

- two-thirds in value of the real estate, assessable by law and paying taxes, of the said proprietors who have so voted.
- Manner of approval. Such approval shall be expressed at a general meeting presided over by the mayor, or, in his absence, by the senior councillor, or by the pro-mayor of the town, the secretary-treasurer acting as secretary.
- Meeting how called. Such meeting shall be duly convened by notice signed by the mayor or secretary-treasurer, published and posted up in the manner prescribed for the publication and posting up of public notices, required by the provisions of this act for the publication of by-laws.
- If six electors object, poll to be held and when, etc. If there are six municipal electors, qualified to vote on such by-law, who object thereto and require the holding of a poll to establish such majority, the holding of a poll shall be granted upon such application, by the mayor, or, in his absence, by the councillor presiding or the pro-mayor, and shall take place within the four days immediately following such meeting, the secretary-treasurer acting as poll-clerk under the direction of the mayor, of the councillor presiding, or of the pro-mayor, as the case may be."
- 44-45 V., c. 74, ss. 14, 17 and 22, repealed. **8.** Sections 14, 17 and 22 of the act 44-45 Victoria, chapter 74, are hereby repealed.
- 44-45 V., c. 74, s. 6, § 1, amended. **9.** The following words are struck out of subsection 1 of section 6 of the act 44-45 Victoria, chapter 74, to wit: "under section 22 of this act."
- 43-44 V., c. 62, s. 75 § 3 amended. **10.** Subsection 3 of section 75 of the act 43-44 Victoria, chapter 62, is amended by striking out the figure 11.
- Coming into force. **11.** This act shall come into force on the day of its sanction.

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C A P. L X X X I I I.

An Act to amend and consolidate the acts incorporating the town and city of St. Hyacinthe and the acts amending the same and to confer further powers upon the mayor and council of the city of St. Hyacinthe.

[Assented to 12th July, 1888.]

Preamble. **W**HEREAS it is expedient to amend and consolidate all the acts respecting the incorporation of the city of St. Hyacinthe to wit: the act passed by the Legislature of this Province, in the 34th year of Her Majesty's reign, chapter 39, and that passed in the 40th year of Her

Majesty's reign, chapter 50, and to confer further powers upon the mayor and council of the city of St. Hyacinthe ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** The inhabitants of the city of St. Hyacinthe, within the limits hereinafter described, and their successors, are and shall be a body corporate and politic in fact and in law by the name of "The Mayor and City Council of St. Hyacinthe." Incorporation of city.  
Corporate name.

By that name, they and their successors shall have perpetual succession and shall have power to sue and be sued, implead and be impleaded in all courts and in all causes and suits at law whatsoever, and shall have a common seal, with power to alter and modify the same at pleasure, and shall be in law capable of receiving by donation, acquiring, holding, selling, hypothecating, transferring and alienating property, real or moveable, for the use of the city, or becoming parties to any contracts or agreements in the management of the affairs of the city, and of giving, issuing or accepting any notes, bonds, debentures, obligations, judgments or other instruments or securities for the payment, or for securing the payment of any sum of money loaned, or for the execution, or for guaranteeing the execution of any duty, right or thing whatsoever, and generally shall have all other collective rights and powers necessary for the performance of the duties imposed upon them. General powers.

**2.** This corporation shall be represented by a council to be composed in the manner specially prescribed by this act, and all the rights and powers of the said corporation shall be exercised, and its duties and obligations shall be fulfilled by the said council and its officers. Council.

This council shall be called "The City Council of St. Hyacinthe." Name of council.

**3.** The city of St. Hyacinthe shall be bounded as follows, to wit : Boundaries of city on the :

On the South West, by the line dividing lots Nos. 1089 and 1090 from lots 1091, 1092 and 1093 (the said lots being so designated on the official plan and book of reference for the parish of St. Hyacinthe), in a straight line from the river Yamaska to lot No. 1203 of the same cadastre ; South West ;

On the North-West, by the division line between the river lots and those of the *Petit Rang* from the intersection of the line above mentioned with the said lots Nos. 1203 and 1203a which shall be the North-Western boundary of the city as far as the *Petit Rang* road and thence to the North-Eastern limits of the city by the division line between the river lots and those of the *Petit Rang* ; North West ;

North East ; On the North-East by the line which separates the land upon which the college of St. Hyacinthe is built, from that which the corporation of the said college purchased from Antoine Charron dit Cabana, to wit by the line dividing lot No. 679 of the cadastre of the city from lot No. 65 of the cadastre of the parish of St. Hyacinthe le Confesseur and,

South East. On the South East, by the middle of the River Yamaska.

Division into wards : **4.** The city shall be divided into five wards, which shall be respectively designated and known as : " ward number one," " ward number two," " ward number three," " ward number four," and " ward number five," and shall be bounded as follows, that is to say :

Their boundaries :

Ward number one ; 1. " Ward number one " shall be bounded in front by the middle of the river Yamaska, on the North-East and in depth by the limits of the city, and on the South-West by a line passing through the centre of Concorde street, of the river Yamaska to the North-eastern limits of the city.

Ward number two ; 2. " Ward number two " shall be bounded in front by the middle of the said river, in depth by the limits of the city, on the North-East by ward number one, and on the South-West by a line drawn through the centre of Mondor street from the said river as far as Girouard street, thence along the middle of Girouard street, as far as the middle of Laframboise street, and thence along the centre of Laframboise street and its continuation as far as the limits of the city ;

Ward number three ; 3. " Ward number three " shall be bounded in front by the middle of the said river, in depth by the limits of the city on the North-East by ward number two, and on the South-West by a line drawn through the centre of St. Anne street from the river and prolonged as far as the limits of the city ;

Ward number four ; 4. " Ward number four " shall be bounded in front by the middle of the said river, in depth by the limits of the city, on the South-West by ward number five, and on the North-East by ward number three ;

Ward number five. 5. " Ward number five " shall be bounded in front by the middle of the said river, in depth by the North-Western limits of the city, on one side by the middle of Bourdages street and of the *Petit Rang* road as far as the limits of the city, and on the other side by the South-Western limits of the city.

Voluntary annexation of adjacent lands contiguous to city. **5.** It shall be lawful for any proprietor of land immediately adjacent or contiguous to the limits of the city of St. Hyacinthe, upon notice given by such proprietor to the municipal authorities of the said city and with the consent of the said authorities, signified by a by-law to be made

by them to that effect, in the usual manner, to demand and obtain that the said land shall be included within the limits of the city, and so on successively, for other proprietors having property so adjacent to properties thus successively included as aforesaid.

By-law for such purpose.

Upon such property being included as aforesaid by law, the proprietors whose properties shall be included, shall have and possess all the municipal privileges, and be subject to all the obligations, duties and charges imposed upon persons and properties originally included within the limits of the city.

Rights and obligations of proprietors after annexation.

Such property thus included shall form part of the wards of the city to which it will be contiguous or adjacent.

To what wards annexed property shall belong.

2. Upon the petition of the majority of the proprietors in number and in value, possessing by authentic title lands within the extent of territory adjacent to the said city, and bounded as follows: in front by the middle of the River Yamaska, in depth by the division line between the lots of the South range of the River Yamaska, and of the St. Francis range, in the parish of St. Hyacinthe, and of the St. Dominique range, in the parish of St. Hyacinthe the Confessor, on one side by the division line between lots Nos. 96 and 97 of the cadastre of the parish of St. Hyacinthe, and on the other side by the division line between the said parishes of St. Hyacinthe and St. Hyacinthe the Confessor, it shall be lawful for the said city council to include the said extent of territory within the said city.

Annexation of certain territory by petition of majority of proprietors in number and value.

When the said extent of territory shall have been included by a by-law of the said city council, upon the petition of a majority of the proprietors as aforesaid, the proprietors, whose properties shall have thus been declared included, shall possess all the municipal privileges and be subject to all the obligations, dues and duties imposed upon persons and properties originally included in the city, and thereupon the said territory so annexed shall be known and designated as "ward number six" of the city.

Rights and obligations of proprietors after annexation.

To form ward number six.

3. The same shall apply to the territory hereinafter mentioned, under the same circumstances and conditions and with the same proceedings, to wit: That extent of land bounded as follows: in front to the North West by the middle of the River Yamaska, in depth on the South East by the division line between the lots of the South range of the River Yamaska, and those of the St. Dominique and Ste. Marie-Anne ranges, in the parish of St. Hyacinthe the Confessor, on the West side by the division line between the parishes of St. Hyacinthe and St. Hyacinthe the Confessor, and on the North East side by a line starting from the River Yamaska and extending in the Southern line of the land of the Grand Trunk Railway of Canada as far as the South Western line of lot No. 192, to continue in the said

Annexation of certain other territory.

line as far as the Ste. Marie-Anne range, which territory so annexed shall then be known and designated as "ward number seven" of the city.

Power to change limits of wards. 4. It shall be lawful for the said council, when it deems advisable, to alter the limits of the wards, provided an interval of at least five years elapses between every such change for each of them, and that such change be approved by the majority of the members of the city council.

Continuation in office of present mayor and councillors. 5. The mayor and the councillors of the city at present in office shall remain, and they are hereby continued in office for the whole of the period for which they have been elected, and they shall hold office until the expiration of their term of office in virtue of the acts mentioned in the preamble to this act.

Continuation in office of officers. The officers appointed by the said mayor and city council shall remain and they are hereby continued in their respective offices, until their formal removal by the council or the expiration of their powers.

By laws, &c. continued in force. All by-laws, ordinances, agreements, provisions and engagements whatsoever made and entered into by the said present mayor and council, or their predecessors in office, shall have and continue to have their full and entire effect, until the said by-laws, agreements and engagements shall have been regularly repealed and abolished.

New council to succeed to rights, powers, &c. of old council. The council, as constituted in virtue of this act, shall succeed to and be substituted in all the rights, powers, actions and claims of the city council of St. Hyacinthe, as it was constituted by the act 27 Victoria, chapter 22, and the acts above mentioned.

Election of mayor and councillors. 7. There shall be elected, in the manner hereinafter mentioned, a fit and proper person to be and who shall be called "the mayor of St. Hyacinthe," and two persons qualified to be councillors for each ward of the city.

Election of councillors for new wards. But as soon as the extents of territory mentioned in the fifth section shall have been included, as prescribed by the said clause, within the limits of the city, the municipal electors of the said extents of territory shall elect, in the same manner and within one month and thereafter at the same time as the other wards of the said city, the mayor and two councillors to serve in the council of the said city; and at the following annual election the one of the two councillors designated by lot shall cease to hold office and be replaced at the said election in such manner that one of such councillors alternately shall go out of office as in the other wards.

Choice made by drawing lots for ward. This drawing by lot shall also take place at the annual election following the first election of councillors for ward

number five where the election has not yet been held, but shall be held within one month from the putting in force of the valuation rolls which shall be made for such ward in conformity with the provisions of section 13 of the act 34 Victoria, chapter 39, as amended by the act 40 Victoria, chapter 50.

It shall also be the same for subsequent elections in the said ward, until the names of the municipal electors shall be regularly inscribed on the election lists of the city.

**8.** The third councillors elected and in office for wards one and three respectively under section 8 of the said act 34 Victoria, chapter 39, (which is hereby repealed) shall not be replaced when their present term of office expires.

**9.** No person shall be elected mayor of the city of St. Hyacinthe, without having been a resident householder in the city during the year immediately preceding such election, without being a born or naturalized British subject, or without having and possessing for his own use, immoveable property in the said city, of the assessed value of eight hundred dollars.

**10.** The councillors of the city, shall be chosen from among the inhabitants of the said city, who are twenty one years of age and who are proprietors of real estate, either in their own name or that of their wives of the assessed value of four hundred dollars.

No person shall be eligible to or capable of exercising or continuing to exercise, the office of mayor or of councillor of the city, if he is not actually a resident of the said city.

**11.** The following persons shall not be appointed to or occupy municipal offices :

1. Minors ;
2. Persons in religious orders and ministers of any religious denomination ;
3. Members of the Privy Council ;
4. The Judges of the Supreme Court, the Court of Queen's Bench, the Superior and Vice-Admiralty Courts, district or police magistrates and sheriffs, prothonotaries and clerks of the Superior or Circuit Courts, of the Crown of the peace, of district and police magistrates ;
5. Officers of Her Majesty's army or navy on full pay, and the officers and men of the provincial or local police ;
6. Keepers of taverns, hotels or houses of public entertainment, or persons who have acted as such, within the preceding twelve months ;
7. Persons responsible for city funds ;
8. The deputies or clerks employed at any election under this act, when they shall be so employed ;

9. Whosoever shall not have his domicile within the limits of the city ;

10. Whoever shall receive any money or other consideration from the corporation for his services, or shall have, directly or indirectly, by himself or by his partner, any contract or an interest in any contract, with the corporation.

Shareholders of companies having contracts into corporation, not disqualified. "Contract" defined.

Nevertheless a shareholder in any incorporated company which shall have any contract or agreement with the corporation, shall not be incapable of acting as a member of the council of such corporation.

The word "contract" in this section shall not apply to the lease, sale or purchase of lands, nor to any loan of money, nor any agreement connected with any of these acts.

When and for what reasons certain persons may become incapable of holding or continuing to hold offices as mayor or councillor.

12. Every person holding the office of mayor, or councillor of the city, who shall be declared bankrupt, or shall become insolvent, or shall apply for the benefit of any law made for the purpose of aiding or protecting insolvent debtors, or who shall cease to hold property to the sufficient assessed value, or who shall enter into holy orders, or shall become a minister of religion in any religious sect, or who shall be appointed judge or a member of the executive council, or any of the offices mentioned in section 11, or who shall become accountable for the revenue of the city, in whole or in part, or who shall receive any pecuniary compensation from the city council for his services, or who shall absent himself from the city, without authority from the council during the period of two consecutive months, except on account of sickness, or who shall not attend the sittings of the council during the same period of two consecutive months except by reason of sickness or with the permission of the council, shall become, by any one of those circumstances, *ipso facto* disqualified, and his seat in the council shall become vacant, and such vacancy shall be filled according to the provisions of this act.

Qualification of electors.

13. The persons who shall be entitled to vote at the municipal elections of the city shall be those entered on the electoral lists of the city then in force for the provincial elections, provided that when they exercise such right they be twenty-one years of age and if they be tenants, that they have resided therein or have an office or place of business therein, when they exercise their right to vote.

