking of oath.

The secretary-treasury enters such oath required of the members and officers of the council in the minute book or in a book kept for the purpose. Entry of oath.

Any person, before whom any oath may be made, is required, whenever he is called upon to do so, to administer the oath. Persons bound to administer oath.

**14.** All citizens, electors, rate-payers, and constables of the town of St. Johns, and all members or officers of the council, are competent witnesses in suits wherein the rights of the said city are affected, it they be not otherwise incompetent to act as witnesses. Citizens, &c., competent witnesses.

**15.** The forms of oath, nomination, municipal notices of all kinds, as well as the forms required by this act, shall be those generally used for similar cases, unless the council prescribes others. Forms.

## SECTION II.

### TEMPORARY PROVISIONS.

**16.** The councillors of the town of St Johns shall remain in office until their respective terms of office expire. Term of office of councillors.

**17.** The present municipal officers and employees of the town shall likewise remain in office until they are removed or replaced by the council. Present officers continued in office.

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

**19.** All notes, bonds, debentures, obligations and engagements whatsoever, signed, endorsed, accepted, issued or Notes, &c., already signed, &c.

contracted by the council of the town of St. Johns, up to the coming into force of this act, shall have all their legal effect.

Corporation substituted in rights of former corporation.

**20.** The corporation hereby constituted is substituted in all the rights, obligations, property, claims and debts of the corporation existing in virtue of the repealed acts mentioned in article 1, and this act, shall in nowise have the affect of disavowing the latter corporation.

## TITLE I.

### ORGANIZATION OF THE CORPORATION.

#### SECTION I.

##### INCORPORATION.

Incorporation.

**21.** The inhabitants of the town of St. Johns and their successors, inhabiting the said town, are hereby constituted a body politic and corporate, under the name of "the town of St. Johns."

Name.

Separation from county of St. John's.

**22.** The town shall remain separated from the county of St John's for all municipal purposes.

#### SECTION II.

##### GENERAL POWERS OF THE CORPORATION.

General powers.

**23.** The corporation of the town of St Johns, under its corporate name, shall have perpetual succession, and may :

Sue and to be sued ;

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

Common seal ;

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

Acquire real or personal property ;

3. Acquire real or personal property by purchase, donation, devise or otherwise, and hold, enjoy and alienate the same for the use of the town ;

Enter into contracts ;

4. Enter into contracts, transact, bind and oblige itself and others to itself within the limits of its powers ;

Sign notes, &c. ;

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

6. In a word, exercise all the powers which are granted to it or which are necessary to it for the objects of its charter.

Exercise powers necessary to objects of charter.

### SECTION III.

#### BOUNDARIES OF THE TOWN—DIVISION INTO WARDS.

**24.** The town of St. Johns, situate in the county of St. John's is bounded on the east by an imaginary line passing in the middle of the Richelieu river, on the north by the southern line of the property of William H. Vaughan, prolonged towards the east to the middle of the Richelieu river; on the south by the northern line of the land belonging to the representatives of the late Francois Xavier Langelier, prolonged to the middle of the said river, and on the west by the eastern limit of the lots of the second concession of parish of St. Johns.

Boundaries of town.

**25.** The town of St. Johns is divided into four wards, respectively designated under the names of : " East ward " " West ward," " Centre ward," and " North ward ", and bounded as follows :

Division into wards.

The " East ward " is bounded on the east and south by the limits of the town, on the west by a line passing through the centre of Grant street, from the southern limits of the town to the centre of St. James street, and thence, towards the north by the centre of the said St. James street to the eastern limits of the town ;

East ward.

The " West ward " is bounded on the east by the " East Ward," on the south and west, by the limits of the town, and on the north by the centre of the said St. James street, from the western limits to the centre of Grant street ;

West ward.

The " Centre Ward " is bounded on the south by the east and west wards as above constituted, on the east and west by the limits of the town, and on the north by a line passing through the centre of St. Thomas street, and extending to the east to the limits of the town ; and starting from the western extremity of the said Saint Thomas street to the western limits of the town, by the southern line of the railway, as it now exists, of the Atlantic and North West Railway Company.

Centre ward.

The " North ward " includes that portion of the town north of the centre ward.

North ward.

**26.** By a vote of two-thirds of its members, the council may alter or change the limits of each of the wards above described ; but an interval of at least five years must elapse between each such change or alteration.

Change in limits of wards.

## SECTION IV.

## ANNEXATION OF TERRITORY.

Annexation  
of lot of land  
with consent  
of proprie-  
tor.

**27.** With the consent of every proprietor of a lot of land adjacent to the territory of the town of St. Johns, the council may, by law, order the annexation of such lot of land, and, from and after the first day of May following the promulgation of the by-law, such land shall form part of the municipality of the town of St. Johns for all purposes whatsoever.

Annexation  
by Lieutenant-  
Governor on  
petition of  
council.

**28.** Upon a petition of the council of the town of St. Johns, the Lieutenant-Governor in council may, in the public interest or for such other reasons as he may deem sufficient, order the annexation to the town of any lot of land or portion of a lot which touches its territory, and, from and after the first of January following the publication of the order in the Quebec Official Gazette, such land shall form part of the municipality of the said town for all purposes whatsoever.

Rights and  
obligations of  
proprietors of  
lots annex-  
ed.

**29.** From and after the annexation, the proprietors of lands annexed in virtue of the two preceding articles shall enjoy all the benefits, rights and privileges conferred by this act upon the inhabitants of the town and be subject to the duties and obligations imposed on them by the same act.

## SECTION V.

## THE CITY COUNCIL, ETC.

§ 1.—*The Council.*

Council  
represents  
city.

**30.** The corporation of the city is represented by its council; its rights are exercised and duties performed by the said council and its officers.

Corporate  
seat.

**31.** The corporate seat is at the office of the secretary-treasurer.

Office during  
business  
hours.

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

Composi-  
tion.

**32.** The council consists of a mayor and twelve councillors, three for each ward.

Quorum.

**33.** The quorum of the council consists of eight members.



**34.** The council shall, by resolution, appoint one of its Pro-mayor. members pro-mayor for three months.

Such officer replaces the mayor, in the event of absence Duties. or inability to act, as well as in case of a vacancy in the office of mayor.

He may be removed at will.

Removal.

**35.** The mayor exercises the right of superintendence Mayor super- over all the officers of the council. intends offi- cers.

He may suspend any one of them; and the officer or Suspend employees so suspended cannot be re-instated in office officers. without the approval of the council.

He sees to the faithful execution of all municipal ordi- Sees to exe- nances and by-laws. cution of ordinances.

He communicates to the council any information or suggestion which he may consider conducive to the in- Makes sug- terests of the town or of the citizens. gestions, &c.

**36.** The mayor and secretary-treasurer sign, seal and execute, in the name of the council, all debentures, con- Signature tracts, agreements or deeds made and passed by the cor- of docu- poration, unless the council provides otherwise. ments.

**37.** While they are in office, the mayor and pro-mayor Mayor and are justices of the peace *ex officio*, and have jurisdiction pro-mayor over the whole territory of the town. justices of the peace.

In addition to such matters as are within the powers Their jurisdic- of justices of the peace, their jurisdiction extends to all tion. cases in which the corporation or its officers are concerned.

The fact alone of their being members of council Not require qualifies them to act as justices of the peace, without their to qualify having to take an oath or to comply with any of the formalities or conditions required of justices of the peace.

**38.** Any member of the council duly authorized may, Power to sum- in the name of the council or of such committees, summon mon witness- any witness who is ordered to appear before the council ses. or one of its committees, administer the oath to him and examine him

Articles 53 and 54 apply to such witness.

Certain arti- cles apply.

**39.** Before entering into office, the members of the Oath of office council shall make oath to well and faithfully perform of members of the duties of their office, according to form A of this act. council.

They perform their duties and do all municipal acts Perform duties under such oath. under such oath of office.

**40.** The omission during ten days on the part of the Omission to mayor or of a councillor to take the oath of office required take consti- by the provisions of this act constitutes a refusal to accept tutes a refusal of office. the office.

Persons elected bound to fill office.

**41.** Every person, duly elected or nominated to the position of mayor or councillor, is obliged to accept and fill such office.

Penalty for refusal to accept to office of mayor or councillor.

In case of refusal to accept the office or fulfil the duties of mayor or councillor to which a person is nominated or elected, without reasons deemed sufficient by the council, the council may, by resolution, order such person to pay, a fine of fifty dollars, in the case of the office of mayor, and twenty-five dollars, in the case of the office of councillor.

Penalty how recovered

The recovery of this penalty is effected in the same manner as any fine imposed by this act.

Mayor and councillors' services gratuitous.

**42.** The mayor and councillors receive no salary, profit or indemnity in any shape whatsoever, for their services.

Members of council not to hold subordinate office. Cannot be sureties for officers, nor for any contract.

**43.** The members of the council are unable to hold any subordinate office under the council.

They cannot be sureties for the officer or employees of the corporation.

They cannot become sureties for the fulfilment of any obligation contracted by a third party towards the council.

Vote of person illegally holding office not to be set aside by reason thereof.

**44.** No vote given by a person filling illegally the office of member of the council, and no act in which he participates in such quality, shall be set aside solely by reason of the illegal exercise of such office.

## § 2.—Committees of the Council.

Appointment of standing or special committees.

**45.** The council may appoint standing or special committees, composed of as many of its members as it may judge convenient, and may delegate to them its powers respecting the examination of any question, the management of any business or particular kind of business, or for the execution of certain duties.

Chairmen thereof.

It also appoints the member who is to act as chairman.

Appointment of certain standing committees.

**46.** The council may appoint standing committees on the following :

Finance, markets, roads, water, fire, police, public health, lighting and public parks or on any other matters that the council deems expedient.

Composition of finance committee.

The finance committee is composed of the chairmen of the other standing committees.

When standing committees are formed.

**47.** The standing committees are formed every year at the first sitting after the annual general elections.

Power of chairman of committee.

**48.** The chairman of each committee has, as regards every meeting of the committee, the same power as the mayor.

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

In the event of a member of a committee being absent from a meeting thereof without a valid reason, he may, on a report made to the council of such absence, be censured by the mayor upon the advice of the council, and, if the offence be repeated, be condemned to a fine up to ten dollars. Fine for non-attendance upon committee.

**49.** The council may replace any member of the said committee whenever it deems expedient. Replacing of members of committee.

**50.** The mayor is *ex-officio* a member of every committee and he may vote therein, and, in the finance committee, he shall also give his casting vote when the votes are equally divided. Mayor *ex-officio* member of committee and power to vote.

**51.** The committees render account of their labors and their decisions by reports signed by their chairman or by a majority of the members who compose them. Reports of committees.

No report or order whatever of a committee has any effect, until it has been adopted by the council. Reports to be adopted by council.

**52.** The council or its committees, on every question or matter pending before them, may :

1. Take communication of all documents or writings produced in evidence ; Power of council and committees : To examine documents &c ;
2. Summon any person residing in the Province, on a warrant of the mayor or of the chairman of a committee ; Summon witnesses ;
3. Examine under oath the parties and the witnesses produced by the parties, or any person summoned to appear, as aforesaid, in an inquiry into any matter of public interest within the jurisdiction of the council. Examine parties and their witnesses.

**53.** No one is bound to appear as a witness before the council or its committees, unless his reasonable travelling expenses, for both going and coming, have been tendered or paid him ; as well as compensation for loss of time, which is fixed at fifty cents for every person who does not reside more than one mile outside the limits of the town. Travelling expenses &c., to be paid to persons summoned as witnesses.

**54.** Every person, so summoned as a witness before the council or its committees who, without just cause, fails to appear at the time and place mentioned in the summons, when the compensation mentioned in the preceding article has been paid or offered to him, shall incur a fine of not less than four nor more than ten dollars, or imprisonment not to exceed fifteen days. Fine upon witnesses summoned, not attending.

§ 3.—Sessions of the council.

Sessions when to be held.

**55.** The council has the right, by resolution, to determine the place, within the limits of the city, where its sessions shall be held.

Quorum of council.

The quorum of the council is fixed by article 33.

Oath of office to be taken at first session if not before. Power of members to act if majority.

**56.** At the first session of the council after the election, the newly elected members take the oath of office, if they have not already done so, and the members then present are competent to act, provided they form a majority of the council.

Who presides at opening of first session of new council.

**57.** If the new mayor be present and has not previously been sworn, the first session of the council after the election shall be opened by the retiring mayor, or, in his absence, by one of the old councillors who shall leave his seat as soon as the new mayor is sworn.

Absence of mayor provided for.

In the absence of the mayor elect, the pro-mayor or an alderman shall take the chair and the council shall proceed to business.

Monthly sessions of council when and where to be held.

**58.** The council meets at least once a month to despatch the business of the town, and holds its sessions on the day and at the hour which it determines by by-law, in the town hall or any other place in the town, which may be decided upon either temporarily or permanently.

Monthly general meeting when to be held until otherwise fixed.

Until otherwise decided, the monthly general meeting shall be held on the first Monday of the month, at the hour of seven in the evening.

Sessions public. Exception.

**59.** All the sessions of the council are public, except when the council has to judge any of its members for any reason whatsoever, in which case, at the request of the member inculpated or of two councillors, it sits with closed doors.

Sessions private if conduct of officers, &c. under consideration.

**60.** The council also sits with closed doors at the request of two members, when it has to judge of the conduct of one of its officers or employees.

Personal charges against member to be in writing.

**61.** No personal accusation of a serious nature against any member by one of his colleagues can be made otherwise than in writing.

Who presides over council.

**62.** The sessions of the council are presided over by the mayor, or in default of the mayor by the pro-mayor, or, in default of both, by any member chosen from the councillors present.

Presiding officer maintains order.

The presiding officer maintains order and decorum, and decides questions of order, saving an appeal to the council

**63.** Every disputed question is decided by a majority of the votes of the members present, except in cases where the votes of two-thirds of the members of the council or of the members present are required.

Majority to decide.  
Exception.

The mayor or person presiding may give his opinion but not his vote, except when the votes are equally divided, when he is bound to give the casting vote, giving his reasons if he so desires.

Casting vote of chairman.

**64.** No member of the council can take part in the discussion of any question in which he has a personal interest, under this act, in case of contestation.

Member interested not to take part in discussion.

The council, in case of dispute, decides whether the member has or has not a personal interest in the question ; and such member has no right to vote on the question of his interest, although he may explain why he should not be recusable.

Decision as to interest.

**65.** If there be a quorum, any ordinary or special session may be adjourned by the council to any other hour of the same day, without its being necessary to give notice of the adjournment to members not present.

Adjournment, if quorum, to another hour same day.

But in the case of adjournment to another day, notice must be given to the absent members.

Adjournment to another day.

**66.** When there is no quorum at any regular or special or adjourned session, any two members of the council may adjourn the session for the space of one hour.

Adjournment for want of a quorum,

The hour of adjournment and the names of the members of the council present are entered in the minutes of the sitting, in the book of the proceedings of the council.

Entry in minutes.

Unless it be otherwise decreed by the by-laws, members who are absent from the session, and who are also absent at the time of such adjournment, may be condemned by the members present to a fine not exceeding five dollars.

Fine upon absent members.

However, such fine cannot be imposed unless a special notice of the adjournment has been personally served by the secretary-treasurer on the member whose absence is repeated, as aforesaid.

Notice required.

The service of such notice is established when the adjourned session is resumed, in the same manner as in the case of a special session, and the absence of service of such notice renders null all proceedings adopted at such part of the adjourned session.

Establishment of service of notice.

**67.** The council may, by by-law or resolution, compel the members of the council or of the committees to perform their duties, and impose fines on them for neglect or omission in the performance of their duties.

Fines may be imposed to compel performance of duties.

Order of  
business.

**68.** The council may, by by-law or resolution determine the order in which its business shall be despatched.

Fines for  
breach of  
order during  
sessions, &c.

**69.** The council may also pass by-laws for the maintenance of order during its sessions, and, by such by-laws, impose a fine from one to twenty dollars, or an imprisonment of from one day at least to thirty days in default of payment, for any contempt by the members or persons present at the sessions.

Fines may be  
inflicted *in-*  
*stante*.

In the case of disorderly conduct or reprehensible language, the mayor or presiding officer may inflict the above punishment on the spot; the sentence shall be pronounced *instante* and the order for arrest and commitment may be given and executed at once.

Expulsion of  
disorderly  
member.

**70.** The mayor or pro-mayor may give orders to expel from the council room, until the adjournment of the session, any member who shall persist in his reprehensible conduct after having been called to order.

Motion there-  
for.

However, the order of expulsion cannot be given or executed unless a motion to that effect is adopted by, at least, three-fourths of the members present.

To be always  
in order.

Such motion is always in order, and is moved and decided without debate.

Convocation  
of special ses-  
sions.

**71.** The mayor may, if necessary, convene special sessions of the council.

Convocation  
by two mem-  
bers.

Whenever two members desire to have a special session, they shall apply to the mayor to have one called, and, if the mayor be absent from the town or refuse to act, they may convene it themselves by specifying, in a written document addressed to the secretary-treasurer, the object for which they convene the session, and the day and hour at which they wish to have it hold.

Secretary-  
treasurer  
bound to  
convene  
when re-  
quired.

The secretary-treasurer is bound, on receipt of such notification, to call the session and give notice thereof to all the members of the council, other than those who convene it, and mention the names of the latter.

Notice for  
special ses-  
sions.

**72.** Every notice of the calling of a special session of the council is given by the secretary-treasurer, at least twenty-four hours before the time fixed for the session.

Service of  
notice.

Such notice is served by the inspector or by a bailiff or a constable, and a return is made under their oath of office upon a duplicate thereof.

How effected.

The service is effected by leaving a duplicate of the notice with the members of the council either personally or at their offices, residences or place of business.

Subjects to be  
considered at  
special ses-  
sions.

**73.** At a special session, the subjects or matters mentioned in the notice calling the council together can alone be taken into consideration.

The council, before proceeding to business at such session, must set forth and declare, in the minutes of the sitting contained in the book of its deliberations, that the notice of meeting has been served upon all the members.

If the notice of meeting has not been served on all the members, the session is immediately closed.

Before proceeding to business it must be ascertained that that notice was served. If not served meeting closes.

#### SECTION VI.

##### OFFICERS OF THE COUNCIL.

##### § 1.—General provisions.

**74.** The council may appoint, dismiss and replace an inspector and all such officers, employees, constables and policemen as are necessary to carry out the laws, by-laws and ordinances, and allow them, for their services, such salary, remuneration and compensation as it may deem fit.

Council may appoint, etc. officers, &c.

**75.** It may appoint a rural inspector who shall be subject to the provisions of the Municipal Code governing rural inspectors, *mutatis mutandis*.

Rural inspector or.

**76.** After their appointment and before entering into office, the municipal officers or employees, constables, officers and men of the police force and other officials, shall take oath according to form A, to well and faithfully perform the duties of their respective offices.

Oath to be taken before entering into office.

The omission during ten days to take such oath of office, shall constitute a refusal to accept the office for which the oath is required.

Effect of omission to take oath.

**77.** The council may require of all persons employed by it, in any capacity whatsoever, such security as it may deem sufficient to secure the due execution by such persons of the duties which devolve on them.

Security may be required.

**78.** All officers and employees of the council shall remain in office during good pleasure only.

Officers appointed during pleasure.

The council may remove them without any other compensation, than the proportion of their salaries or emoluments due at the time of their removal.

Removal of officers.

**79.** The council may, by by-law, define the duties, not defined by this act, of its officers, employees, police officers and constables, and impose penalties or fines upon them for neglect in the performance of their duties,

Duties of officers may be defined, &c.

**80.** Whenever an act or proceeding must be executed by more than two municipal officers, it may be validly executed by the majority of such officers, save in special cases otherwise provided for.

Majority may perform duties if more than two.

Books, &c., to be delivered up by officer retired from service.

**81.** Every municipal officer, who has ceased to discharge the duties of his office, is bound to deliver, within eight days next following, to the mayor, or at the office of the council, all the moneys, keys, books, papers, insignia, documents, archives and other things belonging to the council.

Representatives, &c., to deliver up books, &c., of deceased, &c., officer.

**82.** If any municipal officer dies, or absents himself from the town, his representatives or heirs are bound, within one month from his death or absence, to deliver to the mayor, or at the office of the council the moneys, keys, books, papers, insignia, documents, archives and things belonging to the council, and which he had in charge in the execution of the office so held by him.

Recourse of corporation.

**83.** In the case of the two preceding articles, the council is entitled, in addition to any other legal recourse whatsoever, to recover, by process of revendication, from such officer or his representatives, all such moneys, keys, books, insignia, archives or other things, with costs and damages.

The council may exercise the same rights and obtain the same remedy against all other persons having in their possession, and refusing to deliver up such things.

Coercive imprisonment may be asked for.

**84.** In the exercise of its legal rights and recourse provided for in the preceding article, the council may conclude for coercive imprisonment, which may be ordered against the defendant who has been condemned.

Reports by secretary-treasurer and others to council.

**85.** The secretary-treasurer, and all other officers and employees of the corporation, are bound to give an accurate report in writing, and in the manner determined by the council, to the council or any authorized person, upon all matters connected with their respective duties, and to render an account of the moneys collected by them and of those expended or disbursed by them for the council and under its control, specifying the objects for which such moneys were so paid or disbursed.

Action to account.

**86.** The council may bring an action to account against any employee responsible for corporation moneys, and such employee shall, if need be, be condemned to render account, to pay the sum which he is declared to owe, with interest and costs of suit.

Judgment thereon carries coercive imprisonment.

Every such judgment carries with it coercive imprisonment, and does not stay criminal proceedings for malversation, embezzlement or other offences.

