

C A P. L X X I I.

An Act to amend and consolidate the acts of incorporation of the town of Terrebonne.

[Assented to 2nd April, 1890.]

Preamble.

WHEREAS the corporation of the town of Terrebonne has, by its petition, represented that it is desirable to amend and consolidate the act incorporating it as a town (23 Vict., chap. 76) and the acts amending the same (36 Vict. chap. 56 and 51-52 Victoria, chap. 84);

Whereas the said corporation has prayed for the passing of an act to amend and consolidate the said acts and to grant it further powers;

Whereas it is expedient to grant its prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

PRELIMINARY TITLE.

MISCELLANEOUS PROVISIONS.

SECTION I.

DECLARATORY AND INTERPRETATIVE PROVISIONS.

23 V., c. 76;
36 Vict., c. 56
and 51-52 V.,
c. 84, repealed.

1. The acts 23 Vict., chap. 76; 36 Vict., chap. 56, and 51-52 Vict., chap. 84, are repealed.

Certain provisions of R. S. Q., Title XI, c. 1, not to apply.

2. The provision of the town corporations' general clauses' act, as contained in the first chapter of the eleventh title of the Revised Statutes of the Province of Quebec, incompatible with the provisions of the act, shall not apply to the corporation hereby constituted.

Interpretation.

3. Unless there be a declaration to the contrary, either express or resulting from the context of the provisions, the following expressions, terms and words have the meaning, sense and application which are respectively assigned to them in this article:

"Council;" 1. The word "council" shall mean the council of the corporation of the town of Terrebonne;

"Corporation;" 2. The word "corporation" shall mean the corporation of the said town;

"Town;" 3. The word "town" shall mean the town of Terrebonne or the corporation or the council of the corporation of the town of Terrebonne, as the case may be;

"Mayor;" 4. The word "mayor" shall mean the mayor of the said town, or his authorized representative;

"Councillor;" 5. The word "councillor" shall mean a councillor of the said town;

6. The words "members" or "members of the council" shall mean the members of the council of the said town;

7. The words "secretary-treasurer" and "assistant-secretary-treasurer," shall mean the secretary-treasurer and assistant-secretary-treasurer, of the said town;

8. The word "rate-payer" shall mean any person who has to pay to the corporation any assessment or tax of any kind whatsoever, as well as the rates for water and lighting;

9. The word "persons" shall comprise individuals, companies, associations, commercial firms or corporations;

10. The word "elector" shall mean any municipal elector of the said town, who is qualified to vote, at the time he exercises his right as an elector;

11. The expression "electors who are proprietors" shall mean those who are entered on the valuation roll of the town, in force at the time they exercise their right as electors, and who are at the same time proprietors in possession, in virtue of *bonâ fide* titles;

12. The expression "municipal dues" shall mean all taxes, whether general or special, imposts, dues, assessments, apportionments, licenses, special assessments, rates or compensation for water and lighting, fines or penalties;

13. The word "contract" shall 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;

15. The words "valuation roll" and "assessment roll" are synonymous;

16. The words "police officers" and "constables" are synonymous;

17. The words "bonds" and "debentures" are synonymous and mean the bonds which the council are empowered to issue.

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

19. The word "district" shall mean the district in which the town of Terrebonne is or shall be situated.

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

5. Unnecessary allegations and expressions, introduced into the municipal acts of the council, or of its officers or employees, do not affect the validity thereof, if when they are set aside as superfluous, the remainder of the provision conveys the meaning required.

Acts not to be null on account of certain errors only.

6. 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 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 to the form.

7. 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 requiring such formality.

If day upon which any thing ought to be done is a non-judicial day.

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

Oath before whom to be taken.

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

Persons bound to administer and deliver certificate thereof.

10. The person, before whom an oath may be taken shall, whenever called upon to do so, administer the oath and deliver a certificate thereof to the party taking the same, without charge.

Certain persons competent witnesses in suits affecting town.

11. All citizens, electors, rate-payers, and constables of the town, and all members or officers of the council, shall be competent witnesses in suits wherein the rights of the said town are affected, if they be not otherwise incapable to act as witnesses.

Penalty on members of council and officers for not performing duties.

12. Every member of the council, and every officer appointed by such council, 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, save in such cases as may otherwise be provided for.

SECTION II.

TEMPORARY PROVISIONS.

Corporation under act to replace old corporation.

13. The council, as hereby incorporated, is substituted for all purposes whatsoever for the aforesaid corporation

called the " mayor and the councillors of the town of Terrebonne " and succeeds to all its rights, powers, privileges, debts and obligations.

It is vested with all the powers, rights and privileges conferred by the acts hereby repealed by article one, and shall be bound to perform all the duties imposed by the same acts. Powers with which it is vested.

14. The mayor and councillors of the town of Terrebonne shall remain in office until their respective terms of office expire. How long mayor and councillors shall remain in office.

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

16. All *procès-verbaux* governing water-courses and streets, assessment rolls, statement of dues, by-laws, orders, lists, rolls, resolutions, ordinances, agreements, provisions, engagements or municipal acts whatsoever, passed and agreed to by the mayor and councillors of the town of Terrebonne or their predecessors, shall continue to have effect, until they are cancelled, amended, set aside or accomplished. Existing *procès-verbaux*, etc., to remain in force, etc.

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

TITLE I.

THE ORGANIZATION OF THE CORPORATION.

SECTION I.

INCORPORATION OF THE TOWN.

18. The inhabitants and ratepayers of the town of Terrebonne, and their successors, are constituted a body politic and corporate under the name of "The town of Terrebonne." Certain persons incorporated. Name.

19. The said corporation shall remain separate from the county of Terrebonne for municipal purposes. Corporation to be separate from county of Terrebonne.

SECTION II.

GENERAL POWERS OF THE CORPORATION.

20. The corporation of the said town, under its corporate name, shall have perpetual succession, and may : Corporation : Has perpetual succession ;

- May sue and be sued ; 1. Sue and be sued in any cause and before any court of justice ;
- Have common seal, etc ; 2. Have a common seal, which it may change or alter at will ;
- Acquire real and personal property ; 3. Acquire real and personal property by purchase, donation, devise or otherwise, and hold, enjoy and alienate the same for the use of the town.
- Enter into contracts, etc ; 4. Enter into contracts, transact, bind and oblige itself and others to itself within the limits of its powers ;
- Sign, draw, etc., notes, cheques, etc. 5. Sign, draw, endorse, transfer, give, accept or receive notes, bills of exchange, chèques, bonds, obligations, debentures, judgment, 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.
- Council may issue promissory notes, etc. 6. The council may, by resolution, issue promissory notes, with or without interest, payable at such places, terms and conditions as the council may deem proper, for the settlement of accounts and other running expenses.
- How to be signed. Such promissory notes are signed by the mayor and secretary-treasurer.
- Amount of such notes limited. The council cannot bind itself for the payment of any amount over three thousand dollars by means of such promissory notes.

SECTION III.

LIMITS OF THE TOWN.—DIVISION INTO WARDS.

Limits of town.

21. The town of Terrebonne comprises all that territory forming part of the county of Terrebonne, situated within the following limits, to wit: to the south by the river Jésus, from the south extremity of the seigniorial line, between the seigniories of Terrebonne and Lachenaye, to the south extremity of the east line of the land of the representatives of Charles Daunais, senior, comprising the islands St. Jean, du Moulin, Bourdon, aux Moutons, and five small islands in front of the said town; to the west, by the east line of the said land of the representatives of Charles Daunais, senior, from the said river Jésus to the point marked at a depth of 990 feet from the said river; to the north by a straight line from the above mentioned point as far as the intersection of the said seigniorial line with the west line of the land Charles Terrien representing Marier at a depth of about 4554 feet from the river Jésus along the said Charles Terrien representing Marier line; to the north-east by the said seigniorial line from the said point of intersection to the said river Jésus.

22. The council may, under by-law adopted by the majority of its members, divide the town into as many voting wards as it deem expedient, and fix the number of councillors to be elected for each ward, according to its population. Division into wards.

The boundaries of the wards shall be fixed by the by-law. Limits of wards.

The council may also, in the same way, alter the boundaries of the wards, and increase or diminish the number. Alteration of limits of wards.

The council may likewise by by-law provide for the manner in which the elections shall be held and decide as to whether they shall be by ballot or open vote. Manner of holding elections.

SECTION IV.

THE TOWN COUNCIL.

§ 1.—*General Clauses.*

23. The corporation of the town is represented by its council. Corporation represented by council.

Its rights are exercised and duties performed by the said council and its officers. Rights how exercised.

24. The corporation office shall be at the office of the secretary-treasurer in the town hall. Corporation office.

Such office shall be open to and accessible by the public on every juridical day, from nine in the forenoon to four in the afternoon. Office hours.

25. The council shall consist of a mayor and six councillors. Composition of council.

26. The quorum of the council shall be four members. Quorum.

27. The council may, at the first meeting after the annual elections, or at any other meeting, appoint one of its members to perform the duties of pro-mayor and shall have the right to remove him at will. Appointment of pro-mayor, etc.

The pro-mayor performs the duties of the mayor, in the event of the absence or inability of the latter to act and during a vacancy in the office of mayor. His duties.

28. The mayor exercises the right of superintendence over all the officers of the council. Mayor's rights and duties.

He may suspend any one of them; and the officer or employee, so suspended, cannot be reinstated in office without the approval of the council.

He sees to the faithful execution of all municipal ordinances and by-laws.

He communicates to the council any information or suggestion which he may consider conducive to the interests of the town or of the citizens.

Signature of debentures, &c.

29. The mayor and secretary-treasurer sign, seal and execute, in the name of the council, all debentures, contracts, agreements or deeds made and passed by the corporation, unless the council provides otherwise.

Mayor justice of the peace.

30. While he is in office, the mayor is a justice of the peace *ex-officio* and has jurisdiction over the whole territory of the town.

Qualification.

The fact alone of his being mayor shall qualify him to act as a justice of the peace, without his having to take an oath or to comply with any of the formalities or conditions required of justices of the peace.

Summoning of witnesses.

31. Any member of the council may, upon resolution of the council or of a committee, in the name of the council or of such committee, summon any witness who is ordered to appear before the council or one of its committees, administer the oath to him and examine him.

Provisions applicable.

Articles 45 and 46 apply to such witness.

Members to take oath of office.

32. Before entering into office, the members of the council shall make oath in the following form :

Form of oath.

“ I, A. B, do solemnly swear that I will well and faithfully discharge the duties of member of the council of the town of Terrebonne to the best of my judgment and ability : So help me God.”

Duties, etc., to be performed under oath of office.

They shall perform their duties and all municipal acts under such oath.

Omission to take oath a refusal of office.

33. The omission during fifteen days on the part of any member of the council to take the oath of office required by the preceding article shall constitute a refusal to accept office.

Penalty for illegally refusing, etc., office of mayor or councillor.

34. Whosoever shall be elected mayor or councillor and illegally refuse to accept the said office or to continue to discharge the said duties shall incur a penalty of thirty dollars for the office of mayor and twenty dollars for that of councillor.

Services gratuitous.

35. The members of the council shall not receive any salary, profit or indemnity, in any shape whatsoever, for their services.

Members not to hold subordinate positions ;

36. The members of the council shall be unable to hold any subordinate office under the council.

They shall not be sureties for the officers or employees of the corporation. Not to be sureties for officers, etc. ;

37. They shall not become sureties for the fulfilment of any obligation contracted by a third party towards the council. Not to be sureties under contracts with corporation.

38. 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. Votes given by persons illegally holding office.

§ 2.—*Committees of the Council.*

39. The council may appoint standing or special committees, composed of as many of its members as it shall deem proper, 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. Appointment of standing and special committees.

40. The committees shall be formed every year at the first sitting after the annual general elections. When to be formed

41. The council may replace any member of the said committee, whenever it deems expedient. Replacing members of committees.

42. The mayor is *ex-officio* a member of every committee and may vote at any meeting thereof. Mayor member of all committees and may vote.

43. The committees shall render account of their labors and their decisions by reports signed by their chairmen or by a majority of the members who compose them. Reports by committees.

No report or order whatever of a committee shall have any effect, until it has been ratified or adopted by the council. To be approved by council.

44. The council or its committees, on every question or matter pending before them, may : Powers of council and committees :

1. Take communication of all documents or writings produced in evidence ; To examine, etc., documents ;
2. Summon any person residing in the Province, on a warrant of the mayor or of the chairman of a committee : Summon persons to attend before it ;
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 witnesses.

45. 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 Certain expenses and fees to be tendered with.

nesses when summoned.

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.

Default to appear upon summons after fees tendered.

46. Every person, so summoned as a witness before the council or the committees who, without just cause, fails to appear at the time and place mentioned in the summons, when the expenses and compensation mentioned in the preceding article have been paid or offered to him, shall incur a penalty of not less than four or more than ten dollars, or imprisonment not to exceed fifteen days.

§ 3.—Sessions of the Council.

Power to fix place where sessions to be held.

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

Quorum.

The quorum of the council is fixed by article 26.

First meeting after election when to be held and how to be called.

48. The first meeting of the council after the election shall take place within the thirty days following such election, and shall be called in the manner prescribed by article 164

Power, if majority present, to act.

The members present, provided there be a majority of them, shall have power to act.

Absent members.

49. Members who have been elected and are absent without legitimate cause, shall be considered to have refused the said office and shall incur the penalty inflicted by article 34, unless they come within some of the exemptions mentioned in articles 127, 128 and 129 and have given the notices required by article 130.

Monthly meetings of council, when and where to be held.

50. The council shall meet at least once a month to despatch the business of the town and shall hold its sessions on the day and at the hour which it shall determine by by-law in the city hall, or any other place in the town which may be decided upon either temporarily or permanently.

If one hour elapses after hour fixed for meeting.

51. No session of the council or committees can lawfully be held if more than one hour has elapsed from the hour fixed by the by-law, or by special notice calling the meeting, to the opening of the session.

Sessions public. Exception.

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

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

Sessions private when conduct of officers under consideration, and also when deciding as to licenses for sale of intoxicants.

54. The sessions of the council shall be 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.

Who presides over the sessions.

55. The presiding officer shall maintain order and decorum and decide questions of order, saving an appeal to the council.

Presiding officer to maintain order, etc.

56. Every disputed question shall be decided by a majority of the votes of the members present.

Majority to decide.

The mayor or chairman may give his opinion, but may not vote, except in the case of an equal division of votes.

Casting vote of chairman must be given.

In the latter case the chairman shall be always bound to give the casting vote, giving his reasons therefor if he so please.

57. No member of the council shall take part in the discussion of or vote on any question in which he has a personal interest under this act, in case of contestation.

Members not to take part in discussion when personally interested.

The council, in case of dispute, shall decide without appeal, whether the member has or has not a personal interest in the question; and such member shall have no right to vote on the question of his interest, although he may explain why he should not be recusable.

Decision as to interest.

This article shall not apply to the formation of committees nor to the appointment of a member as chairman

Article not to apply to formation of committees, etc.

58. If there be a quorum, any ordinary or special session may be adjourned by the council.

Adjournment, if a quorum.

59. When there is no quorum at any regular or special or adjourned meeting, any two members of the council may adjourn the session half an hour after the hour fixed for such meeting.

Adjournment, if no quorum.