To vote, payment of taxes to be proven if required ; how proven.

No person qualified to vote at any municipal election in the city shall have the right of voting thereat, unless he shall have paid, at least three days before such election, all his municipal assessments then due; and it shall be

lawful for any municipal elector of the city, to require the production of the receipt of the secretary-treasurer of the city, for such assessment due as aforesaid; and in case the elector shall have lost his receipt, he shall then produce a certificate from the secretary-treasurer, proving the payment of such taxes within the time above mentioned, and in default of the production of such receipt or certificate, the said elector shall not be entitled to vote at such election.

In wards number six and seven the annexation of which is hereby provided for, when the first election which is to be held is held before the preparation of the election list, it shall be the duty of the secretary-treasurer to obtain a certified extract from the secretary-treasurer of the parish of St. Hyacinthe or of the parish of St. Hyacinthe the Confessor, as the case may be, showing the names of the persons entered on such lists for such territories, and such extracts shall be used for the elections in such wards.

Electoral lists for annexed wards how and where obtained.

**14.** Electors shall not vote except at the poll of the ward in which they are qualified as such.

Electors to vote in their own ward.

If an elector is qualified to vote in more than one ward, he may vote for the election of councillors in each ward in which he is so qualified.

May vote in each ward in which they are qualified.

**15.** In an election for mayor, no elector shall vote more than once, even if he be qualified in several wards.

For a mayor, only one vote.

**16.** The municipal elections of the city shall be held on the second Monday of January in each year, or on the following day, if such Monday is a holiday of obligation, at nine of the clock of the forenoon, at the places appointed by the council.

Time of holding election.

They shall be announced by public notice posted up during the fifteen preceding days in the office of the secretary-treasurer of the city, or published in a newspaper of the city during the fifteen days which shall precede such elections.

Notice of election how given.

This notice shall be signed by the mayor or by the secretary-treasurer of the said city, and shall set forth the day, place and hour at which the elections shall be held.

Notice by whom signed, contents.

All such elections shall take place whether previous notice be given or not; but the secretary-treasurer who shall neglect to give the notice required by law, shall be liable to a fine of twenty dollars.

Elections held, notwithstanding absence of notice.

**17.** The mayor of the city shall be elected by the majority of the votes of the electors of the said city qualified as aforesaid.

Mayor elected by majority.

**18.** The mayor so elected shall continue to exercise all the powers vested in him as mayor of the said city until

Term of office of mayor.

his successor in the said office shall have been elected and sworn in.

Mayor *ex-officio* justice of the peace.

**19.** The mayor of the city shall be *ex-officio* justice of the peace for the district of St. Hyacinthe.

Supervision by mayor of officers of corporation.

**20.** The mayor of the city shall have the right of supervision and control over all the officers appointed by the council, and shall see to the fulfilment of the orders and by-laws of the said council.

Council to name presiding officers for election and appoint place therefor.  
Deputy for each ward.

**21.** The council of the city shall name one of its members, who is not going out of office, to preside at and conduct the annual election, and shall appoint the places where it shall be held in each of the wards; such councillor having under him a deputy named and paid by the council for each of the wards of the said city: such deputy must be an elector qualified to vote.

Replacement of deputy.

If such deputy should die before the election or be incapable or should refuse to act, the officer presiding at the election shall appoint an elector qualified to vote to replace him.

Election list for each deputy.  
Return of same with proceedings and poll book.

A certified copy of the election list shall be given by the secretary-treasurer of the city to such deputy for the ward in which he acts on the day before such election, which list shall be returned with the proceedings and poll-books by such officer.

Poll Clerk.

**22.** It shall be lawful for each of the said deputies to have a poll clerk whom he shall appoint by a writing under his hand, and who shall replace him in the event of his being unable to act or not acting.

Polls open between certain hours.

**23.** The polls shall be open in each ward for receiving and recording the votes, from nine o'clock in the forenoon to five o'clock in the afternoon of the day fixed for such election, in case the said election shall not be made by acclamation; and, at the close of the poll, the said deputies shall declare the persons, who shall have received the greatest number of votes, duly elected.

Declaration of persons elected.

In event of tie, deputy to give casting vote.

**24.** In case the candidates for the office of councillors have an equal number of votes, the deputy, acting at such poll, shall give his casting vote in favor of one of them.

Election of mayor;

Deputies for each ward if advisable;

**25.** Whenever it shall be necessary to elect a mayor, the councillor named to preside the annual election shall also preside the election of the mayor, and shall have under him a deputy or as many deputies as there are polling places for such purpose if the council deems advisable to declare beforehand and in its election notices that there shall be more than one.

Such deputy or deputies shall be named and paid by the council, and shall have the right to have a poll clerk named by them by a writing under his hand. Deputies named and paid by council. Poll clerk.

A certified copy of the election list shall be given to such presiding councillor to be used for the election of mayor, which list shall form part of the proceedings of the election and be returned with the same and with the poll-books. Election list to be furnished and to be returned with poll-books.

**26.** In case two or several candidates for the mayoralty should have an equal number of votes, the councillor presiding at the election shall have and give a casting vote in favor of one of them. In event of a tie, councillor presiding to give casting votes.

**27.** The council shall fix the place or places where the election of the mayor shall take place. Council to fix place for election of mayor.

**28.** The councillor presiding at any election shall not be bound to take any oath for the holding of such election, because he shall act under his oath of office. Councillor presiding at election not bound to take special oath.

Before proceeding to hold any election under this act, each deputy and poll clerk shall take the following oath, which the mayor, secretary treasurer or councillor so presiding or any other councillor, or justice of the peace residing in the city, is hereby authorized to administer, to wit :

“ I solemnly swear that I will faithfully and impartially, to the best of my judgment and ability, discharge the duties of deputy returning officer or poll clerk at the election which is to be held of a person (or persons) to serve as mayor (or councillors, for the ward, &c., as the case may be) of the city of St. Hyacinthe :—So help me God.” Oath.

**29.** Each deputy acting at such election shall enter or cause to be entered in a book by him kept for that purpose and in the same order as they shall be given, the votes of the electors, inscribing therein the names, surnames and designation of each of them. Entry of votes in poll book.

**30.** In case one candidate only is proposed for the office of mayor, or councillor, each deputy, acting at such election, shall, after one hour has elapsed from the opening of the poll, declare such candidate duly elected mayor or councillor, as the case may be. In case only one candidate proposed, election closed after one hour.

**31.** The councillor presiding, and each deputy at any municipal election in the city, shall have the power, and they are hereby required to preserve peace and order at such election. Powers of presiding councillor to preserve order at elections ;

To this end, during the continuance of the said election, they may cause to be imprisoned in the common gaol of the district of St. Hyacinthe or in the city prison any May imprison persons disturbing peace or interfering with electors, etc. ;

person making or causing a disturbance, or rioting and fighting at such election, or using or threatening to use any violence for the purpose of preventing any elector from coming forward to vote, or from retiring after having voted, or from remaining as a peaceable spectator at such election, and they may require and command the assistance of any person present at such election or of any constable or peace officer in the city, who are hereby required to give their assistance in arresting and imprisoning any person so causing noise, interruption, trouble or disturbance as aforesaid; but no such imprisonment shall be for a longer period than one calendar month.

Limit of such imprisonment.

Sheriff on gaoler to receive prisoner.

Powers of deputy.

Penalty against person refusing to render assistance.

Closing of hotels, taverns, etc., on days of election.

The sheriff and gaoler, who may be in charge of the said common gaol or of the city prison, are hereby required to receive any such offender on the warrant or order of the councillor presiding at the election; and each deputy shall, in his ward, in the absence of the councillor presiding such election, have the same power.

Every person required by the councillor presiding or the deputy at any election to render assistance at such election, and who shall refuse so to do, shall be liable to a fine of to five to ten dollars, or to an imprisonment for a not exceeding one month.

Every hotel, tavern, shop, store or restaurant, whether licensed or not, in which spirituous, vinous and fermented liquors are usually sold and delivered, shall be closed until six in the evening within the limits of the city on every day on which a municipal election is held, if there be any voting in connection with such election, on penalty of a fine of fifty dollars and costs against every offender.

Power to administer oath to persons offering to vote;

**32.** The councillor presiding, or the deputy acting at any election under this act, shall have authority, and is hereby enjoined, whenever thereunto required by any person duly qualified to vote at such election, to examine on oath (*or* affirmation, in cases in which affirmation is allowed by law), any person offering to vote at any election; and the oath shall be administered by the councillor presiding, or the deputy, in the following form, that is to say:

Oath.

“ You swear that you are A. B. (*the name of the voter*)  
 “ whose name is inscribed on the list of electors now shown  
 “ you; that you are twenty one years of age and that you  
 “ have not already voted at this election; that you have  
 “ paid your municipal taxes (*if he be a tenant,*) that you  
 “ reside within the limits of the said city or have an office  
 “ or place of business therein.”

If elector declines oath, vote refused.

**33.** If an elector refuses to take the oath his vote shall be refused.

**34.** If an elector takes the oath, or refuses to be sworn, or if objection is made to his vote, mention of each of these facts shall be made in the poll book, in the following terms, "sworn," "refused," "objected," opposite his name which shall be entered therein. Mention to be made on poll book if elector is sworn, has declined oath, &c.

**35.** At each election held under this act, the poll book containing the names of the voter and other matters, shall be attested on oath by the deputies who shall have presided at such election before the councillor, presiding at such election, or any justice of the peace residing in the city, which oath the presiding councillor, or justice of the peace is hereby authorized to administer. Poll book to be attested ;

The said oath shall be in the following form, and shall be written, wholly or in part, on the last page of the poll book containing the names of the electors : Form of oath ;

"I, A. B., swear that the poll book kept by me at the municipal election for ward No. \_\_\_\_\_ of the city of St. Hyacinthe, (or at the election of the Mayor of St. Hyacinthe, (as the case may be) is exact and correct to the best of my knowledge and belief.—So help me God." Oath.

**36.** The poll books so sworn to shall be deposited in the office of the secretary-treasurer of the city, by each of the said deputies within the two days following such election. Deposit of poll books ;

Within the two days following such deposit, the councillor presiding at the election, shall give in writing, notice of their election, to the persons so elected. Notice to persons elected ;

The default to give such notice shall not prevent the councillor from taking his seat. Absence of notice.

**37.** Any election of a mayor or councillors may be contested by any candidate or by five municipal electors on the ground of violence, corruption, fraud or incapacity, or on the ground of the non-observance of the essential formalities. Election may be contested on certain grounds by certain persons.

2. The examination and decision of such contestation shall be vested in the Superior Court of the District. Court before which contestation to be held.

3. Such contestation shall be made by a petition which shall set forth the facts and reasons alleged in support of the contestation. Contestation how brought.

The petitioners may also, in their contestation, indicate the persons who have a right to the office in question, and state the facts necessary to establish such right. Certain allegations of petition.

4. A copy of the petition, with a notice stating the day on which it will be presented, shall be served upon and left with each member of the council whose election is contested, within fifteen days from the date of such election ; otherwise the right of contesting shall be forfeited. Copy of petition and notice to be served. Effect of default to serve.

Petition in contestation when to be made.

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

Security for costs to be furnished.

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

Before whom to be put in.

7. The security required by the foregoing subsection shall be put in before the prothonotary.

Qualification of sureties.

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

One sufficient if property sufficient.

One surety shall suffice provided he is owner of real estate of the required value.

Petition when to be presented.

8. Such petition shall be presented in open court or to a judge in chambers, together with the returns of the preliminary services.

If judge absent petition may be filed.

If the petition must be presented to a judge in chambers and the judge be absent, it may be filed in the prothonotary's office.

If allegations sufficient judge to fix day for trial.

9. 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 appointment declared null, it shall order proof to be adduced and the parties interested to be heard, on the day it deems the most convenient.

Hearing, &c., to be summary. Evidence.

10. The court or the judge shall proceed in a summary manner to hear and decide such contestation.

The evidence may be taken orally or in writing, in whole or in part, as the court shall order.

Power of judge, &c., in rendering judgment.

11. The court or the judge by his judgment may confirm or annul the election or declare that one or more other persons have been duly elected.

Costs.

12. The court or the judge may condemn either of the parties to pay the costs of the contestation; and such costs shall be recoverable as well against the parties to the suit as against the sureties.

Execution for costs against sureties.

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

Service of judgment may be ordered in certain cases.

13. The court may order that its judgment, if it annul the election, be served, at the expense of the party against whom the judgment has been given, upon the mayor or upon any other person it may deem proper.

Term to be continued if trial not concluded.

14. If the trial of the contestation is not concluded at the close of the term of the court to 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 before judge in chambers.

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

15. Any municipal elector may, in his own name, by a petition presented to the Superior Court or to one of the judges thereof demand and obtain, on the ground of illegality, the annulment of any by-law of the corporation, with costs against the corporation.

Elector may petition for setting aside of a by-law with costs.

16. The annulment of part only of a by-law may be demanded and obtained in the same manner.

Same for part of a by-law.

17. The petition shall set forth, in a clear and precise manner, the reasons alleged in support of the demand and shall be accompanied by a certified copy of the by-law, if such copy could be obtained.

Contents of petition to set aside by-law. Copy of by-law to be annexed.

If such copy could not be obtained, the court or the judge, upon application being made to it to that effect, shall order the production thereof by the secretary-treasurer of the council, and the secretary-treasurer shall be for such purpose an officer of the court giving such order.

Proceedings if copy could not be procured.

18. The petition shall be served at the office of the court eight days at least before it is presented to the court or judge.

Service of petition.

19. The rules prescribed in subsections 6, 7, 8, 9, 10, 12 and 14 of this section shall apply, *mutatis mutandis*, to the petition presented in virtue of the four preceding subsections.

Application of §§ 6, 7, 8, 9, 10, 12 and 14.

20. The court may by its judgment annul such by-law in whole or in part, order the service of the judgment at the office of the council interested, and cause the same to be published, either in the manner prescribed for the publication of orders of the council or in one or more newspapers.

Power of court in rendering judgment cancelling by-law to order publication of thereof.

21. Any by-law or part of a by-law so annulled shall cease to be in force from the date of the judgment.

When by-law annulled ceases to have effect.

22. The corporation shall be alone responsible for the damages and rights of action which may arise from the putting in force of any by-law or part of a by-law, the annulment of which shall have been so obtained.