## § 2.—*Secretary-treasurer.*

Keeper of archives.

**87.** The council shall always have an officer as keeper of its office and archives.



**88.** Such officer is styled the "secretary-treasurer." Name of officer and his

He takes the oath of the office before the mayor or a justice of the peace. oath.

**89.** As soon as he is appointed, the secretary treasurer appoints under his hand, with the authorization of the council, an assistant-secretary-treasurer, whose duties consist in replacing the secretary-treasurer in the event of illness, absence or other inability. Appointment of assistant-secretary-treasurer.

**90.** In the performance of his office, such assistant is vested with the same rights, powers and privileges, is subject to the same duties and obligations and liable to the same penalties as the secretary-treasurer. Rights, &c., of assistant.

**91.** The secretary-treasurer and his sureties are responsible for all the acts and omissions of the assistant-secretary-treasurer. Secretary-treasurer, etc. responsible for acts of assistant.

**92.** With the authorization of the council, the secretary-treasurer may dismiss and replace his assistant. Replacing of assistant.

**93.** The secretary-treasurer shall be the keeper of all the books, registers, plans, maps, archives and other documents and papers, which are the property of the council, or are produced, filed and preserved in the office of the council. Secretary-treasurer keeper of books, &c.

He is not to divest himself of the custody of such archives, except with the permission of the council, or upon an order of a competent tribunal. Not to divest himself of custody thereof, &c.

**94.** He must keep a register in which he enters summarily, by order of date, all reports, *procès-verbaux*, acts of apportionment, valuation rolls, collection rolls, judgments, maps, plans, statements, notices, papers and documents whatsoever, which come into his possession while he is in office. Register to be kept by him.

**95.** He shall attend at all sessions of the council, and draw up minutes of all the acts and proceedings thereof in a register kept for that purpose and called "register of proceedings." Attends sessions of council, &c.

**96.** All minutes of the sittings of the council are signed by the president and countersigned by the secretary-treasurer at the next following meeting. Minutes how signed.

**97.** Whenever a by-law or a resolution is amended or repealed, mention shall be made thereof in the margin of the register of proceedings, opposite such by-law or resolution, together with the date of the amendment or repeal. Entry in register when by-law, &c. amended.

The same mention is made in the book of by-laws.

Secretary-treasurer has charge of moneys.  
Deposits funds in bank.  
How withdrawn.

**98.** The secretary-treasurer collects and has charge of all moneys of the corporation.

He deposits all the funds of the city, in a corporate bank, and they cannot be withdrawn therefrom, except for municipal purposes, authorized by the council, upon a cheque signed by the mayor and secretary-treasurer.

How funds are paid out

**99.** He cannot pay out any of the funds of the city except upon an order of the council, or upon a written order signed by the mayor or two members of the finance committee.

Effect of possession of order to pay.

Such order, in the hands of the secretary-treasurer or treasurer, is *prima facie* evidence that the amount therein mentioned has been paid.

Secretary-treasurer's books of account.

**100.** The secretary-treasurer keeps, in due and proper form, books of account, in which he enters, by order of date, each item of receipt and expenditure, mentioning the persons who have paid moneys into his hands or to whom he has paid any.

Vouchers to be kept.

He keeps in his office all vouchers for expenditure.

Penalty against secretary-treasurer :  
Granting discharges without being paid ;

**101.** No secretary-treasurer can, under a penalty of twenty dollars for each infraction :

1. Grant discharges to rate-payers or other persons indebted to the corporation for municipal taxes or other debts, without having actually received in cash, or in lawful value, or in accepted bank cheques, the amount mentioned in such discharges ;

Lending corporation moneys.

2. Lend, directly or indirectly, by himself or by others, to rate-payers or other persons whomsoever, moneys belonging to the corporation.

Books, etc., open for inspection.

**102.** The secretary-treasurer's books of account and vouchers for his expenditure, together with all the registers or documents in his possession as archives of the council, are open for inspection and examination during office hours to all rate-payers of the municipality, or their attorneys.

Copies, &c., of books to be delivered on payment of fees.

**103.** The secretary-treasurer is bound to deliver, upon payment of the fees fixed by the council, to any person applying for the same, copies or extracts from any book, roll, register, document or other paper, which forms part of the archives.

To be authentic.

Such copies or extracts, when certified by the secretary-treasurer, are authentic.

Fees in default of tariff.

In default of a tariff established by the council, the secretary-treasurer may exact for such copies or extracts of and from documents, ten cents every hundred words, and fifty cents for every certificate at the foot of each copy or extract.

Every such extract and certificate shall be given without charge when the council or any of its officers require the same. If corporation &c., require copies.

**104.** The secretary-treasurer is bound to render an account in detail of his receipts and expenditure, whenever he is called upon by the council to do so, and to publish, fifteen days before the elections in every year, over his signature and that of the auditors, a report covering all the financial transactions of the corporation during the twelve months, from the first of January to the thirty-first of December, each year. Accounts by secretary-treasurer.

### § 3.—Auditors.

**105.** At the first session of the council after the annual elections, or as soon as possible, the council appoints two auditors, chosen from the rate-payers, who are not members or officers of the council, and who have no contract or bargain therewith. Appointment of auditors.

Before acting, they take the oath according to form A. Oath before acting.

**106.** The auditors, as often as the council may require, audit the receipts and expenditure of the secretary-treasurer, or treasurer, who is bound to account, as well as all the financial operations of the council. Duties of auditors.

### § 4.—Valuators.

**107.** The council may appoint valuers or assessors whose powers, rights, duties and obligations are set forth in articles 462 and following of this act. Appointment of valuers, &c.

## TITLE II.

### PERSONS QUALIFIED OR DISQUALIFIED FOR, OR EXEMPT FROM MUNICIPAL OFFICE.

#### SECTION I.

##### PERSONS QUALIFIED FOR MUNICIPAL OFFICE.

**108.** Every male resident of full age in the town, not declared disqualified by a provision of this act, shall be capable of discharging a municipal office therein. Qualification for municipal office.

#### SECTION II.

##### PERSONS DISQUALIFIED FOR MUNICIPAL OFFICE.

**109.** The following persons cannot be elected mayor or councillor nor perform the duties thereof; nor be appointed to nor fill municipal offices: Persons disqualified for municipal office.

1. Minors ;
2. Persons in holy orders, and the ministers of any religious denomination ;
3. Members of the Privy Council ;
4. The judges or magistrates receiving emoluments from the Federal or Local Governments or from the city ;
5. Officers on full pay of Her Majesty's Army or Navy, and the officers and men of the police force ;
6. Keepers of taverns, hotels or houses of public entertainment, or persons who have acted as such within the preceding twelve months ;
7. Whosoever has no domicile or place of business in the town for at least one year previous to the election or nomination ;
8. Whosoever receives any pecuniary allowance or other consideration from the corporation for his services, when he receives a monthly or yearly salary, or who has, directly or indirectly, by himself or his partner, any contract with the corporation ;  
Nevertheless, a shareholder in any incorporated company, which has any contract or agreement with the corporation, or which receives a bonus therefrom, is not disqualified from acting as a member of the council ; but he shall be deemed to be interested if any discussion should arise before the council or a committee with reference to any measure relating to such company ;
9. Whosoever cannot read or write fluently ;  
It shall not be sufficient that he can read print or write his name, or even do both ;
10. Aliens ;
11. The officer presiding at the election, or any person employed by the council or by such presiding officer in connection with an election ;
12. Any person convicted of treason or felony by any court of justice ;
13. Persons who are responsible for moneys belonging to the city, or who are sureties for any employee of the council ;
14. Public officers.

Real estate  
qualification  
for mayor or  
councillor.

**110.** No one can be elected or appointed mayor or councillor, unless he possesses in the city for at least twelve months, as owner, in his own name, or unless his wife separated as to property, possesses under registered title deeds, real estate to the value of one thousand dollars for the office of mayor, and five hundred dollars for that of councillor, after deduction of all debts affecting such real estate, the value whereof shall be established according to the valuation roll in force.

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

Declaration of qualification to be filed of required.

**112.** No person, surety for any secretary-treasurer or for any municipal employee, can be a member of the council of which such secretary-treasurer is the officer, before he is freed from all obligations to the corporation arising from his bond as surety.

Sureties not be members of council.

**113.** Whoever has been appointed to any municipal office for which he becomes disqualified during his exercise of such office, shall give, without delay, at the office of the council, a notice alleging the reasons of his disqualification and tendering his resignation.

Duty of person becoming disqualified while holding office to give notice.

Until such formality is accomplished, such person is to be deemed to have continued in the exercise of such office and is liable to all fines, prosecutions and other rights of action prescribed and authorized by this act.

If notice not given.

**114.** If the disqualification of a person appointed to a municipal office is notorious or sufficiently established, the council may, by resolution, declare the office of such person vacant, saving any recourse on the part of the person appointed.

If disqualification notorious.

The vacancy is then filled in the ordinary manner and within the delay prescribed.

Vacancy how filled.

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

Councillor to resign before being nominated as candidate for mayor.

#### SECTION III.

#### PERSONS EXEMPT FROM MUNICIPAL OFFICE.

**116.** The following persons may claim exemption from any municipal office :

Person who may claim exemption from municipal office.

1. Members of the Senate, of the House of Commons, of the Executive Council, and of the Provincial Legislature ;
2. Teachers engaged in their profession ;
3. Licensed pilots, persons engaged in navigation, and millers ;
4. Persons of over sixty years of age ;
5. Gaolers and keepers of houses of confinement, of correction, or of reformatory schools ;
6. All persons employed on railways.

Persons who have already discharged office within certain time.

**117.** Any person, having discharged any office under the council during the two years next preceding, may refuse to accept any office whatever under the same council, during the two years next after such service.

### TITLE III.

#### MUNICIPAL NOTICES.

Notices how drawn up, published and served.

**118.** Every notice given, under the provisions of this act, of the orders of the council, or for municipal purposes, is drawn up, and published or served, in accordance with the formalities prescribed in the following articles.

Notices public or special.

**119.** Every notice is either special or public, and shall be given in writing or be printed.

Service of special and publication of public notices.

Public notices are published ; special notices are served.

Attestation of copies.

**120.** Every copy of a notice which must be served, published or posted up, is attested, either by the person who gives such notice or by the secretary-treasurer.

Certificate of service, &c., publication.

**121.** The original of every notice shall be accompanied by a certificate of publication or of service, made by the person publishing or serving the same.

Original to be filed

The original of such notice and the certificate which accompanies it are filed, by the person who has given the notice, in the office of the council, to form part of the municipal records.

Service how effected.

**122.** Except in the case where the service is made by mail under article 124, the service of a special notice is effected by leaving a copy of the notice with the individual to whom it is addressed, in person, or with a reasonable person at his domicile, or at his place of business, even when occupied by him in partnership with some other person, during business hours.

Appointment of agent by absent proprietor.

**123.** Every owner of land or rate-payer, domiciled without the limits of the town, may, by a special notice filed in the office of the council, appoint an agent to represent him for all municipal purposes.

Powers of agent do not extend to voting.

Such agent, however, cannot represent his principal for the purposes of municipal elections, nor of voting on by-laws submitted for the approval of the electors who are proprietors under articles 303 and following.

Service of notice upon agent.

**124.** The special notice addressed to an absent proprietor or rate-payer, who has appointed an agent residing in the town, is served on such agent.

If an agent has not been appointed, the notice is served by lodging in the post office of the town a copy thereof in a sealed and registered envelope addressed to the absent proprietor or rate-payer if his address is known.

If no agent appointed.

**125.** No one is bound to give a special notice to any absent proprietor or rate-payer who has not appointed an attorney or agent, unless such proprietor has made known his address in writing by filing the same in the office of the council.

Notices need not be given to absent proprietors without agent, etc.

**126.** Special notices cannot be served, except upon juridical days and between the hours of seven in the morning and seven in the afternoon.

Services when to be effected.

**127.** If the doors of the domicile or place of business, where service of a special notice should be made, are closed, or if there is no reasonable person therein, service is effected by affixing a copy of the notice on one of the doors of such domicile or place of business.

If doors, &c., closed how service effected.

**128.** Unless otherwise provided for, the publication of a public notice for municipal purposes shall be made by posting up a copy of such notice, at the places in the town determined by resolution of the council.

Publication of public notices how effected.

In default of such resolution, the public notice is posted upon the door of the Roman Catholic parish church, and in the public hall of the post-office and on the portion of the secretary-treasurer's office devoted to the public.

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

Public notice to be in both languages; how given and published in newspapers.

One insertion is sufficient.

One insertion only.

**130.** The council or the person giving the public notice may have it published in two newspapers in accordance with the preceding article.

Notice may be published in two newspapers.

**131.** Except in cases otherwise provided for, the intermediate delay after a public notice dates from the day on which such notice has been made public.

Intermediate delays on public notice.

If it is ordered that the notice must be published in a newspaper, the intermediate delay dates from the day of the first insertion of such notice in the newspaper.

In all cases the day on which the notice was made public does not count.

Day of publication not to count.

Public notices  
binding on  
all.

Exception.

**132.** Public notices are applicable to and binding upon proprietors and rate-payers domiciled out of the town in the same manner as upon residents, except in cases of expropriation and other cases otherwise provided for.

Effect of  
acquiescing  
in notice.

**133.** Any person who acquiesces in that which is required by a notice, or who, in any manner, whatsoever, becomes sufficiently acquainted with its tenor or object, cannot thereafter avail himself of the insufficiency or informality of such notice, or of the omission of its publication or service.

## TITLE IV.

### MUNICIPAL ELECTORS

#### SECTION I.

##### PERSONS QUALIFIED AS ELECTORS.

Persons  
qualified as  
electors.

**134.** The following persons, being of the male sex and of the full age of twenty-one years, are entitled to be registered upon the electors' list for the town, and, when so registered, to vote at elections to be held under the provisions of this act, namely :

Proprietors.

1. Every person entered on the last valuation roll, in force, as the owner of immoveable property in the town of the assessed value of at least one hundred dollars as shown on the valuation roll.

If such immoveable property is owned by several persons *par indivis*, each of them shall be entitled to a vote in respect thereof, provided the proportion of the assessed value of the property, corresponding to his share thereof, amounts to a sum sufficient to qualify him as a voter ;

Tenants &c. ;  
of dwelling  
houses ;

2. Every person residing in the town whose name is entered on the last valuation roll in force as tenant or occupant of a house or part of a house in the town of the annual value of at least thirty dollars ;

Tenants &c.,  
of ware-  
houses &c. ;

3. Every person, entered on the last assessment roll in force as the tenant or occupant of any warehouse, counting-house, shop, office or place of business in the town, of the annual value of at least thirty dollars, even when such person does not reside and is not a householder therein.

This provision applies to any person belonging to a firm or association and whose proportion or share of the rent or annual value amounts to at least thirty dollars, even when such person does not reside and is not a householder in such ward.

But in either case, such person must himself occupy such warehouse, counting-house, shop, office or place of business.



4. The persons mentioned in § 4 of article 494 of this act and who are entered on the last valuation roll in force. Persons mentioned in art. 494 § 4.

**135.** In any case, in order to be qualified as municipal electors and to be entitled to vote at the elections under this act, the persons mentioned in the preceding article must moreover comply with the following conditions : Certain conditions required.

1. They must have paid, on or before the previous thirty-first of December, all municipal claims due either in their own name or in that of their wives ; Payment of taxes, &c.

2. They must also at the time the electoral list is made up, have the status and condition specified on the valuation roll and which qualify them as electors. Status required.

**136.** The secretary-treasurers of the schools of the town are, under penalty of a fine of fifty dollars, bound to furnish the secretary-treasurer of the council, within the first five days of each year, with a certified list of the persons who have paid their school taxes on or before the previous thirty-first of December. List of persons who have paid school taxes to be furnished to secretary-treasurer.

## SECTION II.

### LIST OF ELECTORS.

**137.** Before the fifteenth of January in each year, the secretary-treasurer is bound to make for the town an alphabetical list of the names of the persons who, according to the books and list supplied by secretaries of schools appear to have paid all their municipal and school dues up to the thirty-first of the previous December, inclusively, and who, according to the valuation roll of the town then in force, appear to be electors under the terms of this act. List of electors when and how made.

**138.** If there be more than three hundred qualified electors, the secretary-treasurer divides the list of electors and makes a special list for each poll house following the alphabetical order according to the first letter of their family name, commencing with the letter A for poll number one, and so on. Division of list in certain cases.

**139.** In making such lists, the secretary-treasurer enters the name of an elector only on one list ; and shall not include the names of more than three hundred electors on any of such list. How names are entered on list &c.

**140.** In addition to the elector's name, the list must also mention his status, and especially the quality by reason of which he is an elector, if he is proprietor, tenant or professional man, indicating the profession. Contents of list.

Deposit of lists.	<b>141.</b> After having drawn up such lists, and certified their accuracy at the foot thereof, the secretary-treasurer deposits them in the office of the council.
Notice of deposit.	<b>142.</b> The secretary-treasurer forthwith gives public notice, which is posted and published, stating that such lists are filed in his office, there to remain open to the examination of the parties interested or their representatives, during the ten days next after the date of the publication of such notice.
Complaints.	<b>143.</b> In such space of ten days, any person having any ground of complaint in respect of such lists or of any one of them, personally or for another, may complain thereof, by giving to that end a written notice to the secretary-treasurer, specifying the grounds of his complaint.
When to be received.	<b>144.</b> No application for the insertion or striking of a name on such lists, is accepted in the office of the secretary-treasurer, after four o'clock in the afternoon of the tenth day after the date of the notice mentioned in article 142.
Hearing of complaints before revisors.	<b>145.</b> At seven in the evening of the tenth day mentioned in the previous article, a board of revisors, composed of three members of the council, previously appointed by the council for the purpose, or, in default of the council, by the mayor, proceed to the revision and amendment of the lists, in the office of the council.
Proceedings.	It shall proceed without delay and adjourn from day to day if necessary until the list is finally revised.
Revisors to act together, &c.	<b>146.</b> Such three revisors act together under their oath of office as councillors, and under the chairmanship of one of them.
Secretary of board.	The secretary-treasurer acts as secretary of the revisors.
Penalty.	They are obliged to perform the duties of their office under the penalty of a fine of fifty dollars.
Appointment of other board, if first does not act.	<b>147.</b> If the three revisors do not meet on the day fixed, the mayor may appoint others who shall meet on the following evening, and, from day to day, at the same hour and at the same place until the revision of the lists be completed.
Revision by secretary-treasurer.	In default of the revision and completion of the lists, as aforesaid, within the five days preceding the election, the secretary-treasurer shall, under his oath of office, revise and complete the same before the election.
What board is to consider.	<b>148.</b> The board of revisors or the secretary-treasurer, as the case may be, shall take into consideration the written

complaints only, hear the parties interested, examine them together with their witnesses, under oath, maintain the lists or make the necessary additions and corrections thereto.

It may correct any errors and supply any accidental omissions made in such lists. Powers of board, &c.

The oath is administered to the parties and their witnesses by the chairman of the revisors or by the secretary-treasurer, as the case may be. Swearing of witnesses.

**149.** Every application for striking a name from the lists shall be served upon the party interested by a bailiff or constable, and a return of the service shall be filed with the complaint before the revisors. Notice to party whose name is to be struck.

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

**151.** Such lists, to the exclusion of all others, remain in force up to the entry into effect of the new lists drawn up in virtue of these provisions. Such lists to be then in force and for how long.

## TITLE V.

### GENERAL ELECTIONS.

#### SECTION I.

##### PRELIMINARY PROVISIONS.

**152.** The mayor is elected for one year, by the majority of the votes of the municipal electors of the town. Mayor to be elected for one year and by whom.

**153.** The councillors are elected for three years in each ward by the majority of the votes of the municipal electors of the town. Councillors, for three years, etc.

The present order of their renewal shall continue to be observed. Order of renewal

**154.** The duties of the members of the council who go out of office cease at the opening of the first general or special session held after the annual elections, and the duties of the newly elected members commence at that session, provided they are sworn. When duties commence and cease.

#### SECTION II.

##### DATE OF THE ELECTIONS.

**155.** The general elections are held annually in the month of February. Elections when to be held.

Nomination when and where to be held.

**156.** The nomination of the candidates shall take place on the third Monday of February, at the hour of ten in the forenoon, in a room in the city hall, in default of any other place indicated by the council.

Poll when to be held.

**157.** When a poll is necessary, it shall be held from the hour of eight in the morning to five in the evening on the Monday of the following week or the day of the week corresponding to that of the nomination, if such nomination did not take place on the Monday.

SECTION III.

HOLDING OF ELECTIONS.

§ 1.—*Convening the electors.*

Notice of elections.

**158.** At least eight days before the nomination of candidates for the office of mayor and of councillors, the mayor, and in his default the pro-mayor, and in default of both, the secretary-treasurer shall give public notice published and posted, announcing such election, and calling together a general meeting of the electors for the nomination of such candidates.

Meeting to be held, though no notice given.

Penalty.

**159.** The omission to give such notice, does not prevent the meeting of the municipal electors from being held; but the persons who are bound and who have neglected to give such notice, each incur a fine of twenty dollars, payable to the corporation.

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

Appointment of officer to preside.

**160.** The council appoints one of its members to preside at the election, in default of which the secretary-treasurer, *ex-officio*, presides at every municipal election.

Election clerk and his duties.

**161.** The presiding officer appoints an election clerk to assist him in the performance of his duties relative to the elections; and, if the presiding officer be absent or unable to act, the election clerk performs the duties of the presiding officer and is liable to the same penalties.

His oath.