The hour of adjournment and the names of the members of the council present shall be entered in the minutes of the meeting in the book of the proceedings of the council.

Entries to be made in minutes.

The secretary-treasurer shall enter also all orders given by the members present in virtue of this article.

The members who are absent from the session, and who are also absent at the time of such adjournment, may be condemned to pay the penalty fixed in the case of absentees from the meeting by at least two members present.

Fines upon absentees.

Members may be compelled by fine to the performance of their duties.

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

Order of business.

61. The council may, by by-law, determine the order in which its business shall be proceeded with.

Maintenance of order.

62. The council may also pass by-laws for the maintenance of order during its sessions, and, by such by-laws impose a fine not exceeding twenty dollars, or an imprisonment not exceeding fifteen days in default of payment, for any contempt by the members or persons present at the sessions.

Expulsion of unruly members.

63. The council may give orders to expel from the council room, until the adjournment of the session, any member or other person who shall persist in his reprehensible conduct after having been called to order by the mayor or chairman.

Motions for, always in order.

All motions to that effect shall always be in order and shall be moved and decided without debate.

Penalty on such members.

The council may furthermore impose a penalty not exceeding forty dollars, upon the member thus disturbing order.

Special sessions convened by mayor. Special sessions convened by two members.

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

Whenever two members shall 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 held.

Notices for special sessions.

65. Every notice of the calling of a special session of the council shall be given by the secretary-treasurer, at least forty eight hours before the time fixed for the session.

What to be considered at special sessions.

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

Before beginning proceedings what to be ascertained.

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 notices not served on all members.

If it appear that the notice of meeting has not been served on all the members, the session shall be immediately closed.

SECTION V.

OFFICERS OF THE COUNCIL.

§ 1.—General provisions.

67. The council may, in its discretion, appoint, dismiss and replace, 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.

Appointment etc., of officers, etc.

68. It may appoint town, road or other inspectors.

Inspectors.

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 it shall be otherwise provided for.

Penalty for non-performance of duties.

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

Oath of office to be taken by officers before entering upon discharge of duties.

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.

Omission to take.

70. 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.

71. 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 appointment due at the time of their removal.

Removal of officers, etc.

72. 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, etc., of officers to be defined.

73. The officers and employees under the council, or its duly authorized officer, may at proper hours visit and examine, within or without, any land, house and other construction in the town in order to see to the proper execution of the by-laws.

Visit of lands etc., by officers.

Impeding officers.

74. Whosoever shall impede or prevent any officer from discharging his duties, or attempt so to do, shall be liable to a fine of twenty dollars, over and above any damages.

Majority, if more than two officers, can act.

75. 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.

Duty of officer who has ceased to discharge duties to return books etc, belonging to corporation.

76. Every municipal officer, elected or appointed, who has ceased to discharge the duties of his office, shall be bound to deliver, within the eight days next following, to his successor in office, if elected or appointed, or within eight days after the election or appointment of such successor, all the moneys, keys, books, papers, insignia, documents, archives and other things belonging to the council and belonging to such office.

Duties of heirs etc, of officer to return books etc, belonging to corporation.

77. If any municipal officer dies, or absents himself from the town, his representatives or heirs shall be bound, within one month from his death or absence, to deliver to his successor the said moneys, keys, books, papers, insignia, documents, archives and other things.

Power of successors in office to recover such books, &c., from persons above named.

78. In the case of the two preceding articles the successors of said officers shall be entitled, in addition to any other legal recourse whatsoever, to recover, by process of revindication from such officer or his representatives, or any other person withholding them, all such moneys, keys, books, insignia, archives or things, with costs and damages in favour of the said corporation.

Council also has like powers.

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.

79. In the exercise of the legal rights and recourse provided for in the preceding articles, there may be taken conclusions for coercive imprisonment which may be ordered against the defendant who has been condemned.

Reports etc, by secretary-treasurer and others to council.

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

§1. The mayor, in the name of the council, may bring an action to render an account against any employee responsible for corporation moneys.

Suits against persons accountable for moneys.

Such employee may be condemned to pay damages if he shall have neglected or delayed in rendering account.

Damages.

If he renders account, he may be condemned to pay the amount which he acknowledges, as well as such other sums which should have been received, and for which the court shall hold him responsible, with costs.

What may be ordered by judgment.

All judgments bear interest at the rate of twelve per cent to be exacted as damages.

Interest.

Every such judgment shall convey with it coercive imprisonment if it has been demanded and shall not stay criminal proceedings for malversation, embezzlement or other offences.

Coercive imprisonment.

§2. The mayor or justice of the peace may, by a special written order, signed by him, 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 the houses or buildings which he may find closed, or the entry whereof is refused him, and may also, in virtue of the same order, require the assistance of all such other persons as he may deem expedient; and the costs incurred upon such proceedings shall be levied in virtue of the same warrant.

Mayor, etc, may order opening of doors closed against execution, etc.

§3. Whosoever refuses to allow any persons appointed to effect the seizure or sale of moveable property or effects contained in a house, to enter therein is guilty of resisting justice (*rebellion en justice*), and may be condemned by the mayor or any justice of the peace, to pay a penalty not to exceed five dollars and in default of payment to an imprisonment which shall not exceed fifteen days.

Persons refusing entry to officers to effect seizure.

§ 2.—*The secretary-treasurer.*

§4. The council shall always have an officer as keeper of its office and archives.

Keeper of archives.

Such officer shall be styled the "secretary-treasurer."

His name.

§5. The present secretary-treasurer shall continue to discharge his duties until replaced.

Present secretary-treasurer to continue in office.

§6. The council shall appoint the secretary-treasurer at its first general meeting or at a special meeting held within the fifteen days following such general meeting.

When secretary-treasurer to be appointed.

§7. The secretary-treasurer shall be the keeper of all the books, valuation rolls, collection rolls, procès-verbaux, registers, plans, maps, archives and other documents and

Secretary-treasurer is guardian of books, etc.

papers, the property of the council, or produced filed and preserved, in the office of the council.

To deliver copy, etc., of books.

88. He shall deliver 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.

Copies authentic.

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

Fees for copies, etc.

89. Until otherwise ordered by a resolution of the council, the secretary-treasurer may exact for these copies or extracts ten cents per hundred words.

Certain copies to be delivered gratis.

However, he shall be bound to deliver them gratis to the Lieutenant-Governor or the council, its officers and permanent and select committees.

Attends all sessions of council and draws up minutes etc. "Register of proceedings."

90. 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."

Signature of minutes.

91. All minutes of the sittings of the council shall be approved by the council, signed by the president and countersigned by the secretary-treasurer.

Entry to be made when by-law, etc. amended.

92. 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.

Secretary-treasurer collects, etc., moneys of corporation. Pays out moneys upon orders.

93. The secretary-treasurer shall collect and have charge of all moneys due or payable to the corporation.

Upon the authorization of the council he shall pay, out of such funds, all orders or drafts drawn by any person duly authorized by this act so to do, for the payment of amounts due by the corporation, or applied by the latter to some object.

What orders to contain.

However he can not legally pay any such order or draft unless they shall contain a clear specification of the amount, the employment to be made thereof, and the nature of the debt intended to be thereby paid.

Books of account.

94. The secretary-treasurer shall keep in due and proper form books of accounts, in which he shall enter in order of date each item of receipt and expenditure, mentioning the persons who have paid moneys into his hands or to whom he has made any payment.

Vouchers.

He shall keep all vouchers for expenditure in his office.

Secretary-treasurer under penalty not :

95. No secretary-treasurer shall 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 ; To grant discharges without receiving money etc ;
2. Lend, directly or indirectly, by himself or by others to ratepayers or other persons whatsoever, moneys belonging to the corporation. To lend, etc., corporation moneys.

96. The secretary-treasurer's or 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, shall be open to all rate-payers of the town or their attorneys, for inspection and examination during office hours. Books, etc., of secretary treasurer open to inspection.

97. The secretary-treasurer shall render an account, duly sworn to by him, in detail of his receipts and expenditure every six months in June and December of each year, or oftener if required by the council. Accounts when to be rendered.

98. Before entering into office, the secretary-treasurer shall take oath to well and faithfully discharge his duties. Oath to be taken by secretary treasurer.

99. Before entering into office, the secretary-treasurer shall furnish two sureties, whose names shall have been previously approved of by resolution of the council. Security to be given by secretary-treasurer.

100. The sureties bind themselves, jointly and severally, with the secretary-treasurer, towards the corporation, for the due performance of the duties of his office and, for the payment of all moneys, for which the latter in the exercise of his office may be accountable, whether in principal interest, costs, penalties or damages. Obligation of sureties.

101. The security is given by deed in authentic form and accepted by the mayor, to whom the secretary-treasurer shall give a copy of such deed. How security to be given.

102. The amount of such security shall be fixed by resolution of the council, but shall not be less than two thousand dollars. Amount how fixed.

103. At least one of the sureties shall hypothecate, by the said deed of suretyship, property belonging to him to guarantee the payment of the amount fixed for such surety. Mortgage to be given by one of the sureties.

104. The deed of suretyship shall be enregistered by the mayor as soon as he receives the same. Registration of deed.

It shall hypothecarily affect only the immoveables therein specially designated. What property to be affected there by.

Sureties may free themselves from future liability by giving notice.

105. By giving notice in writing of their intention to the secretary-treasurer himself and to the mayor, the sureties may, at any time free themselves from future liability under their suretyship, at the expiration of thirty days after the service of such notice.

How given.

Such notice is given and served by a notary or by the surety himself, by a writing delivered in presence of one witness who signs the same.

Other security to be furnished by secretary-treasurer.

106. The secretary-treasurer shall, within thirty days after the service of such notice, furnish other sureties in lieu of those who have withdrawn, in default of his so doing he shall not, under a penalty of twenty dollars for each infraction of this provision, perform any of the functions of his office.

Notice required if any surety dies, etc.

107. Whenever one of his sureties dies, becomes insolvent or bankrupt, or removes his domicile out of the district, the secretary-treasurer shall, so soon as he becomes aware of such fact, inform the mayor thereof, in writing, under penalty of one hundred dollars, and he shall replace such surety within the thirty days next following, and in default of his so doing, he shall not perform any of the duties of his office, under the penalties prescribed by the preceding article.

When sureties relieved may require certificate to that effect from mayor.

108. After they are freed from further liability under their suretyship, or after the secretary-treasurer has ceased to perform the duties of such office, the sureties of the secretary-treasurer may exact from the mayor a certificate of discharge for the future; which certificate, after registration thereof, discharges thenceforth the immoveables hypothecated by such suretyship.

Appointment of assistant by secretary-treasurer and his duties.

109. The secretary-treasurer may, from time to time, under his hand appoint an "assistant-secretary-treasurer" who may perform all the duties of the office of secretary-treasurer, with the same rights, powers and privileges, and under the same obligations and penalties as the secretary-treasurer himself, except as regards giving security.

Assistant to act in case of vacancy in office of secretary-treasurer.

110. In the case of a vacancy in the office of the secretary-treasurer, the assistant-secretary-treasurer shall continue to perform the duties of the office until the vacancy is filled.

Removal etc., of assistant.

111. The assistant-secretary-treasurer may be removed or superseded at pleasure by the secretary-treasurer, under the responsibility of whom he performs his duties.

§ 3.— *Auditors.*

112. At the first session of the council after the annual elections or as soon as possible at the commencement of the fiscal year, the council shall appoint two auditors selected from among the rate-payers who are neither sureties of the secretary-treasurer nor members or officers of the council, and who have no contract or bargain therewith and who receive no salary.

Auditors when to be appointed.

113. Before acting the auditors shall take the following oath:

Oath to be taken by them.

“ I, A. B., having been appointed auditor for the town of Terrebonne, do swear to faithfully discharge my duty to the best of my ability and power. I declare that I have neither, directly or indirectly, any interest whatsoever in any contract or in any work with or under the council of the town of Terrebonne: So help me God.”

Form of oath.

114. The auditors shall examine, approve or disapprove of all accounts contained in the books of the corporation or which relate to matters under the control of and within the jurisdiction of the council, and report to the latter at least fifteen days before the date of the annual elections.

Duties of auditors.

§ 4.— *Valuators.*

115. The council may appoint three valuers whose powers, rights, duties and obligations are set forth in articles 435 and following of this act

Appointment of valuers.

116. No one can be a valuator unless he be proprietor of immoveable property in the town of a value of at least four hundred dollars.

Real estate qualification of valuers.

117. Before proceeding to value the properties in the town, the valuers shall take the following oath;

Oath to be taken by valuers.

“ I, C. D., having been appointed one of the valuers for the town of Terrebonne, do solemnly swear that I will honestly and diligently fulfil the duties of the said office, to the best of my judgment and ability: So help me God.”

Form of oath

118. Any valuator, who shall refuse or neglect to fulfil the duties of his office, within the delay and in the manner prescribed by the council, shall be liable to a fine of twenty dollars; in such a case the council may replace such valuator.

Penalty on valuers refusing, etc., to perform duties.

TITLE II.

PERSONS QUALIFIED OR DISQUALIFIED FOR OR EXEMPT FROM MUNICIPAL OFFICE.

SECTION I.

PERSONS QUALIFIED FOR MUNICIPAL OFFICE.

Qualification for municipal office.

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

SECTION II.

PERSONS DISQUALIFIED FOR MUNICIPAL OFFICE.

Persons disqualified for municipal office.

120. The following persons can not be elected mayor or councillor nor perform the duties thereof, nor be appointed to nor fill any municipal office :

1. Minors ;
2. Persons in holy orders, and the ministers of any religious denomination ;
3. Members of the Privy Council forming part of the Cabinet and members of the Provincial Executive Council ;
4. Judges or magistrates receiving emoluments from the Federal or Local Governments ;
5. Officers on full pay of Her Majesty's Army or Navy, and the officers or men of the police force ;
6. Whosoever has no residence in the city for at least six months previous to the election ;
7. Whosoever receives any pecuniary allowance or other consideration from the corporation for his services, or having, 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 or which receives a bonus from the corporation, shall not be 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 thing affecting such company ;

8. Whosoever has not paid all his municipal dues, with the exception of such amounts as may have to be made up owing to involuntary error or omission ;

9. Whosoever cannot read or write ;

10. Aliens ;

11. The officer presiding at any 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 ;

12. Persons who are responsible for moneys belonging to the town, or who are sureties for any employee of the council.

121. No one can be elected mayor or councillor unless he be in possession as proprietor, in his own name or in that of his wife, for at least twelve months before the election, of immoveable property situate within the limits of the town, of a value of at least four hundred dollars over and above all charges and hypothecs incumbering such immoveable, the value of which shall be established by the valuation roll. Property qualification of mayor and councillors.

122. In the case of dividing the town into wards according to article 22, the immoveable upon which he bases his eligibility as councillor shall be situate within the ward for which he desires to be elected. Property qualification of councillors, if town divided into wards.

123. No person, surety for any secretary-treasurer or for any municipal employee, shall 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 of secretary-treasurer, etc. not to be members of council.

124. 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. Persons disqualified whilst holding office bound to give notice.

Until such formality is accomplished, such person shall be deemed to have continued in the exercise of such office, and shall be liable to all penalties, prosecutions and other rights of action prescribed or authorized by this act. Penalty if notice not given.