Corporation alone responsible for damages, &c.

24. The right of demanding the annulment of a by-law is limited to three months next after the entering into force of such by-law.

Delay within which by-law may be contested.

38. Every witness, who, after having been duly summoned by the mayor or any one of the councillors to attend at the trial of any complaint whatever, which shall have been regularly brought before the council for any causes whatever, shall wilfully neglect or refuse so to attend, or shall refuse to answer the questions which may be then and there put to him, shall, on conviction thereof, before one or more of the justices of the peace residing in the city, be liable to a fine not exceeding twenty dollars, nor less than four dollars, and, in default of payment thereof, to imprisonment for a term not exceeding eight days.

Witnesses refusing to attend or answer, liable to fine and in default of payment to imprisonment.

Parties may appear in person or by attorney.

2. Every party entitled to be heard before the council or its committees may be so heard himself or by another person on his behalf whether holding a power of attorney or not.

May also produce witnesses.

He may also produce his witnesses and have them examined.

Powers of council or committees.

3. The council or the committees, in every question or matter pending before them, may :

As to documents,

First. Take communication of the documents or writings produced as evidence ;

As to summoning persons,

Secondly. Summon any person residing in the municipality ;

As to oaths,

Thirdly. Examine under oath the parties and the witnesses produced by the parties and administer or cause the oath or affirmation to be administered to them by one of their members or by the secretary-treasurer.

Persons summoned not appearing, liable to fine or imprisonment.

4. If any person so summoned before the council or the committees does not without valid reason appear at the time and place mentioned in the summons after an indemnity has been paid or tendered him for his just travelling expenses, going and returning, and for his time at fifty cents per day, he shall incur a penalty of not less than four nor more than ten dollars or an imprisonment not exceeding fifteen days.

Power to summon and examine on oath, &c.

39. The mayor and each member of the city council, are hereby authorized to summon and to examine upon oath, any witness summoned to appear before the said council, and to administer the oath to such witness.

Oath of office of mayor and councillors.

40. Any person who shall have been elected mayor or councillor of the city shall, before sitting as such, take the oath of office hereinafter mentioned, before the councillor who shall have presided at the election, or before any justice of the peace residing in the said city, who are hereby authorized to administer the same, that is to say :

Oath.

“ I, A. B., do solemnly swear that I will faithfully discharge the duties of mayor, (or of councillor, as the case may be) of the city of Saint Hyacinthe, to the best of my judgment and ability :—So help me God.”

Term of office.

41. The persons who shall be chosen at the annual municipal elections to be mayor or councillors of the city, shall in all cases be elected for two years.

Who shall go out of office.

At each such annual election, one of the councillors for each ward shall go out of office ; and it shall always be the one whose election shall have taken place two years before.

Councillor to represent one ward.

No person shall be councillor for more than one ward at a time.

**42.** In the event of a vacancy occurring in the office of mayor, either by the death of the person elected to such office, his absence, his refusal to accept the same, or otherwise, such vacancy shall be filled by the election in the manner prescribed by this act, of a fit and proper person, who shall remain in office for the remainder of the time for which his predecessor had been elected, and furthermore until the swearing in of his successor.

In event of vacancy in office of mayor, office filled by new election.

If a person is elected at the same time mayor of the city and councillor, or being already elected councillor for one of the said wards of such city is elected mayor, he shall be bound within the four days, unless he be by law exempted from the same, to accept the office of mayor; and in default of accepting the said office of mayor, he shall incur and pay a penalty of forty dollars.

If person elected mayor be also a councillor, he is bound to accept under penalty of forty dollars.

**43.** As often as any vacancy shall occur in the office of councillor, by reason of nomination to the office of mayor, of sickness, civil disability, death or removal from the city, or for any other cause, it shall be lawful for the city council, and they are hereby enjoined to summon, by public notice, the electors of the ward, in which such vacancy shall have occurred, to fill such vacancy by the election of another councillor; and in such case the mayor, or in his absence the pro-mayor, or one of the councillors, appointed by the council, shall preside at the election, and the secretary-treasurer or any other person appointed by the council shall act as deputy.

In event of vacancy in office of councillor, office filled by new election.

The councillor so elected to fill the vacant seat shall be sworn before the mayor, the secretary-treasurer or before the councillor who shall have presided at the election, and he shall remain in office during the whole period during which the member whom he shall replace would himself have remained in office, in the ordinary course of affairs.

New councillor to be sworn.  
Term of office.

**44.** In case it should happen that any annual municipal election should not have taken place, for any cause whatsoever, on the day on which, in pursuance of this act, it should have been held, the city council shall not on that account be dissolved.

In event of annual election not taking place, council not thereby dissolved.

It shall be the duty of those of the members of the said council, who shall not have gone out of office, to hold a meeting presided over by the mayor, or by the councillor who shall have been appointed to preside at the election, if there be no mayor, for the purpose of fixing as early a day as possible for holding such election; and in such case, the notices and proclamations required by this act shall be posted up and published during eight days only, instead of fifteen.

Council to fix day for election, notice and publication thereof.

Powers of members of council to order immediate arrest of drunken or disorderly persons.

**45.** It shall be lawful for each of the members of the city council, individually, to order the immediate arrest of any drunken person, or of any person acting in a disorderly or turbulent manner, whom he shall find disturbing the peace within the limits of the city, and to cause such person to be confined in the police station, or other place of detention, in order that such person may be safely kept until he can be brought before the mayor, or a justice of the peace, to be dealt with according to law.

Council to meet within eight days of annual election.

**46.** After each annual municipal election, the members of the council shall, within eight days next after the election, hold a meeting, presided over by the mayor, or in his absence by the councillor who shall have presided over the same.

Council to meet at least once a month.

**47.** The council shall meet, at least once each month, for the transaction of the affairs of the city, and shall hold its sittings in such place as it shall please the said council to choose.

Majority to consist of one half the councillors and mayor.  
Quorum.  
Majority to decide.

**2.** The majority of the members of the said council shall consist of at least one half of the councillors in office and of the mayor and shall form a quorum for the despatch of business; and all contested questions shall be decided by the majority of the members present.

Interested members not to take part in discussion.  
Council to decide question of interest, interested member not to vote.  
Exception.

**3.** No member of the council shall take part in the discussion of any question in which he has a personal interest.

The council, in case of dispute, shall decide whether the member has or has not a personal interest in the question; and such member has no right to vote on the question of his interest.

This section shall not apply to the appointment of the head of the council, nor to the naming of committees.

Adjournment for want of quorum.

**48.** One or several members of the council who may not be sufficient in number to form a quorum, may adjourn any meeting of the council, which did not take place for want of a quorum; and notice of such adjournment shall be given to the absent councillors, as set forth in section 53.

Notice of adjournment.

Pro-mayor.

**49.** The council shall, after each annual municipal election, appoint a pro-mayor, who shall take the place of the mayor, in case of his absence, and shall be invested with all his powers for the whole time fixed by the council for the duration of his term of office.

His powers.

Temporary chairman.

**50.** In the event of the absence of both the mayor and of the pro-mayor the council may choose one of its members to preside at each sitting.

**51.** The mayor of the said city, if he is present, and in his absence the pro-mayor, shall preside at the meetings, and shall maintain order thereat, and shall have a right to express his opinion, but not to vote, on any question which shall be brought before the said council.

Mayor to preside and maintain order.  
May express opinion but not vote.

When the said councillors, after having voted on any question, shall be found to be equally divided, then, and in that case only, the mayor, and in his absence the pro-mayor, and in the absence of both the councillor presiding, shall decide the question by his vote, giving his reasons for it if he thinks proper.

When votes equally divided, mayor, pro-mayor or councillor presiding to give casting vote.

**52.** Neither the mayor nor the councillors shall receive any salary or emoluments from the funds of the city during the time they shall remain in office.

No salaries or emoluments to mayor or councillors.

**53.** The mayor, or in his absence the pro-mayor, of the city, may, as often as he shall think it necessary or useful, call special meetings of the council, and whenever two members shall wish to have a special meeting they may apply to the mayor, or, in his absence, to the pro-mayor, to call it, and if these two last mentioned are absent, or if they refuse to act, the said two members may call it themselves, stating at the same time to the secretary-treasurer of the city, in writing, the object for which they call such special meeting, and the day on which they are desirous it should be held, and the secretary-treasurer shall be bound, on receipt of such written notice, to communicate it to the other members of the council, who shall be bound to be present at such meeting under the penalties which may be prescribed by by-laws passed to that effect by the council.

Calling of special meetings.

**54.** All the meetings of the city council shall be public, except only when the council shall have to discuss matters concerning its own members for any cause whatever.

Meetings public : exception.

The council shall have the power to cause order to be kept during its sitting by those persons who may be present, and to punish summarily, by fine or imprisonment any act of contempt committed by such persons, and such fine shall not exceed the sum of twenty dollars nor be less than one dollar, and such imprisonment shall not exceed a period of thirty days.

Power to punish for acts of contempt by persons present.

**55.** The mayor, or councillor presiding at any sitting of the council, shall have the right to enforce his authority for the maintenance of order and decorum, causing to be forcibly removed from the council chamber, until the adjournment of the sitting, any member of the council who shall persist in his misconduct, after having been declared out of order

Power to remove forcibly member guilty of misconduct.

Conditions requisite for exercise of such power. by the mayor or officer presiding as aforesaid ; provided that, on motion to that effect, it be resolved, by at least the three-fourths of the members present, that the mayor or councillor presiding shall exercise his authority in the matter ; and all such motions shall be considered in order and shall be proposed and decided without debate.

Standing committees. **56.** It shall be lawful for the council to appoint from among its members, standing committees for the following objects : finances, markets, roads, fire, police and public health, and others within its jurisdiction.

Special committees. **57.** The council may appoint committees, composed of as many of its members as it shall deem proper, to whom it shall delegate its powers, for the examination of a question, the management of a special matter or of a particular kind of business, and the execution of special duties.

Committees to report in writing. No report in force until adopted by council. **58.** The committees shall report their operations and their decisions by reports signed by the majority of the members composing said committee, or the chairman ; and no report of order of a committee shall have force and effect until its adoption by the council.

Assessors. **59.** The city council shall have power to appoint, at the commencement of each period for three years, three assessors.

To value real property. It shall be the duty of the assessors to value the real property of the city according to the real value, and within the period which shall be fixed by the city council.

Special assessors to value stocks in trade. The council may also, from time to time, appoint three assessors, who are or have been traders, who shall value the stocks in trade in the city once a year, within the delays determined by the council.

Valuation to be made once in three years. **60.** The valuation of real property shall be made once in every three years.

Qualification of assessors. **61.** The assessors must be owners of real property to the value of at least five hundred dollars each.

Assessors to make oath. **62.** Every person so appointed assessor shall be bound, before proceeding to value any property in the city, to take the following oath before any justice of the peace residing in the city, the mayor or the secretary-treasurer, that is to say :

Oath. " I, \_\_\_\_\_ having been appointed one of the assessors for the city of St. Hyacinthe, do solemnly swear, that I will honestly and diligently discharge the duties of that office to the best of my judgment and ability.—So help me God."

**63.** The assessors shall, in the course of the month next after notice shall have been given to them of their appointment, make a valuation of all the real property and stock in trade in the city, and transmit, to the secretary-treasurer of the said city, the valuation rolls thereof.

Assessors to make valuation and transmit roll to secretary-treasurer.

At the next meeting of the council, the said valuation rolls shall be produced and examined by the councillors if they desire it; and from the date of that meeting the valuation rolls shall be deposited in the office of the secretary-treasurer during the period of fifteen days; and during that time it shall remain open for public inspection to all persons whose properties shall have been valued, or their representatives.

Examination of roll by council; deposit of roll in office of secretary-treasurer for fifteen days, subject to inspection by interested persons.

During that interval those persons who feel aggrieved may apply, in writing, to the city council, complaining of any over-valuation.

Complaints by parties aggrieved.

Such appeal shall be decided by the council at the first meeting which shall be held after the expiration of the fifteen days hereinbefore mentioned.

Complaint to be decided by council at next meeting.

The council may hear the parties and their witnesses on oath, which oath shall be administered by the mayor, or by the presiding councillor, and may sustain or alter the valuation of which the alteration is demanded, as may seem to it to be right.

Council may hear parties, &c., and sustain and alter roll.

At the same meeting the said valuation roll of real estate shall be declared closed for three years and the roll of stocks in trade for one year, unless however the council have been obliged to adjourn in consequence of the number of complaints; in which case the said roll shall not be declared closed until after all the complaints shall have been heard and decided.

After examination, roll closed for three years.

**64.** If, after the valuation roll for real estate shall have been declared closed as aforesaid, any property in the city shall be considerably diminished in value, either by fire, the pulling down of buildings, accidents, or any other cause, the council may, on petition from the owner, cause the valuation of such property to be reduced by the assessors to its actual value.

If property diminish in value, by reason of fire, &c., valuation may be reduced.

If any omission has been made in the assessment roll, or if any new building, tending to increase the value of real property in the city, shall have been erected subsequent to the closing of the valuation roll, or if one or more lots had been detached from farms or lands under cultivation and sold as town lots after the closing of such roll, the said 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 roll.

When omissions have been made in roll or value of property has increased or has been made in to town lots valuations to enter same in assessment roll.

**65.** The rolls of tenants, moveable property, of persons and animals liable to taxation shall be made up annually by the person chosen by the said council.

Roll of tenants, moveable property,

&c., to be made annually. To be deposited, examined and revised.

The valuation rolls of stocks in trade and the rolls of tenants, moveable property, persons and animals liable to taxation shall be deposited, examined and revised in the manner set forth in section 63 of this act.

After sanction of this act, valuation roll &c, of ward five to be made.

2. As soon as the present act shall have been sanctioned, it shall be the duty of the council of the city to cause to be prepared in the manner provided by section 63, by the assessors and officers in charge thereof respectively, the valuation roll of the real estate situate in ward number five of the city, the roll of the stocks in trade therein, the roll of tenants, of moveable effects, animals subject to taxation ; which rolls shall be revised, examined and amended like the others in accordance both with section 63 and section 64, as the case may be, and shall be attached to and form part of the general rolls of the same kind for the other wards of the city, as if they had originally been included therein.

Their examination and revision.

Valuation roll &c, for wards six and seven.