The election clerk makes oath to well and faithfully perform the duties of his office.

Duty of presiding officer.

**162.** The presiding officer presides at the general meeting on nomination day, and shall remain, as much as possible, at the city hall on polling days.

Acts on oath of office.

**163.** The presiding officer acts, as such, under his oath of office as member or officer of the council.

**164.** He has the same powers as a justice of the peace, Powers as justice of the peace. and may exercise the same throughout the municipality, from eight o'clock in the morning, of the nomination day until nine o'clock of the following morning, if there be no poll.

In the contrary case, he may exercise the same until nine o'clock in the morning of the second day after the polling.

**165.** At the opening of the meeting, the presiding officer or the clerk reads the notice convening the meeting, if such notice was published, and, if otherwise, he informs the electors of the object of the meeting. Duty of presiding officer at opening of meeting.

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

**166.** The presiding officer receives the nomination papers, Nomination of candidates. and nominates the candidates proposed by such nomination papers.

**167.** The nomination paper shall contain the names, surnames, quality and residence of each candidate. Contents of nomination paper.

For the office of mayor, as for the office of councillor, it shall be signed by at least ten qualified electors of the town. Number to sign.

**168.** The nomination paper shall be accompanied by an affidavit by a rate-payer, other than the candidate, who shall attest the same under oath before the presiding officer, the secretary-treasurer or a justice of the peace, setting forth that the signatures to the said paper, or at least the required number thereof, have been affixed in his presence. Attestation of signatures.

**169.** The presiding officer shall, at the request of any elector, ascertain whether a sufficient number of qualified electors have signed the nomination paper. Nomination paper may be examined for certain purposes.

If the number be insufficient, the paper may be corrected, provided there be time enough to do so. Correction thereof.

**170.** If, at the expiration of one hour from the opening of the meeting, there be nominated only the number of candidates required for any of such offices, such candidates shall be elected *ipso facto*, and the presiding officer shall pronounce them so elected. Unopposed candidates.

**171.** If more than the required number of candidates be nominated for each such office, an election shall be held for such office in the manner required by this act. Polling, if there is contestation.

No one can be voted for and elected unless he has been previously nominated as aforesaid. Voting limited to persons nominated.

Appointment  
by Lieutenant  
Governor.

If no candidate is nominated, the Lieutenant-Governor may make such nomination.

Publication of  
names of can-  
didates.

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

#### SECTION IV.

##### VOTING.

### § 1.—*Election officers.*

Appointment  
of other elec-  
tion officers.

**173.** In addition to the presiding officer and election clerk, appointed under articles 160 and following, other election officers shall be appointed as hereinafter provided.

Deputy-pre-  
siding-officer.

If the council has not already done so, the presiding officer shall appoint a deputy-presiding-officer for each poll house.

Poll clerk.

He shall also appoint a poll-clerk for each poll.

Oath.

Both these officers shall take the oath of office.

Poll for three  
hundred elec-  
tors.

There is a poll house for every three hundred electors.

Appointment  
of replacing  
officers in cer-  
tain cases.

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

Services of  
presiding offi-  
cer gratui-  
tous.

**175.** The presiding officer shall perform his duties without remuneration.

Payment of  
other officers.

The deputy-presiding-officers shall be paid four dollars, and the poll-clerks two dollars.

Fine on officer  
infringing  
act.

**176.** Every person acting as deputy-presiding-officer or poll-clerk at any poll, who shall maliciously infringe the provisions of this act, by receiving and registering any vote which is declared inadmissible, or refusing to receive a legal vote shall, for each offence, incur a penalty of twenty dollars for each vote, and, in default of payment, an imprisonment of one month.

### § 2.—*Polls.*

Polls, when  
and where  
established.

**177.** The council may order that polls be held in different places in the town, and in such case the presiding officer shall, in due time, select the places required for the polls.

If the council does not so decide, the polls shall be held in the public room of the town hall.

In public room of town hall &c.

**178.** The public room is, in such case, divided by means of screens or portable partitions into as many compartments as there are to be polls.

Division of public room in polling compartments.

At each of such polls there shall be a separate compartment into which the elector, screened from view, can go without intimidation or interference and deposit his ballot paper or papers in an envelope.

Separate compartment for electors.

**179.** In the event of the polls being established in different places in any ward, the places selected by the presiding officer for such polls must be easy of access with a door for the admission of the electors and, if possible, another door by which they may leave after voting.

If polls in different places. Doors.

These places must likewise have one or two compartments so arranged that the elector may, as stated in the preceding article, deposit in secret his ballot paper or papers in an envelope.

Compartments.

The electors can vote only at the poll where they have a right to vote, and where the list of electors containing their names is deposited.

Where elector's vote.

**180.** The electors vote for one of the candidates for the office of mayor and for one of the candidates for the office of councillor of each ward.

Vote for mayor and one councillor for each ward.

**181.** If there be more than one councillor to elect for a ward, the electors may vote for as many candidates as there are offices to fill.

If more than one councillor to be elected.

**182.** Every municipal elector who votes more than once for the election of the mayor or for that of a councillor is liable to a fine of fifty dollars or in default of payment to an imprisonment of two months.

Penalty for voting illegally.

**183.** In all cases, the qualification required of electors is established by the list of electors.

Proof of qualification.

The electors must, however, have paid all municipal and school dues as required by this act.

Payment of dues.

**184.** Within two days after the final addition of the votes, the presiding officer shall give special notice of his election to each member of the council who has been elected.

Notice to members elected.

**185.** The absence of such notice shall not have the effect of invalidating the election nor of preventing the member elect from taking his seat.

Absence of notice.

Notice what to contain.

**186.** The notice shall mention the date, hour and place which the presiding officer shall fix for the first session of the council after the elections, which session shall be held within the eight days following such elections.

Report of presiding officer.

**187.** Within eight days next after the close of the election, the presiding officer shall draw up a faithful report of his proceedings, and shall forward it to the office of the council, together with the original notice to the candidates elected, with a copy or duplicate of the certificate given.

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

Election expenses.

The election expenses are paid by the corporation.

### § 3.—*Good order at elections.*

Additional powers of presiding officer.

**188.** In addition to the powers conferred upon the presiding officer by article 164 of this act, he shall, for the purpose of maintaining peace and good order, have the right and power to swear in as many special constables as he may deem advisable.

Presiding or deputy-presiding officer may require assistance.

**189.** The presiding officer or deputy-presiding-officers may, for the same purpose, by a verbal or written order, require the assistance of any justice of the peace, constable or other person residing in the town.

Licensed liquor shops, &c., to be closed during election.

**190.** During the whole time that the polls are open and for two hours after they are closed, it is forbidden for any person keeping or tavern or licensed house for the sale of spirituous or fermented liquors in the town and for their clerks or employees to sell or give any drinks or spirituous or fermented liquors to any person, under a penalty of a fine of one hundred dollars or of three months' imprisonment in default of payment.

Penalty.

Gift of liquors also prohibited.

Every person, who sells or gives any spirituous or fermented liquors during the election, shall be liable to the same penalty.

### § 4—*Case when the elections are not held on the day appointed.*

Provision if election not held at proper time.

**191.** If it happens that the annual general elections do not take place at the time specified in this act, it shall be the duty of the councillors who do not retire from office, or the majority thereof, to assemble without delay to fix the days on which the nomination and the holding of the poll shall be held.

Notice of election.

The days so fixed shall be the soonest possible, and public notice of the election, which it is not necessary to insert in the papers, shall be given one clear day before the nomination.



**192.** If within fifteen days next after that on which the general elections should have taken place, the councillors who do not retire from office have not complied with the preceding article, each of them shall be liable to a penalty not exceeding twenty dollars. Fine on aldermen not complying with previous article.

In such latter case, it shall be the duty of the mayor in office or of the person who shall have last discharged the duties of mayor, under a penalty of one hundred dollars, to fix the days of the election and to give the notice required by the preceding article. Whose duty it then is to fix day for election.

**193.** If the mayor does not act in the manner mentioned in the preceding article, the Lieutenant-Governor may name a person and direct him to hold the elections or may himself appoint the mayor and councillors to be elected. Appointment by Lieutenant-Governor if mayor does not act.

#### SECTION V.

#### BALLOT.

#### § 1.—*Preliminary formalities.*

**194.** When a poll is necessary for the election of a mayor or councillor, the presiding officer shall, on or before the morning of voting, give to each of the deputy-presiding-officers the list, or a copy of the list, of the electors who are entitled to vote at the polls for which the deputy-presiding-officers are appointed, and deliver to each of them a sufficient number of envelopes to be used for the votes, a ballot box to receive the envelopes containing the ballot papers, a poll book, and a sufficient number of blank forms of the certificates and reports required and every thing required for a poll. Voters list, &c., to be supplied to deputy-presiding-officers.

**195.** Such ballot box shall be made of durable material, with lock and an opening in the top sufficient for the introduction of an envelope, and so constructed that the envelopes cannot be withdrawn without opening the box. How ballot box is to be made.

**196.** The ballot papers consist of papers, three inches square, on which are printed the names and description of the candidates as entered on the nomination paper with the word "Mayor," if it be for the election of mayor or "councillor for.....ward," if it be for the election of a councillor. Ballot papers, their contents and form.

Every ballot paper must be stamped with the seal of the corporation. To be stamped.

There must be a ballot paper for each candidate.

One for each candidate.

**197.** The ballot papers for the election of the mayor are printed on white paper and those for the election of coun- Color of ballot paper.

cillor on coloured paper, the colour to be the same for the ballot papers of the candidates in all the wards.

Duty of secretary-treasurer as to printing of ballot papers, &c.

**198.** The secretary-treasurer or, in his default, the presiding officer, shall, immediately after the nomination, cause to be printed, in the name of each candidate and at the expense of the corporation, at least twice as many ballot papers as there are electors inscribed on the list of each poll, and shall also procure the necessary envelopes to supply the deputy-presiding-officers, which envelopes shall be made of strong paper and measure two inches and a half by three inches and a half.

To deliver to candidates ballot papers.

**199.** Two days at least before the voting, the secretary treasurer, or in his default the presiding officer, causes to be delivered to each candidate or to his authorized agent a sufficient number of ballot papers with the name and description of such candidate to enable them to supply the electors.

To deliver ballot papers to electors applying for them.

**200.** The secretary-treasurer shall also keep, in his office during the voting and during at least the two preceding days, a sufficient number of ballot papers, deposited separately in as many small boxes as there are candidates and shall deliver them to any elector who applies for the same.

If not enough ballot papers printed presiding officer to have ballot-written.

Ballots written to be initialed, &c.

**201.** If there be not enough ballot papers printed for any of the candidates, the secretary-treasurer, or in his default, the presiding officer shall have ballot-papers written out in the same form as the printed ones.

However, such written ballot papers shall be initialed by the secretary-treasurer or by the presiding officer, as the case may be.

Printed directions.

**202.** The presiding-officer shall also furnish to each deputy-presiding-officer at least three copies of printed directions for the guidance of voters in voting

Posting of same.

The deputy-presiding-officer shall, on the day of the voting, at or before the opening of the poll, cause copies of such directions to be posted up in some conspicuous place outside of the poll and also in each compartment of the poll.

Oath of deputy and poll clerk.

**203.** The deputy-presiding-officer and the poll clerk shall respectively take the oaths prescribed for them, according to form A.

Before whom oath taken.

The deputy-presiding-officer takes the oath before the presiding-officer or the secretary-treasurer and the poll clerk before the deputy-presiding-officer.

**204.** Every candidate has the right to be present during the hours of voting at any poll ; but he may have himself represented by a person bearing an authorization signed by him. Candidate or representative may be present at poll, or one or two electors.

In default of an agent, one or two electors may represent a candidate upon their application to that effect.

### § 2.—*Voting.*

**205.** At the hour fixed for opening the poll, the deputy-presiding-officer and the poll clerk shall, in the presence of the candidates, their agents, or the electors present, open the ballot box, and ascertain that there are no ballots or other papers in the same. Proceedings previous to voting.

The box shall thereafter be at once locked, and the deputy-presiding-officer shall keep the key thereof. Box to be locked.

**206.** Immediately after the box is locked, the deputy-presiding-officer calls upon the electors to vote, and it shall be his duty to facilitate the admittance of every elector into the poll, and to see that he is not impeded or molested in or about the poll. Commencement of voting.

**207.** Each elector, being introduced, one at a time for each compartment, into the room where the poll is held, shall declare his name, surname and addition, which shall be at once recorded in a poll book to be kept for that purpose, in the usual form or such form as the council may adopt, by the deputy presiding-officer or poll-clerk. Mode of voting.

**208.** Before presenting himself at the poll to vote, the elector must have procured the necessary ballot papers. Elector to procure ballot paper.

**209.** The elector, on entering, must hold his ballot paper folded so that the name cannot be read. Ballot paper to be folded.

**210.** If his name is on the list of electors for the poll at which he presents himself to vote, the elector receives from the deputy-presiding-officer an envelope on the face of which the latter has previously placed his initials. Envelope initialed by deputy to be given to elector.

**211.** The deputy-presiding officer at each poll or his clerk shall, if thereunto required by a candidate or his representative or by an elector, tender to any person who presents himself to vote the following oath or affirmation : Oath to be taken.

- “ You swear (or affirm) :
- “ That you are of the full age of twenty-one years ;
- “ That your name is the same as that entered on the list of municipal electors ;
- “ That you have a right to vote at this election ;

"That you have not voted before for the office or offices to be filled at this election ;

"That you have not been guilty of any corrupt practice which disqualifies you from voting at this election ;

"That all your municipal and school assessments, taxes and dues which were exigible, were paid on or before the thirty-first of December last ;

"That you have not received or been promised any thing, for yourself, either through your wife or through any member of your family, or any of your friends, either directly or indirectly, to induce you to vote at this election, and that you have not already voted at this election, (of mayor or councillors as the case may be) ;

"That you have not acted nor intend to act in the interest of any candidate at this election, either as paid carter or paid canvasser, with a view of obtaining any thing for your trouble : So help you God."

Refusal to swear.

**212.** No envelope shall be given by the deputy-presiding-officer to any elector, who shall have refused to take the oath or affirmation mentioned in the preceding article, when thereunto required, or who having taken the same, shall not have answered in the manner prescribed ; and the vote of such elector is rejected and he cannot be allowed to present himself again to vote at the same election.

Oath exacted by deputy-presiding-officer.

**213.** Whenever any deputy-presiding-officer has reason to know or believe that any person, presenting himself to vote, has already voted at the election, or that such person desires to vote under a false name or designation, or falsely gives himself out or represents himself as entered upon the list of electors, such deputy-presiding-officer, whether he be required to do so or not, shall administer to such person the oath or affirmation authorized by law.

Placing of ballot paper in envelope.

**214.** The elector, on receiving the envelope from the deputy-presiding-officer, proceeds at once to the compartment set apart for the purpose and there places in the envelope the ballot paper or ballot papers in favor of the candidate or candidates, if there be more than one office to fill, for whom he wishes to vote.

Deposit of envelope containing ballot paper.

He shall at once bring back the envelope containing the ballot papers to the deputy presiding officer, who, after having ascertained that the envelope is the same as that supplied to such elector, and that it bears no mark made by the elector, deposits it in presence of the elector in the ballot box.

Envelope not to be sealed.

The envelope must not be sealed or pasted.

Spoilt envelopes.

**215.** If, by inadvertence, the elector has spoiled or torn the envelope supplied him, he is entitled to have another on returning the first one.

**216.** The elector must not make any mark on the ballot papers or on the envelope nor tear or injure them in any manner.

No marks, &c., on ballot papers or envelope.

**217.** The poll clerk shall enter in the poll book, opposite the name of each elector presenting himself to vote, and in the order in which they present themselves :

Entries in poll book.

1. The word "voted," as soon as the elector's ballot paper shall have been deposited in the ballot box ;

2. The word "sworn" or "affirmed," if the elector has taken the oath or affirmation ;

3. The words "refused to be sworn" or "refused to affirm," if the elector has refused to take the oath or affirmation ;

4. And shall designate, by a special mark on the list of electors, the names of those who have voted.

Entry on list of electors.

**218.** If a person, representing himself to be a particular elector named on the list of electors, applies for a ballot paper after another person has voted at such election, the applicant, upon taking the oath specified in article 211, shall be entitled to vote as any other elector.

Elector, in whose name another has voted, may vote on taking oath.

Mention shall be made in the poll-book of the fact, as well as of the oath, taken by such voter, and of any objections made to such vote, by entering the name of the candidate on whose behalf such objections have been raised.

Mention of oath and of any objections.

**219.** Whenever the deputy-presiding-officer shall not understand the language spoken by any elector claiming to vote, he shall wear an interpreter.

Interpreter.

**220.** Every elector shall vote without undue delay and shall quit the poll as soon as his envelope has been put into the ballot box.

Delay to be avoided.

**221.** No elector shall be allowed to take his envelope out of the poll under the penalty of being *ipso facto* deprived of his vote, and further of incurring a penalty not exceeding twenty dollars or imprisonment not exceeding one month, in default of payment.

Elector not to take envelope out of poll.

Penalty.

**222.** Whosoever :

Penalties for certain acts.

1. Voluntarily deceives an elector by giving him a ballot paper other than that he has asked for ;

2. Spoils, tears or marks a ballot paper with intent to cause the vote of an elector to be cancelled or lost ;

3. Substitutes another ballot paper for that which an elector holds, with intent to cause his vote to be lost or cancelled ;

4. Prints or causes ballot papers to be printed without being thereto authorized by this act or supplies them to the electors with intent to deceive them and have their votes lost or cancelled ;

Incurrs a penalty of one hundred dollars and, in default of payment, an imprisonment of three months.

Elector not to be induced to show ballot-paper.

**223.** No one shall directly or indirectly induce an elector to show him his ballot paper, when such elector presents himself to vote.

Interference prohibited.

**224.** No one shall interfere or attempt to interfere with an elector when he places his ballot papers in the envelope to vote, nor otherwise endeavour to ascertain the name of the candidate in whose favour an elector intends to vote or has voted, under penalty of a fine not exceeding fifty dollars or, in default of payment, an imprisonment not exceeding two months.

Secrecy as to voting.

**225.** Every election officer, candidate, agent and elector in attendance at a poll, shall maintain and aid in maintaining the secrecy of the voting at such poll.

Secrecy as to electors who have or have not voted.

None of such persons shall communicate, before the poll is closed, any information as to whether any person on the list of electors has or has not voted at that poll.

No information as to name of candidate voted for.

**226.** No election officer, candidate, agent, elector or other person, shall communicate, at any time, to any person, any information obtained in a poll as to the name of the candidate for whom any elector is about to vote or has voted.

Penalties.

**227.** Whoever act in contravention of any of the provisions of the two preceding articles shall be liable to a penalty not exceeding fifty dollars, or imprisonment not exceeding two months in default of payment.

Penalty for certain offences as to envelope, &c.

**228.** Whoever fraudulently puts or attempts to put in a ballot box any paper other than the envelopes which he is authorized by law to put in, or who puts into an envelope containing ballot papers, or papers to be used in voting, any paper or object for the purpose of causing such elector to lose his vote, incurs, for such offence, a fine not exceeding one hundred dollars or, in default of payment, an imprisonment not exceeding three months.

Vote not to be disclosed.

**229.** No person shall, in any legal proceeding, be required to state for whom he has voted at any municipal election.

§ 3.—*Counting the votes.*

**230.** Immediately after the close of the voting, which Counting votes. takes place at half past five o'clock in the afternoon, the deputy-presiding-officer, in the voting room and in presence of the poll clerk, and of the candidates or their agents, or in the absence of any one of the candidates or their agents, in the presence of at least three electors, opens the box containing the envelopes; he counts such envelopes and examines them one after the other, withdrawing therefrom the ballot papers which he exhibits and a statement whereof he causes to be made by the poll-clerk, and afterwards replaces them in the envelopes.

**231.** The deputy-presiding-officer, in reading and counting the votes shall reject: Rejected ballot-papers, &c

1. All the ballot papers differing from those supplied by the secretary or presiding officer.

2. All those bearing any written words or any mark or indication which might give information as to those who give them, or which are not stamped with the corporation seal.

3. All those which he finds in an envelope containing a number of ballot-papers exceeding that which each elector could give.

4. Every envelope containing papers or ballots other than those which the elector could deposit at the poll.

**232.** After all the ballot papers have been counted, and the statement hereinafter mentioned of the number of votes given for each candidate and of the number of ballots rejected, has been made and verified, as well as a statement of all the envelopes containing ballots not rejected, such envelopes with the ballots they contain are made up in separate parcels as well as the envelopes containing the ballots objected to. Ballot papers counted and statement, &c., replaced in box.

Each parcel is designated, as the case may be, by the following words: "ballots counted," "ballots rejected" and "ballots objected to."

All these parcels, after having been endorsed, so as to indicate their contents, shall be put back into the ballot box.

Within one hour from the closing of the poll, the deputy-presiding-officer shall make a report to the presiding officer stating the number of the votes given to each candidate and the number of ballot papers rejected. Report to presiding officer.

**233.** The deputy-presiding-officer shall note any objection made by any candidate, his agent or any elector present, to any ballot paper found in the envelopes and shall decide any question arising out of the objection. Objections noted and decided.

Decision  
final.

His decision shall be final, and shall only be reversed on petition questioning the election or return.

Each objection shall be numbered, and a corresponding number placed on the back of the ballot paper and on the envelope containing it and initialed by the deputy-presiding-officer.

Statement to  
be made by  
deputy-pre-  
siding-officer.