125. 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 shall then be filled in the ordinary manner, and within the prescribed delay. How vacancies filled.

126. A councillor cannot be nominated as mayor, unless he has previously tendered his resignation as councillor. Councillor to resign before being nominated as mayor.

SECTION III.

PERSONS EXEMPT FROM MUNICIPAL OFFICE.

127. The following persons may be exempted from any municipal office : Persons who may become exempt from municipal offices.

1. Members of the Senate, of the House of Commons, of the Executive Council, and of the Provincial Legislature ;
2. All civil functionaries, the employees of the Federal Parliament and of the Provincial Legislature, and militia officers ;
3. Teachers, while engaged in their profession ;
4. Licensed pilots, persons engaged in navigation, and all millers who are employed in the mill alone ;
5. Persons of over sixty years of age ;
6. Gaolers and keepers of houses of confinement, of correction, or reformatory schools ;
7. All persons employed on railways or turnpike roads.

Persons already holding office.

128. No person, already holding a municipal office, shall, when holding such office, be bound to accept any other municipal office at the same time.

Persons who have paid fine for refusing office, etc.

129. Any person, who has paid the fine for refusing to accept a municipal office, shall be exempt from accepting any other municipal office during the time for which he had been elected or appointed.

How exemption is to be taken advantage of.

130. Any person, who shall be appointed to a municipal office from which he is exempt shall, in order to avail himself of such exemption, serve upon the secretary-treasurer a special notice to that effect within the eight days following the notification of his election or appointment or the day when he shall become exempt from filling such office if he already has one.

Default of not doing so.

In default of his so doing he may no longer claim his exemption.

TITLE III.

OF MUNICIPAL NOTICES.

Notices how to be drawn and published etc.

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

Notices either public or special. Public notices are published, Special, served.

132. Every notice is either special or public, and shall be given in writing or be printed. Public notices shall be published ; special notices shall be served.

Copies to be certified.

133. Every copy of a notice, which must be served published or posted up, shall be certified either by the person who gives such notice or by the secretary-treasurer.

134. 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

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

Original to be accompanied with certificate of publication etc. To be filed by person giving same.

135. Except in the case where the service is made by mail, under article 137, the service of a special notice shall be 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.

How special notices to be served.

136. 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.

Appointment of agent by absentee.

Such agent, however, cannot represent his principal for the purposes of municipal elections, nor of voting on by-laws submitted for the approval or disapproval of the electors who are proprietors.

Agent not to vote for principal.

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

If an agent has not been appointed, the notice shall be 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.

Special notices for absentees to be served upon agent. If no agent, to be posted.

138. 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.

Special notices need not be given to absentees without agent, unless address has been given.

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

When special notices may be served.

140. 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 the domicile or place of business.

If doors, etc. of domicile closed.

141. The intermediate delay, after special notice, shall run from the day on which such notice was served, exclusive of such day and of Sundays.

Delays after special notice.

How public notices to be published.

142. The publication of a public notice, in cases unprovided for by this act, shall be made by posting up a copy of such notice, at two different places in the town, from time to time determined on by resolution of the council.

If no places have been fixed by council.

In default of places determined upon by the council, the public notice shall be posted upon or near the principal door of at least one place of public worship, or in the public hall of the post-office and in the portion of the secretary-treasurer's office devoted to the public.

Public notices to be published in newspapers only in French.

143. It shall be sufficient that public notices which have to be published in the newspapers, shall be inserted only in one French newspaper in the town, if there is one, if not then in the district of Terrebonne, if there is one, if not, then in the district adjoining.

Delay after public notices.

144. Except in cases otherwise provided for, the intermediate delay after a public notice shall date from the day on which such notice has been made public.

If it is ordered that the notice must be published in a newspaper, the intermediate delay shall date 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 shall not count.

Public notices binding upon all.

145. Public notices shall be applicable to and binding upon proprietors or 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.

Acquiescing in notice.

146. Any person who has acquiesced in that which is required by a notice or who has in any manner whatsoever become sufficiently acquainted with its tenor or object, shall not thereafter avail himself of the insufficiency or informality of such notice or of the omission of its publication or service.

Damaging notices, etc.

147. Any person, purposely tearing, destroying, damaging or effacing an advertisement, notice or other document, posted up under the provisions of this act or of any by-law, shall be liable to a fine of eight dollars for each offence.

TITLE IV.

MUNICIPAL ELECTORS.

Qualification of municipal electors.

148. In order to be a municipal elector, and as such to have the right to vote at the election of mayor and councillors, and to exercise all the rights and privileges conferred upon municipal electors by the provisions of this act, a person must fulfil the following conditions at the time he exercises such rights or privileges :

1. Be of the male sex and have attained the age of ma- Males ;
jority and be a British subject ;

2 He must have been in possession in the town either Proprietors ;
in his own name or in that of his wife or as institute in a
substitution, as shown upon the valuation roll either as
proprietor or as occupant, by any title whatsoever, of real
estate of the real value of at least fifty dollars for which
he pays taxes, or as tenant, farmer or lessee of real estate for Tenants ;
which he pays an annual rental of at least twenty dollars ;

To be an elector, every lessee or occupant shall have resi- Resident
ded within the limits of the town at least for one year pre- tenants ;
vious to the election ;

3. Have paid, both in his own name and in that of his Payment of
wife, all taxes and assessment whether school or municipal, taxes etc ;
and in general all municipal dues, taxes and debts what-
soever which he may owe the corporation before the first
day of January preceding the election ;

4. He must be entered on the valuation and assessment Entry on roll.
roll.

149. Every partner in a firm or non-incorporated com- Partners and
pany, and all proprietors of an undivided property, are also co-proprie-
electors, if their shares in the said firm or property be suffi- tors.
cient to qualify them as electors under article 148.

150. Whosoever votes at an election for mayor or coun- Penalty for
cillor, without having, at the time he votes, the required voting when
qualification to make him a municipal elector, shall incur not qualified.
a penalty of twenty dollars.

TITLE V.

GENERAL ELECTIONS.

SECTION I.

PRELIMINARY PROVISION.

151. The mayor is elected for one year by the vote of Mayor how
the majority of the municipal electors of the town. elected and
The present mayor shall remain in office until replaced for how long.
according to the provisions of this act. Present
mayor.

152. The councillors are elected for two years by the Councillors
majority of the municipal electors of the town. how elected
They shall be elected in each ward by the majority of the and for how
votes in that ward when the town shall have been divided long.
into wards under article 22. If town di-
vided into
wards.

153. Three councillors shall go out of office each year, Retiring of
the order in which they are, at present, replaced, shall con- councillors.
tinue.

When duties commence.

154. The duties of the newly elected members commence from the beginning of the first session after they have been sworn.

Expenses of elections.

155. The expenses of the election are paid by the corporation.

SECTION II.

DATE OF ELECTIONS---NOTICE REQUIRED.

General elections when to be held.

156. The general elections shall be held annually on the third Wednesday of February.

Notice convening electors.

157. The mayor, or, in his default, the secretary-treasurer shall give public notice, in French, announcing the election and calling a general meeting for the election on the day, hour and place fixed.

When to be posted.

This notice shall be posted up on the public weigh-house and all other places fixed by resolution of the council, at least eight days before the election, and it shall be read at the door of the Catholic church of the town, at the close of divine service, in the morning, of the Sunday following the posting of such notice.

Omission to give notice.

158. The omission to give such public notice shall not prevent the meeting of the municipal electors from being held; but the persons, who have neglected to give such notice, shall each incur a penalty of twenty dollars, payable to the corporation.

SECTION III.

OFFICER PRESIDING OVER THE ELECTION.

President of the election.

159. The council shall appoint one of its members, who does not go out of office, president of the election.

In default of appointment.

In default of such appointment, the secretary-treasurer shall be *ex-officio* presiding officer; if the town is divided into wards, the presiding officer shall name a deputy-presiding-officer for such ward.

Election clerk.

160. The presiding officer shall appoint an election clerk to assist him in the performance of his duties relative to the election; and if the presiding officer be absent or unable to act, the election clerk shall perform the duties of the presiding officer and shall be liable to the same penalties.

Oath to be taken by presiding officer.

161. Before proceeding to an election the presiding officer shall take the following oath :

" I, A. B. solemnly swear to faithfully and without partiality fulfil to the best of ability and judgment the duties of presiding officer of the election to which I shall proceed, of a person (or persons) to the office of member of the council of the town of Terrebonne. So help me God."

The election clerk is, likewise, bound to take the same oath as contained in the preceding form, by changing the words presiding officer and substituting therefor election clerk.

162. The presiding officer shall preside at the general meeting on nomination day ;

He shall remain, as much as possible, at the town hall on polling days.

He shall act as such under his oath of office.

163. During the election, the presiding officer is a justice of the peace and has the same powers as a justice of the peace, for the purpose of maintaining good order and of arresting, imprisoning, bailing of any one who infringed the law and troubled the peace, even though the said presiding officer shall not have the necessary property qualification for a justice of the peace.

The presiding officer shall have power to appoint a sufficient number of special constables to maintain peace during the election if he shall deem it necessary, or if required to do so by five electors.

164. Within three days from the closing of the election, the presiding officer is bound to give special notice to the mayor and each councillor elected of his election, as well as of the place, day and hour which he has fixed for the first meeting of the council, which said meeting shall take place within the fifteen days following such election.

165. The presiding officer shall immediately hand over the poll book kept at such election and all other papers and documents concerning the election, duly certified by him to the secretary-treasurer if there be such an officer, if not, as soon as he shall have been appointed, to be by him kept as part of the archives of the council.

Copies of these, duly certified by the secretary-treasurer, shall be *primâ facie* proof of their contents.

166. The duties of presiding officer, at an election, are gratuitously fulfilled ; however, the council shall reimburse him for all just costs incurred for the said election and may, furthermore, grant him indemnity for his services.

SECTION IV.

MEETING OF MUNICIPAL ELECTORS.

When meet-
ing to be held.

167. The meeting of the municipal electors shall be held at the place of the ordinary meetings of the council, in the town hall, and shall be opened at ten o'clock in the forenoon, on the day fixed for the election, and the minutes of the meeting shall be kept in the minute book of the council or in a document to be preserved as part of the archives of the council.

Opening of
meeting.

168. The presiding officer, after having opened the meeting, shall call upon the electors present to propose the persons they desire to choose as mayor and councillors.

Nomination
of candidates.

169. The presiding officer shall receive and place in nomination the names of all persons proposed, either verbally or in writing, by at least ten electors for mayor and five electors for councillor.

Proviso.

Nevertheless, no one can be nominated either for mayor or for councillor, unless his name and surname be given in at the same time, as well as the name and surname of the electors who propose him.

Oath may be
administered
to candidates
as to qualifica-
tion.

170. The presiding officer may, and shall if required to do so by an elector duly qualified to vote at that election, examine under oath every candidate for the office of councillor as to his qualification.

The oath to be administered shall be in the following terms.

Form of oath.

“ You swear to answer the truth to all such questions as I shall put to you in my capacity of presiding officer at this election, touching your qualification to be elected a member of the town council : So help you God.”

Questions
thereupon.

The presiding officer shall himself put the questions he may consider necessary.

Election by
acclamation.

171. If, after the lapse of one hour from the opening of the meeting, there shall have been nominated but one candidate for the mayoralty, and as many candidates as there are councillors to be elected or less than the number required, the election shall be declared closed and the presiding officer shall declare those candidates, who have been nominated, elected as mayor and councillors, respectively.

If more can-
didates nomi-
'nated than
there are
offices vacant.

172. If, one hour after the opening of the meeting, there shall have been nominated more than one candidate for the mayoralty and more candidates for the office of councillor than there are councillors to be elected, the presiding officer, at the request of five electors present, shall

proceed without delay to the voting and enregistering the votes of the electors present.

173. Nevertheless, if there be among the candidates nominated any against whom there is no opposition, the presiding officer shall proclaim them elected and the voting will take place only for the other candidates :

Election of those not opposed.

174. In default of a request to have a vote taken by five electors present, the presiding officer shall proclaim elected, as mayor and councillors, those candidates who have a majority of the electors present, upon establishing such majority by counting the electors present in favor of each candidate.

If poll not demanded.

Nevertheless, five electors present may immediately appeal from such decision by asking for a vote.

Appeal from decision.

175. Where a vote is asked for and takes place, the presiding officer shall inscribe or cause to be inscribed in a book kept for that purpose, under the conditions hereafter prescribed, and in the order that they are given, the votes of the electors by inscribing the names and qualities of each one of them.

Entry of votes of electors if polling takes place.

176. Whosoever presents himself to vote shall take the following oath or affirmation before the presiding officer, if it is required by him, by an elector, by a candidate or by the representative of a candidate.

Oath to be taken by electors.

“ I swear (*or affirm*) that I have a right to take part at this meeting, that I am duly qualified to vote at this election, that I am at least twenty-one years of age, that I have paid all municipal and school taxes due by me, and that I have not already voted at this election : So help me God.”

Form of oath.

Should the elector refuse to take the oath his vote shall be refused.

If oath refused.

177. When the presiding officer does not understand the language spoken by one or more of the electors, he shall appoint an interpreter, who shall take the following oath before acting :

Interpreter.

“ I swear (*or affirm*) that I will faithfully interpret the oaths, declarations, affirmations, questions and answers that the presiding officer shall require me to translate touching this election : So help me God.”

Oath of interpreter.

178. The elector, may vote for the mayor and for as many candidates as there are councillors to be elected in the town, or in the ward in which he is qualified to vote as elector, when the town is divided into wards under article 22.

Electors' right to vote.

Vote to be given in ward where qualified.

179. No elector can vote for the election for a councillor for a ward, other than the one in which he is a qualified voter ; but every elector who is qualified to vote in several wards may vote in each of such wards

Only one vote for each office.

180. No one can vote more than once at an election for mayor or for councillor for whom he is qualified to vote, under penalty or fine of twenty dollars, and in default of payment thereof to imprisonment for not more than two months.

Numbering, etc., of pages of poll book.

181. Each page of the poll book shall be numbered at length and initialed by the officer presiding at the election.

Entry if elector has been sworn, etc.

The fact that an elector has taken the oath, or refused to take it, or that objection was made to his vote, shall be entered in the poll book.

Certificate of number of votes poll to be entered in poll book.

182. The presiding officer shall, at the close of the first day's voting and at the close of the election, but before he shall proclaim the candidates elected, certify over his signature on the poll book the total number of votes entered in the book, as well as the total number of votes cast for each candidate.

Casting vote of presiding officer. Penalty if he does not give it.

183. When there shall be equality of votes given for one or several candidates, the presiding officer, even though he be not a municipal elector, shall give his casting vote, under penalty of a fine of from twenty to fifty dollars.

Voting in case town divided into wards.

184. When the town shall be divided into wards the voting shall last only one day and shall be closed at five o'clock in the afternoon.

If number of voters exceeds two hundred.

185. However, if the number of qualified electors shall exceed two hundred, there shall be allowed an additional poll for each two hundred additional electors.

Proclamation of candidates elected.

186. At the close of the election, the presiding officer shall declare elected as mayor or as councillors those candidates who have obtained the largest number of votes.

SECTION V.

CASES WHEN THE ELECTIONS ARE NOT HELD ON THE DAY APPOINTED.