3. The same shall be done as soon as the territories designated in section 5 or any of them shall be incorporated with and annexed to the said city as wards numbers six and seven respectively.

And also for territory to be annexed. Council may make alterations in roll after change of owners, &c.

This provision shall further apply to every annexation of territory other than the said wards.

4. After each change of owners, tenants or occupants of property entered on the real estate roll of the city, the council on a written application to that effect and upon sufficient proof being adduced, shall strike out the name of the former owner, tenant or occupant and enter that of the new one in the place thereof.

Auditors.

66. At the first meeting, after each annual municipal election, the city council shall appoint two persons to be auditors of the accounts of the council.

To take oath.

Such auditors shall take the following oath before a justice of the peace residing in the city, that is to say :

Oath.

" I, \_\_\_\_\_, having been appointed to the office of auditor for the city of Saint Hyacinthe, do swear that I will faithfully discharge the duties thereof to the best of my judgment and ability ; and I declare that I have not, either directly or indirectly, any share or interest whatever in any contract or employment with or under the city council of Saint Hyacinthe :—So help me God."

Qualification of auditors.

67. The auditors who shall be appointed for the city, shall be owners of real estate therein, of the value of at least five hundred dollars ; and neither the mayor nor the councillors, nor the secretary-treasurer of the city, nor any person receiving a salary from the council, for any office under it or on account of any contract whatever made with it, shall be capable of holding the office of auditor of the city.

Persons who cannot be auditors.

**68.** It shall be the duty of the auditors to examine in January, and whenever requested to do so by the council, all accounts which may appear in the books of the council or concern it, to report their proceedings to the council.

Auditors to examine accounts, books, &c., and make report.

Within fifteen days after the reception of such report, the council shall cause to be published a detailed statement of the receipts and expenditure and resources of the council in a newspaper published in the city, or posted during eight days, in the office of the secretary-treasurer for public inspection.

Statement of receipts, expenditure, &c. to be published.

**69.** In the event of any vacancy occurring in the office of assessors or in that of auditors for want of assessors or auditors being appointed at the period fixed by law, or by reason of the absence or death, or by the failure, disqualification or inability of the person or persons appointed to those offices, the council may appoint one person or persons duly qualified to fill and supply such vacancy.

In case of vacancy, &c., other assessors and auditors to be appointed.

**70.** Every person who shall be regularly elected or appointed to any of the offices of mayor, councillor, assessor or auditor of the city, shall accept such office, under the penalties hereinafter mentioned, unless such person shall have ceased to hold office within the last four months of the year preceding such election or appointment to office ; in which case he shall be exempt from serving for the same period as he would have served if he had accepted such office :

Penalties for refusing to accept office.

Exemption.

The fine for a person elected mayor, who shall refuse to accept and to act, shall be forty dollars ;

Fine against mayor ;

The fine for a person elected councillor, who shall refuse to accept and to act, shall be ten dollars ;

Councillor ;

The fine for a person appointed auditor, who shall refuse to accept and to act, shall be twenty dollars ;

Auditor ;

The fine for a person appointed assessor, who shall refuse to accept and to act, shall be fifteen dollars.

Assessor ;

No person whose age, at the time when he be elected or appointed to any of the said offices, shall exceed sixty years, shall be bound to accept the same, or liable to pay a fine for refusing to act therein.

Exemption, persons not bound to accept office.

**71.** The city council may, from time to time, as occasion shall require, appoint :

Power of council to appoint :

A fit and proper person, who shall not be a member of the council, to be and to be called the " secretary-treasurer of the city of St. Hyacinthe. "

Secretary-treasurer.

Another person to be the chief of police of the said city ;

Chief of police,

One or several persons, to be clerk or clerks of the markets of the said city ;

Clerks of the markets,

Inspectors and overseers of roads, streets and bridges.

One or several persons to be inspector or inspectors of roads, streets and bridges, and such number of overseers of roads, streets and bridges, as it may think necessary ;

Assessors,

One or several persons to prepare the roll of tenants, moveable property, persons and animals liable to taxation.

Pound keepers,

A keeper or several keepers of public pounds for the said city ;

City inspector,

One inspector of the said city ;

Constables.

Such constables or officers it may deem necessary to execute the powers given to the council by this act.

Council may prescribe duties of such officers, etc.

The council may prescribe and regulate the duties of each of these officers ; and dismiss at will each of the said officers and replace them ; demand of any person employed by the council for any purpose whatever, such security it will deem sufficient to insure the due execution of his duties ; and allow and give to the officers named as aforesaid, such salaries, allowance or other compensation for their services, as it will deem convenient.

Power to compensate them.

Secretary-treasurer to name assistant, his duties.

**72.** The secretary-treasurer, as soon as appointed, shall name under his signature, with the approval of the council, an assistant secretary-treasurer, who shall exercise, in case of absence or sickness of the secretary-treasurer, all the duties of the secretary-treasurer, with the rights, powers and privileges of the secretary-treasurer himself, and under the same obligations and penalties.

Secretary-treasurer and his securities answerable for assistant.

The secretary-treasurer and his securities shall be answerable for all the acts and omissions of the assistant secretary-treasurer.

Secretary-treasurer may dismiss and replace assistant.

**73.** The secretary-treasurer may dismiss such assistant and replace him by another with the authorization of the council.

Oath of secretary-treasurer.

**74.** The secretary-treasurer shall swear to faithfully fulfil the duties of his office, and all his returns and certificates may be made under such oath of office.

May administer oath.

All oaths required by any provision of this act may be taken before the secretary-treasurer.

Secretary-treasurer sole collector and keeper of corporation moneys.

**75.** The secretary-treasurer shall be the sole collector and keeper of all sums payable and belonging to the council.

Payments to be made only on order of council or mayor, or two members of

**76.** The secretary-treasurer shall not make any payment from the funds of the city, otherwise than upon the order of the council, or upon an order in writing, signed by the mayor or two members of the finance com-

mittee; and the production of such order shall be *prima facie* evidence of the amount therein mentioned having been paid. finance committee.

**77.** The secretary-treasurer shall attend all the sittings of the council and shall inscribe all the proceedings and deliberations of the council in a book kept for that purpose, which shall be called the "Minute Book of the city council of St. Hyacinthe," and he shall allow inspection of the same during convenient hours, by any person interested. Secretary-treasurer to attend council and keep minutes. Inspection of minute book.

**78.** The secretary-treasurer shall have the custody of all the books, registers, valuation and assessment rolls, reports, *procès-verbaux*, deeds of apportionment, plans, charts, records, documents and papers belonging to the council. Custody of books, registers, &c.

**79.** Every copy or extract of the said books, registers, valuation or assessment rolls, reports, *procès-verbaux*, deeds of apportionment, plans, charts, records, documents and papers certified by such secretary-treasurer shall be deemed authentic. Copies certified by secretary treasurer to be authentic.

**80.** The secretary-treasurer shall keep in due form, books of accounts, in which he shall enter, by order of dates, every item of receipts and expenditure, mentioning also the names of the persons who shall have paid the moneys in his hands, or who shall have received some from him; and he shall keep in his office all the vouchers of the expenditure. Secretary treasurer to keep books of account. Keep vouchers.

**81.** The secretary-treasurer's books of accounts and his vouchers shall be open for inspection, at all reasonable hours, to the council and to each of the members thereof to the municipal officers by them appointed, and also to all rate-payers of the city. Books of account &c., to be open for inspection.

**82.** The secretary-treasurer shall prepare a statement of the accounts, with the vouchers and papers relating to the same, for the year ending the 31st December, in order to submit them to examination by the auditors between the first and the twentieth days of January of the following year. Annual statement to be submitted to auditors.

**83.** The secretary-treasurer or any person who shall have filled that office, may be sued in the name of the mayor and city council of St. Hyacinthe, by any person duly authorized to do so before any court of competent jurisdiction, to compel him to render an account. Suits against secretary-treasurer to account.

Secretary-treasurer may be condemned to pay damages and any balance he may owe.

In any such action he may be condemned to pay damages for having failed to render such account, and if he renders an account, he shall be condemned to pay such balance as he acknowledges to have in his hands, or of which he shall be declared debtor, together with such other sums as he should have charged himself with or for which the court considers he should be held accountable.

With interest at twelve per cent.

Every judgment pronounced in any such suit shall include interest at twelve per cent on the amount thereof, by way of damages, together with costs of suit.

Secretary-treasurer may be condemned to coercive imprisonment.

**84.** Every such judgment shall order coercive imprisonment against the secretary-treasurer, according to the laws in force in such cases, if such coercive imprisonment be demanded in the action to compel the rendering of the account.

Secretary-treasurer to deliver copies of documents.

**85.** The secretary-treasurer shall deliver to any person applying for the same, upon payment of such fees as shall be fixed by the council, a copy of any document in his possession or custody, or of record in his office.

Same to be *prima facie* evidence; Inspection of documents.

Every such copy, certified by him as correct, shall be *prima facie* evidence of the contents thereof, and he shall allow all such documents to be inspected at reasonable hours by any person interested.

Accounts to be rendered by secretary-treasurer and other officers.

**86.** The secretary-treasurer of the city and all the other officers and servants of the council, shall respectively, during their continuance in office, or in the course of a month after their going out of office, and in such manner as the council shall direct, render to the council or to any person authorized by it, an exact account in writing of all matters entrusted to their charge or keeping, in virtue of this act, and also of all moneys which shall have been paid or disbursed by them for the benefit and under the control of the council, and for what objects.

City to have sole authority to grant licenses for sale of spirituous liquors;

**87.** From and after the passing of this act, the city council alone shall have the right of granting and delivering certificates for tavern licenses, and for licenses to keep houses of public entertainment and retail spirituous liquors, within the limits of the said city.

Certificate signed by mayor and secretary-treasurer.

Such certificates shall be signed by the mayor or the secretary-treasurer of the city, and sealed with the seal of the corporation.

License to temperance houses; fee.

**88.** The council shall have power to license temperance houses for an annual license of twelve dollars at the most.

**89.** It shall be lawful for the city council to borrow, on the credit of the said city, such sum or sums of money as the council shall think proper to borrow for the purpose of effecting improvements in the said city, or of erecting public buildings, or of draining the streets, or of providing for the supplying of the city with water and gas or any other system of lighting or of purchasing, maintaining, keeping and rebuilding all toll-bridges over the River Yamaska opposite to the city, with the right of levying tolls and dues in connection therewith, or to assist by means of loans or bonuses the establishment, maintenance and putting in operation of manufactories and industries in the city or for any other purposes which the council may deem useful or necessary; but the whole amount so borrowed shall not, at any time, exceed twenty per cent of the whole valuation of the assessed real property in the city except in the case of purchase by the city of waterworks, of gas supply or lighting by any other means, of toll-bridges and macadamized roads, of loans or bonuses made or granted by the council to manufacturers.

Council may borrow money for certain purposes ;

Loans not to exceed twenty per cent of real estate valuation ;

Exception.

All public moneys, now due and payable, or which may hereafter become due and payable to the council, shall be pledged for the payment of the current expenses of the city, and the sums so borrowed by the council, and generally for the payment of all debts which have been or may be lawfully contracted.

Moneys due to city pledged for payment of all debts of city ;

It shall likewise be lawful for the city council to enter into transactions and contract with any other municipal corporation, firm, company or person for the purpose of purchasing jointly with them or any of them the toll-bridges erected on the said river or any of them and any macadamized road leading to the city, to make them free to the public or to reduce the rates or toll thereon or divide the same with them as it may deem advisable.

Council may purchase toll-bridges and macadamized roads.

The powers conferred on the council, in so far as regards all contracts respecting the purchase by the said council solely or jointly with others, of the toll-bridges erected over the river Yamaska or of one of them, of any macadamized roads leading to the said city, and as regards loans or bonuses to manufacturers or industries, and the purchase of the water-works and lighting systems, shall be exercised only after having obtained the approval of the majority in number and in value of the taxed immoveable property of the said city; such approval having to be given in the manner indicated in section 91 of this act.

Approval of ratepayers being proprietors required before certain powers can be exercised.

Approval how to be given ;

**90.** It shall be lawful, for the city council to contract loans by issuing debentures or bonds signed by the mayor and countersigned by the secretary-treasurer of the city,

Council may contract loans by issuing debentures ;

and sealed with the seal of the corporation, such bonds or debentures being made payable to the bearer at such periods as the council shall think proper to fix.

Interest thereon ;

Such bonds or debentures shall bear interest payable semi-annually on the first days of May and November in each year, and at a rate not exceeding six per cent. per annum, and coupons for the amount of the semi-annual interest thereon may be attached to all such debentures ; which coupons being signed by the mayor, and countersigned by the secretary-treasurer, shall be payable respectively to the bearers thereof as soon as the semi-annual interest therein mentioned shall accrue, and upon payment thereof shall be delivered to the said secretary-treasurer.

Coupons.

Possession of coupons by council proof of their payment.

The possession of any such coupons shall be *prima facie* evidence that the semi-annual interest therein mentioned has been paid according to the tenor of such debenture or bond.

Security of bonds.

All such debentures or bonds and interest, together with the principal thereof, shall be secured upon the general funds of the city.

Loans over eight thousand dollars to be submitted to approval of electors.

**91.** The city council shall not, in any case, contract any loan or render the rate-payers liable for an amount exceeding eight thousand dollars, without having obtained the approval of the majority in number and in value of assessed real property of those only of the electors of the city, who are proprietors, and as such are entered on the valuation roll and who vote as hereinafter provided.

Approval to be expressed at public meeting.

Such approval shall be expressed at the public meeting presided over by the mayor, the secretary-treasurer acting as secretary, and duly called by notices published and posted up during fifteen days before such meeting.

By law to be approved if poll not demanded before certain time.

If one hour shall elapse after the opening of the meeting without a demand for a vote, the by-law respecting a loan or contract shall be deemed as approved.

Six electors may demand poll.

Six qualified municipal electors, present at the said meeting, may demand a poll to establish such majority.

Date of building poll, formalities.

A poll shall be granted by the mayor, on being so demanded, and shall be held within four days next after such meeting, the secretary-treasurer of the city acting as poll clerk under the direction of the mayor and having, for voting purposes, a certified copy of the list of the electors who are proprietors taken for such voting from the general list then in force.

Voting to be by "yea" or "nay."