**234.** The deputy-presiding-officer shall make out a statement indicating the number of the :

1. Accepted ballot papers and the number of envelopes ;
2. Votes given to each candidate ;
3. Rejected ballot papers and their envelopes ;
4. Ballot papers objected to and their envelopes.

He shall make and keep a copy of such statement and enclose the original in the ballot box.

Documents to  
be placed in  
box.

**235.** He shall also place in the ballot box all lists of electors used by him, after having written at the foot thereof a statement certifying the total number of electors who voted on such lists.

The poll-book, his commission, that of the poll-clerk, their oaths of office, and all other lists or documents that may have been used or required at such election, shall also be placed by the deputy-presiding-officer in the ballot box.

Locking and  
returning  
box.

**236.** The ballot box shall then be locked and sealed, and shall be returned to the secretary-treasurer.

Certificate of  
number of  
votes, &c.

**237.** The deputy-presiding-officer, on being requested so to do, shall deliver *gratis* to each candidate or his agents, or in their absence to the electors representing him, a certificate of the number of votes given for each candidate, and of the number of rejected ballot papers.

Secrecy at  
counting.

**238.** Every election officer, candidate, agent or elector, in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting.

None of such persons shall attempt to ascertain, at such counting, the name of the voter whose vote is given in any particular ballot paper, or communicate to any person whatever any information obtained at such counting in relation thereto.

Penalty.

Whosoever shall act in contravention of any provision of this article shall be liable to a penalty not exceeding fifty dollars or an imprisonment not exceeding one month, in default of payment.

#### § 4.—Close of the election.

Opening of  
boxes and

**239.** On the day following the election, at the hour of ten in the forenoon, the presiding officer, in the office of



the corporation, at the town hall, opens the ballot boxes in the presence of the secretary-treasurer and of two witnesses as also in the presence of the candidates, or their respective agents, if they are present, and ascertains the number of votes given at the polls for each candidate, from the statements found in the several ballot boxes returned by the deputy-presiding-officers.

He then replaces the ballot papers and envelopes in each parcel as he found them.

**240.** After the final counting of the votes, the presiding officer shall declare and proclaim elected as mayor the candidate who has obtained the largest number of votes and as councillor the candidate who has received the greatest number of votes as candidate for such ward ; in case there is more than one office to fill for the same ward, those of the candidates having respectively the majority over their opponents.

Proclamation of persons elected.

Such declaration shall be filed in the office of the council and form part of the archives.

To be filed.

**241.** After the final counting, the secretary-treasurer replaces in each ballot-box all the envelopes, ballot papers and papers contained in each box respectively, he closes and locks such boxes and keeps them in a safe place for at least forty days.

Ballot papers to be kept for certain time, etc.

After that time he may destroy what is not required, if the election is not contested.

**242.** If the ballot boxes, or any of them, have been destroyed, lost, or are not forthcoming, the presiding officer shall forthwith ascertain the cause of the disappearance of such ballot boxes, and shall procure from the deputy presiding-officer whose box is missing, or from any other person having the same, the lists, statements and certificates required by this act, or copies of such documents.

Proceedings in case of loss of boxes.

Each of such documents shall be verified on oath taken before the presiding officer.

**243.** If, in the case of the preceding article, the lists, statements, certificates, or copies thereof cannot be obtained, the presiding officer shall ascertain, by such evidence as he may be able to obtain, the total number of votes given to each candidate at the several polls, where ballot boxes are missing.

Manner of ascertaining number of votes given.

**244.** In case the presiding officer cannot ascertain to his satisfaction, who has been elected, the council, at its first session, appoints one of the candidates to the office, and the proceedings of the election for such office shall be void.

Council to appoint in certain cases.

Report of  
presiding  
officer.

**245.** In the case of the two preceding articles, the presiding officer shall state in his return the circumstances attending the disappearance of the boxes, and the means adopted by him to establish the number of votes polled for each candidate.

Proclamation  
of candidate  
elected.

**246.** The candidate who, on the final summing up of the votes, shall be found to have a majority of votes, shall be then declared elected.

Casting vote  
of presiding  
officer.

**247.** When, on the final addition of votes, an equality of votes is found to exist between any of the candidates, and the addition of a vote would entitle any one of such candidates to be declared elected, it shall be the duty of the presiding officer immediately to give, in presence of the persons mentioned in article 249, such additional or casting vote, by declaring in writing, signed by himself, for whom he votes.

No vote other-  
wise.

In no other case shall the presiding officer have the right to vote.

#### § 5.—*Final Provision.*

Council by  
by-law to  
make forms  
or schedules  
required for  
elections, &c.

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

### TITLE VI.

#### RECOUNT BY A JUDGE.

When and by  
whom recount  
may be  
applied for.

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

How to be  
applied for.

**250.** Such application is made to the judge of the Superior Court for the district of Iberville, by means of a petition accompanied by an affidavit made by a credible person to the effect that such person believes when the ballots were counted, that one of the deputy-presiding-officers or his poll clerk, did not properly count the ballots or improperly rejected some ballot papers or summed up the votes incorrectly.

Notice to be  
given of day  
fixed for  
recount, &c.

**251.** The judge, before whom the petition is brought, shall give notice to the candidates of the day and hour at which he will proceed to recount the votes, and he shall summon the presiding officer, election clerk and secretary-treasurer to appear before him, and order them to have

with them and produce the poll-books, electors' lists and the packages containing the envelopes and ballot papers, used at the election.

**252.** The judge shall proceed, summarily, to the re-  
count; in recounting the votes, he shall correct the origi-  
nal addition, if need be, and shall confirm or declare who is  
really elected, as the case may be, or in the case of an  
equality of votes refer the decision of the election to the  
vote of the presiding officer which is given in the manner  
prescribed by article 247.

Proceedings  
by judge.

**253.** The application for a recount, as aforesaid, shall ex-  
clude all other methods of contestation.  
The decision of the judge on such application shall be  
final and without appeal.

Application  
excludes  
other contest-  
ation.  
Decision  
final.

## TITLE VII.

### CONTESTATION OF MUNICIPAL ELECTIONS.

#### SECTION I.

##### GROUND FOR CONTESTATION.

**254.** Any election of a member of the council may be  
contested by any candidate or by five qualified electors on  
the ground of incapacity or of insufficiency of votes or the  
non-observance of essential formalities, or on the ground  
of violence, bribery and fraud committed by a candidate or  
by his authorized agent, or even by private individuals, if,  
in such case, the violence, bribery and fraud have so pre-  
vailed that there is reason to believe that they have  
affected the result of the election.

Grounds for  
contesting  
election of  
member of  
council, and  
who may  
contest.

#### SECTION II.

##### PROCEDURE.

#### § 1.—General Provisions.

**255.** The Circuit Court of the district of Iberville shall  
take cognizance of such contestation, and the costs shall  
be taxed accordingly as in non-appealable cases, notwith-  
standing the provisions of the following article, the effect of  
which is only to accelerate the procedure.

Jurisdiction.  
Costs.

**256.** The contestation is tried and decided summarily.  
The usual procedure before the Superior Court in pro-  
ceedings on prerogative writs shall be followed, in so far  
as the same may apply to the contestation and incidents  
connected therewith.

Proceedings  
summary.  
Procedure.

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.*

Contestation  
how made.

**257.** Such contestation shall be made by a petition 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.

Service of  
copy and  
notice of pre-  
sentation.

**258.** A copy of the petition, with a notice stating the day on which it will be presented, shall be served upon and left with 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.

Delay within  
which to be  
presented.

**259.** No such petition shall be presented or received after the thirty days following the date on which the contested election was held.

§ 3.—*Security.*

Security for  
costs.

**260.** The petitioners shall give security for costs before the service of the petition; otherwise such petition shall not be received by the court.

How to be  
put in.

**261.** The security required by the foregoing article shall be put in before the clerk of the Circuit Court.

Qualification  
of sureties.

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

One to suffice.  
Security by  
deposit.

One surety shall suffice.

The security may be given by means of a deposit of an equivalent amount of money or securities in the hands of the clerk in his office or sitting the court.

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

Presentation  
of petition.

**262.** The petition shall be presented in open court, or, if the court is not sitting, to a judge in chambers, together with the returns of the preliminary 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.

Defects in  
form, &c.

**263.** If any defects or irregularities in the formalities prescribed for the election are alleged in the petition a

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.

**264.** 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, he shall order proof to be adduced and the parties interested to be heard, on the day he deems the most convenient.

Proceedings, if allegations sufficient.

§ 5.—*Judgment and incidental proceedings.*

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

Power of judge.

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

Costs and their recovery.

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.

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

**267.** If, in consequence of the contestations raised in connection with such petition, it should become necessary to verify the addition of the ballots, 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.

Power of judge to order production of poll books, &c.

**268.** 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 to pay the whole or a portion of the costs, provided that, upon the order of the judge, he has been made a party to the case before the judgment was rendered.

Condemnation to costs of persons contributing to render election null.

**269.** 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.

Service of judgment.

**270.** 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

Term to be continued, if case not finished.

interruption during vacation, adjourning from day to day until he shall deliver his final judgment upon the merits of the contestation.

Case to be continued 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.

No other manner of contestation.

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

## TITLE VIII.

### BRIBERY AT ELECTIONS.

Persons guilty of bribery :

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

Electors receiving money :

1. Every elector who, directly or indirectly, at any time, before, during or after any municipal election in the said 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 ;

Candidates &c., giving rewards &c., to electors :

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

Electors agreeing for reward to favor election of candidate :

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

Receiving money ;

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

Coercing employees :

5. Every employer, foreman or person in charge of any establishment or works of any kind who threatens to dismiss or do any injury to his employee or to any employee ;

Hiring car-  
ters ;

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

Loaning  
waggons.

7. Any person who, for any money or any gift, reward, or promise, or other pretext, shall loan<sup>d</sup> his waggon or other vehicle to any candidate or other person for the

purpose of conveying electors to the polls during an election.

**273.** Whoever shall infringe any of the provisions of the 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 or the Superior Court, as the case may be, for the district of Iberville, or in default of payment imprisonment for two months.

Penalty for infringing article 272.

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

Loss of municipal franchise.

**274.** Every person who gives or causes to be given to an elector, because such elector has voted or is about to vote, any food, liquor or refreshments, or money to enable such elector to procure liquor or refreshments, is equally guilty of bribery and liable, for each offence, to a fine of ten dollars or, in default of payment to an imprisonment of one month.

Furnishing food, &c., to elector.

## TITLE IX.

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

**275.** There is a vacancy in the office of mayor or councillor in each of the following cases :

Vacancies in office of mayor or councillor.

1. In case of death ;
2. In case of an election being set aside ;
3. In the case provided by article 114 ;
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 and has complied with article 113 ;
11. 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, if not otherwise qualified ;

12. When a member of the council is unable to act for two consecutive months, on account of illness, infirmity, or other cause ;

13. In the case of a councillor being appointed by the council to replace the mayor whose office has become vacant under article 277.

Member may resume office in certain event and upon certain conditions.

**276.** Any member who has refused 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 cause, 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.

Filling vacancy in office of mayor or councillor.

**277.** When a vacancy occurs in the office of mayor or councillor, the council shall, at its first regular session or a special session, fill the vacancy, by resolution, either from amongst its members, and in default of members being duly qualified by a duly qualified elector, 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 replacing mayor or councillor.

In any case, the mayor or a councillor elected to replace another shall remain in office only for the time for which his predecessor was elected.

Vacancies within 30 days of general elections.

**278.** However, when any of the aforesaid offices becomes vacant, within thirty days preceding the date of the general elections, it remains vacant until the general elections when it is filled by means of an election by the electors.

## TITLE X.

### POWERS OF THE COUNCIL.

#### SECTION I.

##### GENERAL PROVISIONS.

Jurisdiction of council.

**279.** The council exercises its jurisdiction within the limits of the town, and it extends to the centre of the River Richelieu opposite the town and outside of the town in the cases provided for by this act, in so far as regards the health, good order and peace of the town.



**280.** The by-laws, resolutions and other municipal ordinances must be passed by the council in session. By-laws &c., how to be passed.

**281.** The council, in the exercise of its powers, must comply with the formalities required by the provisions of this act and the by-laws in force in the town. Formalities to be complied with.

## SECTION II.

### BY-LAWS OF THE COUNCIL.

#### § 1.—*General Provisions.*

**282.** 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. By-law to be signed to be authentic.

**283.** 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, and of the secretary-treasurer, establishing the fact of such approval, and such certificate shall form part thereof. Certificate to accompany certain by-laws.

The original of every by-law is written out at length in a special book intituled : "Book of by-laws of the council of the town of St. Johns"; such written by-law is signed by the mayor and countersigned by the secretary-treasurer. Entry of by-laws in register.

**284.** The secretary-treasurer may, however, instead of writing out the by-laws, cut them out of the newspapers in which they have been published and paste them on the leaves of the book of by-laws following those already entered therein; but, in such case, the by-laws must be signed and countersigned according to the requirements of the preceding article. May be pasted in book.

**285.** The by-laws are submitted in French or in English, and are translated only after they are adopted by the council and with a view to their publication. Language of by-laws and translation thereof.

The mayor or secretary-treasurer must, however, translate such by-laws orally, if any member of the council so requires.

**286.** It is not necessary that the by-laws be registered at length in the minute-book of the council; it is sufficient to designate them summarily in the motion made to adopt them. Entry in minutes of council respecting by-laws.

**287.** The certificate of the secretary-treasurer, stating that the necessary procedure and formalities have been Effect of secretary-treasurer's certificate.

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.

Several objects may be regulated by one by-law. One submission to electors suffices.

**288.** 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.

By-laws passed by majority. Exception.

**289.** The by-laws are adopted by the majority of the members of the council, except those which, in virtue of special provisions, have to be approved by a two-thirds majority.

Power of council respecting works ordered to be done by certain proprietors.

**290.** Whenever the council shall have passed any by-law or by-laws directing work to be done within the said town, and 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 upon the property as a special and privileged hypothec, without its being necessary to register the same, 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.

Fines may be imposed by by-law and imprisonment in default of payment.

**291.** In order to assure the execution of its by-laws, the council may impose for each infringement, a fine not exceeding one hundred dollars, besides the costs, and in default of payment of the fine and costs, an imprisonment not exceeding three months.

Fine &c., may be fixed by council.

**292.** The council itself may, in the by-laws, determine in an absolute and discretionary manner, the amount of the fine and the period of imprisonment.

If discretionary, minimum of fine and imprisonment.

However, when the fine and imprisonment are discretionary, such fine must be at least one dollar and such imprisonment for at least one day.

Continuous infractions.

**293.** If the infringement of a by-law continues, it constitutes, day by day, a separate offence, and the penalty decreed for such infringement may be inflicted for each day such infringement lasts.

Coming into effect of by-laws.

**294.** The by-laws of the council come into effect, 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.

**295.** In certain cases of urgency, the council may order that certain by-laws shall come into force immediately after their publication or within a delay of at least twelve days; but such by-laws must contain a proviso to that effect.

In cases of urgency.

**296.** The by-laws are published after they are passed, or after final approval when submitted for the approval of the municipal electors, by a single insertion in two newspapers published in the town, one in the English and the other in the French language.

Publication of by-laws.

If there should be in the town only newspapers published in one language, the insertion of the by-laws in one of such newspapers is sufficient.

If there be no newspaper published in the town, the by-laws are published by a public notice posted up in the usual manner and mentioning the object thereof, the date at which they were passed and the place where they may be consulted.

**297.** If the council so orders, the publication of the by-laws for the imposing of taxes under articles 494 and following may be effected merely by a public notice published and posted up.

Publication of certain by-laws.

**298.** If the by-law has been approved by the municipal electors, the observance of such formality, and the date upon which it was complied with must be mentioned at the foot of the by-law.

Mention, if by-law approved by electors.

**299.** 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.

**300.** By-laws passed by the council shall, when published, be deemed public laws within the town, and the judges or courts are bound to take cognizance thereof judicially.

By-laws to be public laws in town.

**301.** By-laws, which before coming into force and effect, must be submitted for the approval of the municipal electors, cannot be amended or repealed except by another by-law approved in the same manner.

Amendment of by-laws approved by electors.

**302.** 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.

Repeal &c., of by-laws.  
Notice of motion to that effect.

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

Proceedings of meeting held for approval of by-laws.

**303.** 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.

Notice convening meeting.

**304.** The general meeting of such electors who are real estate owners, is convened at least fifteen days beforehand by a public notice, published and posted up, 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

**305.** 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 and his duties.

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

Approval if certain time expire without poll being required.

**306.** If more than one half hour elapses after the reading of the proceedings without a poll being demanded, the by-law is deemed to be unanimously adopted by the rate-payers interested.

Who may require poll.

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

Granting of poll and when to be held.

Upon such requisition, the mayor or other person presiding shall, at once, grant such poll, which shall be opened and held on the fourth day thereafter from nine of the clock in the morning until the hour of four in the afternoon, and on the following day from ten in the morning until four in the afternoon.

Mayor etc. need not remain all the time during voting.

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

Voting.

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

Entry of voters and votes given.

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.

Taxes need not be paid to entitle to vote.

**310.** It is not necessary, in order to be entitled to vote, that the electors who are real estate owners should have paid their municipal dues.

**311.** 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.

Summing up  
of votes.

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

Certificate to  
be submitted  
to council.

If the council wishes to examine the poll books and the valuation roll, they shall be at once submitted.

Examination  
of poll books  
&c., by coun-  
cil.

**312.** The poll books, as well as the statement and certificate produced, shall be deposited in the archives of the council.

Poll books &c,  
to remain in  
archives.

**313.** All by-laws so submitted for the approval of the electors who are real estate owners, are only definitively sanctioned by a resolution of the council.

Definite sanc-  
tion of such  
by-laws.

#### SECTION III.

##### POWER TO PASS CERTAIN BY-LAWS.

**314.** The council may pass, amend, modify, repeal, replace and put in force all by-laws or ordinances necessary or useful for the internal government of the town, and with respect to the objects hereinafter enumerated.

Power to  
make by-law  
for internal  
government  
&c., of town.

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

**315.** 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 ;

Council may  
by by-law :  
Regulate  
debates,

Determine the date of the ordinary sessions of the council and the number of days they shall last ;

Fix sessions ;

Define the duties of the officers of the council which are not determined by this act.

Define duties  
of officers ;

##### II.—PUBLIC SAFETY.

**316.** 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 and buildings ; and compel the proprietors or occupants to cover them with a screen ; and declare by whom the cost of the raising of

Protect lives  
of inhabitants  
&c. ;

such chimneys shall be paid, and within what delay such chimneys shall be raised or repaired;

Regulate &c.,  
construction  
of houses ;

**317.** 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 ;

Prevent  
bakers &c.,  
having ovens  
unless con-  
nected with  
chimneys ;

**318.** 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 ;

Compel pro-  
prietors to  
provide fire-  
buckets &c. ;

**319.** 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 ;

Prevent per-  
sons entering  
out-house,  
with uncover-  
ed light, &c. ;

**320.** 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 ;

Prevent fires  
from being  
lighted in out-  
houses,

**321.** 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 ;

From being  
carried in  
streets ;

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

Compel  
owners to  
keep doors of  
hay-lofts &c.,  
shut ;

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

Compel  
sweeping of  
chimneys ;

**322.** 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 ;

Fine if chim-  
neys take fire  
after refusal to  
have 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 ;

**323.** Determine the precautions to be adopted in the sale of gunpowder or other explosive substance ; Regulate sale of gunpowder, etc ;

**324.** Regulate the manner in which quick lime or ashes shall be kept or deposited ; Regulate the keeping of quick lime ;

**325.** 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 ; Build stores, &c., for storage of oils, &c.

**326.** 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 ; Prevent setting off fire-works ;

**327.** The council may by simple resolution 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 ; Cause demolition of ruinous walls, &c ;

Whenever the person obliged to demolish or remove such walls, chimneys or buildings which the council orders to be demolished, neglects to comply with such order in the delay mentioned in the resolution of the council, the latter may have the same demolished or removed and recover the cost thereof before a competent court. Provide if not demolished after orders.

**328.** The council may, by by-law :

Prevent the erection of wooden buildings or fences in the municipality, or in any specified part thereof, and determine in certain cases the nature of the materials to be used for making roofs ; By by-law council may : Prevent erection of wooden buildings, &c. ;

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

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

**331.** Regulate or to prohibit the erection, use or working, in the town, of unhealthy, unwholesome, dangerous, obnoxious factories or establishments; and amongst others, soap and candle factories, and factories of a like nature, wherein the rendering of tallow is carried on, or of lime-kilns, of bone-boiling or bone burning establishments or of any oil or oil-cake factory, india rubber or oil-cloth factory, dyeing establishment, butchery, slaughter-house, tannery, brewery, distillery, gas-works, blue, glue or varnish factory, petroleum or coal-oil refinery or warehouse, roofing composition factory, fire-works' factory, friction-matches' factory, chemical works, alcohol rectifying establishment, and all other factories and workshops of any kind whatsoever, the working of which may endanger the public health or safety; and to prevent the working of similar establishments at present existing in the town; provided that such establishments at present existing in the town are not conducted in accordance with the provisions of any by-law of the town;

Impose fine for breach of by-law under previous article;

Notice before prosecution;

**332.** Impose a fine of one hundred dollars for the violation of any by-law made under the authority of the preceding article, and, in default of payment of the fine and costs by the offender, an imprisonment not exceeding two months, and a further fine of fifty dollars per day for each and every day the offender shall continue in the violation of such by-law; but, before any prosecution shall be instituted against any person who, at the time of the passing of such by-law carries on an establishment prohibited by such by-law, the council shall give to such person a notice of six months, to be signed by the secretary-treasurer; and such notice shall be valid, as well against the person accused of violating such by-law, as against any person who may afterwards acquire the business or manufactory complained of, or the property whereon the same is carried on;

Protect citizens, &c., at railway stations;

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

Prevent thefts, &c., at fires, &c.