If elections do not take place when fixed by act.

187. If it happen 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 meeting and the holding of the poll shall be held.

The days so fixed shall be the soonest possible, and public notice of the election shall be given one clear day before the nomination.

188. If, within fifteen days next after that on which the general elections should have taken place, the members of the council, who do not retire from office, have not complied with the preceding article, each councillor shall be liable to a penalty not exceeding twenty dollars, and the mayor, to one hundred dollars; and the election shall be held by the sheriff of the district of Terrebonne within fifteen days.

Penalty on members not complying with previous article.
Election to be held by sheriff.

SECTION VI.

CONTESTATION OF MUNICIPAL ELECTIONS.

§ 1.—*General provisions.*

189. Any election of a member of the council may be contested by any one or several candidates or by at least three qualified electors.

Who may contest elections.

190. The judge or the Circuit Court of the district of Terrebonne shall take cognizance of such contestation.

Who takes cognizance of such contestation.

191. The contestation is tried and decided summarily. 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.

Tried summarily. Evidence.

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

192. Such contestation shall be made by a petition signed and sworn to by the petitioner or petitioners, or their attorney, in which shall be set forth the facts and reasons alleged in support of the contestation.

Petition for that purpose, etc., what to contain.

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.

193. 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, at least eight days before that on which the petition is to be presented to the court.

Copy to be served.

194. No such petition shall be presented or received after the next sitting of the court after the election contested took place, unless such sitting be held within fifteen days

When petition may be presented.

following the election, in which case the petition may be presented at the opening of the following sitting.

§ 3.—*Security.*

Security for costs.

195. 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 given.

196. The security required by the foregoing article shall be given before the clerk of the Circuit Court.

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 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 said clerk.

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

Presentation of petition.

197. The petition shall be presented in open court, or 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.

If allegations sufficient, proof to be ordered, &c.

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

§ 5.—*Judgment and incidental proceedings*

Power of court, etc., in giving judgment.

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

Condemnation as to costs.

200. The court or the judge may condemn either of the parties to pay the costs of the contestation, which costs shall be taxed as in Superior Court cases of from one hundred to two hundred dollars.

Recovery thereof.

Such costs shall be recoverable as well against the parties to the suit as against their sureties.

Execution therefor.

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

201. 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 rendered, at the office of the council.

Service of judgment.

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

If trial not ended at close of term.

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

Case to be continued, if in chambers.

TITLE VI.

VACANCIES IN THE OFFICE OF MAYOR OR COUNCILLORS.

203. There shall be a vacancy in the office of mayor, and councillor in each of the following cases :

Vacancies in office of mayor and councillor.

1. In case of death ;
2. The case of an election being set aside ;
3. In the case provided by article 124 ;
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 124 ;
11. When a member of the council is exempt from office when elected or becomes exempt while in office, provided he complies with article 130 ;
12. When a member of the council has made an assignment of his property on account of insolvency, or has been declared bankrupt, or has applied to obtain the benefit of any law respecting insolvency ;
13. When a member of the council is unable to act for three consecutive months, on account of illness or infirmity.

204. Any member who refuses to accept or to continue to fill the office to which he has been elected in the coun-

Resumption of office by members of council, etc.

cil, or who has been unable to perform the duties of such office for three 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 of vacancies in certain cases.

205. In the case of vacancy in the office of mayor or councillor, occasioned either by the refusal to act or the annulling of the election according to article 189 and following, the electors of the town shall elect a qualified person to fill such vacancy, within thirty days after such refusal has been established or the annulling of the election.

This election shall be made in the same manner as general or annual elections.

Term of office of replacing mayor or councillor.

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

Members to continue to perform duties, etc., notwithstanding vacancies.

207. Notwithstanding any vacancy in the council, the members who remain in office shall continue to exercise their powers and to perform their duties.

TITLE VII.

POWERS OF COUNCIL.

SECTION I.

GENERAL PROVISIONS.

Jurisdiction of council.

208. The council shall have jurisdiction throughout the entire extent of the town.

By-laws, etc., how passed.

209. By-laws, resolutions and other municipal orders shall be passed by the council in session.

Formalities to be complied with.

210. The council, in the discharge of its functions, shall fulfil all the formalities required by the provisions of this act and by the by-laws in force.

Publication of documents etc, how effected.

211. Any document, order or proceeding of the council, the publication of which is required by the provisions of this act or by the council itself, shall be published in the manner and at the places prescribed for public notices, save the cases otherwise provided for.

SECTION II.

BY-LAWS OF THE COUNCIL.

§ 1.—*General provisions.*

212. The council may impose, by any by-law, for each and every infraction of the by-laws, excepting in cases where penalties are specially provided, either a fine with or without costs, or imprisonment, and if a fine with or without costs, may provide for imprisonment, in default of immediate payment of such fine and costs; but, except in cases where it is otherwise provided in this act, such fine or imprisonment shall be in the discretion of the court;

Power of council to impose fines and imprisonment in default of payment for breach of by-laws.

Fines, etc., to be discretionary.

Such fine shall not, however, exceed twenty dollars, and such imprisonment shall not be for a longer period than one calendar month.

Fines and imprisonment limited.

213. The council may, in any by-law made under the provisions of this act, enact the imposition of punishment by fine or imprisonment for enforcing any such by-law; provided that the fine does not exceed the sum of twenty dollars, and that the imprisonment be for a period not exceeding one calendar month, save such cases as are otherwise provided for.

Fines and imprisonment under by-law made under this act.

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

Court may limit same.

214. Whensoever a proprietor or occupant of land in the town refuses or neglects to execute, within the prescribed delays such works as have been ordered by the council under the provisions of this act or of its by-laws, or is unable to execute them on account of absence, poverty or otherwise, the council may have such works executed, and claim the cost thereof like all other taxes, with six per cent interest.

Works to be executed by council if proprietor neglects, etc., and cost to be a claim as other taxes.

215. The council may, by any by-law, authorize of its officers or any officer or constable of the police force to enter any house or stables, yard or other place in the town, in order to ascertain that there be no infringements of the by-laws now in force or which may hereafter be put into force by the council, and impose the same penalties on all persons who refuse to allow such officer or constable to enter his house, stable, yard or other place or who hinders and impedes, in any way, such officer from discharging his duties.

Council may authorize officers to inspect houses, etc., for certain purposes.

§ 2.—*Promulgation and amendment of by-laws.*

Signature to
by-law.

216. 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.

Certificate to
accompany
by-laws that
have been
approved by
electors.

217. 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 signature of the mayor or of the person who presided at the meeting of electors and the secretary-treasurer establishing the fact of such approval and such certificate shall form part thereof.

Reading of
by-laws
before being
passed.

218. The council may order that the municipal by-laws be read two or three times before they are passed, on different days, or on the same day provided the vote is unanimous.

Translation in
English when
required by
council.

219. The by-laws shall be translated into the English language when the council shall require it.

Certificate of
secretary-
treasurer,
as to obser-
vance of form-
alities.

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

Several ob-
jects may be
regulated by
one by-law.
One submis-
sion to elect-
ors will
suffice.

221. 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 provides, requiring the approval of the municipal electors, one approval alone is sufficient for the whole by-law.

Publication of
by-laws how
effected.

222. In order to have force and come into effect, every by-law shall be published in the following manner:

A copy of the by-law shall be read in French at the door of the Catholic church of the town at the close of divine service on the two Sundays following its adoption by the council or its approval by the electors being proprietors, if the by-law be subject to such approval.

Furthermore, two copies of the by-law shall be posted up in two of the most public places in the town, designated by a resolution of the council.

When by-laws
come into
force.

223. The by-laws come into effect and have the force of law, if not otherwise provided for in the provisions of the by-laws themselves, fifteen days after publication thereof.

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

Publication of by-laws that come into force at certain time.

The council may publish its by-laws in a French newspaper of the town if there is one, or in the district if there is one, and if not, then in an adjoining district.

Publication in French newspapers.

225. 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.

226. By-laws passed by the council shall, when promulgated, be deemed public laws within the limits of the jurisdiction of the council.

By-laws to be public laws in town.

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

Amendment, etc., of by-laws that have been approved by electors.

The repeal or amendment of any by-law can only be made by means of another by-law.

By-laws how repealed, etc.

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

228. 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.

Proceedings at meetings of electors to consider by-laws.

229. The general meeting of such electors who are real estate owners is convened, at least eight days beforehand, by a public notice signed by the mayor, for a day specified by the council, at the public municipal hall.

Convocation of meeting.

230. The said meeting is presided by the mayor or pro-mayor.

Who presides.

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

Secretary and his duties.

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

If no poll demanded with-in certain time, by-law approved.

- Who may demand poll. **232.** 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.
- Duty of presiding officer thereupon. Upon such requisition, the mayor or other person presiding shall, within the following eight days, fix the day for the opening and holding of the poll.
- Poll by whom to be kept. **233.** The poll shall be kept and presided over by the mayor with the assistance of the secretary-treasurer.
- Open for one day between certain hours. **234.** It shall be held during one juridical day from ten o'clock in the morning to five o'clock in the afternoon.
- Presiding officer need not remain all the time, etc. **235.** The mayor or other person presiding may absent himself during the voting, provided he be represented by a member of the council.
- Voting. **236.** Each elector shall present himself in his turn and give his vote by "yea" or "nay"; the word "yea" meaning that he approves of the by-law, and the word "nay" that he disapproves of it.
- Entry in book. 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.
- Right to vote. **237.** No one shall be allowed to vote, unless his name be inscribed on the last list of municipal electors in force as a municipal elector as real estate owner.
- Taxes need not be paid. In this case, it shall not be necessary that such electors have paid their school and municipal taxes.
- Addition of votes. **238.** At the close of the poll, the mayor shall count the "yeas" and "nays," and, within the four following days, 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.
- Certificate respecting. It shall be certified over the signatures of the mayor and secretary-treasurer, for the information of the council, whether the majority of the electors in number and in value of the taxable real estate, approve or disapprove of such by law.
- Examination of poll books. If the council wishes to examine the poll books and the assessment roll, they shall be at once submitted.
- Majority required to approve by-law. **239.** Every by-law which has to be submitted to the electors, who are real estate owners, shall in order to be approved receive the majority in number and value of the immoveables belonging to the said electors.

240. When the votes are equally divided, the mayor, whether he has or has not presided at the voting, shall give his casting vote. Casting of vote of mayor.

244. The poll books, as well as the statement and certificate produced, shall be deposited in the archives of the council. Poll books, etc., to be deposited in archives.

§ 4.—*The annulling of by-laws &c.*

242. Any elector may, in his own name by a petition presented to the Circuit Court in the district of Terrebonne, demand and obtain, on account of illegality, the annulling of any by law, resolution, roll or other act of the council or of any part thereof. Who may petition to annul by-law.

243. The rules prescribed in articles 192 to 202 inclusive of this act shall apply *mutatis mutandis* to the petition presented under this subsection. Rules applicable.

244. The corporation is alone responsible for all damages caused by the putting in force of the said by laws, resolutions, rolls or other acts. Corporation responsible in damages for putting by-laws in force, etc.

SECTION III.

POWER TO PASS CERTAIN BY-LAWS.

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

1. For improving the locality ; Improvements;
2. For the purchasing or leasing of moveable or immovable property for the use of the city, and for selling or disposing of the same ; Purchasing property, etc;
3. For the construction or repair of any building which may be required by the town, in the exercise of its rights, powers, and attributions ; Constructing buildings, etc;
4. For granting the free use of any such building to any person or manufacturer, as the council may deem advantageous to the town ; Granting use of buildings to manufactories;
5. In a word for everyting respecting the internal economy and government of the town. General internal government.

The council shall also have the right to amend, modify, repeal or replace, in whole or in part, the said by-laws and ordinances, as well as those made by the municipal councils which have had the management of the internal government of the town, provided however that no by-law passed under paragraph 4 of the present article can be carried out until it has been submitted and approved Power to amend such by-laws, etc. Proviso.

of by the electors as provided in articles 228, to 241, inclusively.

Council has power to make by-laws, etc., respecting officers, etc.

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

1.—*Government of the council and of its officers.*

Council may by by-law :
Regulate debates ;
Fix date of sessions ;

247. The council may, by by-law :

Regulate the manner of conducting its debates, and the maintenance of order during the sessions of the council or of its committees ;

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

Define duties of officers ;

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

2.—*Public safety.*

Protect lives, etc., of inhabitants ;

248. 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 declare by whom the cost of the raising of such chimneys shall be paid, and within what delay such chimneys shall be raised or repaired ;

Regulate inspection, etc., of houses, etc. ;

249. 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, etc., having ovens that do not communicate with chimneys ;

250. Prevent any baker, potter, blacksmith, brewer, 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 proprietors to provide fire-buckets, etc. ;

251. 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 persons entering sheds, etc., with unenclosed lights, etc. ;

252. 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 ;

253. 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 ;

Prevent persons lighting fire, etc., in out-houses, etc.

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

Prevent carrying fire in streets ;

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

Compel owners, etc., to keep doors of hay-lofts, etc., closed ;

256. Compel the owners or occupants of houses to have or permit their chimneys to be swept ; regulate the manner and period in which such chimneys shall be swept ; name the sweeps and give them licenses, fix the rates payable to the sweeps and the price for the license ;

Compel sweeping of chimneys, etc ;

Impose a fine of not more than five dollars on all persons whose chimneys have caught fire after they have refused to allow them to be swept or who refuse to have their chimneys swept ;

Penalty on persons whose chimneys catch fire after refusal to allow their being swept ;

Whenever a chimney which shall have so taken fire, shall be common to several houses or to several households in the same house, the fine may be recovered wholly from each owner, tenant or occupant of such house or divided between them at discretion ;

257. Determine the precautions to be adopted in the sale of gunpowder or other explosive substance ;

Determine precautions respecting gunpowder ;

258. Regulate the manner in which quick-lime or shes shall be kept or deposited ;

Regulate keeping, etc., of quick-lime ;

259. 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 ;

Construct fire-proof buildings for storage of certain substances, etc ;

260. Confiscate all powder, oil, fluid or other inflammable substance or explosives, kept or carried contrary to the by-laws ;

Confiscate powder, etc., kept, etc., contrary to by-laws ;

261. 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 neighborhood of any building, grove or inclosure, or to permit the same under certain conditions ; and forbid the use in the streets or other public places of kites, small sleighs, or games of a nature to frighten horses and impede circulation ;

Prevent persons setting off fire-works, etc.

Cause walls,
etc., to be
demolished;

262. 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;

Prevent erec-
tion, etc., of
wooden build-
ings, etc.;

263. Prevent the erection of wooden buildings or fences in the town, and determine, in certain cases, the nature of the materials to be used for making roofs;

Compel pro-
prietors, etc.,
to remove
snow and ice
from roofs,
etc. ;
Determine
places for
erecting
steam-
engines, etc. ;

264. 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 ;

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

Cause abat-
toirs to disap-
pear ;

Cause to disappear the abattoirs now existing in the town, subject to compensation ;

Prevent thefts
etc., at fires ;

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

Regulate con-
duct of per-
sons at fires ;

267. 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 said town to keep at all times upon and in their houses, ladders, fire-buckets, battering rams, and fire-hooks, in order the more easily to check the progress of fire ;

Power of
mayor in
absence of by-
laws ;

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

Authorize
demolition of
buildings etc.,
to stay fires ;

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

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 ;

Power of mayor in absence of by-law ;

269. Establish and organize 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 ;

Establish companies of firemen, etc. ;

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

Provide for purchase, etc., of fire-engines etc ;

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

Hold en-quiry into causes, etc., of 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 of council for that purpose, etc ;

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

Authorize officers to visit etc., buildings.