Each elector shall then present himself in turn and shall give his vote by "yea" or "nay," the word "yea" signifying that he approves of the proposed loan, and the word "nay" signifying that he disapproves of the proposed loan or contract.

No person's vote shall be received unless it appears by the valuation roll that he is duly qualified to vote as a municipal elector, and unless he has paid all his municipal taxes at least three days previous to the time of such voting.

Qualification of voters.

Such poll shall be held on two consecutive days, not being Sundays or holidays, from ten o'clock in the morning until five o'clock in the forenoon.

Poll to be held during two days.

At the close of the poll the mayor shall count the yeas and nays, and within four days thereafter he shall lay before the city council a statement showing the value of the real property of each of the voters according to the valuation roll then in force, and shall certify, for the information of the city council, whether the majority, in number and in value of assessed real property, of the electors of the city who have voted, approve or disapprove of the said loan.

Counting of votes, etc, and certificate of mayor.

This certificate shall be countersigned by the secretary-treasurer of the city, and preserved by him with the poll-list, and aforesaid statement among the archives of his office.

Certificate of voting.

If the loan or contract is approved of as aforesaid, the city council may contract it.

Effecting of loans.

**92.** Every contract or document, in which the city council shall be a contracting party, shall be executed and signed by the mayor, countersigned by the secretary-treasurer, and sealed with the seal of the corporation.

Contracts, etc, how executed.

Whenever it shall be necessary to serve any protest or any rule of court or summons, or other thing whatever in any action or prosecution, upon the mayor or city council, such service shall be made at the office of the secretary-treasurer.

Protests, etc, to be served at office of secretary-treasurer.

**93.** In order to raise the necessary funds to meet the expenses of the city council, and to effect the several necessary public improvements in the city, the city council shall have power to levy annually upon persons and upon moveable and immoveable property in the city, the taxes hereinafter set forth, that is to say:

Power to levy tax upon person, and upon moveable and immoveable property :

1. On every piece of land, town lot, or part of town lot, whether there be or be not buildings, a rate not exceeding three-fourths of a cent per dollar on their full actual value, as entered in the valuation roll of the said city; but no land under cultivation or leased as a farm within the limits of the city shall be taxed by virtue of this act except the lot on which the buildings shall be erected, which shall be assessed together with such buildings.

On real estate;

Exception as to farming land;

The said city council shall have power to cause to be added in the valuation roll at any time by the assessors in office on the valuation by them made, any part of such land under cultivation which shall have been detached

On part of farming land detached as town lots;

from it as a town lot, and shall thus have become liable to assessment after the closing of the valuation roll, and to exact the tax as on the other pieces of land entered in the said roll ;

On possessors of certain moveable property ;

2. On every proprietor or possessor of the following moveable property a similar sum of one cent in the dollar according to the value hereinafter specified :

Every stallion shall be rated at four hundred dollars ;

Every horse above the age of three years, and kept for ordinary domestic purposes, at one hundred dollars ;

Every covered carriage, with four wheels and two seats, at two hundred dollars ;

Every open carriage, with four wheels and two a more seats, at one hundred dollars ;

Every gig or light wagon, with one seat, at fifty dollars ;

Every double sleigh, with two or more seats, at one hundred dollars ;

Every single sleigh, with one seat at fifty dollars ;

Every winter or summer vehicles used solely for drawing loads, and all vehicles, commonly called draught or work vehicles, as well as all farm stock and all implements used for agricultural purposes, shall be exempt from any tax whatever ;

On stocks in trade ;

3. On every stock in trade, or on all goods kept by merchants or traders, and exposed for sale on shelves in shops, or kept in vaults, storehouses, or yards, a tax of one cent in the dollar on the estimated average value of such stock or goods in trade ;

On tenants ;

4. On each tenant paying rent in the city, an annual sum equivalent to five cents per dollar on the amount of his rent ;

On male inhabitants ;

5. On each male inhabitant of the age of twenty-one years, who shall have resided in the said city for six months and not being a proprietor, tenant, student, apprentice or domestic servant, or member of the regular or secular clergy, or minister of any religion, an annual sum of one dollar ;

Exceptions,

Dog tax ;

6. On every person, having or keeping a dog or dogs in in the said city, an annual sum of two dollars for each dog ;

Idem.

7. On every person having or keeping a bitch or bitches in the said city, five dollars yearly for each bitch.

On tavern keepers, etc. ;

It shall be lawful for the city council to impose and levy certain annual duties or taxes on the proprietors or occupants of houses of public entertainment, taverns, coffee-houses and eating houses, on every retailer of spirituous liquors, on every pedlar and itinerant trader selling in the city articles of commerce of any kind whatsoever, on every proprietor, possessor, manager, and keeper of theatres, circuses, billiard-rooms, nine-pin alleys, clubs, societies

On pedlars ;

On circuses, billiard tables, etc, clubs ;

or permanent companies for games, whether incorporated or not, whether licensed or not, and all managers, proprietors or members thereof or of all other place for games or amusements of any kind whatsoever, on every auctioneer On auctioneers, etc., grocer, baker, butcher, hawker, huckster, carter, livery-stable keeper, brewer and distiller, on every trader, merchant and manufacturer, or their agents, every railway telegraph or telephone companies or their agents, on every On railways, etc. proprietor or keeper of wood-yards or coal yards, and of slaughter-houses in the said city, on every money-changer or exchange-broker, pawnbroker, or their agents, On wood and coal yards, on every banker, bank, and every agent of bankers and banks, on every insurance company or their agents, and On brokers. generally on every commerce, manufacture, calling, art, trade or profession, which may be exercised in or introduced into the city. On bankers. On insurance companies, and on other trades, etc.

**94.** Workmen engaged in all mechanical arts and trades in the city, whether they reside therein or not, whether they work for themselves or for others, and all persons employed in any shop, factory, workshop, manufactory or in any industry whatsoever, shall pay an annual tax of one dollar. Tax on workmen, etc.

Owners of shops, workshops, or factories, employing four men or more and contractors and builders shall pay an annual tax of five dollars. On owners of shops employing four men.

**95.** Any person keeping an office in the city and practising as an advocate, or physician, or land surveyor, or notary, or dentist, or surgeon, or an oculist, photographer, accountant or business agent, having an office or practising any other liberal profession, shall pay an annual tax of ten dollars. On advocates, physicians, etc.

**96.** The following properties shall be exempted from taxation in the city of Saint Hyacinthe : Exemptions.

All land and property belonging to Her Majesty, Her heirs or successors, held by any public body or department, or by any person for the use of Her Majesty, Her heirs or successors ;

All provincial property and buildings ;

Every place set apart for public worship, parsonage house and every cemetery ;

The bishop's palace and land on which it is built ;

Every public school-house and the lot on which it is built ;

Every educational establishment and the lot on which it is built ;

Every building, land and property occupied for hospitals or other charitable establishments ;

Every court house and district gaol with the grounds attached thereto.

But this exemption shall not extend to the lots or to the buildings erected on lots leased or occupied by tenants under the Government or the War Department in the said city.

Such lands, belonging to the Government or to the War Department as shall be occupied by tenants, shall be valued and assessed in the same manner as other immoveable property in the city, and the taxes thereon shall be paid by the tenants or occupants, and the said lands shall not be liable for such taxes.

To encourage manufacturing, council may commute or exempt from taxes.

**97.** The council may, at any time, by agreement with any person, association, firm or company carrying on, or proposing to undertake any manufacturing business or operations, commute all assessments on all property held by such person for any such purpose, as well as on the business itself for a fixed sum payable annually during a period of not more than ten years, and may also, in view of the encouragement of such business or operations, wholly exempt all such properties and business from assessment during a period not exceeding ten years.

May remit assessments to poor persons.

**98.** The council shall have power to remit to poor persons, in the city, who shall have been taxed in virtue of this act, all or part of their assessments in certain cases of loss by fire, long illness, or any other cause which the council shall deem reasonable and sufficient.

Secretary treasurer to make collection roll annually.

**99.** The secretary-treasurer, shall every year, when requested to do so by the council, make out the general collection roll, and shall set down therein the name of each person corporation, firm association, company or club assessed, the value of the real property thereof as specified in the valuation roll, and the amount of personal property for which they are assessable ; and he shall also calculate and set down the various taxes and assessments payable by them, either under any by-law or otherwise, and the total amount with which each of them is chargeable.

Special collection roll.

**100.** Whenever any special rate is imposed, either before or after the making of the general collection roll, the secretary-treasurer shall make out a special collection roll in the manner above prescribed.

Collection of taxes.

Notice to rate payers.

**101.** Tho secretary-treasurer, after completing his collection roll, shall proceed to collect the taxes or assessments therein mentioned, and for that purpose shall give or cause to be given public notice during fifteen days that

the collection roll is completed and deposited in his office, and that all rate payers therein mentioned, liable to the payment of taxes and assessments, are required to pay the amount thereof at his office, within the twenty days following the publication of such notice.

**102.** If, at the expiration of twenty days, any arrears of taxes or assessments remain unpaid, the secretary-treasurer shall leave or cause to be left at the usual place of residence or domicile of each such person in arrear, or with him personally or at his office or place of business, a detailed statement of the various sums and the total amount of taxes or assessments due by such person, and shall, at the same time, and by a notice annexed to such statement, demand payment of the taxes or assessments therein mentioned, together with the costs of the service of such notice, according to the tariff established by the council.

Detailed statement and notice to be given to rate-payers in arrears.

Cost of service of notice.

**103.** The provisions of the preceding section shall not apply to rate payers residing without the limits of the municipality.

Rate-payers residing outside of limits of municipality to pay taxes and assessments within twenty days of notice.

The said persons shall be bound to pay their taxes or assessments within the twenty days following the public notice above mentioned, without its being necessary that any demand should be made upon them, either personally or at their domicile.

**104.** If any rate-payer, residing in the city, neglects to pay the amount of taxes or assessments imposed upon him for the space of fifteen days after such demand made as aforesaid, the secretary-treasurer shall levy such taxes or assessments with costs, by warrant under the hand of the mayor of the city, authorizing the seizure and sale of the goods and chattels of the rate-payer bound to pay them, or of all the goods and chattels in his possession, wherever the same can be found within the said city.

In default of payment, secretary treasurer to levy under warrant signed by mayor.

Mayor not liable personally for signing such warrant.

The mayor shall incur personally no liability by signing any such warrant, but the corporation of the said city alone shall be responsible.

No claim of property or privilege thereon or thereto shall be available to prevent the sale, nor the payment of the taxes or assessments and costs out of the proceeds thereof.

No privilege to prevent sale.

Any bailiff of the Superior Court residing in the city or any constable in the service of the council may execute such warrant.

Execution of writs by any bailiff of Superior Court.

**105.** If the goods and chattels seized are sold for more than the amount of taxes or assessments levied for, and the

After sale, surplus of proceeds to be re-

turned to rate-payers, unless claimed by another.

If claims contested, surplus to be retained until decision of claims.

costs attending the seizure and sale, the surplus shall be returned to the rate-payer in possession of such goods and chattels when the seizure was made ; but, if any claim for such surplus is previously made by any other person, alleging a right of property or privilege upon such surplus, and if the rate-payer on whom the seizure was made admits such claims, such surplus shall be paid to such claimant ; and if such claim be contested, the surplus money shall be retained by the secretary-treasurer until the respective rights of the parties be determined by a competent tribunal.

Notice of sale.

**106.** The person intrusted with the execution of the warrant of seizure shall give, at least eight days before the sale, public notice by posting it and reading it loudly and intelligibly at the door of the parish church at the issue of divine service in the forenoon, on the Sunday following the seizure, of the place, day and hour at which the goods and chattels by him seized shall be sold.

After fifteenth of November, secretary-treasurer of school municipality to prepare statement of arrears due with designation of lots liable therefor and transmit same to secretary-treasurer of city.

**107.** On or before the fifteenth day of November in each year, the secretary-treasurer of the school municipality of the city of Saint Hyacinthe, shall, if he is ordered to do so, by the school commissioners, prepare a statement of all the assessments remaining due on all the collection rolls for the taxes of the current year and arrears due to the school municipality by the inhabitants owning land or lots of land within the city, or incurred under any act concerning the common schools, and a designation of the lots or parcels of land in respect of which their taxes or assessments or other debts shall be due, and he shall transmit to the secretary-treasurer of the city of Saint Hyacinthe a duly certified copy of such statement.

Notice of sale of immovables in arrears for taxes and assessments; publication of lists of lots liable.

**108.** On or before the first day of December in each year, the secretary-treasurer of the city shall prepare, if he is ordered to do so by the council, a list of all the lands, town lots or parcels of lots or other immovables in the said city and liable to taxation, upon which any assessments or other dues remain unpaid, stating opposite the lots or parcels of land respectively the amount due, and shall cause to be inserted at least three times during the said month of December, in English and in French in the Quebec Official Gazette, and in French in a newspaper published in the district of St. Hyacinthe or in an adjoining district, if there be none published therein, a notice containing a list of those of the said immovables which the council shall indicate to him on which such assessments or dues shall remain unpaid, showing opposite or after their numbers or designations the amount to be

raised for the discharge of these taxes or assessments or other dues, including all costs and expenses and announcing that the immoveables will be sold on the first Monday of the month of February then next following, or on the following day if that first Monday be not a juridical day, at the place where the sittings of the council are then held, for the payment of the taxes or assessments or other dues; and he shall moreover give public notice of such sale for fifteen days, specifying the place, day and hour at which such sale will commence.

**109.** The secretary-treasurer of the city shall include in the list above mentioned all the lots of land on which the school commissioners for the municipality of the city of St. Hyacinthe, shall claim school taxes or assessments or arrears according to the list which shall have been transmitted to him as above mentioned by the secretary-treasurer of the said school commissioners or only those lands which the said commissioners shall indicate to him.

Lots in arrears for school rates to be included in list

**110.** Whenever dues shall be claimed at the same time by the school municipality and the city council, it will be sufficient to add the claim of the school commissioners to that of the council in the list and in the notice.

Claim of school commissioners to be added.

**111.** All goods and chattels, to be sold under the authority of this act for the payment of taxes or assessments or other dues, shall be sold by auction, but such goods or chattels so publicly sold shall be exempt from auction duty, and need not be sold by a licensed auctioneer.

All sales for taxes, etc to be made by auction; to be exempt from auction duty.