**334.** Prevent thefts and depredations at fires, and punish any person who resists, opposes or ill-treats any member or officer of the council, while in the execution of the duty assigned to him by the council;

Regulate conduct of persons at fires;

**335.** 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 ladders, at all times upon their houses, in order the more easily to check the progress of fire;



**336.** Authorize certain persons to cause to be blown up 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 ;

Authorize buildings to be blown up at 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 may give orders if no by-law ;

**337.** 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 ;

Authorize formation of companies of firemen, &c ;

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

Provide for purchase of fire-engines, &c ;

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

Hold inquiries into fires ;

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.

Power to summon witnesses for the purpose ;

**339.** 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 city, 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 aforesaid ;

Authorize visiting of buildings to see if by-laws carried out ;

### III.—PUBLIC HIGHWAYS.

**340.** Repair, level, sweep, water and keep clean and in good order any street or a determined portion of a street or public square ;

Repair, &c., streets, &c. ;

**341.** Compel railway companies to keep in order the streets, portions of streets and public squares through which their trains run ;

Compel railway companies to keep streets, &c., in order. Proviso ;

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

Oblige proprietors to fence lands ;

Regulate fences ;

Prevent rebuilding of houses within line of street ;

Power to purchase encroaching land ;

Council may ;  
Compel removal of encroachments ;

Prohibit removal of houses, &c., through streets ;

Responsibility of persons removing, in damages, &c ;

Damages how determined.

Regulate posting of bills ;

Prevent posting, &c., of indecent placards, &c ;

Regulate awnings ;

Regulate signs, &c., and prevent

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

Regulate the manner of constructing fences between neighbors ;

**343.** Prevent any proprietor from rebuilding a house which has been demolished, upon the site which it occupied beyond the line of a street or public place ; provided that, during the course of one year, the council adopts proceedings in expropriation to acquire the part of the land which encroaches on the public street ;

The council may purchase the portion of the ground which encroaches on a street, or compel the proprietor to give up the same on receipt of a sufficient compensation.

**344.** The council may :

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 ;

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

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 ;

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 ;

**346.** Regulate and license the posting of bills and placards ;

**347.** 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 ;

**348.** Regulate the manner in which awnings shall be placed, and compel the owners thereof to remove them ;

**349.** Regulate awnings, signs, sign-boards, show-bills or show-boards, and prevent the pulling down or defacing

of the same, or the pulling down or defacing of printed or written notices lawfully posted up, or the defacing of private or other property by printed or other notices posted thereon ;

**350.** 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 ;

Prohibit the distribution of printed hand-bills or circulars at church doors on Sunday ;

Authorize removal of awnings, &c ;  
Prohibit distribution of hand-bills on Sunday ;

**351.** Lay out, open and maintain roads on the ice, on the Richelieu River opposite the town as far as the east bank, and regulate the traffic on the roads opposite the town, and those which start from or end at its limits, throughout the whole length of such roads ;

Lay out roads, &c., on ice on Richelieu river ;

**352.** 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 ;

Regulate laying telephone and telegraph wires, &c ;

**353.** Regulate and alter, by simple resolution, the height or level of the streets, subject to compensation, to be determined by arbitrators, to those who may suffer damage thereby ;

Regulate, &c., level of streets, &c ;

**354.** Regulate the planting, cultivation and preservation of ornamental trees in the streets, squares and parks of the town ;

Regulate planting of ornamental trees ;

Punish those who tear up or injure the trees ;

Punish those who injure the same ;

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

Order opening of new streets, &c ;

**356.** Cause to be prepared a plan of 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 notice thereof, mentioning that such plan is deposited in the office of the corporation for the information of all interested parties ;

Cause plans &c., of streets to be prepared, &c., have same deposited in office of corporation ;

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

Effect of notice and deposit of plan ;

the notice, upon the lot indicated on the plan as required to be used for locating, extending, opening or improving any public highway ;

Payment for  
land taken for  
streets ;

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 ;

Order widen-  
ing of streets,  
&c ;

**357.** Order that any street or fixed portion of a street or public square within the city be thereafter gradually widened to a specific width, to be mentioned in the said by-laws, and 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-laws, fix and determine ; and order that such improvement shall be made out of the funds of the town, or that the cost thereof shall be assessed in whole or in part upon the lands or parcels of land belonging to the parties interested in or benefited by such improvement ; :

Close, &c.,  
streets, &c ;

**358.** Close any street or fixed part of street or public square, and sell the land for the benefit of the municipal treasury, saving an indemnity if need be ;

Private streets  
not to be  
closed with-  
out consent of  
council.

**359.** No proprietor, who has opened or who with the approval of the council 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, at the expiration of ten years become the property of the town, without indemnity therefor from the council.

To become  
public after  
certain time.

#### IV.—SIDE-WALKS.

Council may  
make durable  
sidewalks  
upon certain  
petition ;

**360.** Upon a petition of the property owners of the town, the council may have side-walks made of asphalt or other substance, and apportion the cost of such work whether wholly or in part upon those who have required the same.

Upon certain  
petition may  
pave street  
&c., in as-  
phalt, &c ;

**361.** It may also, upon a petition of the majority of two thirds of the property owners in a street or part of a street pave such street or part of a street in asphalt or other substance, and charge the expense occasioned by such works or only a portion of such expense on the said proprietors.

May require  
removal of  
ce, &c.

**362.** The council may, by by-law, 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 specified delay and in the manner indicated by the council.

In case of refusal or neglect, the town surveyor may, after having given, through an employee of the council, a three hours' notice, either verbal or written, to the person in default, may have such work done at the expense of the person in default, which costs are payable without delay on the mere production of an account in detail.

In default of payment, the secretary-treasurer causes a warrant of distress to issue, which is executed in the ordinary manner.

#### V.—PUBLIC MARKETS.

**363.** 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 ;

Council may  
by by-law ;  
Establish, &c.,  
markets ;

**364.** Regulate the leasing of stalls and other places in and around the markets ; lease and concede the use of private stalls on such conditions and at such prices as may be determined in the by-law ;

Regulate  
leasing of  
stalls ;

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

Regulate sale  
of produce ;

**366.** Establish and maintain public scales and collect the revenue thereof ;

Establish  
public scales ;

**367.** Impose dues 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 ;

Impose dues  
upon wag-  
gons, &c.,  
with goods  
for markets ;

**368.** 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 ;

Impose dues  
upon vehicles  
on markets ;

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

Prevent sales  
of produce  
outside  
markets, &c ;

Restrict commerce of hucksters ;

**370.** 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 ;

Determine sale of articles by weight or otherwise ;

**371.** 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 ;

Impose dues upon street sellers ;

**372.** 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 ;

Regulate generally markets, &c ;

Generally, regulate what relates to the government of the public markets and the sale of all merchandize, farm produce and other articles of traffic in the town and outside of the same on the River Richelieu, within the limits above defined ;

Regulate weighing, &c., of lumber, &c.

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

Determine duties, &c., of weigh-house clerks, &c ;

**374.** 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 merchandize, 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.

Power of market clerks to enter yards &c.

**375.** The market clerks of the city 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 city to be sold or delivered.

#### VI.—SALE OF BREAD.

Council may by by-law :  
Regulate bakers, &c ;

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

Regulate sale, &c., of bread ;

**377.** It may regulate the sale, quality and the 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 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;

**378.** Compel bakers to mark the bread made by them, with the initials of their respective names; Compel marking of bread;

#### VII.—INSPECTION OF MEAT, &C.

**379.** Appoint a competent person to inspect the meat and milk sold or offered for sale in the town, and confer upon him the power of confiscating all meat and milk of bad quality, unwholesome or injurious to the public health; and impose a penalty a fine or imprisonment in default of payment of the fine, upon any person selling or offering for sale in the town any meat or milk of bad quality, unwholesome and injurious to health; Appoint meat and milk inspector, &c.

#### VIII.—PUBLIC HEALTH.

**380.** The council may, by by-law, prescribe the taking of proper measures for securing the inhabitants of the town from contagious or pestilential diseases or for diminishing the danger or effects resulting therefrom. Council may by by-law: Take measures to secure inhabitants from contagious diseases.

**381.** Establish one or more boards of health and 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 and general effects of all contagious diseases or for making such regulations as such boards of health may deem necessary for preserving the citizens from any contagious diseases or for diminishing the effects or danger thereof. Establish boards of health.

**382.** 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 punish all persons obstructing, resisting, hindering or opposing or aiding or abetting in obstructing, resisting, hindering or opposing any such health officers in the performance of their duty. Authorize visiting of houses, &c., to see that health regulations, &c., are observed.

**383.** The health officers may be authorized under the preceding article to inspect and examine every house, lot, Health officers may be authorized

to inspect  
houses, &c.

or premises whatsoever, situate within a radius of one mile from the limits of the town in order to secure the observation of the by-laws and provisions respecting public health.

Council may  
recover part of  
salary of in-  
spectors of  
cattle at  
abattoirs from  
company.

**384.** The council may recover from any abattoir company situated in, or in the vicinity of the town, as or on account of the salary of the health officers appointed by the council to inspect the cattle and other animals killed at any such abattoir, a sum not exceeding two hundred dollars per annum for each abattoir worked by any such company.

#### IX —DITCHES AND WATER-COURSES.

Council may  
by-law :  
Cause drains  
&c., to be  
opened,

**385.** The council may, by by-law :

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 ;

Determine  
when and by  
whom works  
to be made ;

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 ;

Levy sums  
required for  
works ;

**386.** Levy, if the works are to be executed at the joint expense of the parties interested, on the proprietors 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 on such lands, and regulate the manner of levying the taxes so imposed ;

Impose penal-  
ties upon  
persons ob-  
structing  
ditches, &c. ;

**387.** Impose penalties on any person obstructing deranging, or suffering the obstruction or derangement of ditches or water-courses, or refusing to make or suffer the works to be made by the surveyor under the by-laws upon all public or private lands ;

Carry on  
works on  
ditches at  
corporation  
expense ;

**388.** Carry on at the expense of the corporation, for a determined or undetermined period, all works on ditches or water-courses ;

Raise money  
to make &c.,  
common  
sewers ;

**389.** 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 ; 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 ; determine the period at which private drains shall be made, determine the materials with which they shall be made, the manner in which they shall be made and in which they shall be joined or connected with the town sewer ;

**390.** Order, by by-law, the recovery of the cost of works on water-courses ; cause all proprietors of lands liable to the payment of the cost 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 ;

Order recovery cost of works on water-courses ;

#### X. — CARTERS.

**391.** Oblige carters, proprietors or drivers of public vehicles from livery stables or for the conveyance of loads in the town to procure from the corporation annual licenses, represented by numbers supplied by the corporation, the price of such licenses not to exceed the sum of five dollars for each such ticket or number, also to oblige them to affix such numbers on each vehicle or harness ;

Require carters &c., to procure license &c ;

Make a tariff of the fares payable to carters for their services and prevent the latter from exacting higher fares than those fixed by the tariff ;

Make carters' tariff ;

**392.** Compel all carters under license, to give their services to any person asking the same at the tariff rates.

Compel carters to give services at tariff rates ;

#### XI. — DECENCY AND GOOD MORALS.

**393.** Regulate, restrict and suppress every kind of gambling and existence of gambling houses or houses of ill fame of any kind in the town ;

Regulate, &c., gambling &c. ;

**394.** 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 ;

Regulate &c., games of cards &c., in hotels &c. ;

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

Arrest persons playing cards &c., in hotels &c.

**396.** Suppress and punish vagrants, beggars, prostitutes and disorderly persons ;

Suppress &c., vagrants, &c. ;

suppress  
houses of ill-  
fame &c. ;

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

prohibit &c.,  
circuses &c. ;

**398.** 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 ;

prevent bath-  
ing in river  
and canal ;

**399.** Prevent bathing in the Richelieu River and Chambly Canal within the limits of the town, or to regulate such bathing ;

#### XII.—PUBLIC NUISANCES.

compel the  
cleaning of  
tables &c. ;

**400.** Compel the owners or occupants of houses to clean their stables, cattle-sheds, pig-styes, sheds, privies and yards belonging to such buildings and to keep them continually clean ;

oblige gro-  
ceries &c., to  
be kept clean,  
&c. ;

**401.** 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 ;

regulate &c.,  
fattening of  
pigs in town ;

**402.** Regulate or prohibit the raising and fattening of pigs within the town ;

to compel  
owners &c.,  
of steam  
engines &c.,  
to obtain per-  
mit before  
running, etc. ;

**403.** Compel persons, owning or using steam engines, steam boilers, factories, chemical works, or owning other work-shops or establishments, to obtain a permit from the council before being able to work such machines, factories, or work-shops, to provide the same with the necessary apparatus to consume the smoke and gas escaping therefrom, so as to effectually remove and abate any nuisance arising from the working of such establishments ; and to impose a fine of one hundred dollars for the violation of any by-law made under the provisions of this article, and, in default of immediate payment of the said fine and costs by the offender, an imprisonment not exceeding two months, unless the fine and costs shall have been paid before the expiration of such period, and a further fine of fifty dollars per day for each day the offender shall continue in the violation of such by-law :

penalties ;

prohibit teas-  
ing of wool,  
&c. ;

**404.** Prohibit the teasing of wool, hair or other similar articles ;

**405.** Compel the proprietor or occupant of any lot of land having stagnant and filthy water upon it, or that is in a condition dangerous to the public health, or the agent of the proprietor of such lot, or any person having charge thereof, in the absence of the proprietor ; or, in case the proprietor cannot be found, to drain off such stagnant and filthy water, or to fill up and properly level such lot ;

Compel draining of stagnant water on lands, etc

**406.** Order that, in case the owner of such lot cannot be found and there be no person in the occupation thereof, and no one to represent the proprietor, or should such proprietor or occupant, or other person in charge thereof, refuse or neglect to fence in, drain, cleanse, fill up or level the same when so directed by the proper officer of the council, or be unable, for want of means, to fence in, cleanse, drain, fill up or level such lot, it shall be competent for the corporation to have the same done ; the expenses incurred for this purpose shall be a special charge upon such lot and shall be privileged and recoverable in the same manner as a special tax thereon.

Order filling up and draining of lots at recover cost thereof ;

**407.** Prohibit any person from depositing in the town any filth, dirt or other offensive matter whatsoever, and to compel the removal thereof, by the owner or occupant of the premises on which the same may be, and, in default of his so doing, to authorize the removal or destruction thereof by the proper officer, and to recover the cost of such removal or destruction from the party refusing or neglecting so to do ; subject to his right to recover the amount so paid by him from the person making such deposit ;

Prohibit depositing of filth &c ;

**408.** Prevent the depositing or leaving in the town, or in the Richelieu River and Chambly Canal within the limits of the jurisdiction of the council, substances or matters from which 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 or likely to become unwholesome ; and regulate the mode of making such deposits.

Prevent depositing dead bodies &c.

**409.** The council has power to cause to be removed from the limits of the town by the owner or occupant of the lot on which there may be any dead body or carcass as well as any object or thing which is or is on the point of becoming unwholesome ; and in default of their so doing, to authorize the removal or destruction thereof by some officer of the town and to recover the costs from the persons refusing or neglecting to remove or destroy them.

Removal of carcasses &c

## XIII.—SALE OF LIQUOR.

Council may :

Prohibit  
sale of intoxi-  
cants to  
women &c ;**410.** The council may :

Prohibit the sale of all spirituous, alcoholic, vinous or intoxicating liquors to women, children, apprentices or servants ;

Prohibit &c.,  
sale of intoxi-  
cants ;**411.** Prohibit the sale of spirituous, vinous, alcoholic and intoxicating liquors or allow the same under proper conditions and restrictions ;Regulate  
sale of liquors  
&c ;**412.** 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 ;

## XIV.—PUBLIC POUNDS.

Establish  
public  
pounds, &c.**413.** 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 the keepers of such pounds, the damages payable by owners of such impounded animal and poultry, and the manner in which such animal 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, or the by-laws.Regulate  
dogs &c ;**414.** Regulate and prevent the allowing of dogs to go at large in the town, and authorize the impounding and the destruction of all dogs wandering at large, and the destruction of dogs whose owners reside in the town and have not paid the tax thereon, or of dogs kept in contravention of the by-law of the council ;Regulate cus-  
tody of  
strayed ani-  
mals.**415.** 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 detention thereof.

## XV.—INDEMNITIES, RELIEFS AND REWARDS.

Indemnity for  
property de-  
stroyed by  
rioters &c.**416.** 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 town.Special tax  
therefor.

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 persons riotously assembled.

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.

Suit if amount not paid in certain time.

**417.** The council may :

Relieve any person who has received any wound or contracted any sickness or disease working to stop a fire ;

Council may :  
Relieve persons hurt at fires.

**418.** Grant rewards, in money or otherwise, to any person who performs a meritorious action at a fire, or who saves or endeavors to save any one from drowning, or endeavoring to save any one from a serious accident.

Grant rewards for conduct at fires, &c ;

**419.** Provide for the wants of the family of any person who loses his life at a fire, or while saving or who saves or endeavors to save the life of a fellow creature ;

Provide for family of persons who loses life at a fire ;

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

Offer rewards for arrest of offenders.

#### XVI.—SUBSIDIES.

**421.** In order to encourage the establishment of manufacturing factories in the town or to secure the passing or locating of railways within the limits of the town, the council may, notwithstanding any law to the contrary, grant or guarantee by by-law to manufacturers or railway companies, loans of money, bonuses or subsidies in money or real estate, on such conditions and guarantees as it may deem proper ; but every by-law passed to that effect must be approved by at least three-fourths of the electors who are proprietors and who vote upon such by-law, provided such majority represents at least three-fourths of the total value of the taxable real estate of the electors who are proprietors and have voted on such by-law.

Corporation may subsidize railways and manufactories.

Approval of by-law for such purpose

The by-law is submitted for the approval of the electors in accordance with article 303 and following.

No person, interested in the manufactory or railway company to be benefited by such by-law, can vote in favor of it.

Who can not vote thereon.

**422.** In case the manufacturers or companies do not comply or cease to comply with the conditions and the guarantees imposed upon and required of them by the by-law, the council may recover the loan, bonus or subsidy granted or the value thereof out of the moveables and immoveables of such manufacturers and companies as in the case of a municipal tax and with the same privilege and priority.

If conditions not complied with.

Special tax  
for payment  
of such sub-  
sidies &c.

**423.** The council shall impose a special tax to provide for the payment of such loans, bonuses or subsidies, unless the revenues of the town be sufficient, after deducting the expenses of management and the amount of the other obligations of the council.

Levy thereof.

**424.** When such tax is imposed, it is apportioned and levied, every year, upon the immoveable properties and stocks in trades or goods kept by merchants or traders, taxable according to their respective values shown on the valuation roll for each year.

By-law may  
be passed by  
council for ;

**425.** The council may, moreover, pass by-laws containing the stipulations and conditions which it deems expedient for the following objects :

Exempting  
manufactories  
from taxes for  
certain term ;

1. For exempting from general taxation for a term not exceeding ten years, every manufactory already established or which may be hereafter established ;

Remitting to  
Grand Trunk  
Railway cer-  
tain taxes for  
certain term ;

2. For remitting to the Grand Trunk Railway Company of Canada, if the council deems it in the interest of the town, for a term not exceeding ten years, the whole or a portion of the general taxes imposed upon such company, on account of the ground occupied within the town by the company for its line, including its stations and depots ; provided that the by-law authorizing such remission or exemption be approved by the majority in number of the said council ;

Permitting  
use of streets  
by railway  
companies,  
&c.

3. For permitting, upon the conditions agreed upon, the use of any street or part of a street by any railway company for laying its track therein, and for abolishing or turning off any street or part of a street for that purpose, and for acquiring by expropriation or otherwise the ground required for replacing such street or part of a street if it deems advisable to replace it ;

Giving, &c.,  
money to  
neighboring  
municipali-  
ties for roads  
to the town.

4. For giving or lending money to any neighbouring municipality, for the making of roads leading to the town.

By-law to be  
passed by cer-  
tain majority.

**426.** No by-law under paragraphs 1, 3 and 4 of the preceding article shall have any effect until it is adopted by the majority of two-thirds of the members of the council who voted thereon.

Not to be sub-  
mitted to  
electors.

Such adoption puts the by-law into force without its being necessary to submit it for the approval of the electors.

#### XVII.—MISCELLANEOUS MATTERS.

Council may :

**427.** The council may :

Regulate  
speed of hor-  
ses, etc ;

Regulate the speed of horses in the streets, forbid their going on the side-walks, and regulate how they shall be

left standing, loose or tied, in the streets, yards or open sheds in the town ;

**428.** Impose a penalty of a fine of not less than five dollars, besides costs of suit, or an imprisonment not exceeding fifteen days in default of payment of the fine and costs, against any person who, during the winter season, rides or drives a horse or beast of burden in the streets, without the animal or vehicle being provided with bells, in order to prevent accidents ; Impose fine upon persons driving in winter without bells on vehicles, &c;

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

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 or of two judges of the peace ; Consent required to meetings.