3. — *Streets and of Public Squares.*

272. The council may, by by-law :

Purchase, open, enclose, alter, embellish, improve and maintain, at the costs and charges of the corporation, streets, squares, parks, or public places, of a nature to conduce to the health and well-being of the citizens ;

Council may, by by-law : Purchase, etc., streets, etc ;

273. Order the opening of new streets or portions of streets, public squares and the enlargement, continuation, straightening or other alteration of streets or specified portions of streets or public squares, according to such plans and upon such conditions as it may deem expedient ; regulate the width of streets to be hereafter opened ;

Order opening, etc., of new streets, etc ;

274. Acquire, by private agreement or by expropriation, all lands required for such purposes ; order how the expense so caused shall be apportioned and levied, in whole or in part, by the corporation or by the proprietors whose properties benefit by the improvements ;

Acquire, etc., lands for such purposes, etc. ;

Order making of common sewers, etc., upon petition of majority of inhabitants on any street, etc.;

Regulate assessment for such purpose :

Assessment of property on two or more streets, etc.

Council may order inspector to notify persons encroaching on streets to remove obstructions.

Proceedings in default.

Expenses how recovered.

By resolution: Prevent rebuilding of demolished houses projecting on streets, etc. ;

Determine height or level of streets, etc.

Council may by by-law : Close streets, etc.

Public roads to be public streets.

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

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

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

In default of such persons complying with the notice within the delay specified by the council may order the inspector to remove these encroachments and obstruction by taking such force and help as are necessary ;

The council may allow the inspector his reasonable expenses and to recover them, before any court, from the party in default.

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

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

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

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

281. The council may, by by-law :

Repair, level, sweep, water and keep clean and in good order any street or a specified portion of a street or public square or remove the snow therefrom at the expense of any owner or occupant residing on such street or specified portion of a street ;

Council may by by-law :
Repair, etc., streets, etc ;

282. Assess all the citizens residing on a certain street or public square, when demand is made therefor by the majority of the citizens residing on the said street or public square, according to the estimated value of their property, for the purposes of meeting the expense of sweeping, watering and maintaining such street or public square and also for the removal of snow ;

Assess persons when demanded for sweeping, etc., of streets ;

283. Compel railway companies to keep in order the streets, portions of streets and public squares through which their trains run, in such manner as the council by resolution or the town inspector may indicate ;

Compel railway companies to keep streets in order ;

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

Default of companies ;

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

Oblige proprietors to fence lands ;

Regulate the manner of constructing fences between neighbors ;

Regulate construction of fences ;

285. 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 ;

Compel removal of encroachments, etc ;

286. 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 ;

Prohibit, etc., removal of houses through streets ;

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 ;

Damages occasioned by removal ;

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 shall be a privileged claim after the costs of sale ;

How determined and paid for ;

287. Authorize the council to cause to be removed or taken away all awnings, signs or any object serving as

Authorize removal of awnings, etc ;

such, which project upon the public highway or are suspended or placed so as to be dangerous for foot passengers ;

Prohibit distribution of hand-bills on Sunday :

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

Regulate planting of trees along streets :

289. Regulate the planting of trees along the streets, and punish those who uproot or soil any tree, by a fine not exceeding twenty dollars and in default of payment imprisonment for not more than one month ;

Regulate laying of telephone wires, etc :

290. Regulate the laying of telephone or telegraph wires in the city, 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 ;

Establish amounts of statute labor tax.

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

Collection of amount so fixed in money hereafter.

After the passing of a by-law to this effect the council shall refuse the labor of such persons for the repair and keeping in order of such streets and side-walks which it may have under its immediate control, for the carrying out of work to be done, and it shall collect the amount in money of such personal statute labor tax as the by-law may have fixed and established, provided such tax be equitably established in proportion to the work to be done ;

Statute labor tax commutation of works on streets, etc.

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

Council may make, etc., any road, square, etc :

293. The council may :

Make maintain, height n, level, clean, round off, pave, macadamize, or gravel any road or public square under the control of the council either in whole or in part at the expense of those who are by obliged to maintain the said road, street or public square.

By by-law, order that streets, etc., be maintained, etc., by corporation, etc.

The council may, however, by by-law to that effect, order that the roads and streets shall for the future or for a given time specified in the said by-law, be made and maintained by the corporation, who shall then be substituted in the place of the tax-payers in their duties, obligations and responsibilities with regard thereto.

Maintenance of certain part of certain

294. The maintenance of that section or part of the road called " Pincourt " from St Louis street in the town

of Terrebonne as far as the stream Viger, which crosses this road in the parish of Terrebonne at a distance of about eighteen arpents from the said street, shall be under the charge of the corporation of the town of Terrebonne and shall be under its immediate and exclusive control so long as it shall be responsible for its maintenance.

road to be under control of corporation.

4.—*Side-walks*

295. The council may, by by-law :

Oblige the proprietors of land situated on any road, street, square or public way, to make and maintain in front of their properties, side-walks of wood, stone, or other material, in the street or portions of street of the town ;

Council may by, by-law : Oblige proprietors to make side-walk in front of their property ;

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

Determine manner of making, etc., such side-walks ;

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

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

Construct side-walks and levy assessment therefor ;

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

General assessment for such purpose.

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

Instructions of town inspector to be followed in making side-walks, etc.

In default whereof, the council may cause such side-walk to be uplifted and remake the same if it be necessary to avoid any detrimental irregularities.

In default thereof.

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

Council to regulate line, etc., of side-walks etc.

300. The council may compel every proprietor or occupant of lands to remove entirely or partially the ice, snow or water from the side-walks, in front of their property within a specified delay, and in the manner indicated by the council.

Council may compel removal of ice, etc., from side-walks, etc.

In default.

If there be neglect or refusal, the council may have such work done, at the expense of those who are obliged to do it, within the shortest possible delay.

Cost how re covered.

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

5.—*Ditches, water-courses and fences.*

Council may : Cause ditches etc., to be opened, etc. ;

301. The council may :

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 deem advisable.

Determine manner of performing such works ;

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

Levy assessments for ditches and water-courses etc. ;

302. 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 penalties for obstructing ditches and water-courses ;

303. Impose penalties on any person obstructing,

deranging, or suffering the obstruction or derangement, of ditches or water-courses, or refusing to make or suffer to be made the works ordered by the inspector under the by-laws upon all public or private lands ;

Carry on at expense of corporation works on ditches, etc. ;

304. Carry on at the expense of the corporation, for

a determined or undetermined period, all works on ditches or water-courses ;

Raise, etc., money to make, etc., common sewers, etc. ;

305. 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 ;

Order recovery of cost of works on water-courses ;

306. 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 ;

307. Regulate and determine when and how line or Regulate manner of making line fences, etc. ; mitoyen fences shall be made and maintained between land lots and properties in the town ; appoint a fence inspector, regulate his duties and compel every one, within the term specified by him, to do such works as he shall require to do under the by-laws under penalty of a fine not exceeding twenty dollars over and above all damages resulting from the insufficiency of such fences.

6.—Public pounds.

308. Restrain and regulate the custody and abandonment of animals of all kinds and to 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 ; Restrain, etc., custody of animals, etc. ;

309. Establish public pounds for the safe keeping of animals and poultry found straying or doing damage on the public ways and bridges or on the lands of others than the owners of such animals and poultry ; to appoint pound keepers, determine the fees to be paid to them, the damages payable by owners of such impounded animal and poultry, and the manner in which such animal and 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 ; Establish public pounds, etc.

310. Establish a tariff of fines not exceeding ten dollars for each animal found straying, and the dues and cost of keep for the public pounds in existence or which shall be hereafter established ; Establish tariff of fines for straying animals ;

311. If the proprietor of the animals found straying be known the fine may be levied upon him without having recourse to bringing the animals into the pound or of seizing them. Levy of fine if proprietor known.

On payment of the fine and dues and costs of keeping, every pound keeper is bound to return and give up all straying animals, whether they be in the pound or not, to the proprietor of the said animals. Animals to be given up on payment of fines and dues.

7.—Public market.

312. The council may by by-law. Council may by by-law ;
Erect, change, enlarge, abolish or maintain the public

- Erect public markets. markets that now exist or those which shall be established in future and the site thereof, and appoint market clerks and determine their duties ;
- Regulate letting of stalls, etc., in markets, etc. : **313.** Regulate the letting of stalls and other places in or around such markets intended for the sale or exposing for sale, of any kind of articles or produce or certain articles in particular ;
- Establish public scales, etc. : **314.** Establish and maintain public scales and collect the revenue thereof according to article 392 ;
- Regulate weights, etc., of produce offered on markets ; **315.** Regulate the weight and measure of all objects or produce offered for sale on the markets and to impose all fees for same ;
- Impose duties on waggons, etc., for goods sold on markets ; **316.** Impose duties upon waggons, carts, sleighs, boats, canoes and vehicles of every description in which articles shall be delivered, sold or exposed for sale upon any public market or in any street, or on the wharves, or in wood-yards, or upon any beach within the city, and also regulate the manner in which such articles or vehicles shall be placed for such purposes ;
- Prevent sale of beef, etc. elsewhere than in certain places, etc. ; **317.** Prevent any person residing in the town from cutting, retailing or weighing, with a view of selling, any meat, either beef, mutton, lamb, veal, pork or salt-beef, or offering the same for sale elsewhere than in a butcher's stall or in the stall of a dealer in salt provisions in or on the said markets ;
- Regulate conduct of persons at markets ; **318.** Regulate the behaviour of every person who sells or offers for sale, buys or endeavors to buy on the said markets ;
- Impose tax on persons selling certain articles on roads and markets ; **319.** Impose a tax on all persons who sell, whether on the roads, on the markets or on the market places of the town, provisions, vegetables, butcher's meat, fowls, grain, hay, straw, fire-wood, shingles and other articles ;
- Prevent non-residents from selling elsewhere than on markets. **320.** Prevent persons, residing outside the town, bringing produce of any kind, wood or materials, 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 ;
- Regulate, etc., hucksters, etc. ; **321.** 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 ;

322. 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;

Determine whether certain articles are to be sold by measure, weight or quantity, etc.;

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

Regulate measuring of lumber, etc.;

324. Authorize the confiscation of all unwholesome or spoiled meat brought to the said markets;

Authorize confiscation of spoiled meat;

325. 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;

Determine duties of persons superintending markets, etc.;

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

Power of market clerks to enter yards, etc., for certain purposes.

8.—Sale of bread and other articles.

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

Council may: Make by-laws respecting bakers;

328. 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 baker's 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.

Regulate sale, etc., of bread;

329. Compel bakers to place on their bread such marks as the council shall ordain;

Compel bakers to mark bread;

Regulate sale,
etc. of milk ;

330. Regulate the sale, quality and inspection of milk and authorize its seizure and confiscation as in article 328 ;

Regulate sale
by weight,
etc., of all
articles sold ;

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

Authorize
confiscation
of certain
articles, etc. ;

332. Authorize the seizure and confiscation of all or any articles of food and effects offered for sale in the town, on account of deficiency in measure, weight or quality ;

9.—*Carters.*

Authorize
granting of
licenses to
carters, etc. ;

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

Establish
tariff of fares
for carters ;

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

Compel car-
ters to give
services at
tariff rates ;

335. Compel all carters under license to give their services to any person asking the same at the tariff rates ;

10.—*Sale of spirituous liquors.*

Place restric-
tions upon
sale of spirits,
etc. ;

336. Place all proper restriction upon the sale of spirituous, vinous, alcoholic and intoxicating liquors.

Determine
conditions
etc., under
which licen-
ses shall be
granted to
merchants,
etc., for sale
of liquors ;

337. Determine under what restrictions and conditions the collector of provincial revenue for the district of Terrebonne shall grant licenses to merchants, shop-keepers, traders, inn-keepers or other persons for the sale of such liquors ; and fix an amount, at the discretion of the council, not exceeding one hundred dollars, to be paid for each certificate for such license authorizing the sale of such liquors.

Regulate inn-
keepers, etc. ;

338. Regulate inn keepers and other persons who retail liquors as the council may deem expedient in order to prevent drunkenness and disorder ;

Prohibit sales
of liquors,
etc., to
women, etc.

339. Prohibit the sale of said liquors to women, children, apprentices or servants ;

Council alone
to have right
to grant certi-

340. After the coming into force of this act, the council shall alone have the right to give certificates for obtaining

licenses for inns and houses of public entertainment, and every other license for the sale of spirituous liquors within the limits of the town. ificates for obtaining inn-licenses, etc.

Such certificates shall be signed by the mayor or secretary-treasurer of the town, and bear the seal of the corporation. How signed, etc.

11.—*Decency good and morals.*

341. The council may :

Regulate, restrict and suppress every kind of gambling and the existence of gambling houses or houses of ill-fame of any kind in the town ; Council may :
Regulate, etc.
gambling,
etc ;

342. 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
games with
cards etc., in
hotels ;

343. Arrest on the spot and punish persons who are found therein while playing at cards or dice or other games of hazard ; Arrest, etc.,
persons found
playing cards,
etc., in hotels ;

344. Suppress and punish vagrants, beggars, prostitutes, and disorderly persons ; Punish
vagrants, etc ;

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

346. 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 spectacle or exhibition tending to affect public safety or morals, of which the council, or, in its default, the mayor, shall be judge ; Prohibit cir-
cuses, etc ;

347. To prevent cock-fights, dog-fights, and every other cruel amusement ; and punish any person taking part therein or being present thereat. Prevent cock-
fights, etc ;

348. To prevent persons from bathing or washing themselves in public waters, or in the open air, close to public roads or squares in public view unless decently clad. Prevent per-
sons from ba-
thing in public
waters, etc.

12.—*Public nuisances.*

349. The council may, by by-law :

Compel the proprietors or occupants of houses to clean their stables, cattle-sheds, pig-sties, sheds, privies, and the yards connected with such buildings ; and fix the time Council may
by by-law :
Compel pro-
prietors, etc.,
to clean sta-
bles ;

and manner in which they shall be drained and order that they be constantly kept clean ;

Oblige owners, etc., of groceries, etc., to keep them clean;

350. 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, etc., fattening of pigs ;

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

Cause to be levelled, etc., old walls, etc.;

352. Cause to be levelled, demolished and removed, when it shall be deemed necessary, all old walls, chimneys or buildings of any kind whatsoever which threaten ruin, cause all sheds, stables and other building which are on the line of street to be removed to a distance from the street ; and regulate the time and the manner in which such building shall be levelled, demolished or removed, and by whom the expenses shall be paid ;

Compel owners to drain stagnant waters off lands, etc. ;

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

If unknown, corporation to have it done with recourse against owner.

354. If the owner of such land is unknown and has no representative in the town, or if he is too poor, or if he refuses or neglects to drain or raise the same, the council may order the drainage or elevation of such land, at the expense of the corporation, reserving recourse against the owner.

13.—Public health.