**112.** At the time appointed for the sale, the secretary-treasurer of the city, or some other person acting for him, shall sell to the highest bidder, those lands described in the published 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.

Sale to the highest bidder for amount of taxes and proportionate amount of costs.

**113.** Any person offering then and there to pay the amount of the moneys to be raised, together with the costs, for the smallest portion of such lands, shall become 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 for the interest of the debtor.

Effect of offering to purchase smallest portion of lands offered.

**114.** The purchaser of any land or portion of land must pay the amount of his purchase money immediately upon the adjudication thereof.

Purchase price payable cash.

Failing which, land put up again or sale adjourned.

In default of immediate payment the secretary-treasurer either shall at once put up the land for sale or adjourns the sale to the following or any other day, not more than eight days distant, by giving all persons present notice of such adjournment in an audible and intelligible voice.

If no bids made or if lands cannot be sold, sale adjourned.

**115.** If, at the time of the sale, no bid is made or if all the lands put up cannot be sold on the first Monday in February, the sale must be adjourned to the following or any other day within eight days, and be made in the manner set forth in the last provision of the preceding article.

Certificate to purchaser.

**116.** On payment by the purchaser of the amount of his purchase money, the secretary-treasurer shall give a certificate under his signature to such purchaser, specifying the particulars of such sale, and the purchaser is thereupon seized of and may forthwith enter upon and take possession of such lot or parcel of land.

Purchaser to take possession.

Purchaser not to deteriorate, etc. land purchased.

**117.** No such purchaser of any lot of land or part thereof shall deteriorate it in any way nor carry away the buildings and fences erected on such property or part of it.

Owner redeeming to pay all expenditure made by purchaser.

It shall be the duty of the former proprietor, before he can recover possession of his lot of land or part of it so sold, in addition to what he is bound to pay, to repay to the said purchaser all the taxes and the value of all public or vicinal work and of all improvements which he has paid for or performed during the time the land was in his possession.

Redemption by owner within two years.

**118.** If, within two years from the day of such sale, the original owner of the lot, or any one on his behalf pays to the secretary-treasurer the amount levied, together with twenty per cent in addition to the same, then he shall be entitled to recover possession of the lot or parcel of land so sold, and the secretary-treasurer shall, on demand, pay to the purchaser thereof, his heirs, representatives or assigns, the amount so received by him, after deducting therefrom two and a half per cent, as his own fees; and thereupon (subject to the condition contained in the next following section) the right acquired by the purchase in the land shall thenceforth wholly cease and will become void.

Conditions and payment.

Redemption may be effected by others for owner.

**119.** Any person may redeem any such lot or parcel of land so sold, whether thereto authorized or not by the original proprietor, but for and in the name of such proprietor only.

Mention in receipt of name of persons paying for the redemption.

**120.** Whenever any such redemption is effected by a person not specially authorized, the secretary-treasurer shall mention in the receipt given by him for the redemp-

tion money, the name and designation of the person paying the same.

**121.** Every such receipt shall be made in duplicate ; one duplicate shall be delivered to the person paying the redemption money and the other shall remain of record in the office of the secretary-treasurer.

Redemption receipt to be in duplicate.

**122.** Every such receipt or a copy thereof, certified by the secretary-treasurer, shall be proof of the payment mentioned therein, and when registered in the registry office of the county of St Hyacinthe, shall secure to the person therein mentioned, his heirs or assigns, a privilege and hypothec over and prior to all other claims upon the lot or parcel of land so sold, for the reimbursement of the sum therein mentioned, with interest at the rate of eight per centum per annum, to be reckoned from the date of such receipt ; except the *cens et rentes* or *rentes constituées* representing *cens et rentes* as provided by the Seigniorial Act, 1854, and the acts amending the same.

Redemption receipt to be proof of payment, and when registered confers privilege and hypothec.

**123.** If, at the expiration of two years from the time of such adjudication, the land so adjudged is not redeemed as aforesaid, then the secretary-treasurer, on demand by the purchaser, his heirs, representatives or assigns, and upon proof of the payment of the arrears of any other assessment which, in the meantime, have become due thereon, shall execute a deed of sale in due form, conveying, in the name of the mayor and city council of St. Hyacinthe, the property so adjudged to such purchaser, his heirs or assigns.

In default of redemption within two years, deed of sale to be passed in favor of purchaser.

**124.** Such deed of sale shall be a legal conveyance of the said land, and shall not only transfer to the purchaser all rights of property which the original holder had therein, but shall also relieve and disencumber such land from all privileges and hypothecs due thereon, except the right to *cens et rentes* or *rentes constituées* representing *cens et rentes*, as provided by the Seigniorial Act of 1854, and the acts amending the same.

Such deed a legal conveyance and discharges hypothecs.

**125.** The mayor and city council of St. Hyacinthe shall not be responsible for irregularities which might annul the sales of lots of land within the limits of the city, when such irregularities shall be the act of the school commissioners, their agents or servants ; but the school commissioners for the municipality of the city of St. Hyacinthe alone shall answer for the same.

Mayor and council not responsible for irregularities in sales on behalf of school commissioners.

**126.** The act 29 Victoria, chapter 49, is by the present repealed, and the secretary-treasurer of the city of Saint Hyacinthe shall alone have the right, in future, to sell lots of land in the city for the recovery of municipal or school taxes and assessments as above mentioned.

29 V., c. 49, repealed. Establishing how and by whom alone sales shall be made.

Secretary treasurer of city council to collect school taxes, as per statement of secretary treasurer of school commissioners, and may sell lands owing such taxes.

**127.** Whenever the secretary-treasurer of the school commissioners shall transmit to the secretary-treasurer of the city a list or statement showing the lots on which the school commissioners claim school taxes or assessments or arrears, and the names of the proprietors of the said lots and other particulars required with an order from the school commissioners to advertise these lots for sale, for the collection of the said taxes, or assessments or arrears, the said secretary-treasurer of the city shall advertise them for sale and shall collect the said school taxes or assessments by the sale of the said lots of land in the manner above mentioned for the collection of municipal taxes, whether he be ordered to do so by the council or not.

Actions to annul sales for taxes, etc., to be taken within two years.

**128.** Every action to annul a sale made in virtue of this act for taxes or assessments, by order of the mayor and city council of Saint Hyacinthe or of the school commissioners for the municipality of the city of Saint Hyacinthe, shall be taken within the two years following the adjudication of the property sold ; and no action to annul a sale made as aforesaid or to recover damages either against the mayor and city council of Saint Hyacinthe or the said school commissioners shall be maintained unless it is taken within the two years of the said adjudication.

No action to annul such sales or for damages, unless taken within two years.

Same as to exception and pleas.

**129.** The denial of such action enacted by the preceding section shall extend to any exception or plea whatever setting forth the nullity of every such sale or claiming damages and interest.

Taxes recoverable either from the owner, the tenant or occupant.

**130.** Every tax or assessment imposed by virtue of this act on any property or house of the said city, may be recovered either from the owner or from the tenant or occupant of such property or house.

If payment made by tenant or occupant, may deduct the same from rent, or recover same with costs from proprietor.

If such tenant or occupant be not bound by lease or other arrangement to pay such tax or assessment, such tenant or occupant may and shall have a right to deduct the sum so paid by him from the rent which he shall be obliged to pay for the occupation of such property, or may recover the amount of such taxes from the proprietor with costs.

All debts due or to become due to city council to be privileged.

**131.** All debts now due to the city council in virtue of any act hereby repealed, or which may be due in future for any taxes or assessments imposed by virtue of this act, shall be privileged debts, and shall be paid in preference to all other debts, and shall be allowed to the mayor and to the council in all cases of distribution of moneys, in preference to all other creditors.

Privilege limited to five years.

This privilege shall be applied only to the taxes of the five last years, and shall have its full and entire effect without its being necessary to have recourse to registration.

**132.** In all cases of non-payment of taxes imposed on any immoveable property in the city, an augmentation of ten per cent on the amount of the assessments in arrear shall be added each year to such amount, as long as such assessments shall not be paid, and it shall not be necessary for the city council to make a by-law to that effect.

Ten per cent to be added each year to arrears until paid.

It shall be lawful for the council at any time to order by resolution that the rate-payers who shall pay all their annual municipal taxes and dues within a determined period shall be allowed a reduction of not more than three per cent upon the total amount thereof, and the secretary-treasurer shall give public notice of such resolutions and carry out the same

Reduction if not more than three per cent may be allowed to rate-payers paying taxes before a determined period.

**133.** The city council shall have full power and authority to make, amend, alter and repeal, and to enforce and put into execution one or several by-laws for the following purposes, to wit :

Power to make, &c., and repeal by-laws, concerning the following matters :

1. For the maintenance of order and decorum during the session of the council and for compelling the members thereof to attend such session ;

Good order in council ;

2. For the maintenance of peace and good order ; the improvement, cleaning and draining of streets, public places, and lots, whether vacant or occupied ; for the prevention and suppression of any nuisance whatever ; for the maintenance and preservation of the public health ; and generally for all that relates to or concerns the interior economy and the government of the city ;

Good order in city ; Improvement, &c., of streets. Nuisances ; Public health ; Government of city ;

3. For regulating, restraining and prohibiting every kind of gambling in the city, and preventing the keeping of gambling houses, or disreputable houses of any description in the city ;

Gambling and disreputable houses ;

4. For regulating, prohibiting, and restraining all games with cards, games of chance, playing with dice with or without betting, in any licensed or unlicensed hotel, eating-house, tavern or shop in the city ;

Card playing, etc., in hotels, etc. ;

5. For preventing and prohibiting any riot or tumult, disturbance or disorderly meeting, and punishing the authors thereof ; and for giving power or authority to enter into all houses of a doubtful character, shops, taverns, hotels, and other houses or places of public entertainment, licensed or not licensed in the city, or in any private house ;

Rioting, etc., disorderly meetings ; Power to enter houses of doubtful character, etc. ;

6. For arresting on the spot and punishing such persons as shall be found playing either at cards, dice or other games of hazard, or engaged in cock-fights or dog-fights in any place whatever within the limits of the city ;

Arresting persons playing cards, etc., engaged in cock fights, etc.

7. For giving power and authority to visit and examine at reasonable hours, the exterior or the interior of any house, land or building of any kind in the city, for the

For visiting houses, etc., to ascertain whether by-laws are observed ;

the purpose of ascertaining whether the by-laws passed by the said council are regularly observed; and for obliging all proprietors or occupants of houses, lands or buildings in the city to admit any person authorized as aforesaid for the purpose hereinbefore expressed;

Vagabonds,  
Beggars, etc. ; 8. For repressing and punishing vagabonds, beggars, prostitutes and disorderly persons ;

Shows, exhibi-  
tions, etc. ; 9. For licensing, regulating or prohibiting shows and exhibitions of any natural or artificial curiosities, caravans, circuses, menageries and theatrical representations and exhibitions of any kind ;

Prohibition of  
cock-fights,  
etc. ; 10. For prohibiting cock-fights and dog-fights, and all other cruel amusements in the city ;—and also, for preventing the driving of vehicles at a faster speed than an ordinary trot in the city, and the infliction of bar-  
Rate of speed  
in driving. barous or inhuman treatment upon horses or other

Cruelty to ani-  
mals ; animals ;

Prohibition  
of kite-flying  
amusements  
likely to fright-  
ten horses, or  
annoy persons  
etc. ; 11. For prohibiting and punishing the flying of kites, and any other sport, practice or amusement in the streets or elsewhere, which may have the effect of frightening horses, or of annoying or disturbing persons passing in or along the streets of the city, or of endangering property ;

Removal of  
snow, ice and  
filth from side-  
walks, roofs,  
etc. 12. For obliging every person to remove the snow, ice or filth from the side-walks and from the roofs of the build-  
ings possessed or occupied by him, and for punishing him for failing to do so ;

Prohibition  
throwing of  
sweepings,  
etc. in streets ; 13. For preventing the throwing into any streets or public places of any sweepings, filth, dirt, or rubbish and for enforcing the removal thereof ;

Prohibiting  
obstruction of  
streets, etc. 14. For preventing and forbidding the obstruction of the streets, squares or side-walks, by carriages, carts, sleighs, wheelbarrows, boxes, wood, or any nuisance or material whatsoever.

Prohibiting,  
or regulating  
selling in  
streets, etc. ; 15. For prohibiting or for licensing or regulating the selling or hawking of fruits, cakes, refreshments, jewellery, and merchandise of all kinds in or along the streets, public places and side-walks of the said city ;

Cleanliness in  
grocery,  
stores, cellars,  
etc., yards,  
etc., abattoirs,  
etc. ; 16. For obliging the proprietor or occupant of every grocery, cellar, candle or soap factory, tannery, stable, private abattoir, barn, privy, drain, garden, field, yard, passage or vacant lot, or any place that may be unwholesome, to cleanse and purify it or even to remove, or to cause to be removed from it, all noxious matter as far as may be necessary for the health, comfort and convenience of the inhabitants in the said city ;—and further to regulate how and in what manner such store, cellar, factory, tannery, stable, barn, abattoir and privy shall be kept,—or to prohibit such abattoir and the raising or keeping of pigs within the limits of the city ;

17. For compelling the proprietors or occupants of houses to clean all stables, out-houses, privies and yards connected therewith, at such time and in such manner as the council may deem expedient ;

Cleanliness in stables, out-houses, privies and yards,

18. For compelling all owners or occupants of lots in the city, on which there may be stagnant water, to drain or raise such lots, so that the neighbors may not be incommoded, nor the public health endangered ;

Draining off of stagnant water on lots ;

19. For preventing any person from bringing into or depositing or leaving within the limits of the city any dead body or carcass, and for causing the same, together with any matter or thing on the point of becoming unwholesome, to be removed by the proprietor or occupant of any place where they may be found ;

Preventing the bringing in of dead bodies, etc., and causing the removal thereof ;

20. For preventing burial within the limits of the city ; or for fixing the places where they may take place ; for compelling the disinterment of bodies buried in contravention of this provision ; but this clause shall not be construed to extend to prevent the interment of the bodies of priests or nuns or Protestant clergymen in the churches of the city ;

Preventing burials within limits of city, Exception.