**430.** 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 ; Regulate keeping of streets, in winter ;

**431.** 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 bodies of priests or nuns or Protestant clergymen buried in the churches of the town ; Prevent burials in town ;

**432.** Prevent the profanation of burying grounds, graves, sepulchres, monuments or vaults, where the dead are buried ; Prevent profanation of burying grounds ;

**433.** Prevent horses or other animals from being cruelly or barbarously treated ; Prevent cruelty to animals ;

**434.** Establish, regulate and manage public slaughter houses, either within or without the limits of the town, that is to say, at a distance of one mile from such limits, and prohibit private slaughter houses in the town ; Establish slaughter-houses, etc ;

**435.** 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-laws ; Authorize confiscation of articles sold, etc., in contravention of by-laws ;

**436.** Cause the houses and lots in 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 ; Cause lots and houses to be numbered, etc ;

**437.** Prohibit or regulate the cutting of ice opposite the town on the River Richelieu ; permit the same under Prohibit, etc., cutting of ice ;

certain conditions and restrictions, and determine at what places such ice may be taken ;

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

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

**440.** Establish, regulate and maintain drinking fountains and public privies in the town.

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

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

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

#### XVIII.—MAINTENANCE OF THE PEACE, ENFORCING BY-LAWS.

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

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

**445.** The powers of the police constables extend to the whole district of Iberville, but they cannot act outside of the limits of the town, without the written authorization of the mayor or an order from a justice of the peace.



**446.** Every constable, policeman or police officer who 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, a fine not exceeding forty dollars and in default of payment of such fine an imprisonment not exceeding one month.

Punishment  
of constables  
for disobe-  
dience.

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

Suspension,  
etc., of con-  
stables.

**448.** All and every such police officer 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 daytime 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, bridges or on any part of the River Richelieu, and Chambly Canal or in any vessel on the River Richelieu and Chambly Canal, 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 town.

Power to ar-  
rest on view  
for certain  
offences.

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.

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

Power to  
make arrest  
outside town.

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

Power to en-  
ter houses &c.,  
to search for  
stolen arti-  
cles, etc.

**451.** Any constable shall also have power and authority to go into every inn, hotel and into every shop, licensed for

Power to enter  
inns to see

that regulations are observed and to arrest offenders.

the sale of spirituous, vinous or fermented liquors, to ascertain if the law 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 summons &c.,

**452.** The constables shall have power and authority to serve all writs of summons and subpoenas and execute all warrants and other proceedings for the arrest and the confinement in gaol of all persons accused or remanded for preliminary examination 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.

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

Constable to make arrest if required by members of council, etc.

**454.** Any constable 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 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.

Member of council may order arrest of drunken persons.

**455.** 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 peace within the said town and on the River Richelieu or Chambly Canal, 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.

Penalty upon persons assaulting constables in execution of their duty.

**456.** Every person, who shall assault, beat, molest, impede or forcibly resist any constable or other officer engaged in the execution of his duty, or who shall aid or excite any other person to assault, beat, or forcibly resist such officer or constable, shall, upon conviction thereof before the mayor or a justice of the peace, 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.

Offenders may be proceeded against by indictment.

It shall be lawful for the council or such constable or other officer, if the offence be serious, to proceed by indictment.

ment against any such offender, but nevertheless only one proceeding at law shall be adopted.

**457.** 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 dealt with according to law.

Power of constables to arrest on view persons refusing to pay carters.

**458.** 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 and also inspect the interior of any craft or vessel within the limits of the jurisdiction of the council on the River Richelieu or Chambly Canal, in order to ascertain whether the by-laws of the council are observed or for the purpose of arresting any one.

Power of constable when ordered to enter houses &c., to ascertain that by-laws are observed.

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.

Owners to permit such entry. Fine if they refuse.

**459.** 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 Iberville.

Constables to obey orders.

**460.** Any such persons, so summarily arrested in virtue of this act, shall be immediately conveyed to the common gaol of the district of Iberville or 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.

Persons arrested to be conveyed to gaol, etc. Bail may be given.

**461.** The council may erect a building or obtain a suitable place for a lock-up for the temporary confinement of offenders arrested by police-constables; and determine 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.

Council may erect lock-up etc.

## TITLE XI.

## VALUATION ROLLS.

Appointment  
of valuers.

**462.** At one of its sessions in the month of April of each year, the council appoints three valuers who shall, within the delays and in the manner prescribed by the council, make the valuation rolls of the town.

Number may  
be increased  
or decreased.

**463.** The council may, when necessary, increase or reduce the number of valuers, and it may afterwards remove and replace those who do not faithfully perform their duties.

Term of office  
and salary of  
valuers.

**464.** The valuers remain in office until their successors are appointed, and the council determines their remuneration.

To be sworn.

Before entering into office they take the oath of office, according to form A, before the mayor or secretary-treasurer.

Return to be  
transmitted to  
council by  
railway com-  
panies as to  
their pro-  
perty.

**465.** Every iron railway company or wooden railway company possessing real estate in the municipality shall transmit to the office of the council, in the month of May in each year, a return shewing the actual value of their estate in the municipality, other than the road, and also the actual value of the land occupied by the road estimated according to the average value of land in the locality.

To be commu-  
nicated to  
valuers.

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

Valuers' duty in mak-  
ing valuation.

The valuers, in making the valuation of the taxable property in the municipality, shall value the real estate of such company, according to the value specified in the return given by the company.

If return not  
transmitted.

If such return has not been transmitted in the time prescribed, the valuation of all the inmoveable property belonging to the company shall be made in the same manner as that of any other rate payer.

Roll what to  
comprise.

**466.** Each roll must include all the taxable property of the town, contain the valuation of such of the said property which is taxed, according to its value, and mention the names of all the persons liable for the payment of such taxes.

Further con-  
tents of roll

**467.** The rolls must further contain, in as many separate columns and arranged in the following order, the information hereinafter enumerated :

1. The successive numbers on the roll ;
2. The names and christian names of the proprietors of taxable property if they be known ;

3. The age and condition of such proprietors, and whether they reside in the town ;

4. Who occupies the same and under what title ;

5. The condition and age of the tenants or occupants ;

6. The designation, as far as practicable, by the cadastral number of the taxable real estate ;

7. The real value of such real estate, with separate mention of the value of any part of a lot occupied by any person who is not the proprietor thereof ;

8. The annual value or rent thereof ;

9. Whether the tenants or occupants reside in the town, whether they are householders therein in the case of the valuation of a house or whether they have their office or place of business there and they occupy them themselves ;

10. The kind and number of taxable moveable property ;

11. The average value of stocks in trade and other articles taxable under paragraph 2 of article 494 ;

12. The names, christian name, condition, residence or place of business of every person subject to the professional tax ;

13. The total value of the taxable moveable property and stocks in trade of each person ;

14. All other details prescribed by the council, and the insertion of the names of those who, according to the election act should be entered on the roll.

**468.** The rolls shall be signed by at least two of the Signature to rolls. valuers.

**469.** The valuers shall estimate the immoveable property according to their real and actual value, and when Valuers to estimate actual value of immoveable property. the rent agreed upon for such property does not represent the annual value, the valuers enter on the valuation roll the real annual value, which alone serves as a basis for the imposition of the tax on tenants and occupants.

**470.** When a proprietor of a real estate is unknown, If owners unknown. the valuers insert the word : " unknown " in the column of proprietors.

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

**472.** In the valuation of a lot of land belonging to Valuation of land belonging to railway companies. railway company and occupied by it, the valuation is based upon the average value of land in the locality without counting the grading or rails and bridges used by the road.

Designation  
of such land.

Such lot is sufficiently designated by entering it on the roll as " railway of the (*inserting the name of the company*) company.

Designation  
in cases of  
valuation of  
property held  
by joint own-  
ers.

**473.** When the valutors assess property possessed *par indivis* by more than one person, or the partition whereof has not been registered in the registry office, it shall be lawful for them to designate such property as belonging to " the *Estate of* , " mentioning the name of the "*auteur*" of the interested parties, or the name of one of the co-proprietors thereof; and the co-heirs, in the case of a succession, or co-proprietor, so named, as the case may be, shall be held to pay the tax, saving their or his recourse against any other person liable therefor.

Persons  
bound to an-  
swer assessors  
correctly.

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

Penalty for in-  
correctly an-  
swering &c.

If such persons should refuse to answer the questions put to them, or if the answers they have given on any subject or matter of information, which is required to be inserted upon the roll, be false or incorrect, they 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 va-  
luation rolls.

**475.** The valutors shall lodge the valuation rolls in the office of the council, immediately after their completion; and notice of such deposit is published and posted up by the secretary-treasurer.

Notice.

Examination  
of rolls.

The rolls remain open to public examination for twenty days counting from the publication of the notice.

Complaints  
against rolls.

**476.** During such space of time, any person who deems himself aggrieved by the rolls 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 by  
council.

**477.** The council at its first session, or as soon as possible after the expiration of the twenty days above mentioned, and after public notice of the day of the meeting is published and posted up, may hear the parties and their witnesses as well as the valutors under oath, and maintain or alter the rolls as it may deem proper, and shall declare them to be homologated and in force until other rolls come into force.

**478.** If, after the valuation rolls 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 valutors to its actual value.

Reduction in value of property entered on roll.

If any omission has been made in the valuation roll, 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 rolls, 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 rolls, 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 rolls.

Entry of property omitted and new buildings.

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

Entry of persons &c., after completion of rolls.

**480.** After every change of owner or occupant of any land set forth in the valuation rolls 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 rolls the name of the new one.

Change of owners of real estate provided for.

**481.** The supplementary rolls are received and homologated by the council at one of its sessions after the parties interested have been notified, by a special notice of three days, of the day and hour of the meeting and of its object.

Homologation of supplementary rolls &c.

**482.** On the day fixed, the council hears the parties interested and maintains or alters such supplementary rolls as it may deem expedient and declares them homologated and in force for the remainder of the fiscal year.

Hearing of objections to supplementary rolls.

**483.** The default on the part of the council, or of the valutors, to act within the time prescribed has not the effect of preventing the making and homologation of the rolls even beyond the time prescribed.

If rolls not homologated &c., in time.

**484.** When the valuation rolls are set aside in virtue of article 606, the last valuation rolls again come into force until new rolls come into force.

If valuation roll is set aside, previous one revives. •

## TITLE XII.

## TAXES.

## SECTION I.

## GENERAL PROVISIONS.

Revenues of council.

**485.** The revenues of the council are those which it may create for itself by means of the taxes and licenses which this act authorizes it to levy.

Moneys not specially appropriated belong to general fund. Surplus of special fund.

**486.** All moneys not specially appropriated from part of the general fund of the corporation.

Whenever an amount levied is greater than is necessary to enable the council to meet the obligations for which the sum was levied, the surplus belongs to the corporation and is paid into the general fund of the corporation.

Application of moneys from general fund.

**487.** Moneys forming part of the general fund of the corporation may be employed for any purpose within the powers of the council.

Reduction may be allowed to certain rate-payers.

**488.** 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.

Notice of such to be given.

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

Interest on taxes, &c.

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

Interest not to be remitted.

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

Municipal dues to be a privileged debt.

**490.** 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, both on the proceeds of the sale of moveables and of that of immoveables.

Prescription of arrears of taxes.

**491.** All arrears of municipal taxes are prescribed by five years.



## SECTION II.

## NON-TAXABLE PROPERTY.

**492.** The following property is exempt from taxation in the town : Property exempt from taxation.

1. All lands and property belonging to Her Majesty, Her Heirs and Successors, held by any public body, office or person, in trust for the service of Her Majesty, Her Heirs and Successors :

2. All Federal and Provincial property and buildings ;

3. Every place of public worship, 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, ground and property occupied or possessed by hospitals or other charitable or educational establishments ; but properties in the possession of religious, charitable or educational establishments for purposes of revenue shall not be exempt from taxation ;

7. Every court-house and gaol and the grounds attached thereto.

**493.** However, such exemption does not extend to lots nor to buildings erected on lots rented or occupied by Government tenants ; the lessees and tenants are in such cases liable for the tax imposed on lessees and occupants. Exception as to certain property.

Neither does such exemption apply to the water tax nor to the taxes and assessments imposed for cost of drains or for the expense of keeping the side-walks in order during the winter season. Exception as to certain taxes, &c.

## SECTION III.

## IMPOSITION OF TAXES.

**494.** In order to realize the moneys required for the administration of the town and the management of its affairs, and to enable it to meet its obligations and effect the necessary improvements, the council may impose and levy annually by by-law on the moveable and immoveable property of the town and upon persons and their various kinds of business or professions, the general or special taxes hereinafter mentioned, namely : Power of council to impose and levy certain taxes for certain purposes upon :

1. Upon all immoveable property, a sum not exceeding three-quarters of a cent in the dollar on the total real value as shown on the valuation roll of the town, in force ; Immoveable property ;

Stocks-in-trade ;

2. Upon all stocks-in-trade or goods kept by merchant, or traders and exposed for sale on shelves or otherwise in shops or stores or kept in vaults, sheds, yards or other places, an amount not exceeding three-fourths of a cent in the dollar of the average estimated value of such stocks-in-trade or goods ;

Tenants ;

3. Upon all tenants paying a rent of the annual value of at least thirty dollars per annum, and upon every occupant of real property of the annual value of at least thirty dollars, a sum not exceeding six cents in the dollar on the amount of the rent or annual value of the property leased or occupied ;

Certain professional men, &c ;

4. Upon every person habitually practising in the town the profession of advocate, physician, notary, dentist, surveyor, civil engineer or any other liberal profession, or acting as a public officer or employee, or as prothonotary of the Superior Court, or clerk of the Circuit Court, or as deputy prothonotary, or deputy clerk, or as registrar, or sheriff, a sum not exceeding six dollars ;

On the deputy sheriff and gaoler a sum not exceeding four dollars ;

This tax is called the "professional tax."

In the event of a person holding several of the offices taxable under this article, only one tax shall be exacted ;

The persons who are subject to the professional tax are bound to pay the same on account of their employment or the duties they perform in the town, even when they do not reside therein ;

Horses &c ;

5. Upon every horse, mule or ass, a sum not exceeding one dollar ;

Upon each stallion kept for breeding purposes, a sum not exceeding ten dollars ;

Upon every cabriolet or light waggon, drawn by two horses, a sum not exceeding two dollars ;

Upon every cabriolet or light waggon, drawn by one horse, a sum not exceeding one dollar ;

Upon every single sleigh, for one horse, a sum not exceeding one dollar, and upon a double sleigh, a sum not exceeding two dollars ;

Upon every dog, a sum not exceeding two dollars, and upon every bitch, a sum not exceeding six dollars.

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

Proviso.

Horse dealers and manufacturers of vehicles are not subject to the tax imposed on such animals and articles, as regards the horses and vehicles which they buy, make or keep for sale in the ordinary course of their trade.

**495.** The council may also in its discretion impose and levy annually a special tax, called "business tax", upon all or any persons or companies exercising, practising or carrying on in the town any of the kinds of business, occupations, arts, professions, industries, manufactures or means of profit or of livelihood hereinafter mentioned, namely:

1. Upon every pedlar or itinerant trader residing in the town, a sum not exceeding twenty dollars; Council may levy "business tax" upon certain trades callings etc. Pedlars, &c ;

2. Upon every broker, commission merchant, pawn-broker, auctioneer and exchange broker, a sum not exceeding thirty dollars; Brokers, &c ;

3. Upon every brewer or distiller, a sum not exceeding fifty dollars; Brewers, &c ;

4. Upon every person keeping billiard, mississippi, pigeon-hole tables, bowling alleys and other similar games, a sum not exceeding twenty dollars; Keepers of billiard tables, &c ;

5. Upon every fire and life insurance company doing business and taking risks in the town or on their agents, a sum not exceeding fifty dollars; Fire insurance companies &c ;

6. Upon every bank or banks and their agents or managers doing business in the town with a paid-up capital of one million dollars or over, a sum not exceeding one hundred dollars, or a sum not exceeding seventy-five dollars when the paid-up capital is less than a million and not less than five hundred thousand dollars, and fifty dollars if the paid-up capital is less than five hundred thousand dollars; upon every building society doing business in the town, a sum not exceeding fifty dollars; Banks, &c ;

7. Upon every electric telegraph, telephone, electric light or gas company or their agents, a sum not exceeding one hundred dollars; Electric telegraph companies &c ;

8. Upon every butcher, grocer, fancy goods, iron or general merchant, druggist, baker, huckster, hawker, owner or keeper of a coal or wood yard, slaughter house or tannery; upon every dealer in horses; upon every manufacturer of bricks, soap, tallow candles, glue, ginge-rbeer or other beer; upon every owner of mills driven by steam or water power, foundries, manufactories whatsoever, or their agents or managers, or all persons working the same a sum not exceeding twenty dollars; Butchers, &c ;

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

**496.** The amount of the dues or taxes mentioned in the two preceding articles is fixed and determined by the council in its discretion, and may be imposed and levied by the same by-law or by different by-laws. Amount of dues etc., how fixed.

**497.** The special taxes enumerated in article 495 may be imposed and levied under the form of license, if the How special taxes to be levied.

council so decides, and in such case it is not necessary that the persons liable to such taxes be mentioned in the valuation or collection rolls.

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

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

Exception.

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

Business tax upon each trade.

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

Power to levy money by special assessments, etc.

**500.** The council may levy moneys, by special assessment, for any object whatsoever within the limits of its powers, 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 exemptions.

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.

License for non resident pedlars, etc.

**501.** The council may levy, 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, retailed, peddled or exposed for sale, such yearly sum as it may determine.

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

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

Proviso.

The whole without prejudice to the right to impose the taxes mentioned in articles 494 and 495.

Rights conferred by license.

**503.** Every license signed by the secretary-treasurer gives the holder the right to practise or carry on his art, trade, profession, business or industry until the expiration of the fiscal year.

**504.** 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 the taxable property in the city, a sum not exceeding ten per cent to cover losses, costs and bad debts and for the discount which the council may allow for taxes, rates or assessments paid before they are due.

Percentage for losses may be added to taxes.

**505.** 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 shall form part of the fund of the town, any law to the contrary notwithstanding.

Fines &c., to whom to be paid and to whom they belong.

**506.** Notwithstanding any law to the contrary, no license for an inn, temperance hotel, restaurant, railway buffet, liquor shop and generally any place intended for the sale by retail of spirituous or fermented liquors in the town shall be granted, renewed or transferred without a permit from the council.

Permit required before licenses for inns etc., are granted.

The council shall have the right to require for each such permit, in addition to all the other dues or taxes imposed in virtue of this act, from every person applying for such license or the transfer or renewal of such license, a sum not exceeding one hundred and fifty dollars, if for a license for an inn, restaurant, railway buffet or temperance hotel, and a sum not exceeding seventy-five dollars if for a license for a wholesale or retail liquor store.

Fees upon permits.

The collector of provincial revenue shall not grant any license, renewal or transfer of a license without such permit from the council.

Licenses not to be granted etc., without permit.

**507.** Whether there be or be not a by-law to that effect, no person can keep in the town any circus, menagerie or equestrian performance, or give any theatrical or musical performance, or keep any show, exhibition, gymnasium or other game for profit, without having previously obtained for each of such representations or other objects, a permit from the mayor and a license from the secretary-treasurer, and without having paid the latter for such license, a sum not exceeding one hundred dollars for every circus, menagerie or equestrian performance, and a sum not exceeding fifteen dollars for each of the other objects mentioned in this article.

Permit and license required to hold circus etc., in town.

**508.** The council may, by simple resolution, determine the sums payable for the licenses mentioned in the preceding article.

Sums for licenses how determined.

**509.** Every person who infringes the provisions contained in article 507 is liable to a fine not exceeding one

Fines upon persons infringing article 507.

hundred dollars, and, in default of payment of such fine, an imprisonment of not more than three months.

#### SECTION IV.

##### COLLECTION OF THE TAXES.

##### § 1.—*Mode of Collection.*

Collection roll  
when and by  
whom made.

**510.** Every year, at the time specified by the council, and as soon as the valuation rolls are closed and homologated, the secretary-treasurer makes out a general collection roll comprising all the taxes, both general and special, imposed under the provisions of this act.

What is com-  
prised in roll.

**511.** Such roll may, amongst other things, contain in separate columns:

1. A series of consecutive numbers ;
2. The name and status of each rate-payer, if he be known, or if not, the word "unknown";
3. The indication of his quality of proprietor, occupant, tenant or professional man, and the nature of the business of every rate-payer liable to the business tax ;
4. Whether he is a resident of the town or has his office or place of business therein ;
5. The real value of the taxable property of each rate-payer, as shown on the valuation roll in the case of immoveable property and stocks-in-trade ;
6. The rent or annual value of the property leased or occupied ;
7. The nature and number of the taxable moveable property ;
8. The amount of arrears, if any ;
9. The total amount of taxes payable by each rate-payer ;
10. A number referring to the number on the valuation roll ; and
11. All other information which may be necessary or be prescribed by the council.

How special  
collection  
rolls are  
made, &c.,  
deposited.

**512.** Every special collection roll for taxes or assessments, other than those imposed for sewers in accordance with articles 567 and following, may be made and deposited in the same manner as the general collection roll, and all the provisions of section IV of title XII of this act apply thereto, *mutatis mutandis*.

Notice of com-  
pletion and  
deposit of col-  
lection roll.

**513.** The secretary-treasurer, after having completed the collection roll, gives a public notice, published and posted up, in which he announces that the general collection roll is completed and deposited in his office, and he

Persons enter-  
ed thereon

calls upon all persons liable for the payment of the sums

therein mentioned to pay the same at his office within twenty days from the publication of the notice.

called upon to pay within certain time.

**514.** At the expiration of the delay of twenty days, the secretary-treasurer shall demand the payment of all the sums mentioned in the collection roll and not yet collected, from the persons obliged to pay the same, by serving or causing to be served upon them a special notice to that effect accompanied by a detailed statement of the sums due by them.

Special notice, with statement of amount due, to be served upon rate-payers demanding payment.