Council may by by-law :
Prescribe measures to be taken respecting contagious diseases ;

355. The council may by by-law :
Pre-cribe 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 ;

Establish boards of health ;

356. 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 or general effects of all contagious diseases or for making such regulations as such boards of health may deem necessary for preserving the citizens from any contagious diseases or for diminishing the effects or danger thereof ;

Regulate burials ;

Regulate the burials within the limits of the town of such persons as have died of contagious diseases ;

357. 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 regulations cleanliness in the city, and to punish all persons obstructing, resisting, hindering or opposing or aiding and abetting in obstructing, resisting, hindering or opposing any such health officers in the performance of their duty.

Authorize visiting by health officers of houses, etc.

14.—*Subsidies.*

358. The council may :
Grant subsidies by all suitable means to agriculture, horticulture, education, hospitals, the sciences, arts, trades and to any manufactures, railway and steamboat companies or owners, under the restrictions hereinafter set forth ;

Council may :
Grant subsidies to agriculture, etc. ;

359. Subsidize one or more railway companies whose line may offer the greatest advantages to the travelling public and for the transport of freight and which may further the progress of the town on suitable conditions ;

Subsidy railway companies ;

360. Assist the construction, repair or maintenance of any road leading to the town, or of any bridge or public work outside the town especially one or more bridges over the River Jésus in front or near the town of Terrebonne :

Assist construction of roads leading to town, etc. ;

361. Aid in the building, repair or maintenance of any bridge, causeway, pier, wharf, macadamized or paved road, railway or other public work situate in whole or in part within or without the town, undertaken and built by incorporated companies or by the Provincial Government ;

Aid in building, etc., bridges, piers, etc. ;

362. Aid one or more persons or firms or joint stock companies already established or to be established which carry on or propose to carry on any trade or industry in the town, or organized for the purpose of lighting the town with gas or by electricity or of improving the navigation of the River Jésus.

Aid in carrying on any trade, etc., or for lighting town.

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

Council may commute taxes with any persons carrying on any industries.

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

Exempt such industry from taxes, etc

Council may exempt any new industry from taxation.

364. The council may, by by-law, exempt from municipal taxes, in whole or in part, for a period not exceeding ten years, any industry, trade, manufacture or factory to be established within the limits of the town, as well as the land and immoveables required for the use of such industry, trade, manufacture or factory.

Exemption not to extend to certain works.

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

How subsidies may be granted.

365. The aforesaid subsidies may be granted :

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

2. By giving or lending money, immoveable property or debentures of the town bearing interest, or both interest and sinking fund ;

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

Notwithstanding any law to the contrary, the council may effect any sum of money that it may receive from the municipal loan fund for the payment of such grants.

Security may be received for such subsidies.

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

What by-laws may include.

367. Every by-law passed in virtue of this act may include the levying and collection of a special tax upon all the taxable property to cover the sinking fund and interest which shall not exceed the legal rate.

By-laws under certain articles, etc., what to determine.

368. By-laws, made in virtue of articles 358 to 362, inclusively, and 365 and paragraph 4 of article 245, shall determine the nature of the aid to be given and the conditions under which it shall be granted.

By-laws under certain articles remain in force for twelve months, etc.

369. By-laws, made in virtue of articles 358 to 362, inclusively, and 365 and paragraph 4 of article 245, remain in force for twelve months after they are finally adopted ; they become null if, during that time, the interested parties do not avail themselves of them, unless it be otherwise provided in the by-laws themselves.

Submission of by-laws under certain articles to electors.

370. Every by-law made in virtue of articles 358 to 362, inclusively, and 365 and paragraph 4 of article 245, shall be submitted for the approval of the municipal electors who are real estate owners within thirty days after the by-law

is passed by the council, in accordance with articles 228 and following.

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

If parties receiving subsidy do not comply with conditions

15.—*Indemnities, reliefs and rewards.*

372. 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.

Council may indemnify persons for property destroyed by rioters.

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

Special assessment for such purpose.

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

Suit if corporation fails to pay, etc., in certain time.

373. The council may:
Relieve any person who has received any wound or contracted any sickness or disease working to stop the fire;

Council may: relieve persons;

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

Grant rewards for meritorious actions at fires, etc.;

375. 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 wants of family of persons losing life at fires, etc.;

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

Contribute to maintenance of poor persons;

377. Establish and maintain poor houses, houses of refuge or other establishments for the support and relief of the destitute, and to aid charitable and educational institutions established in the town;

Establish, etc., of poor houses;

Offer rewards for discovery etc., of offenders.

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

16.—*Miscellaneous by-laws.*

Council may ;

379. The council may :

Prevent horses being driven faster than certain rate, etc ;

Prevent horses being driven faster than at a moderate rate in the streets or passing on the sidewalks, and may regulate the manner in which horses shall be left standing, whether tied or free, in the streets, yards or open sheds in the town ;

Penalty on persons driving horses without bells, etc., in winter.

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

Prevent riots, etc ;

380. Prevent all riots and noisy and disorderly meetings and punish the authors thereof ;

Consent required to hold public meetings ;

No public meeting shall be convened or held within the limits of the jurisdiction of the council upon any public property or square without the consent of the mayor or council ;

Regulate etc., keeping of streets in winter ;

381. 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 so to do ;

Prevent impeding of streets, etc ;

382. Prevent the impeding any street, public place or sidewalk, by vehicles, wheelbarrows, materials or any impediment whatever ;

Prohibit use of winter vehicles in streets unless horses harnessed in certain way, etc ;

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

Prevent burials in town ;

384. Prevent burials within the limits of the town, or determine the place where they may be made, as well as the places where vaults can be constructed, and regulate how such vaults shall be constructed ;

Prevent profanation of burial grounds ;

385. Preventing the profanation of burying grounds, graves, sepulchres, monuments or vaults where the dead are buried ;

- 386.** Prevent the ill-treatment of horses or other animals ; Prevent ill-treatment of horses, etc ;
- 387.** 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 ; Regulate conduct of apprentices, etc ;
- 388.** Regulate and prevent the allowing of dogs to go at large in the city, 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 dogs, etc ;
- 389.** Establish, regulate and maintain drinking fountains and public privies ; Establish drinking fountains ;
Prevent retailing of merchandize or any articles on the streets. Prevent sale, etc., of goods in streets.
- 390.** The council may adopt by-laws for the purpose of selling building lots or for opening streets when the want thereof shall be felt upon such conditions as the council shall deem advisable to establish, notwithstanding any law to the contrary. Power to sell building lots and open streets, etc.
- 391.** The council may, by by-law, divide the town into lots, and compel all the proprietors, tenants or occupants, to allow numbers to be put on their houses or on such lots, and punish by fine, not exceeding twenty dollars and in default of payment thereof by imprisonment for not more than one month, all such persons as shall remove or destroy such numbers. Council may divide town into lots, and compel proprietors to allow numbers to be put on their houses, etc.
- 392.** The council may erect weigh houses or public scales ; determine the charge for the use of the same ; compel all who sell by weight hay, straw, coal, grain or other effects in the town, to have them weighed by the person in charge of the administration of such scales if the buyer require it ; and prohibit any one in the town from weighing for another any of the said effects under penalty of a fine of not more than five dollars for each offence and in default of payment thereof to imprisonment for not more than one month. Council may erect weigh houses etc.
- 17.—*Formation of a police force, maintaining the peace, and carrying out the by-laws.*
- 393.** The council may establish, regulate arm, lodge, clothe and pay a police force in the town, and determine the duties of the officers and men of such force and con- Council may establish, etc., police force.

stables for maintaining peace and good order and for the observance of the municipal by-laws within the limits of the jurisdiction of the council.

Powers of constables.

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

Punishment of constables for disobedience, etc.

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

Suspension of constables, &c.

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

No police officer or constable, who is so dismissed, can thereafter serve in the police force.

Power of constables to arrest on view disturbers of the public peace, &c.

397. All constables may arrest, on view and without a warrant, any person they may find breaking the public peace, or lying, wandering, 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, and all persons contravening or advising, aiding or encouraging any person whomsoever to contravene any federal or provincial law, or any-law of the said town.

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

Power to arrest offenders against laws or by-laws.

398. 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 enter houses, etc., for certain purposes. &c.

399. It shall be lawful for any constable of the town to go into every house store-house, grocery, store, shop, inn or other suspicious house and to go into every yard or other place within the limits of the town, in which any person may be 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 per-

son be found in such places, the same police officers or constables shall arrest, on view and without a warrant, and shall keep in custody any such person.

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

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

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

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

194. Every person, who shall assault, beat or forcibly resist any constable or peace officer engaged in the execution of his duty, or who shall aid or incite any other person to assault, beat, or forcibly resist such officer or constable, shall, upon conviction thereof before 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. Penalty for assaulting, etc., constables in performance of duty, etc.

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

195. Any constable may arrest on view, either by day or night, any one infringing any of the by-laws, by refusing Arrest of persons refusing to pay carters.

to pay the hire of any licensed carter's vehicle, and to bring him immediately before a magistrate, if it be in day-time, or to hand over such person to the guardian of the prison or other place of detention, if it be at night, to be afterwards dealt with according to law.

Constables may, when ordered, enter houses, etc., for certain purposes.

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

Owners, etc., to permit such entry.

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

Conveyance of persons arrested to lock-up or gaol.

407. Any such persons, summarily arrested in virtue of this act, shall be immediately conveyed to the gaol of the district or to a place of confinement established in the town, there to be safely kept until they may be taken before one or two justices of the peace; but such persons so arrested may give bail for their appearance, and shall appear on the day appointed.

Bail.

Sheriff and gaoler to receive and guard persons so committed.

408. The sheriff and gaoler of the district of Terrebonne shall be bound to receive, and safely keep until duly discharged, all persons committed to their charge by the said council, or any member or officer thereof under the authority thereof, or upon a warrant of the recorder, or arrested by a policeman or constable.

Council may erect building for lock-up.

409. The council may erect a building or obtain a suitable place for a lock-up for the temporary confinement of offenders arrested by police constables; and determine what supervision shall be exercised over the persons so confined, until such time as they are brought before the proper authority, to answer to the charges and offences for which they were arrested and confined.

TITLE VIII.

LIGHTING OF THE TOWN.

Council may, by by-law, provide for lighting of town.

410. The corporation may by by-law provide for the lighting of the town in whatever manner it shall deem expedient.

Council may compel proprietors to permit works

411. The council may compel the proprietors of real estate in the city to allow the necessary work for the purpose to be done on their respective properties, and to allow

all the pipes, lamps and apparatus or posts to be placed upon their houses; provided that, in such case, the expense of the materials and work shall be borne by the town, that the solidity of the buildings be in no wise affected, that all damages which may be caused be paid by the council, and that every proprietor be indemnified by the town, if there be occasion therefor, or by the private individuals or company performing such work.

412. The council may adopt any means of protecting the pipes, lamps, apparatus, posts or other objects used in the lighting, and impose fines upon such persons as shall break, injure, derange or destroy or extinguish the lamps without authority.

for such purposes to be carried on.

Council may adopt means for protecting pipes and impose fines for breaking same, etc.

TITLE IX.

WATER SUPPLY.

413. The council may from time to time make, repeal or amend by-laws to:

1. Provide for the establishment, maintenance and management of water-works, public wells, cisterns or reservoirs to supply water to the town;

2. Prevent the public water being fouled or expended uselessly or contrary to the municipal by-laws;

3. Regulate the use of such water according to circumstances;

4. Prevent any person from giving such water to, or permitting it to be taken by, any person from whom the council has cut it off.

414. The council may, by by-law, with the object of meeting the interest on the sums expended in the construction of water-works, and for establishing a sinking fund, impose upon all the owners or occupants of houses, shops or other buildings, an annual special tax not exceeding one quarter per cent the rate specified in the charter, on the assessed value of each such house, shop or building including the land.

The sinking fund created by virtue of this article shall be invested and managed in the same manner as that mentioned in article 428.

415. Such tax is imposed and levied, even in the case of the owners or occupants not availing themselves of water from the water works, provided that the corporation has notified such owners or occupants that it is prepared at its own expense to bring the water into or near their respective houses, shops or buildings.

Council may make, etc., by, laws to:

Provide for establishment etc. of water-works, etc.

Prevent public water from being fouled, etc.: Regulate use of water;

Prevent persons giving water to those from whom it has been cut off.

Council may levy special tax for meeting interest on expended for water-works.

Investment of sinking fund.

When tax levied.

Proviso.

Compensation
for water.

416. The council may, by by-law and over and above the special tax, cause to be paid a compensation, calculated according to such tariff as it shall deem proper, by every owner, tenant or occupant of any house, shop or building, whether or not the latter avail themselves of the water, provided that a notice is served on them to the effect, that it is prepared to bring the water at its own expense into or near their houses, shop or buildings; but this article or provision shall not apply to property already provided with private water-works.

Authorization
required to
construct
water-work.
Separate pipes
for tenants,
etc

No water-works shall be hereafter constructed without the authorization of the town council.

Every owner, having one or more tenants, sub-tenants or occupants, is liable for the payment of such compensation, in the event of his refusing or neglecting to furnish a distinct and separate supply pipe to such tenant, sub-tenant or occupant.

Special
agreements
with brewers,
etc.

417. The council may make special agreements with respect to supplying water to steam-engines, breweries, distilleries, tanneries, manufactories, mills, livery-stables, and hotels, as also in other special cases.

Special tax,
etc, how
levied.

418. The special tax and the compensation imposed under articles 417 and 419 shall be levied according to the rules and in the manner prescribed for general taxes

Special
agreements to
supply water
beyond
municipality.

419. The council may also make special agreements for the supply of water beyond the limits of the municipality, provided that the persons with whom such agreements are made comply with the by-laws respecting the management of the water-works.

Council may
compel owner,
etc., to permit
of works being
performed.

420. The council may oblige the owners or occupants of lands, situate within the municipality or beyond its limits, to permit the work necessary for the construction and maintenance of the water-works to be executed upon their properties, saving indemnity for actual damage sustained as settled by experts.

Plan to be
submitted to
Lieutenant-
Governor for
approval.

A plan, indicating the manner in which the properties shall be crossed by the pipes, shall be prepared and previously submitted for the approval of the Lieutenant-Governor in council.

Power of
officers of
water-works
to enter
houses, etc.,
for certain
purposes.

421. The officers appointed for the administration of the water-works may enter into any house or building whatsoever or upon any property, whether situated within or without the limits of the town, for the purpose of satisfying themselves that the water is not wasted or that the by-laws relative to the water-works are faithfully carried out.

It is the duty of the owners or occupants of any such house building or property to allow the officers to make such visit or examination. Owners, etc., to permit of such entry.

The water may be cut off from any person refusing to receive the officers so long as he shall continue to refuse. Water may be cut off in case of refusal.

422. The council may cut off the water supply from any person refusing or neglecting to pay the special tax or compensation for the use of the water, as also from all persons who allow the water to be wasted. Water may be cut off from persons not paying water tax, etc.

423. All such persons as shall have had the water cut off, for one of the reasons given in the two preceding articles, shall remain liable, nevertheless, for the special annual assessment and for the compensation exacted for its use in the same manner as though they were using it. Liability for rate although water cut off, etc.

424. The corporation is not bound to guarantee the quantity of water to be supplied under the authority of this title, and no person shall refuse, on account of the insufficiency of the water supply, to pay the annual special tax and the compensation for the use of the water. Quantity of water not to be guaranteed.