21. For preventing the profanation of burying grounds, tombs, sepulchres, monuments or vaults, where the dead are buried ;

Preventing profanation of burying grounds ;

22. For prohibiting, or for regulating the erection, use or employment in the city of steam engines and manufactories of any kind which may be calculated to vitiate the air and incommode the neighborhood, of which the council shall be the judges, or of shambles, manufactories or establishments, where works, operations or processes are carried on which endanger or tend to jeopardize the public health or the public safety ;

Preventing employment of steam, etc., and manufactories which might become injurious, or of shambles, etc. ;

The said city council shall also have the power to permit the erection, use or employment thereof, subject to such restrictions, limitations and conditions as the council may deem necessary ;

Power to give permission to erect and use same ;

23. For restraining and regulating the custody and abandonment of animals of all kinds, and to authorize the detention thereof in public pounds, and the sale thereof for the penalty incurred, and the costs of prosecution, as well as the expenses of detention ;

Concerning animals of all kinds, public pounds, selling of abandoned animals, etc. ;

24. For preventing or removing all abuses prejudicial to agriculture and not specially provided against by law ;

Abuses prejudicial to agriculture.

25. For establishing public pounds for the safe-keeping of animals and poultry found astray or doing damage on the public ways and bridges or on the lands of others than the owners of such animals and poultry ;—to determine the fees to be paid to such keepers of such pounds, the damages payable by owners of such impounded animal and poultry, and the manner in which such animal or poultry shall be

Establishing of public pounds, fees to keepers, damages payable by owners of impounded animals, etc., sale thereof.

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 to any by-laws made for the said purpose ;

Tariff of fees and fines payable to public pounds ;

26. For establishing a tariff of fines and dues which shall be paid to the public pounds which are now kept, or which shall hereafter be established in the said city ;

Dogs at large; destruction of dogs wandering at large, and of dogs on which tax is not paid, etc. ;

27. For regulating and preventing the allowing of dogs to go at large in the city, — and for authorizing the destruction of all dogs wandering at large in contravention of any by-laws in the city ; and particularly to authorize the destruction of dogs whose owners reside in the city and have not paid the tax thereon or of dogs kept in contravention of the by-law of the city with reference to the manner of their being kept.

Confiscation of marketable articles for deficiency in measure, weight, quality, etc, regulating when and how same shall be sold, etc.

28. For authorizing the seizure and confiscation of all grain meat, fish, flour, butter, potatoes, and all vegetables, fruits, articles and effects brought into the city for sale or otherwise, on account of deficiency in measure, weight or quality, or for any other good and sufficient reason ;—and for regulating the weighing and measuring of all cord-wood, coal, salt, grain, lime and hay brought into or sold in the city by strangers or by persons residing therein ;—for determining in what manner and at what place these articles or any others shall be sold and delivered either by the quantity, or by bulk or by weight ;—and for compelling all persons to conform in these matters to the regulations which the council may deem it advantageous to establish in future ;

Markets and market places.

29. For establishing a market-place or market-places, or for enlarging the market-places that now exist, or those which shall be established in future ;

Clerks of markets, chief of police, constables, etc.

30. For determining and regulating the duties of the clerks of the markets of the city, or of the chief of police, policemen, constables, or of all other persons whom the council may think it right to employ to superintend the said markets ;—for letting the stalls or places of sale in and around the markets ; determining and fixing the dues which shall be received for all persons who shall come to sell their goods or produce of any kind there ; regulating the conduct of all such persons in the sale of their effects ; regulating the weighing and measuring, as the case may be, at the request of any party concerned, by the officers appointed for that purpose by the city council, on payment of all fees which the council shall have thought fit to prescribe for so doing, of all produce whatsoever that may be offered for sale on the markets ;

Stalls in or around markets ; dues upon sale of produce ;

Weighing and measuring by officers appointed by city ; fees therefor, etc. ;

Duties on waggons, etc., boats, etc., in which articles are exposed for sale ;

31. For imposing duties upon waggons, carts, sleighs, boats, canoes and vehicles of every description, in which articles shall be exposed for sale upon any public market or in any

street, or upon any beach within the city and for regulating the manner in which such vehicles shall be placed when used for any such purposes ;

32. For regulating and imposing dues upon all vehicles in which articles shall be exposed for sale, or which may take up places in the markets, and establishing the manner in which the dues shall be levied ;

Imposing duties on vehicles in which articles are exposed for sale ;

33. For preventing persons bringing goods of any kind, wood or materials, into the said city, from selling or exposing them elsewhere than on the markets ;

Preventing goods elsewhere than on market ;

34. For restricting and regulating the commerce of hucksters and persons buying articles brought into the said city, and for imposing dues and taxes upon them in the prosecution of their traffic ;

Hucksters, taxes upon ;

35. For making by-laws concerning the bakers in the city, and the persons in their service ;

Bakers, etc. ;

36. For preventing any baker, potter, blacksmith, brewer, manufacturer of pot-ashes or pearl-ashes or other manufacturer or person from building, making or having any oven or furnace, unless such oven or furnace 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 ;

Compelling owners of ovens and furnaces to connect same with stone or brick chimney, etc. ;

37. For regulating the sale and the weight of bread that may be sold or offered for sale in the city,—and for providing for the inspecting and weighing of all bread offered for sale, and for the seizure, forfeiture and confiscation, and also for the mode of disposing, after confiscation, of all such bread so offered for sale in contravention of the said regulations, or bread that may be unwholesome or too light ; and to this end to authorize officers or persons to enter into bakers' shops or other places, and to stop vehicles carrying bread, for the purpose of inspecting and weighing such bread, and to do any other act or thing that may be necessary, or that may be deemed advantageous to the public interest and safety, for the attainment of such object or for causing the same to be enforced ;

Sale and weight of bread, seizure and forfeiture of same, etc. ;

Powers of officers to enter bakers' shops, etc.

38. For compelling bakers to mark, with the initials of their respective names, the bread made by them ;

Stamping of bread ;

39. For authorising the granting of licences to carters, and to the owners and drivers of public vehicles kept for hire in and for the said city, and also for the better guidance of the owners and drivers of such vehicles, and for the establishment of rules and regulations respecting public carts, carriages, or other vehicles kept for hire in the city, as well as for establishing a tariff of prices for the same ;

Licenses to carters and regulations respecting carters ;

40. For imposing a fine and penalty on any carter refusing to act as such ;

Fines on carters ;

Fines on persons refusing to pay carters ;

41. For imposing a fine and penalty on any person who shall hire, engage, or employ carters in the said city, and who shall neglect or refuse to pay them for their services at the rate fixed in the tariff ;

Maintenance, etc., opening, widening and discontinuing of streets, squares, etc., bridges, etc., drain, sewers, etc., water courses ; planting of trees, in streets, etc.

42. For regulating, cleaning, repairing, mending, altering, opening, widening, narrowing, straightening or discontinuing the streets, squares, lanes, highways, bridges, sidewalks, crossings, drains and sewers, and all natural water courses in the said city ; and for preventing their being encumbered in any way, and protecting them from encroachment and injury,—and also for settling the direction of all natural water courses running through private property in the city ; and for regulating every thing on this subject, whether the said water-courses be or be not covered ;—to regulate the mode of planting, rearing and preserving ornamental trees in the streets and public places of the said city ;

Establishing how and by whom above works shall be done.

43. For establishing how and by whom the trees, squares, lanes, highways, bridges, sidewalks, crossings, drains and sewers and all natural water-courses in the city shall be made, cleaned, repaired, maintained, mended, altered, opened, widened, narrowed, or straightened ;

Assessing proprietors for two-thirds of cost of drains, etc.

44. For assessing the proprietors of lands situate on any of the streets of the city for two-thirds of such sums as shall be deemed necessary for making or repairing any public sewer or canal in any street of the said city, and immediately in front of such land respectively, and for regulating the mode of collecting and receiving such assessments ;

Enclosing of lands ;

45. For compelling the proprietors of all lands, in the city, or their agents or representatives, to enclose such lands, and for prescribing the height and strength of the materials that shall be employed in so doing ;

Special taxes for payment of indemnities for houses, &c., destroyed by riot ;

46. For assessing, over and above all the taxes specially established by this act, the citizens of the city, for the purpose of defraying the expense of indemnities which the council may be bound to pay to persons, whose houses or other buildings shall have been destroyed or damaged by a riot or by tumultuous assemblies ;

Removal of encroachments, etc., on streets ;

47. For compelling all owners of houses in the city to remove from the streets all encroachments or projections of any kind, such as galleries, porches, posts, fences or any other obstacles whatever ;

Regulation width and level of streets and sidewalks ;

For regulating the width of the streets that shall be opened in future in the city ; for regulating and altering the height or the levels of any streets, or of any sidewalks in the city ; provided that if any person suffer actual damage by the widening, prolongation or alteration of level of any of the streets of the city, such damage shall be paid to such person at a valuation by experts, if either of the parties require it ;

Payment of damages caused thereby ;

48. For preventing inundations by the rising of the waters of the river Yamaska, opposite the city ; Preventing inundations ;

49. For regulating the number and dimensions of the arches to be erected in the construction of bridges across the said river ; Regulations as to arches of bridge across Yamaska ;

50. For assessing, at the request of the majority of the proprietors residing in any of the streets or public places of the city, all the proprietors residing in such streets or public places at such sums as may be necessary to provide for the expense to be incurred for sweeping, watering and keeping clean such street or public place, according to the assessed value of their properties ; Assessing, at their request, proprietors residing on any street, for sweeping, watering, etc.

51. For the establishment, construction and maintenance of water-works for the purpose of providing wholesome water for the inhabitants of the city ; for taking possession of any lands necessary, for the purpose of such water-works or for the passage of the canals through which the water is to flow, whether such land be situate within or without the limits of the city, and whether or not the proprietors consent to such taking of possession ; and for imposing and raising by tax whatever amount the council deems requisite to ensure the construction and maintenance of such water-works ; and the amount of any indemnification for expropriation and for any damages caused by the construction or maintenance of any such water-works, shall be determined in the manner provided for similar cases by this act ; Water works ; Expropriating lands inside or outside of city, for water works ; Imposing taxes for cost of same and for cost of expropriation ;

52. For providing, out of the funds of the city, for a supply of water and for lighting of the said city with gas, or in any other way ; and for obliging the owners of immoveable property in the city, to allow the necessary works for such purposes to be done upon their respective properties ; and for compelling all proprietors to allow the necessary pipes, lamps or posts to be attached to their houses ; provided always that the expense of such pipes, lamps and other necessary works shall be borne by the council ; and provided also, that the solidity of the buildings on or near which they shall be, shall be in no way affected thereby ; Providing for light and water ; entering upon private property for laying pipes ; attaching pipes to houses ; Proviso ;

53. For regulating the way in which horses shall be left, or be tied in the streets or in open sheds in the city ; Horses on streets and in sheds in city ;

54. For preventing or regulating bathing and swimming in the river, within the limits of the city ; Bathing and swimming ;

55. For regulating and preventing the firing of guns, pistols and other fire-arms, and preventing the making of bonfires and the firing off of rockets and fire-crackers ; Firing of guns, etc ; bonfires, rockets, fire-crackers ;

56. For regulating the mode of making fences between the lands of adjacent proprietors ; Making of line fences ;

57. For regulating and making obligatory the construction of fire-walls in masonry ; Fire-walls in masonry ;

Chimneys ; For regulating the construction, the dimensions and the form of chimneys and their height above the roofs or even in certain cases above the surrounding houses and buildings, and by whom the cost of the raising of such chimneys shall be borne, and within what time such chimneys shall be raised or repaired ;

Sweeping of chimneys ;

58. For regulating the manner in which chimneys shall be swept, and at what periods in the year ; for compelling all owners, tenants or occupants of houses in the city to allow their chimneys to be swept ; and for fixing the rates to be paid, for such sweeping ; and for imposing a fine on all persons whose chimneys shall have taken fire after their refusal to allow such chimneys to be swept ; and whenever a chimney which shall have so taken fire as aforesaid, shall be common to several houses or to several households in the same house, the aforesaid fine may be recovered wholly from each owner, tenant or occupant of such house or divided between them at discretion ;

Keeping of ashes and quick lime ; carrying and making fire in street ; Lighted candles ; Keeping and transporting of gunpowder ;

59. For regulating the mode in which ashes and quick-lime shall be kept in the city, and for preventing all inhabitants of the city from carrying fire in the streets without the necessary precautions ; from making a fire in a street ; from going from their houses to their out-houses and entering therein with lighted candles not enclosed in lanterns ; and for regulating the mode of keeping and of transporting gunpowder or any inflammable or dangerous substances ; and for regulating or preventing the keeping of smoke-houses and dangerous manufactures as being likely to cause or facilitate fires ; and finally, for making all the regulations deemed necessary for guarding against or diminishing dangers from fire ; and for compelling the proprietors or occupants of barns, lofts or other buildings containing combustible or inflammable materials, to keep the doors thereof closed when not necessarily required to be opened ;

Smoke-houses ; Guarding against dangers by fire, keeping doors closed of barns, lofts, etc.

Regulating materials for buildings,

For regulating and determining the materials with which houses and other buildings hereafter built in the city, shall be covered ;

Renewals of roofing ;

This subsection shall apply to the renewal of the roofing of houses and buildings in existence at the time of the coming into force of this act ;

Keeping of gunpowder ;

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

Preventing thefts, etc., at fires ; protection of city officers at fires ;

61. For preventing thefts and depredations at fires, and for punishing any person who resists, or illtreats any member or officer of the council, while in the execution of the duty assigned to him or in the exercise of any power with which

he is invested in virtue of any by-law made to prevent the dangers of fire ;

62. For regulating the conduct of all persons present at any fire in the city ; for compelling the idle lookers-on to help to extinguish the fire or save the effects in danger ;

Regulating conduct of persons at fires, etc. ;

63. For compelling all the inhabitants of the city to keep constantly on hand, on, and in their houses, ladders, fire-buckets, fire-poles and fire-hooks, in order the more easily to arrest the progress of fire ;

Compelling inhabitants to keep ladders, etc. ;

64. For giving to such members of the council and the officers of the fire department, who shall be designated in such by-laws, powers to cause to be demolished, pulled down or blown up during a fire, any houses, buildings, out-houses or fences that may furnish fuel to the fire and endanger the other properties of the inhabitants of the city ;

Power to demolish buildings, etc., during fires ;

65. For appointing all the officers the council may deem to be required for causing the by-laws it may make in relation to dangers by fire to be put in execution ; determining their duties and privileges, and remunerating them, if it think proper, out of the funds of the city ; for regulating and establishing one or more companies of firemen and sappers ; and for authorizing the officers whom it shall think proper to name for such purpose to visit and inspect, at seasonable hours, the interior or exterior of every house or building of any kind in the city, for the purpose of ascertaining if the by-laws passed by the council, under the authority of this section, are regularly observed ; and for obliging all owners or occupants of houses in the city to admit such officers for the purpose hereinbefore set forth ;

Officers to put in execution by-law relating to dangers by fire ;

Firemen and sappers ;

Inspectors.