**515.** When the secretary-treasurer shall have furnished a ratepayer in arrear with a detailed statement of his account, he shall not be bound to repeat the same details in the account which he may subsequently furnish, but he shall mention, in a lump sum, the amount which he shall have previously given the details to such rate-payer, and he shall be bound to give details only of the new arrears of that year.

If account in detail is furnished, secretary-treasurer not bound to furnish another.

He shall, however, make out an account in detail upon payment of a fee of fifty cents.

Fee if afterwards required.

**516.** If after the fifteen days next following the demand made in virtue of article 514, the sums due by the persons entered on the collection roll are not paid, the secretary-treasurer may 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 of goods and chattels if amounts not paid in certain time.

**517.** Such seizure and sale shall be made under a warrant signed by the mayor, or a justice of the peace, addressed to a constable, or bailiff, who shall act under his oath of office according to the same rules and be subject to the same responsibilities and penalties as for executions in virtue of a writ *de bonis* issued by the Circuit Court.

How to be made.

The mayor or justice of the peace, in giving and signing such warrant, shall not incur any responsibility,—he acts under the responsibility of the corporation.

Responsibility for such warrant.

**518.** The moveables or effects to be sold under the provisions of this act, for the recovery of taxes, assessments or other dues, shall be put up to public auction; 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.

Moveables, &c., to be sold by auction.

Exempt from auction duty, etc.

The bailiff or constable may, when he deems it advisable, remove the chattels seized to the market place in the town, to be there sold.

Effects seized may be removed to market place for sale.

What quantity of goods to be sold.

**519.** No larger quantity of goods and chattels shall be sold than shall be sufficient to pay the amount of the debt, interest and costs; unless from the nature of the article seized it is impracticable so to limit such sale.

If goods sold for more than amount due, surplus to be returned to owner.

If the goods and chattels seized are sold for more than the whole amount of the said taxes or assessments and the costs attending the seizure and sale, the surplus shall be returned to the person in whose possession such goods and chattels were, when the seizure was made; but if any claim for such surplus is previously made by any person by reason of any right or privilege thereupon, and such claim is admitted by the person against whom the seizure is made, such surplus shall be paid to such claimant; if such claim be contested, the surplus money shall be retained by the treasurer until the respective rights of the parties be determined by the Circuit Court.

Doors, if closed, may be opened upon certain order.

**520.** The mayor or justice of the peace may, by a special written order, duly signed, authorize any person charged with the execution in the town of a writ of seizure, arrest, summons or sale in municipal matters, either civil or criminal, to open the doors of houses or buildings, boxes or other places which he may find closed, or admission or entrance to which is refused him, and may also in virtue of the same order require the assistance of any other person he may deem expedient, and the costs incurred on such proceedings are levied under the same warrant.

Persons refusing entry to officer guilty of rebellion à la justice

**521.** Whosoever refuses admission to a house to any person charged with the seizure and sale of goods and chattels therein, is guilty of *rebellion à la justice* and may, in consequence thereof, be condemned by the mayor or any justice of the peace to an imprisonment not exceeding thirty days.

Seizure and sale to be stopped only upon judge's order.

**522.** The seizure and sale under articles 516 and following can be stopped only by order of a judge of the Superior Court on petition presented in chambers or to the Circuit Court or Superior Court of the district of Iberville.

Proceedings summary.

The proceedings on such petition are summary and there is no appeal from the judgment.

Taxes upon immoveables may be collected from tenant, &c.

**523.** All municipal taxes, imposed on any immoveable, may be collected from the tenant, occupant or other possessor of the 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 corporation may first discuss the moveable and immoveable property of the owner; however, the non-payment of the property tax by the

Proviso.

Non-payment of property tax not



thirty-first December shall not have the effect of rendering the tenant of the property incompetent as an elector. to deprive tenant, &c., of vote.

**524.** 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 which he owes him, or recover from him by personal action, the amount which he has paid in principal, interest and costs. Tenants paying taxes for proprietor entitled to deduct amount from rent, &c.

**525.** When a tax is imposed on the members of a firm or association of merchants on account of the business of such firm or association, such tax may be claimed and recovered in full, either from one of the partners or from the firm or association itself. Taxes upon firms, &c., how recovered.

**526.** All taxes imposed by means of licenses are payable on demand of the secretary-treasurer or a municipal officer, provided such demand be accompanied by a detailed statement of the taxes claimed; and in default of immediate payment, they may be levied by a distress warrant addressed to a bailiff or constable, issued and executed in the manner prescribed by articles 516 and following. Levy of taxes imposed by licenses.

**527.** However, the council may order that the taxes imposed by license be paid within a certain specified delay; in such case the secretary treasurer cannot demand payment thereof before the expiration of such delay. Council may order licenses to be paid within certain time.

**528.** Every stranger who comes into the town to carry on any business or trade, which renders him liable to the business tax, either before or after the making of the valuation rolls, and whose name is not entered on such rolls, shall be bound to pay such tax as if it were imposed by license, and on demand of payment made by the secretary-treasurer or a municipal officer, accompanied by a detailed statement in writing setting forth the by-law imposing such tax and the amount imposed. Payment of taxes by persons carrying on business in town not entered on rolls.

In default of immediate payment, such tax may be forthwith levied by a warrant of distress addressed, issued and executed as a seizure in the case of a license. Distress if not paid.

**529.** The tax imposed by the supplementary rolls becomes due and exigible three days after their homologation and it is levied like a tax imposed by a license. When taxes on supplementary rolls become due.

It is not necessary to give notice of the preparation and deposit of the roll of apportionment, and the tax so imposed is payable after the delay of three days, on demand, on presentation of a detailed statement of the said tax. Notice of deposit not necessary.

Distress if not paid.

In default of payment, the secretary-treasurer may cause a warrant of distress to issue as in the case of taxes imposed by licenses.

Suits for taxes, in whose name and before what court brought.

**530.** The payment of all municipal dues may also be claimed by a suit brought in the name of the corporation before the Circuit Court or Superior Court of the district of Iberville, according to the amount claimed.

What may be included in proceedings for recovery of taxes due.

**531.** 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.

§ 2.—*Special provisions respecting the sale of immoveables for taxes.*

If taxes on immoveables are not paid within certain time after they become due warrant may be addressed to sheriff to seize such immoveable.

**532.** If the taxes imposed on one or more immoveables are not paid within six months after they have become due and payable, because the person owing them does not reside in the town, or if he resides therein because sufficient seizable moveable property belonging to him has not been found, the mayor may, with the authorization of the council, issue under his hand and that of the secretary-treasurer his warrant setting forth the amount of the taxes due and ordering the sheriff of the district to seize and sell the immoveables therein designated on account of which such taxes are due.

Notices of such sales.

**533.** The properties entered on the rolls as belonging to unknown proprietors, or as belonging to estates, are advertized as such, but mention is made in the notices of sale of the name of the last proprietor if it be known.

Proceedings by sheriff.

**534.** The sheriff executes such warrant, following the same rules and with the same effect as in the case of a writ *de terris*, and all the proceedings subsequent to the issue of the warrant by the mayor are had before the Superior Court of the district of Iberville.

## TITLE XIII.

### FINANCES OF THE TOWN—MUNICIPAL BUDGET.

Statements of accounts required to be made by committees and of probable revenue by finance committee and appropriation thereof.

**535.** As soon as possible after the committees are re-constituted, each committee shall prepare a statement of the expenses to be provided for, and the finance committee shall further submit a statement of the probable revenue for the year, and the council shall appropriate the amount which it may deem advisable to sanction for the

expense: provided for, leaving a margin of not less than five per cent of its estimated revenue. Margin to be left.

**536.** Such margin shall not be touched or applied in any other manner, except upon a favorable report of the finance committee, under a penalty of a fine not exceeding fifty dollars against each member of the council taking part in an affirmative vote, or in the signing of an order or warrant to pay with respect to any expenditure out of such reserve fund, unless a favorable report from the finance committee has been filed before the council and duly sanctioned, previous to the expenditure of moneys for any purpose whatsoever out of such fund. Margin not to be touched except upon certain report. Penalty for so doing.

**537.** The secretary-treasurer is forbidden to pay out of the said reserve fund any money warrant upon the order of any of the members of the council, before the final observance of all the preliminary formalities prescribed in the preceding article. Payment of money warrants out of reserve fund.

He is also forbidden to dispose of any surplus over the amount of an appropriation, without a special authorization from the council as aforesaid, under the penalties set forth in the preceding article. Disposal of surplus of appropriations.

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

**539.** Every by-law, resolution, motion or notice of motion respecting any expenditure outside of the appropriations, shall, before being finally adopted, be submitted to the finance committee, who shall make a report at the next ensuing regular, special or adjourned session of the council. By-laws, etc., respecting expenditure beyond appropriations to be submitted to finance committee for report.

**540.** If the finance committee refuse or neglect to make a report as aforesaid, the council may proceed without it. If finance committee do not report.

**541.** The fiscal year in the town for all annual taxes, licenses or assessments, commences on the first day of May, and ends on the last day of April following, whatever make be the date or period of the year at which such taxes, licenses or assessments have been imposed or have become due. Fiscal year.

#### TITLE XIV.

##### LOANS.

**542.** The council may borrow various sums of money to pay its debts, make improvements in the town, and generally for all the objects within the limits of its powers. Power of council to borrow money for certain purposes.

Approval of  
by-laws au-  
thorizing  
loans.

**543.** Every by-law authorizing loans, which have the effect of increasing the debt of the town, shall, before coming into effect, be approved by the two-thirds of the electors who are proprietors of the town, who shall have voted on such by-law, provided such majority represents at least two-thirds in value of the taxable real estate of the electors who have so voted.

How to be  
given.

**544.** The approval of the electors, required for such by-laws, is given in accordance with the provisions of articles 303 and following.

Provision to  
be made for  
annual in-  
terest and  
sinking fund  
for repayment  
of loans.

**545.** 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 of the annual interest, and for the establishment of a sinking fund of at least one-third of one per cent per annum.

Rate of inter-  
est

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

Investment,  
etc., of sink-  
ing fund.

**546.** The sinking fund shall 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 corporation, or be deposited in a bank.

Deposit of  
amounts for  
sinking fund  
with lenders.

**547.** The council may, if the lenders consent thereto, deposit in their hands the sums intended for the sinking fund.

What receipts  
to define in  
such case.

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 paid for sinking fund.

Issue of pro-  
missory notes.

**548.** 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.

Payment of  
floating debts,  
etc.

**549.** The council may always, upon a favorable report of the finance committee, make by-laws for 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 de-  
bentures to  
pay total debt  
of city, etc.

**550.** It may issue debentures, with coupons of the same date and tenor, to the amount of the total debt of the city, 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.

Notes how to  
be signed.

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

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

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

**553.** 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.

**554.** The debentures of the corporation 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. Debentures how to be payable.

**555.** They shall bear coupons for the amount of the half yearly interest, at a rate not exceeding six per cent per annum. Coupons.

The coupons may also cover a sinking fund.

Coupons may cover sinking fund.

**556.** The principal and interest of every note, bond or debenture, shall be secured on the general funds of the corporation. Security for principal and interest of notes, bonds, etc.

**557.** 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 on 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. Power to call in bonds, etc.

**558.** 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. Amount of total issue of debentures, etc., limited.

**559.** 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. If estimated value of real estate in town is reduced, council not be incur further debts.

## TITLE XV

### WATER SUPPLY AND LIGHTING.

#### SECTION I.

#### WATER-WORKS.

**560.** Articles 4485, 4486, 4487, 4488, 4489, 4490, 4491, 4492, 4493, 4494, 4495, 4496 and 4497 of the Revised Articles 4485 to 4497 of R.

S. Q., etc.,  
apply to town.

Statutes of the Province of Quebec, apply to the corporation of the town of St. Johns and form part of its charter, without prejudice however to the acquired rights of the proprietor of the St. Johns' water-works, according to the act 40 Victoria, chapter 68.

Special loan  
may be au-  
thorized to  
purchase  
water-works.

**561.** In order to pay for the water-works of St. Johns, if the council should buy the same, the said council is authorized to contract a special loan which shall not be subjected to the application of article 558 of this act.

Payment of  
interest and  
sinking fund.

**562.** The interest on such loan and the sinking fund for the redemption of the same are paid out of the revenues of the water-works; and, if these are insufficient, the council may impose a special tax to the amount required, which tax is apportioned every year on all the taxable real estate of the town in such manner as the council shall determine.

#### SECTION II.

##### LIGHTING.

Council  
vested with  
powers neces-  
sary for  
lighting city  
by gas, etc.

**563.** The council is vested with all the necessary powers for the establishment and management of a system of lighting by gas, electricity or otherwise, for the requirements of the public and of private individuals or companies desiring to light up their houses or establishments.

Approval  
required be-  
fore system of  
lighting is  
established.

**564.** The council shall not, however, establish any such system of lighting by gas or electricity or otherwise unless by by-law approved by the majority of two-thirds in number and value of the electors being proprietors who voted on such by-law.

R. S. Q.,  
articles 4485 to  
4497 apply to  
establishment  
of systems of  
lighting.

**565.** The articles of the Revised Statutes of the Province of Quebec, mentioned in article 560 of this act, apply *mutatis mutandis* to the establishment or management of such systems of lighting.

Proprietors  
may be  
compelled to  
allow works  
necessary  
to be carried  
on, etc.

**566.** 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 by the town or by the private individuals or company performing such work.

## TITLE XVI.

## SEWERS.

**567.** The town council may, of its own accord or on the application of the rate-payers interested, order the repairing of existing sewers or the construction of sewers in the streets of the town. Council may order repair, etc., of sewers etc.

**568.** When the diameter of the sewer does not exceed two feet, the expense caused by such repairs and construction are paid one-third by the town and the remaining two-thirds by the proprietors whose properties are situated on the street in which the sewer is. Payment of cost of sewers if diameter under two feet.

**569.** If such diameter exceeds two feet, the excess of the expenditure is paid by the town alone. If diameter is over two feet.

**570.** Every sewer or drain is made or repaired, by contract or otherwise, under the direction of the town surveyor. Repairs, etc., how to be made.

**571.** In any case, the secretary-treasurer keep account of the amounts paid for such construction or repairs, and when the work is completed he makes out the assessment or apportionment of the cost of such repairs or construction. Accounts to be kept. Assessment, &c., therefor.

**572.** He bases such assessment on the number of feet of frontage of the lots assessed or taxed without regard to their depth, and for that purpose the secretary may use the cadastre of the town. Basis of such assessment.

Lots situated on the corners of streets are taxable on both streets, but only for one-half of the number of feet of the frontage of such lots on such streets. How corner lots are to be taxed.

**573.** After having completed the assessment or apportionment, the secretary-treasurer gives to each rate-payer interested a notice setting forth the total cost of the sewer or drain, its diameter, its length and the amount payable by such rate-payer, and specifying the day and hour at which the assessment or apportionment shall be submitted to the council for homologation. Notice after assessment completed and what to contain.

**574.** On the day specified, the council hears the parties interested and homologates the assessment or apportionment, with or without amendments. Hearing of complaints, &c.

**575.** Fifteen days after the homologation of the assessment, the amount charged to each proprietor is due and payable, and the secretary-treasurer shall collect the same. When assessment becomes due.

Distress in  
default of  
payment.

**576.** In default of payment, the secretary-treasurer may levy such assessment by a warrant of distress, signed by the mayor or by a justice of the peace and addressed to a bailiff or constable.

How exe-  
cuted.

Such warrant is executed upon moveables in the same manner as a warrant for taxes or for a license, and with the same privileges.

Debts for  
sewers privi-  
leged as taxes,  
etc.

**577.** The debts due for assessment for sewers are privileged like the debts due for the taxes imposed on immoveables; and every immoveable so assessed may be seized and sold in the manner, within the delays, on such conditions and with the formalities prescribed for the sale of immoveables liable for taxes.

Construction  
of main  
sewers.

**578.** The council may also, when it deems it advisable, order the construction of a main sewer or contribute towards the cost thereof.

Powers of  
council  
therefor.

The council is, in this respect, vested with all the necessary powers; it may conduct such sewer outside of the limits of the town and expropriate any land required for the purpose, even when such land is outside the limits of the town.

Loan may be  
contracted  
such purpose.

**579.** For that purpose, the council is authorized to contract a loan, the interest and sinking fund whereof shall be paid out of the revenues of the corporation, and if they are insufficient, by means of a special tax.

Payment of  
portion of  
cost.

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

Apportion-  
ment thereof  
between pro-  
prietors.

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

Application  
of certain  
provisions to  
collection of  
such assess-  
ment.

**582.** The method prescribed by this act for the collection of assessments for sewers or drains may be followed with respect to the assessments levied before the coming into force of this act and which are still due.

Recovery of  
amount by  
suit.

**583.** The assessments for sewers or drains may also be recovered by suit brought before the Circuit or the Superior Court for the district of Iberville, according to the amount claimed.

Such assess-  
ments are  
privileged.

**584.** Such assessments are a privileged claim on moveables and on immoveables.



**585.** They are prescribed by five years.

Prescription thereof.

**586.** Such prescription does not, however, apply retroactively to assessments now due, which, in this respect, remain subject to the operation of the laws and by-laws in virtue of which they have been imposed and are exigible.

Application of previous article limited to the future.

## TITLE XVII.

### EXPROPRIATIONS.

**587.** The council may receive by gift, acquire or expropriate the land required for the works ordered by it, within the limits of its powers, especially for the opening, widening or straightening of streets or specified portions of streets, public squares, parks, drains, sewers, the construction of buildings for the use of the town, for all purposes connected with supplying the town with water, of all water-works and dependencies and accessories, including the removal or changing of the present water-works, if necessary, subject to the provisions of the act governing the water-works of the town of Saint Johns, 40 Victoria, chapter 68, and for all purposes connected with the lighting of the town and with all gas-works or electric apparatus, their dependencies and accessories.

Power of council to receive, &c., expropriate property for opening streets, etc.

**588.** The council cannot, without the consent of the owner, expropriate the properties following :

Certain property that cannot be expropriated except by consent.

1. Property belonging to Her Majesty, or held in trust for her use ;

2. Property occupied by the Federal or Provincial Government ;

3. Property possessed or occupied by railway companies, and used for the working of their lines of railway, *fabriques*, or religious, charitable or educational institutions or corporations ;

4. Cemeteries, bishops' palaces, parsonages and their dependencies.

**589.** In all cases where a lot of land required for municipal purposes shall form part of the government property occupied by tenants, the indemnity to be paid to the tenant, if any there be, shall be determined and fixed by the assessors unless it be settled by mutual agreement.

Indemnity payable to tenants of government property expropriated how fixed.

**590.** The indemnity to be paid for any land liable to expropriation may be fixed and established by agreement between the council and the owner, if of age and in possession of his civil rights ; and it may also be agreed that no indemnity be allowed to the expropriated owner.

Indemnity for land expropriated by agreement.

Arbitration in  
default of  
agreement.

**591.** In the absence of an understanding between the parties, or if the owner is a minor or has not the exercise of his civil rights, the value of the land in question, together with whatever goes in compensation against the value of such land, shall be estimated by arbitrators, named as follows: one by the council, one by the owner, or on his behalf, and a third by the two former, or, if they cannot agree, on demand of any of the interested parties, by a judge of the Superior Court.

If owner is a  
minor, etc.

If the owner is a minor or has not the enjoyment of his civil rights and if he has no legal representative, a judge of the Superior Court shall appoint an arbitrator for him.

Proceedings  
by and before  
arbitrators.

**592.** The arbitrators proceed at the time and place fixed by them, and of which they shall have given at least ten days' special notice to the parties interested.

The arbitrators, after having examined and valued the land and heard the parties and their witnesses, under oath administered by one of them, if they deem it expedient, give their decision by means of a certificate signed by them or by the majority of them, and which they deposit in the office of the council.

Decision final.

Such decision is final and without appeal.

What to be  
mentioned in  
decision of  
arbitrators.

**593.** In every decision rendered by them, the arbitrators mention the lot whereof the land taken forms part, the name of the owner of such land, and also the by-law or order of the council under which such land is taken, and fix the amount of the indemnity, if they grant one, and if they do not, a statement to that effect is entered in such decision establishing the refusal thereof.

When corpora-  
tion may  
take posses-  
sion of land.

**594.** On payment or lawful tender of the amount of the indemnity agreed upon or accorded, or on the deposit thereof as hereinafter provided, the council shall be entitled to take possession of the land.

If taking pos-  
session  
resisted.

If such taking possession is resisted or opposed by any person, any judge of the Superior Court, on proof of the decision of the arbitrators, and of the payment or tender or deposit, as the case may be, may issue his writ addressed to any bailiff or to the sheriff, in order to have the corporation placed in possession of such lot and to cause all resistance or opposition to cease; all which the bailiff or sheriff shall accomplish, providing himself to that end with the assistance required.

Deposit of  
amount in  
court in cer-  
tain cases.

**595.** If the expropriated owner is unknown, or if the council, through apprehension of future claims or through other motives, deems it advisable so to act, the amount of the indemnity, together with six months interest thereon,

shall be deposited in the office of the prothonotary of the district of Iberville, together with a copy of the deed of agreement or of the decision of the arbitrators.

Proceedings shall be taken for the ratification of such deed or decision, by following the same procedure and with the same effect, as in ordinary applications for confirmation of title. Procedure to be followed thereafter.

## TITLE XVIII.

### ANNULING OF BY-LAWS AND OTHER ORDINANCES.

**596.** Any municipal elector may, in his own name by a petition presented to the Superior Court for the district of Iberville or to a judge of such court, ask for the annulling, on account of illegality, of any by-law, resolution, roll or other ordinance of the council or of any part thereof. Who may petition to annul by-laws, etc.