425. The council may by by-law transfer its rights and powers respecting the water supply to any company, person or a society of persons willing to undertake the same, provided that such company, person or association of persons do not exact higher rates, for the use of the water, than those approved by by-law of the council. Transfer of corporation rights to any company etc. Proviso.

TITLE X.

LOANS.

426. The council may borrow, from time to time, various sums of money, for the purpose of paying its debts, building markets, draining its streets, establishing water-works, macadamized or other roads, making grants, or making improvements in the town and generally for all objects within the scope of its authority. Power of council to borrow money for certain purposes, etc.

427. Whenever the council shall contract a loan, it shall 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 two per cent per annum. Interest and sinking fund to be also provided for.

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

428. The sinking fund shall be invested in the purchase of public securities of the Dominion or of the Province, Investment of sinking fund.

or in the redemption of the bonds issued by the corporation, or may be deposited in a savings bank at the time when the interest on the loans is paid.

For what time to be invested.

The sinking fund shall remain deposited with the interest accruing thereon, until such fund shall equal the amount of capital to be paid off.

Payment of sinking fund to lenders.

429. The council may, if the lenders consent thereto, or require the same, deposit in their hands the sums intended for such sinking fund.

Receipts 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 the sinking fund.

Loans to be contracted by issue of debentures.

430. The council may contract its loans by an issue of debentures, signed by the mayor and countersigned by the secretary-treasurer and bearing the seal of the corporation.

Debentures how payable. Interest thereon.

Such debentures are made payable to bearer at the periods fixed by the council, with interest payable on the first days of the months of May and November in each year, at any rate of interest not exceeding the legal rate.

Coupons or interest.

431. Coupons to the amount of the half yearly interest, signed by the mayor and countersigned by the secretary-treasurer, and payable to bearer at the period the interest specified therein falls due, may be annexed to each debenture.

Possession of coupons by secretary-treasurer proof that interest paid.

At the time of payment, the coupons are handed to the secretary-treasurer, and the possession by such officer of any coupon is *primâ facie* evidence that the half yearly interest specified therein has been paid.

General funds of corporation pay principal, etc., of loans.

432. The principal and interest of every debenture issued by the council are paid by the general funds of the corporation.

Loans to be made by by-law only.

433. Loans, except those made under the latter part of article 20, whether by the issue of debentures or otherwise, are only made under a by-law of the council to that effect, approved by a majority in number and in real value of the proprietors who are municipal electors according to article 228 and following.

Approval of by-law by electors.

When interest and sinking absorb half of revenue no new loan to be incurred without special authorization, etc.

434. When the interest and the sinking fund of the sums borrowed by the corporation absorb half the revenue of the town, the council shall not in any case contract a new loan without having been specially authorized thereto by the Lieutenant Governor in council, and moreover without having obtained the approval of the majority in number and in real value of the proprietors who are municipal electors.

Every by-law, authorizing a loan by virtue of this article, shall levy an annual special tax sufficient for the payment of the interest for each year and of one per cent per annum at least as sinking fund until the debt is extinguished.

By-law authorizing loan to levy special tax for payment of interest, etc.

TITLE XI.

VALUATION AND ASSESSMENT ROLL.

435. The assessors shall make, within the delay and in the manner prescribed by the council, the valuation of all the taxable property in the town according to their actual value.

How and when valuation is made.

The assessors, in the performance of their duties, may require the services of the secretary-treasurer or any other clerk, who shall be paid, for every day's occupation, a sum not exceeding two dollars payable by the council upon the certificate of the assessors.

Clerk may be employed.

His remuneration.

436. When the assessors shall have valued all the taxable property in the town, they shall forward the valuation roll to the secretary-treasurer who shall produce it at the next meeting of the council.

Valuation when completed to be furnished to secretary-treasurer.

From the date of such meeting, the roll is and remains deposited in the office of the secretary-treasurer during one month.

To be deposited in office.

During that time it shall be open for inspection by any person whose property has been assessed, or by the representative of such person.

Open for inspection.

Notice of the day of such deposit shall be given by the secretary-treasurer in the same manner as for the election of councillors.

Notice of deposit to be given.

Every iron railway 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 showing the actual value of their estate in the municipality, not including the land occupied by the road itself; and also the actual value of the land occupied by the road estimated according to the average value of land in the locality.

Statement of value of property to be furnished by railway company, and forwarded to office of council in May in each year, etc.

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

Return to be communicated to valuers.

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 furnished by the company.

How such property shall be valued if return furnished;

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

If not furnished.

437. Any person feeling aggrieved may, within such delay, give notice in writing to the secretary-treasurer of his intention to appeal to the council to complain of such valuation, and the appeal shall be heard by the council at its first meeting after the expiration of the said period of one month.

438. The council, after having heard the assessors, the parties and their witnesses, under oath administered by the mayor or the presiding councillor or by the secretary-treasurer, shall maintain, increase or diminish the assessment complained of, as it shall deem right.

The council may amend any assessment, even without a demand or complaint to that effect, by determining a proper figure for the valuation of any taxable property which it shall consider over or under valued according to its annual or real value, or by correcting the names of persons therein inscribed, or the designation of land therein mentioned or by inserting anything that the assessors have omitted, provided that notice has been previously given to the interested party.

At the same meeting, the assessment roll shall be declared closed for two years, unless the council shall have to adjourn on account of the number of claims or for other reason, in which case the roll shall be only declared closed after the hearing and the adjudging of every claim.

439. If after the valuation roll of real estate shall have been declared closed, any property 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 to its actual value.

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

440. The assessors are obliged annually upon the order of the council, to value all stocks of merchandize possessed in the town.

The council may, at any time, after the closing of the roll, cause all persons, or all taxable property omitted from the roll, as well as all taxable property added afterwards, to

be assessed entirely or proportionately, so as to be entered on a supplementary roll which shall be opened by the secretary-treasurer.

442. After every change of owner or occupant of any land set forth in the valuation roll in force, the council, on a written petition to that end, and after sufficient proof, may erase the name of the former owner or occupant, and inscribe on such roll the name of the new one; and the said council shall, within the shortest possible delay after the coming into force of this law, enter on the valuation roll every elector qualified under article 148.

Change of owners of land, etc.

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

Proprietors, etc., to answer correctly to assessors.

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

Fines for incorrectly answering, etc.

Shall also be liable to the fine, all such proprietors or agents who knowingly give to a tenant a certificate or receipt purporting to be for a less amount than the real rent paid for property for which such rent is paid, and every tenant who produces such certificate or receipt before the assessors in order to induce them to lower their assessment, and every proprietor agent or tenant who directly or indirectly lead the assessors into error with regard to such rent.

Fines for giving tenant certificate establishing falsely amount of rent, etc.

444. There shall be an appeal to the Circuit Court, in the district of Terrebonne:

Appeal to Circuit Court:

1. From all resolutions or decisions rendered or passed by the council, under articles 438, 439, 441 and 442, touching the valuation roll, whether the decision of the council be rendered on its own motion or on a complaint laid before it,

From resolutions, etc., under articles 438, 439, 441, and 442;

2. From any refusal or neglect on the part of the council to consider a complaint made under the said articles.

From refusal of council to consider such complaints.

Such appeal is taken, proceeded with and decided in accordance with the provisions of articles 1063 to 1073, inclusively, of the Municipal Code, which shall apply *mutatis mutandis*.

Appeals how taken and proceeded with.

TITLE XII.

TAXES.

SECTION I.

NON-TAXABLE PROPERTY,

- 445.** The following property is exempt from taxation :
- | | |
|--|--|
| Property exempt from taxation : Her Majesty's property ; | 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 ; |
| Government property ; Churches, etc. ; | 2. All Federal and Provincial property and buildings ; |
| Public schools etc. ; | 3. Every place of public worship, presbytery and its dependencies, and every burying-ground ; |
| Certain educational establishments. | 4. Every public school-house and the ground on which the same is constructed ; |
| Hospitals, etc. | 5. Every educational establishment subsidized by the state or by the town, and the ground on which the same is constructed ; |
| Court house, etc. | 6. All buildings, ground and property occupied or possessed by hospitals or other charitable or educational establishments ; but properties in the possession of such religious, charitable, or educational establishments for purposes of revenue shall not be exempt from taxation ; |
| Exception. | 7. Every court house and district gaol and the grounds attached thereto. |

However, this exemption shall not extend to lots, or to buildings built upon lots, leased or occupied by tenants under government in the said city ; and such lands belonging to the government, occupied by tenants, shall be valued and assessed in like manner as other real property in the said town, and such rates or assessment shall be paid by the said tenants or occupants thereof, as expressly assessed upon them personally.

Further exception.

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

SECTION II.

IMPOSITION OF TAXES.

Power to levy certain assessments for certain purposes upon :

446. In order to raise the necessary funds to meet the expenses of the council, and to effect all necessary and beneficial public improvements in the town, for the management of the property of the town, and to cover the

expenses of administration, generally, incurred in the interest of the town, the council shall have the right to levy annually, upon persons and moveable and immoveable property in the town all general and special taxes contributions, licenses and other imposts, as hereinafter designated :

1. Upon every lot, town lot or part of a lot, with all the buildings thereon erected, if any there be, a sum not exceeding one cent in the dollar on the total value, as shewn on the valuation roll ; Town lots ;

2. Upon every tenant paying rent in the town, an annual sum not exceeding five cents in the dollar on the amount of the rent shown on the valuation roll, or of the annual value of the immoveable property occupied by him. Tenants ;

3. On the following moveable property, a sum not exceeding one half of a cent in the dollar at the value hereinafter specified : Certain moveable property ;

a. Every stallion kept for covering mares shall be rated at four hundred dollars ;

b. Every horse kept for hire, at sixty dollars.

c. Every horse above the age of three years kept for domestic purposes, at forty dollars ;

d. Every bull, at fifty dollars ;

e. Every ram, at twenty dollars ;

f. Every head of horned cattle aged two years at least, at twenty dollars ;

g. Every covered carriage with four wheels, at two hundred dollars ;

h. Every covered four wheeled vehicle, with two or more seats, at eighty dollars ;

i. Every open four wheeled vehicle, with two or more seats, at forty dollars ;

j. Every cabriolet or light waggon, with one seat, at forty dollars ;

k. Every sleigh, for two or more horses, at eighty dollars ;

l. Every sleigh, for one horse, at forty dollars.

All winter or summer vehicles intended and used for transporting goods and produce, known as working vehicles, and all horses, implements and articles employed in agriculture or intended for farm work, are exempt from all taxes whatsoever. Exemption,

417. The council may also, by by-law, determine, impose and levy certain annual dues and taxes : Council may levy taxes upon :

Upon every proprietor or occupant of a house of public entertainment, private boarding house, inn, coffee-house and restaurant ; upon every retailer of spirituous, vinous or fermented liquors ; upon every hawker or pedlar selling any articles whatsoever in the town ; upon every proprietor, possessor, agent and manager of theatres, circuses, menageries and other such like exhibitions, billiards, bowl-

ing-alleys and other games and amusements of any kind whatsoever ; upon every auctioneer, grocer, baker, butcher, hawker, huckster, carter, livery-stable keeper, brewer, distiller and bottler ; upon every trader, manufacturer and their agents ; upon every proprietor or keeper of a coal or wood-yard and slaughter house ; upon every broker, exchange broker and pawnbroker and their agents ; upon every banker, bank and bank agent ; upon all insurance companies and their agents : upon all commission merchants and their employees ; upon all telegraph and telephone companies and their agents or operators ; upon all manufacturers of ginger-beer, spruce-beer, and root-beer and their agents ; upon all brick manufacturers, lumber merchants, proprietors or occupants of mills driven by water, or steam power, and tanneries ; upon all heavy scales ; upon all bailiffs and druggists residing in the town ; and generally upon all commerce, industries, occupations, arts, trades and professions carried on or followed by all persons, firms or companies, either on their own account or as agents for others, and upon the premises in or upon which they are or may be carried on or followed.

Certain professions, &c.

All persons having an office in the town and practising therein the profession of advocate, physician, surveyor, notary, dentist, surgeon, oculist, accountant, photographic artist, business agent, veterinary surgeon, architect or civil engineer, shall pay an annual tax of three dollars.

Appointment of persons to make roll under articles 446 and 447

448. The council may appoint one or more persons to make the roll of persons and moveable property mentioned in articles 446 and 447.

Tax under article 447 may be levied by licenses upon :

449. The tax imposed under article 447 may be so imposed and levied by means of a license (or permit), according to the discretion of the council, signed by the secretary-treasurer upon the following persons :

Transient traders ;

1. Every person who shall come temporarily into the town for the purpose of selling, or causing to be sold, bankrupt stocks or other goods, merchandise and articles of trade, either by public auction or by private sale ;

Pedlars, etc :

2. Every pedlar, not residing in the town, who retails, offers for sale or hawks about any kind of merchandise and articles of trade, or causes to be sold, retailed, hawked about, or offered for sale any such merchandise or articles of trade of whatever kind they may be, such sum as the council may ordain ;

Bankers, etc :

3. Every banker, broker, merchant, wholesale and retail traders, (except persons selling spirituous liquors who are otherwise provided for ;)

Butchers, &c.

4. Every butcher, carter and public driver.

450. The amount to be fixed for such licenses shall be in proportion to the extent of business done by the party bound to take out such license, and is determined by the council at its discretion; however, the price cannot exceed twenty dollars in the case of paragraphs 1, 2 and 3 of article 449, and twelve dollars in the case of paragraph 4 of the same article.

Amount of license, etc., in proportion to business done.

No license can be granted for a longer period than twelve months.

License to be for twelve months. Conditions of license.

The council grants such license on such conditions, obligations and restrictions as it may ordain.

Every one bound to take out a license shall not carry on any commerce, business or trade in the town without such license under penalty of a fine not exceeding fifty dollars, and in default of payment imprisonment not exceeding two months.

Fine for not taking out license when required.

451. The tax imposed under and in virtue of article 447 upon every proprietor, possessor, agent and manager of theatres, circuses, menageries and such like exhibitions, may likewise be imposed and levied by means of a license according to the preceding articles.

Taxes upon theatres, etc., may be levied by license, etc.

The amount of the license may be levied, if not paid upon demand to the secretary-treasurer or such other municipal officer as may be authorized, on all moveables and effects, even those exempt from seizure, found in the possession of every person connected with such theatre, circus, menagerie or other exhibition, upon a warrant of attachment signed by the mayor or by a justice of the peace of the town and addressed to a bailiff of the superior court;

If license not paid for, distress may issue.

The moveables and effects are seized and sold by the said bailiff, until he shall have raised an amount sufficient to cover the price of the said license and costs in accordance with the rules of the Code of Civil Procedure for the execution of a writ of *feri facias de bonis* issued from the Circuit Court.

Sale of moveables under distress warrant.

SECTION III.

COLLECTION OF TAXES.

§ 1.—General provisions.

452. All municipal taxes, imposed on any immoveable property, may be collected from the tenant, occupant or other possessor of such land, as well as from the owner thereof, or from any subsequent purchaser of such land, even when such tenant, occupant, possessor or purchaser is not entered on the valuation roll.

Taxes upon immoveables may be collected from tenant, etc.