**597.** The petition must set forth, in a clear and precise manner, the reasons in support thereof and be accompanied by a certified copy of the by-law, roll, resolution or other ordinance complained of, if such copy could be obtained. Contents of petition.  
If the copy could not be obtained, the court or judge on application and on the tender and deposit of the approximate cost of such copy, orders the production thereof by the secretary-treasurer, who is for that purpose, considered an officer of the court. Copy of by-law attacked to be annexed. If copy cannot be had.

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

**599.** The petitioner must give security for costs before the service of the petition, otherwise the latter cannot be received by the court. Security for costs.

**600.** The security required by the preceding article is given before the prothonotary. Before whom given.

**601.** The sureties must be proprietors of real estate of a total value of two hundred dollars over and above all encumbrances. Sufficiency of sureties.

One surety is sufficient if he owns real property to the amount required. One suffices.

**602.** The petition is presented in open court or to a judge in chambers, accompanied by the returns and ser- vices which precede it. Presentation of petition.

If it is to be presented in chambers and the judge is absent, it is filed in the prothonotary's office.

Proceedings  
summary.

**603.** The court or judge proceeds in a summary manner to hear and decide the contestation.

Evidence how  
taken.

The evidence of the witnesses is taken orally or in writing, in whole or in part, as the court may order.

Costs.

**604.** The court or judge may condemn either of the parties to pay the costs, which are recoverable both from the parties and from their sureties.

Execution  
for costs.

**605.** The judgment as regards costs is executory against the sureties, fifteen days after a copy thereof has been served upon them.

Power of  
judge in  
deciding.

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

When by-law  
annulled  
ceases to be  
in force.

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

Prescription  
for such  
proceedings.  
After delay  
by-laws can  
not be  
annulled.

**608.** Every application for annulment is subject to the three months' prescription mentioned in article 11.

After the delay required for prescription, the by-laws, rolls, resolutions and other ordinances can no longer be annulled, either by a direct action nor an incidental or other proceeding, unless they relate to objects beyond the powers of the council.

## TITLE XIX.

### RECOVERY OF FINES.

#### SECTION I.

##### GENERAL PROVISIONS.

Fines before  
what court  
recoverable.

**609.** The fines imposed by the provisions of this act or by the by-laws of the council are recoverable before the Superior or the Circuit Court of the district of Iberville, according to the amount claimed, or before a magistrate, the mayor or a justice of the peace of the town, whatever may be the amount claimed.

Who may sue  
to recover  
fines.  
If suit dis-  
missed, costs to  
be paid under  
penalty of  
fine.

**610.** Any person of the full age of majority, residing in the town, may bring an action for the recovery of a fine : but if the action of such plaintiff or complainant is dismissed with costs he is bound to pay such costs under

penalty of imprisonment as if he had himself been condemned to pay the fine claimed.

**611.** Suits may be taken by the mayor or secretary-treasurer in the name of the corporation of the town, without its being necessary to obtain an authorization to that effect from the council. Suits in name of corporation.

**612.** All penalties incurred by the same person may be included in the same suit. All penalties incurred by one person to be included in suit.

**613.** Every suit for the purpose of recovering such penalties is prescribed by three months. Prescription of suits for fines.

**614.** Any such suit may be decided on the oath of one credible witness. One witness to suffice.

**615.** Penalties recovered in virtue of by-laws of the council or of the provisions of this act shall belong to the corporation, except in those cases provided for in article 273. Penalties to belong to corporation. Exception.

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

**616.** Before the decision of the court and even before a suit, the secretary-treasurer may accept payment of the maximum amount of any fine imposed by this act or the by-laws, with the costs of suit. Fines may be paid before suit &c.

## SECTION II.

### PROSECUTIONS BEFORE JUSTICES OF THE PEACE.

#### § 1.—*Procedure.*

**617.** In default of special provisions to the contrary, prosecutions before the magistrates, the mayor or a justice of the peace are heard and decided according to the ordinary rules of procedure, respecting summary orders and convictions, contained in chapter 178 of the Revised Statutes of Canada, in so far as they are not inconsistent with the provisions of this act. R. S. C., c. 178, to govern prosecutions before magistrates, etc.

**618.** Such suits need not be begun by the deposition or information on oath of the plaintiff or complainant, provided always that the purport of the complaint or demand shall be sufficiently set forth in the writ or in a declaration annexed thereto and signed by the party or by his attorney. Deposition not required to institute prosecution.

**619.** The delay on summons is at least two juridical days between the day of the service and that of the return. Delay upon summons.

Power of justice who issued summons.

**620.** On the day of the return of the summons or warrant, the justice of the peace who has signed the summons or warrant has the right to sit alone to hear and decide the case.

He may, however, require the assistance of any other justice of the peace having jurisdiction in the district.

Returns to be under oath of office.

**621.** The returns of service are made by a bailiff or a constable under his oath of office.

Certain allegations not necessary.

**622.** In any complaint or prosecution brought before the magistrate, mayor or justice of the peace, it shall not be necessary to specify or recite the provisions of law or the by-law under which such suit, prosecution or complaint shall be brought; but it shall be sufficient to state that it is in virtue of the act or by-law in that behalf made.

Verbal complaint sufficient in certain cases.

**623.** In all cases tried for drunkenness, or where a person shall be arrested on view by a police constable of the town for an offence against the provisions of this act, or of any by-law, it shall not be necessary that the complaint be reduced to writing, but a verbal complaint, under oath made before the court or judge by the constable who shall have arrested such person, shall be deemed a sufficient complaint.

If accused requires it, complaint to be reduced to writing.

**624.** If such person demand that the complaint be reduced to writing, the court shall direct the clerk to reduce the said complaint to writing.

Police, &c., may bring offenders before the court for trial, &c.

**625.** The police of the town, or any other peace officer or constable, may bring before the court any person offending as aforesaid, against the provisions of this act or of the by-laws, and any vagrant, loose, idle, or disorderly person, and any person arrested, as aforesaid, to be then and there dealt with according to law as the court or judge may determine.

Warrant may be issued upon certain affidavits in lieu of summons.

**626.** Upon the sworn declaration of the complainant or plaintiff that there is every reason to believe that the defendant will not submit to the jurisdiction of the court or judge, and that he will not appear upon a simple writ of summons, and that the judgment or sentence cannot be executed against such defendant, the judge may issue, instead of the summons, a warrant of arrest to apprehend such defendant and bring him before him.

Bail may be given.

The person is entitled to be released upon giving security.

Persons failing to appear.

**627.** When a person summoned to appear before the court, for having committed an offence as aforesaid, and

does not appear, either in person or by attorney, after proof of the service of the summons, proceedings by default are taken against such person, and, upon proof adduced by the plaintiff of the allegations of the complaint, the court pronounces such judgment as it deems proper and also decides as to the costs.

**628.** The court may use its discretion in granting or refusing the costs or ordering each party to pay his own costs. Costs discretionary.

**629.** In any action, proceeding or complaint by the corporation, it shall not be necessary to allege or to prove that the formalities required for the passing of a by-law have been observed. Compliance with formalities respecting by-laws need not be alleged.

The fact that such formalities have been observed shall be presumed, until proof to the contrary be shown. To be presumed.

**630.** The clerk shall enter daily, and in a succinct manner, in a register which shall be kept for that purpose, the proceedings had in each cause or complaint brought in the said court. Entries to be made by clerk in register.

**631.** It is not necessary for the clerk of the said court to enregister at full length the proceedings, judgments and convictions of the said court. Proceedings &c., not to be entered at length.

A roll only of the said judgments and one of convictions shall be duly kept by him, wherein shall be set forth the nature of the offence, the penalty and the date of conviction. Roll sufficient.

The notes of proceedings, noted in the margin of the original summons or plaint, are sufficient to all intents and purposes; but, on application of the defendant, the proceedings shall be registered at length. Notes of proceedings on original summons sufficient.

**632.** Every summons, order, writ, or warrant of any nature whatsoever, issued out of, or by the said court, is in the name of Her Majesty, Her Heirs or successors, and they shall be signed by the mayor or a justice of the peace. Writs &c be in Her Majesty's name.

**633.** The council may determine the place where the magistrate's court or the court of justices of the peace may sit. Where magistrate's court to sit.

**634.** In the case of the following article, the revenues of the said court revert to the municipal treasury. Application of revenues of court.

**635.** When the council determines the place where the court is to sit, it appoints as clerk of such court either the secretary-treasurer or another competent person. Appointment etc., of clerk.

Such officer is removable at will.

Deputy clerk. **636.** The clerk shall appoint a competent person, whom he may remove and replace at will, as deputy clerk to assist him in the performance of his duties.

Salary of clerk and deputy. **637.** The council determines the salary of the clerk and of his deputy.

Powers and duties of deputy clerk. **638.** In the performance of his duties, the deputy clerk performs the duties imposed by this act upon the clerk, and is vested with the same powers as the latter.

Clerk, etc., to prepare papers, etc. **639.** The clerk of the court prepares and draws up all summonses, orders, writs or warrants issued by the court.

Clerk to represent the corporation, etc. **640.** When the action is brought by the corporation, he represents the latter and conducts its proceedings, unless the corporation allows him counsel or appoints an attorney.

Oath of office of clerk, etc. **641.** The clerk and deputy clerk shall take an oath of office before the mayor or a justice of the peace; and the said oath shall be inscribed on the back or other part of the document appointing such clerk or deputy clerk.

Deputy clerk to act in case of death of clerk. **642.** In the event of the death of the clerk, the deputy clerk shall continue to act, until another clerk is appointed by the council.

## § 2.—*Judgments and their execution*

When judgment is executory. **643.** The judgment of the court or judge is executory as soon as it is rendered, unless the party condemned gives good and sufficient security, to the satisfaction of the court and judge, for the payment, within fifteen days from the date of the judgment, of the amount ordered by the judgment, with costs; in which case execution of the judgment is suspended during the said period of fifteen days.

Justification of solvency of surety. **644.** The surety must justify his solvency, under oath, to the amount of the judgment and costs.

Distress in default of payment. **645.** In default of payment within such delay of fifteen days, the party in whose favour the judgment has been rendered may apply for a distress warrant both against the party condemned and against his surety.

Issue thereof and to whom addressed. **646.** The said distress warrant is granted to him upon a *fiat* to that effect, and is addressed to a bailiff or constable and executed in the usual manner.



**647.** The party in whose favour judgment has been rendered may apply in the first place for a warrant of arrest. Arrest in first instance.

However, if a distress warrant has issued, the warrant of arrest can be obtained only upon a return of *nulla bona*, or a return of the non-execution of the warrant of distress. If distress issued.

The warrant of arrest is issued, notwithstanding the fact that the party condemned or his surety has paid a portion of the amount of the judgment in money. Payment on account not to prevent warrant of arrest.

**648.** When security has not been given and in default of payment by the party condemned, the party in whose favour judgment was rendered may apply, either for a warrant of distress or a warrant of arrest. Option for distress or warrant of arrest.

Such application must be made in writing. Application to be in writing.

**649.** Every warrant of distress or of arrest is issued either by the court or judge who rendered judgment or by any other magistrate. Who issues warrants.

**650.** The party condemned and imprisoned may, at any time, obtain his release by paying the amount of the judgment and costs. Release upon payment.

**651.** The imprisonment ordered in virtue of this act or of any by-law is effected in the common gaol of the district of Iberville. Where persons to be imprisoned.

The sheriff, the keeper of the town gaol and the gaoler of the district of Iberville are bound to receive, and hold in safe-keeping until duly discharged, any person sentenced to imprisonment in virtue of this act or of the by-laws of the council, and also any person placed in their custody by the council, by one of its members or officers authorized either by the presiding officer or deputy-presiding-officer at a municipal election. Sheriff etc., bound to receive and keep prisoners.

**652.** The provisions contained in this sub-section (articles 364 to 651 inclusively) apply to the execution of judgments rendered by the Superior Court or Circuit Court in accordance with the provisions of this title. Application of sub-section to certain judgments.

### SECTION III.

#### APPEALS TO THE SUPERIOR COURT.

**653.** An appeal lies to the Superior Court of the district of Iberville from any judgment or sentence rendered by the magistrate, the mayor or a justice of the peace in suits brought under the provisions of this act or of the by-laws of the town. Appeal to Superior Court.

Security to be  
given and  
when.

**654.** Within ten days from the rendering of the judgment, the appellant must give, before the prothonotary, good and sufficient security to prosecute such appeal, to pay the amount of the judgment and costs incurred both before the lower court and in appeal, in the event of the judgment or sentence being confirmed.

Town not obli-  
ged to give  
security.

**655.** However, the corporation of the town of St. Johns is not obliged to give security in order to exercise the right of appeal.

Justification  
by sureties of  
solvency.

**656.** The sureties shall establish their solvency to the satisfaction of the prothonotary, for the required amount, as regards the sum mentioned in the judgment and the costs incurred and to be incurred.

One sufficient.

One surety is sufficient.

Security  
before pro-  
thonotary  
replaces that  
before court  
below.

**657.** The security given before the prothonotary, according to the provisions of article 654, replaces the security given before the lower court, and the sureties before the latter court are discharged.

How appeal  
to be taken.

**658.** The appeal is taken by a petition in which are set forth, in a summary manner, the title of the case, the date of the judgment, the security given, the reasons of appeal and the conclusions that the judgment be set aside and that the judgment be rendered which should have been rendered.

Notice to  
accompany.

The petition is accompanied by a notice stating the day on which it will be presented to the court or judge.

Service of  
copy.

**659.** A copy of the petition certified by the appellant's attorney, with a notice of the day when it will be presented, must be served within fifteen days from the rendering of the judgment upon the respondent or his attorney and upon the mayor, magistrate or justice of the peace who has rendered the judgment, or upon their clerk.

Record to be  
transmitted  
to protho-  
notary.

**660.** In the interval between the day of service and that on which the petition in appeal is presented, the mayor, magistrate or justice of the peace transmits the record to the prothonotary, with a certificate that the documents transmitted are all the papers, documents and evidence connected with the case.

Execution &c.,  
suspended in  
certain event.

**661.** When the required security is given and the petition in appeal served within the required delays, the execution of the judgment or sentence is suspended until the decision of the Superior Court or judge.

**662.** When a warrant of distress is issued, the proceedings are suspended, and if the party condemned has been imprisoned, he may apply for his temporary release by a summary petition addressed to a judge of the Superior Court, accompanied by a copy of the sentence and warrant of imprisonment, and upon production before the judge of a copy of the security or bail bond and the petition in appeal with a return of service.

If distress issued or party arrested, proceedings suspended after security given, etc.

**663.** The petition in appeal is presented to the Superior Court in open court or to a judge of such court in chambers within thirty days from the rendering of the judgment under penalty of non-suit.

Presentation of petition.

If the petition is to be presented in chambers and the judge is absent, it is filed in the office of the prothonotary.

The appellant then files the return by the bailiff of the necessary services.

Returns of services to be filed.

**664.** The petition in appeal is heard and decided in a summary manner; no new witnesses can be heard.

Petition, etc., heard summarily.

**665.** The judgment is set aside only in case a real injustice has been committed and not for an unimportant variance or informality.

Judgment is set aside only if real injustice has been committed and not for informalities.

If objections be raised which do not affect the merits of the question, the court or judge may have amendments made to the proceedings, which are afterwards executed as if they had been regular from the outset.

**666.** Immediately after the judgment is rendered, the record of the case is transmitted, with a copy of the judgment in appeal and certificate of the costs allowed, to the court below, under the authority whereof all the costs, even those incurred in appeal, are levied.

Transmission of record to court below after judgment.

**667.** Every appellant, who neglects to have the service made as required by article 659 or who, having done so, neglects to follow up his appeal in an effective manner, is deemed to have abandoned such appeal, and the court or judge, on the application of the respondent, declares all the rights and claims founded on such appeal, forfeited with costs in favor of the respondent, and, if necessary, orders the record to be transmitted to the court below.

Abandonment of appeal.

**668.** The sureties are bound to execute the judgment under penalty of seizure in the same manner as their principal, fifteen days after service of the judgment.

Judgment binding upon sureties.

**669.** There is no appeal under the provisions of this act from a judgment rendered by a judge of the Superior Court concerning municipal matters.

No appeal from the judgment.

No *certiorari*.

**670.** No judgment, decision or conviction, susceptible of appeal under this act, can be set aside by *certiorari* in the Superior or Circuit Court.

## TITLE XX.

### EXECUTION OF JUDGMENTS AGAINST THE CORPORATION.

Payment by secretary-treasurer of amount of judgment served upon council.

**671.** Whenever a copy of a judgment, condemning the corporation to pay a sum of money, has been served at the office of the council, the secretary-treasurer shall forthwith pay the amount thereof out of the funds at his disposal, on the authorization of the council or of the mayor, according to the rules laid down in articles 98 and 99.

Council to order special assessment, if no funds.

**672.** If there be no funds, or if those at the disposal of the secretary-treasurer be not sufficient, the council shall, immediately after the service of the judgment of the court, order the secretary-treasurer, by resolution, to levy on the taxable property of the municipality, a sum sufficient to pay the amount due with interest and costs.

Delay to be granted council for such purpose.

**673.** The court which rendered the judgment may, on petition to that end presented either in term or in vacation, grant, from time to time, to the council any delay which it deems necessary to levy the amount of moneys required.

If judgment not satisfied within certain time, writ of execution may issue against corporation.

**674.** If the judgment has not been satisfied within two months after the service thereof at the office of the council, or at the expiration of the delay granted by the court or agreed upon by the parties, the person in whose favor such judgment was rendered, may, on producing the return of the service of such judgment at the office of the council, and on a requisition in writing for such purpose, obtain the issue of a writ of execution from the court against the corporation, returnable before the same court, so soon as the amount of the judgment and costs has been levied.

Attestation, signature and address of writ and what it enjoins.

**675.** Such writ is attested and signed by the clerk or prothonotary, sealed with the seal of the court, and addressed to the sheriff of the district of Iberville, enjoining him among other things :

1. To levy from the corporation, with all possible despatch, the amount of the debt, with interest and costs of the judgment as well as of the execution ;

3. In default of immediate payment by the corporation :

To apportion the sums to be levied on all the taxable property in the city, in proportion to its value, as it appears by the valuation roll, with the same powers and under the same obligations and penalties as the council

and the secretary-treasurer, to whom he is lawfully substituted for the levying of such money ;

3. To prepare without delay a special collection roll ;

4. To publish such special roll in the town by notice published in the newspapers ;

5. To exact and levy the amounts entered on the special collection roll, in the manner and within the delays prescribed by article 514 and following ;

6. In default of the payment of such amounts by the persons who are bound so to do, to levy the same with costs, on their moveable property, in the manner prescribed by articles 514 and following ; to sell the real estate liable for such amounts, in default of their payment in the same manner and with the same effect as if he were acting under a writ *de terris* issued by the Superior Court of the district of Iberville ;

7. To make a return to the court of the amount levied and of his proceedings, as soon as the amount of the debt, interest and costs has been collected, or, from time to time, as the court may order.

**676.** The sheriff is bound to execute without delay, either, personally or by his officers, all the injunctions of such writ or of any other order subsequently issued by the court. Sheriff bound to obey writ.

**677.** The sheriff has free access to the registers, valuation rolls, collection rolls and other documents deposited in the office of the council, and he may demand the services of the municipal officers of the town under the same penalties as if such services were required by the council itself. Powers of sheriff under writ.

**678.** He takes possession of the valuation rolls and other documents which are necessary to him for the execution of the judgment and orders of the court. Takes possession of valuation rolls, etc.

On the refusal or neglect of the council or of the municipal officers to deliver up such documents, he is authorized to take possession thereof.

**679.** If it be impossible for the seizing officer to obtain the valuation rolls, which should serve as a basis for the collection of the moneys, or if there be no such valuation rolls, the sheriff shall, without delay, proceed to make a valuation of the taxable property ; and he is authorized to base the special roll for the collection of the moneys to be levied on such valuation, as if it were the valuation roll in force. Valuation roll may be made by sheriff in certain cases.

The costs incurred in making such valuation, as taxed by the court from which the writ issued, form part of the Costs to form part of costs of execution.

costs of execution and are recoverable from the corporation.

Fees, etc.,  
of sheriff.

**680.** The fees, costs and disbursements of the sheriff are taxed in the discretion of the judge of the court from which the writ of execution issued.

Sheriff to  
return certain  
papers to  
council.

**681.** The sheriff transmits to the office of the council a copy of his special collection roll, and any other roll or document whereof he has taken possession, after having levied the whole amount set forth in the writ of execution, together with interest and costs.

Arrears due  
under sheriff's  
roll to belong  
to corpora-  
tion.

**682.** The arrears due, in virtue of the sheriff's special collection roll, belong to the corporation, and may be recovered by such corporation in the same manner as any other municipal tax.

Surplus in  
hands of  
sheriff also.

If any surplus remain in the hands of the sheriff, it shall belong to such corporation.

Orders that  
sheriff may  
obtain.

**683.** The sheriff may obtain from the court any order calculated to facilitate and ensure the complete execution of the writ addressed to him.

---

## SCHEDULE.

### FORM A.

I, A. B., solemnly swear that I will faithfully perform the duties of (*mention the office or employment*) to the best of my judgment and ability. So help me God.

# FORM OF POLL BOOK.

Number of voters.	Names of the voters.	Occupation.	Place of residence.	Owners, tenants or occupants.	Objections.	Sworn or affirmed.	Refusing to take the oath or affirmation.	Votes given.	Electors voting after others have voted in their name.	General Remarks.