453. Any person, not being the proprietor, who shall pay municipal taxes imposed on the immoveable which

Person paying taxes of proprietor subro.

gated in corporation's rights.

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.

If council causes works to be performed which proprietor for any reason neglected, cost thereof shall be a claim upon property.

454. 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 council to cause the work, which such proprietor may be bound under such by-laws to perform, to be done; and in all cases, the sum so expended by the council shall remain a lien upon the property, as a special and privileged hypothec in preference to all other debts whatsoever, and shall be recoverable in the same manner as the taxes due to the said council, with interest at the rate of eight per cent.

Remission of taxes to poor people.

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

Municipal dues and interest to be privileged.

456. 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.

Extent of privilege

This privilege shall only extend to dues for six years.

Proceeds of licenses belong to funds of town, etc.

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

Investment of surplus funds, etc.

458. The council may, by resolution, provide for the advantageous investment or for the deposit, either in savings' banks or in public funds or otherwise, of all balances of money or surplus funds that it may have, in order to create a revenue for the town.

SECTION IV.

THE MODE OF COLLECTION.

Notice of completion and deposit of col.

459. The secretary-treasurer, when he shall have completed his collection roll, shall proceed to collect all taxes

and dues therein mentioned, and for this purpose he shall give, or cause to be given, on the following Sunday, a public notice that the collection roll is complete and is deposited in his office, and that the parties subject to payment of taxes mentioned are required to pay him the said amount at his office within the twenty days following such notice.

160. If, after the expiration of the twenty days, he finds arrears of taxes due, the secretary-treasurer shall forward, to each party in arrears to his usual place of residence or domicile or to such party personally, a statement of the total amount of taxes by him due, and shall at the same time give him a notice annexed to such statement demanding payment of such taxes therein mentioned, with the costs of notification according to the tariff adopted by the council.

161. If, after the twenty days next following the demand made in virtue of the preceding article, the sums due by the persons entered on the collection roll have not been paid, the secretary-treasurer 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, and such seizure and sale shall be made under a warrant signed by the mayor, addressed to a sworn bailiff of the district of Terrebonne, who shall act under his oath of office and be subject to the same rules and the same penalties, as under a writ *de bonis* issued by the Circuit Court.

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

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

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

It shall be heard and decided according to the ordinary rules of procedure, and when the conclusions of the opposition are maintained, the amount deposited, as above, shall

lection roll calling upon rate-payers to pay.

Statement to be sent to rate-payers in arrears after certain date.

If amounts not then paid warrant may issue for seizure and sale of effects

If doors, etc., closed, etc.

Deposit required before opposition to seizure is allowed.

Service of opposition.

Hearing and decision thereof.

be returned to the party who made it, if not then the amount is imputed upon the payment of the cost incurred.

TITLE XIII.

SPECIAL PROVISIONS RESPECTING THE SALE OF IMMOVEABLES ON WHICH TAXES ARE DUE.

Sale of lands for arrears of taxes, etc.

463. In every case where a person not residing in the town is taxed for vacant property or immoveables which he possesses, and in every case where there is not sufficient seizable property to pay the taxes imposed on any person in the town for lands, buildings or other immoveables to him belonging, if the taxes are not paid within the twelve months after the notice of the deposit of the collection roll of the town has been given, the council may authorize the secretary-treasurer, upon his report to the latter effect, to sell or have sold by public auction, at the office of the council or at any other place fixed by the council in the manner hereinafter described, the immoveable property which the council shall designate by resolution, so indebted to the council for municipal taxes.

Sale of lands for arrears of school taxes, etc.

464. The council may likewise, upon a certificate from the secretary-treasurer of the school commissioners for the town of Terrebonne, setting forth that the school tax imposed upon one or more immoveable properties in the town have not been paid within the twelve months following the notice of the deposit of the collection roll of the said school commissioners was given, authorize its secretary-treasurer to sell or have sold by public auction at the office of the council or any other place fixed by the council, in the manner hereinafter prescribed, but at the cost, risk and perils of the said school commissioners, any immoveable property designated by resolution of the said school commissioners, so indebted for school taxes.

List containing description of properties to be sold.

465. The secretary-treasurer of the town shall prepare a list containing a sufficient description of the properties to be sold at public auction by order of the council; and he shall, within fifteen days after such order has been given, give public notice, in the manner required for the publication of a by-law, of the day, hour and place where the said public auction will take place.

Notice of sale, etc.

What description notice to contain.

466. This notice, as well as the copies posted up, shall each contain the official numbers or at least a sufficient description of the properties to be sold.

Publication of notice.

467. This notice shall be published twice in French and English in the Quebec Official Gazette and at least in

one English and one French newspaper published in the district before the sale, which shall be held in all cases within the fifteen days following the last insertion in the Official Gazette.

168. At the time appointed for the sale, the secretary-treasurer or some other person acting for him, sells to the highest bidder, those lands described in the list upon which taxes are still due, after making known the amount to be raised on each of such lands, including therein a part of the costs incurred for the sale, proportionate to the amount of the debt. Proceedings at sale.

169. The purchaser of any land or portion of land must pay the amount of his purchase money immediately upon the adjudication thereof. Price of adjudication to be paid at once.

In default of immediate payment, the person making the sale either at once puts up the land for sale, or adjourns the sale to the following or any other day within eight days, by giving all persons present notice of such adjournment in an audible and intelligible voice. If not so paid

170. On payment by the purchaser of the amount of his purchase money, the secretary-treasurer sets forth, in a certificate made in duplicate and signed by himself, the particulars of the sale, and delivers a duplicate of such certificate to the purchaser. Certificate to be given to purchaser.

The purchaser is thereupon seized and possessed of the land adjudged, and may enter into possession thereof, subject to the same being redeemed within the two years next following, but however, cannot carry off timber from such land during the said years. Effect thereof. Timber etc., not to be carried off.

171. If, within two years from the day of the adjudication, the land adjudged has not been bought back or redeemed, according to the following provisions, the purchaser remains the irrevocable proprietor thereof. If not redeemed within certain time.

172. Such purchaser, upon exhibiting the certificate of his purchase and upon proving the payment of all municipal and school taxes which in the meantime have become due thereon, is entitled, at the expiration of two years' delay, to a deed of sale from the council. Deed of sale from council.

173. The deed of sale is executed in the name of the municipality by the secretary-treasurer by deed before a notary. In whose name executed.

174. All the rights acquired by the purchaser pass to his heirs or legal representatives. Rights of purchaser pass to his heirs, etc.

Sale conveys ownership of land,

475. The sale made under the provisions hereinabove is a title which conveys the ownership of the land adjudged.

Vests in purchaser certain rights and purges certain claims. Exception.

476. It vests in the purchaser all the rights of the original owner, and purges the land from all privileges and hypothecs, whatsoever, to which it may be subject, except claims to constituted ground rent, to seigniorial rights and to rents substituted therefor, and the amounts for which such land may be encumbered for the payment of municipal and school taxes, also the dues of the trustees for the amount of all assessments imposed upon the said land to defray the expenses of building or repairs to churches, vestries, parsonages and burial grounds, provided that, at least eight days before such sale, there has been lodged with the secretary-treasurer a certified account establishing the amount of such arrears of ground rents, taxes, school assessments or assessments for the building or repairing of a church.

Proviso.

Person offering for smallest portion of land to cover amounts due to become purchaser, etc.

477. Whosoever may offer at the time of the sale to pay the amount of the moneys to be raised, together with the costs, for the smallest portion of such lands, becomes the purchaser thereof, and such portion of the land must be at once adjudged to him by the secretary-treasurer, who sells such portion of the property as appears to him best in the interest of the debtor.

Redemption of land.

478. The owner of any land sold under the preceding provisions may, within two years next following the day of adjudication, redeem the same by reimbursing to the secretary-treasurer the amount laid out for the purchase of such land, with the cost of the certificate of adjudication or acquisition, with interest at the rate of six per cent per annum, and further five per cent to cover all other expenses incurred by reason of such sale.

Redemption by other than former proprietor.

479. Any person, whether authorized or not, may redeem or recover such land in the same manner, but only in the name and for the benefit of the person who was the proprietor thereof at the time of the adjudication.

TITLE XIV.

RECOVERY OF PENALTIES.

Fines before what court recoverable.

480. The fines imposed by this act or by the by-laws of the council are recoverable, whatever the amount thereof, before the Circuit Court in and for the district of Terrebonne or before a justice of the peace residing in the town

- 181.** All fines incurred by the same person may be included in the same suit. All fines incurred may be in same suit.
- 182.** Such prosecutions may be brought by any person of age, in his own name, or by the mayor or secretary-treasurer in the name of the town. Who may sue.
- 183.** Any such suit may be decided on the oath of one credible witness. One witness is sufficient.
- 184.** Penalties, recovered in virtue of by-laws of the council or of the provisions of this act, shall belong to the corporation, unless it shall otherwise order. Penalties under by-laws to belong to corporation.
If the penalty is due by the corporation it shall belong wholly to the prosecutor. If due by corporation.
- 185.** In default of payment of the fine ordered by the court, and the costs, within fifteen days from the rendering of the judgment, the person condemned may be imprisoned for the time prescribed by this act or by by-law, which imprisonment shall end, however, on payment of the sum due. Imprisonment if fine not paid.
Such imprisonment shall discharge the person who undergoes it from the obligation of satisfying the judgment against him. Effect thereof.
- 186.** The fines, as well as the costs taxed, may be recovered and levied upon the moveables and effects of the offenders. Fines may be levied by sale of moveables.
- 187.** All fines, recovered under this act, shall be paid into the hands of the secretary-treasurer of the town. Fines to whom paid.
- 188.** The plaintiff or the complainant, whose demand or complaint has been dismissed with costs, shall be bound to pay the costs recoverable against him, in the manner prescribed by law or by the procedure governing the court which renders the judgment; the costs, in any case, are taxed according to the tariff of the court which rendered the judgment, regard being had, as respects the Circuit Court, to the amount of the fines, which amount shall regulate the taxation of the costs. If plaintiff's suit, etc., dismissed bound to pay costs. Costs to be taxed.

TITLE XV.

EXPROPRIATIONS.

- 189.** The council may 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, pub- Council may acquire, etc., lands for certain works.

blic squares, parks, drains, sewers the construction of buildings for the use of the town, for all purposes connected with supplying the town with water, for all water-works and dependencies and accessories and for all purposes connected with the lighting of the town, and with all gas works or electric apparatus, their dependencies and accessories.

Council cannot without consent expropriate: Her Majesty's property; Government property;

Property of railway companies, etc;

Cemeteries, etc.

Indemnity may be fixed by agreement, etc.

Arbitration in default of agreement and appointment of arbitrators.

Notice to be given by arbitrators.

Proceedings by and before them.

Appeal.

490. The council cannot, without the consent of the owner, expropriate the following properties :

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, *fabriques* or religious, charitable or educational institutions or corporations ;
4. Cemeteries, bishop's palaces, parsonages and their dependencies.

491. The indemnity to be paid for any land liable to expropriation may be fixed and established by agreement between the council and 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.

492. 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 the proprietor is a minor or has not the enjoyment of his civil rights and has no legal representative, a judge of the Superior Court may appoint an arbitrator for him.

493. The arbitrators proceed at the time and place fixed by them, and of which they shall have given at least ten days' special notice of 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, with right of appeal however from such decision to the Circuit Court of the district by direct action taken in the ordinary way.

494. In any 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.

What decision of arbitrators to contain.

495. On payment or legal tender of the amount of the indemnity agreed upon or granted, or on the deposit thereof as hereinafter provided, the council shall be entitled to take possession of the land.

Corporation entitled to land on payment or deposit of money.

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.

If such taking possession is resisted.

496. 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 Terrebonne, together with a copy of the deed of agreement, or of the decision of the arbitrators.

Deposit of amount in court in certain event.

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.

Proceedings thereafter in confirmation of title.

TITLE XVI.

EXECUTION OF JUDGMENTS AGAINST THE CORPORATION

497. 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.

Duty of secretary-treasurer to pay amount of judgment served upon him.

498. 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.

If no funds, council to order levy of sum to pay amount and costs.

Delays to be granted for such purpose.

499. 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 paid within two months, execution may be obtained against corporation.

500. 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, etc., of writ and to whom addressed and what it enjoins.

501. Such writ is attested and signed by the prothonotary of the Superior Court, sealed with the seal of the court, and addressed to the sheriff of the district of Terrebonne, 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 ;

2. In default of immediate payment by the corporation :

To apportion the sums to be levied on all the taxable property in the town, 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 in the manner required for taxes ;

5. To exact and levy the amounts entered on the special collection roll in the manner and within the delay prescribed by article 452 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 article 459 and following inclusively ;

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 Terrebonne.

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.

502. 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 execute writ, etc.

503. The sheriff has free access to the registers, valuation roll, collection rolls and other documents deposited in the office of the council, and he may demand the services of the municipal officers of the city under the same penalties as if such services were required by the council itself. Access by sheriff to registers, etc.

504. He shall take possession of the valuation roll and other documents which are necessary to him for the execution of the judgment and orders of the court. Sheriff to take possession of valuation roll;

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.

505. If it be impossible for the seizing officer to obtain the valuation roll, which should serve as a basis for the collection of the moneys, or if there be no such valuation roll, 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 money to be levied on such valuation as if it were the valuation roll in force. To make valuation of property if roll cannot be had.

The costs incurred in making such valuation, as taxed by the court from which the writ issued, form part of the costs of execution and are recoverable from the corporation. Costs of making such valuation.

506. The fees, costs and disbursements of the sheriff are taxed at the discretion of the judge of the court from which the writ of execution issued, or by the prothonotary of the district in the absence of the judge. Taxation of fees, etc., of sheriff.

507. 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. Sheriff to return certain documents to office of council after levying amount, etc.

508. 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. Arrears under sheriff's special roll belong to corporation.

If any surplus remains in the hands of the sheriff, it shall belong to such corporation. Surplus also.

Orders to facilitate execution of writ may be obtained by sheriff.

509. The sheriff may obtain from the court any order calculated to facilitate and ensure the complete execution of the writ addressed to him.

SCHEDULE.

PUBLIC NOTICE OF THE COMPLETION OF THE COLLECTION ROLL BY THE SECRETARY-TREASURER.

Public notice is hereby given that the collection roll of the town of Terrebonne is completed and is now deposited in the office of the undersigned, and that all persons whose names appear therein as liable for the payment of taxes are hereby required to pay the amount thereof to the undersigned at his office within twenty days from this day, without further notice.

A. B.

Secretary-Treasurer.

C A P . L X X I I I .

An act to incorporate the town of Acton.

[Assented to 2nd April, 1890.]

Preamble.

WHEREAS the provisions of the Municipal Code no longer meet the requirements of the inhabitants of the village of Acton Vale, who are desirous of being incorporated as a town and of having a special charter; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

TITLE I.

ORGANIZATION OF THE CORPORATION.

SECTION I.

INCORPORATION OF THE TOWN OF ACTON.

Inhabitants of Acton incorporated.

1. The inhabitants of the town of Acton, within the boundaries hereinafter described, and their successors, are constituted a body politic and corporate, under the name of "The town of Acton."

Name.

Separate from county of Bagot

2. The said town is separated from the county of Bagot for all municipal purposes.