66. For imposing penalties upon the members of fire companies who shall fail to do their duty ;

Penalties on members of fire companies.

67. For raising and levying any sums of money necessary for any purpose within the scope of the functions of the council ; such sum to be raised by rates equally assessed upon all the persons liable thereto, in proportion to the value of the taxable property ;

Levying monies.

68. For imposing and levying upon the parties interested in any works undertaken either before, or after the passing of this act, for the benefit of the city, or of city, or for any part of the inhabitants of the city, a special tax to provide for the payment of such work, although the performance thereof has not been preceded or followed by formalities required by law ;

Levying of special tax upon persons benefited by public works ;

69. For preventing the sale of any intoxicating drinks to any child, apprentice or domestic servant ;

Preventing sale of liquor, to children, etc.,

70. For prohibiting and preventing the sale of all spirituous, vinous, alcoholic and intoxicating drink liquors, or to permit such sale subject to such limitations as the council shall consider expedient ;

Preventing or permitting sale of liquors ;

- Licenses to shopkeepers, tavern-keepers or others to sell liquors; 71. For determining under what restrictions and conditions and in what manner the collector of revenue of the district of St. Hyacinthe shall grant licenses to shopkeepers, tavern-keepers, or others to sell liquors ;
- Transfers of licenses ; 72. For preventing any transfer of a tavern license, or for determining under what restrictions and conditions and in what manner such transfer shall be accepted by the collector of revenue ;
- Regulating conduct of liquor dealers, etc ; 73. For the ordering and governing of all shop-keepers, tavern-keepers, or other retailers of liquors, in such manner as the council deems proper for the prevention of drunkenness ;
- Regulating conduct of apprentices, servants, etc., masters and mistresses ; 74. For regulating the conduct and certain duties of apprentices, domestic servants, and hired servants and journeymen in the said city ; and also certain duties and obligations of masters and mistresses towards such apprentices, domestic, servants and journeymen ;
- Preventing horse racing on Sundays, etc ; 75. For preventing and suppressing, on Sunday or holy days of obligation, all races with horses or other animals, on any race course, or other places specially set apart for horse racing or in any other place whatever ;
- Regulating measuring of lumber, weighing or measuring of articles offered for sale ; appointing weighers and measurers ; 76. For regulating the measuring of all lumber and shingles, brought within the city for sale, ; for regulating and determining whether any other articles purchased or sold within the city shall be weighed or measured, or both ; for appointing persons to weigh and measure any or all such things, and for fixing and determining the remuneration to be paid to such officers and the duties to be performed by them ;
- Regulating theatrical and other exhibitions ; taxing same and in default, levying by warrant of distress ; prohibiting dangerous or immoral exhibitions ; 77. For regulating the manner in which any theatrical performance or other public exhibition shall be held, and for the imposition of a tax upon every such performance or exhibition, which tax, if not paid on demand, may be levied out of the goods and chattels of all or any of the persons connected with such performance or exhibition, under a warrant of distress signed by the mayor of the city ; and for prohibiting any performance or exhibition tending to endanger public safety or morality ;
- Preserving of ornamental trees ; 78. For preventing the felling, damaging or destruction of trees planted or kept for shade or ornamentation, either on the public streets or on private property ;
- Dividing city into inspectors' divisions ; 79. For the dividing of the city into inspectors' divisions ;
- Imposing penalties for violation of by-laws ; 80. For imposing, for each and every violation of a by-law of the said council made in virtue of this act, penalties by a fine not exceeding twenty dollars, or by an imprisonment for a period not exceeding two months.
- Prohibiting posting of indecent drawings, words or writings, etc ; 81. For preventing the posting, making or writing of posters, paintings, drawings, indecent words or writings on the houses, walls or fences, or in the streets or public places ;

82. For repressing profane or blasphemous language in the streets, on public squares, or in the vicinity ; Repressing profane language ;
83. For preventing and repressing mock-serenades, *charivaris*, and other disorders troubling the public peace ; Preventing mock serenades, etc. ;
84. For regulating the conduct and behavior of carters and other persons at the railway stations in the city so as to protect travellers and maintain good order ; Regulating conduct of carters at railway stations ;
85. For numbering the houses and lots situate along the streets of the city ; Numbering houses and lots ;
86. For preventing the obstruction of the streets by cars, or trains of cars, locomotives or other engines of the Grand Trunk or any other railway company, and determining what precautions the conductors, engine-drivers or stokers of such trains, cars or engines shall take, when crossing, or about to cross, the streets in the said city, and imposing either on the said servants of the said railway company or of any other railway company or on the company itself, a fine of each infringement of the by-laws passed for that purpose ; Preventing obstruction of streets by railway cars ; precautions at street crossings by railway cars, and imposing penalties for infringement of by-laws concerning same ;
87. For defining the duties of all the officers named by the council and imposing upon such officers penalties or fine for neglect of duty in cases, where such fines or penalties are not determined by-law ; Defining duties of officers and imposing penalties for neglect ;
88. For prohibiting the sale without license on samples, cards or marks, of articles, merchandize or goods not produced or manufactured in the Province, and to fix the amount to be paid for such license ; License for sale on samples of articles not manufactured in the Province ;
89. For making in the interest of the inhabitants of the city all other local by-laws which shall not be contrary to law. Making by-laws generally in the interest of inhabitants of city.
- 134.** The powers of the said city council of Saint Hyacinthe shall further extend to the following objects :
1. To the appointing, arming, lodging, clothing and paying of a police force in the city ; Further powers ;  
Police force ;
  2. To the founding, establishing and regulating a city gaol or place of detention, in which to confine persons violating the by-laws of the council, or guilty of vagrancy or other offences, and compelling them to do hard labor for a period not exceeding two months, provided the judgment ordering their detention therein so ordains. City gaol ;  
Hard labor by prisoners ;
  3. To the demolishing of any bridge arches erected in contravention of the by-laws of the said corporation ; Bridge arches illegally erected ;
  4. To the establishing of a board of health, and conferring upon it all the privileges, powers and authority required to enable it to discharge the duties which shall be assigned to it, or to acquire all useful information as to the course and the general effects of contagious and epidemic diseases ; and to make regulations as such board of health may deem necessary for preserving the citizens of the city from Board of health ;

the inroads of any contagious or epidemic disease, or for diminishing the effects or the danger thereof ;

Fire-engines ;

5. To the paying, out of the funds of the city, of all such outlay as the council may deem necessary for the purchase of fire-engines or any other apparatus designed for the same use, or for adopting such means as shall seem to it most effectual for preventing such accidents by fire, or for stopping the progress of fire ;

Inquiries as to causes of fire ;

6. To the making, authorizing or causing to be made after every fire in the city, an inquiry in relation to the origin and causes of such fire, and to this end, the council or any committee authorized by it to that effect, may summon witnesses and compel them to appear by arrest under a warrant issued by the mayor against any witness neglecting or refusing to appear after being duly summoned, and may examine them on oath, which oath shall be administered by any member of the council or of such committee and may also deliver over to be imprisoned in the common gaol of the district, any person against whom well-grounded causes of suspicion may be found of his having maliciously originated such fire ; and the coroner shall make such inquiries only after the refusal of the city council to do so ;

Summoning witnesses thereat ;

Imprisoning person suspected of causing fire ;

Powers of coroner limited ;

Aiding persons injured at fires, etc., and families of persons killed at fires, etc. ;

Rewarding firemen and others ;

7. To the defraying out of the funds of the city of any expenditure which the council may deem it right to make in aiding or assisting any person employed by it, who shall have received any wound or contracted any serious illness at a fire, riot or inundation in the city, or in aiding or assisting the families of any of the persons so employed who shall have lost his life at a fire, or in giving or distributing rewards in money or otherwise to all persons, firemen and others, who shall have been particularly useful or zealous at any fire in the city ;

Purchase and sale or renting of property for use of city, Constructing or repairing buildings for use of city ; leasing or supplying gratuitously buildings for manufacturing purposes, etc. ;

8. To the purchasing or renting of property either moveable or immovable for the use of the city, and to the selling and disposing of the same ;

9. To the constructing or repairing of every building which the city shall require within the limits of the powers of the council ; to the leasing or supplying gratuitously such building to any person for manufacturing or industrial purposes, which the council may deem advantageous to the city, subject to the provisions of section 89 of this act ;

Depositing and investing of corporation moneys ;

10. To the depositing of the moneys belonging to the mayor and city council, or the investing of the same at interest in an incorporated bank or in the public funds of the Province ;

Extra remuneration to officers ;

11. To the remunerating of its officers, over and above the fees, penalties and commission they may have the right to collect in virtue of this act ;

12. To the requiring in all cases not specially provided for by law, security from all persons accountable for money due to the mayor and city council, and from any persons who may contract with the council or its officers, in such manner and for such an amount as the council shall deem advisable to determine ;

Security from persons handling corporation money and from contractors ;

13. To the obliging of any person who has in his possession any maps, plans, titles, writings or other documents relative to any road, street, lane, public place or other property in the city, to give communication thereof to the council, or to any of its officers, and to permit such officer, or other person appointed for that purpose by the council of the city, to take a copy thereof ;

Obtaining communication and copies of plans, etc., documents, relating to streets, etc., in city,

14. To the maintaining or assisting of the infirm, aged, poor, destitute and persons unable to earn their living ;

Assisting aged poor, etc. ;

15. To the macadamizing, gravelling or planking of any street or part of a street ;

Macadamizing, etc., streets ;

16. To the opening, enclosing and maintaining, at the expense of the city, such squares, parks or public places, as may be conducive to the health or convenience of the inhabitants ;

Squares, parks, etc.

To the ornamenting of the same by planting trees there-in or otherwise, and causing trees to be planted along any sidewalk or foot-path, at the expense of the city ;

Ornamenting same by planting trees, etc.,

17. To the making of the annual examination and revision of the assessment roll ;

Annual revision of assessment roll ;

18. To the abolishing of any market or market place within the city, or for appropriating the whole or any part of the site of any market or market place for any other public use whatsoever ;

Abolishing markets, or appropriating same or part thereof to other public purposes ;

19. To contribute, out of the yearly revenue of the city, to the establishing of manufactures within the limits of the city.

Aiding manufactures.

**135.** The city council may, by a resolution passed to that effect, cause to be pulled down, demolished and removed when judged necessary, all old or dilapidated walls, chimneys and buildings of any description that may be in a state of ruin ; and the council may determine the time and manner in which the same shall be pulled down, demolished and removed, and by whom the expense thereof shall be incurred ; and in the event of the person bound to pull down, demolish or remove any such old or dilapidated walls, chimneys or other dangerous buildings, which the council shall have so ordered to be demolished, neglecting to comply with such order, within the delay specified in the said resolution of the council, the latter may cause it to be done, and sue for and recover the expense thereof as a debt, before any court of competent jurisdiction.

Power to pull down old walls, and buildings ;

Resignation of mayor or councillor; and election of another mayor or councillor.

**136.** It shall be lawful for the city council to accept at any time the resignation of the mayor or any councillor, and it shall then proceed with the election of another mayor or councillor, as the case may be, in the manner provided for by this act.

Removal of encroachments or obstructions on streets, etc.

**137.** It shall be lawful for the city council to order the inspector of the city to notify those who have made or who shall hereafter make encroachments on the streets or public places of the said city, by houses, fences, buildings or obstructions of any kind, to remove such encroachments or obstructions, allowing a reasonable delay, which shall be specified by the said city inspector on giving his notice.

Duty of inspector in such case.

If such persons have not removed such encroachments or obstructions, in the time specified, the council may order the said inspector to remove such encroachments or obstructions, taking with him sufficient assistance.

Allowance to inspector.

The council may allow the said inspector his reasonable outlay, and recover the same from such persons who shall have made such encroachments or obstructions.

Special tax on proprietors for maintenance of streets and side-walks.

**138.** The city council shall have the right to impose a special tax on all proprietors of lands, to meet the expenses of the maintenance of streets or parts of streets, and side-walks of the city, if it deems proper to take charge of the same, such tax being apportioned according to the valuation roll of the immoveable property then in force.

Draining and enclosing of lots by city of lots whose owners are unknown or too poor to do so.

**139.** In case the owners of lots of land in the city on which there shall be stagnant water should be unknown and have no agent or representative in the city, it shall be lawful for the city council to order the said lots to be drained or raised, or to cause them to be fenced in and enclosed at the expense of the city council if they are not so; and the city council shall have the same powers, if such owners or occupants of such lots are too poor to drain, raise or fence them.

Privilege for moneys expended therefor.

In all these cases, the sum expended by the city council shall remain charged upon such lots by special hypothec, and by privilege in preference to any other debt whatever, and shall be recoverable in the same manner as the taxes due to the council.

Removal of dead bodies, etc.

**140.** The council shall have the right of causing to be removed, from the limits of the city, any dead body or carcass and matter or thing about or liable to become unwholesome, by the proprietor or occupant of any land where they may be found; and in default thereof to authorize the removal or destruction of the same by

some officer of the city, and to recover the expense of such removal or destruction from the persons refusing or neglecting to remove or destroy them.

**141.** The city council shall have power, whenever a house shall be found within the line of a street or public place in the city, to prevent the owner of such house from re-building it on the lot occupied by the demolished house.

Preventing the rebuilding of house within line of the street.

It shall be lawful for the council to purchase such part of such lot as shall encroach on a street, or to compel the owner of such lot to part with it for a sufficient indemnity.

Purchase of land encroaching on line of street ;

Such indemnity shall be fixed by arbitrators, named respectively by the council and the owner whom it shall be sought to disposes, if either of the parties desire it ; and the said arbitrators shall name a third in case of difference of opinion, and after having been sworn by a justice of the peace shall take cognizance of the contestation, shall visit the said premises, and shall settle the amount of the indemnity to be granted to such owner ; and the said arbitrators shall have the right to decide which of the parties shall pay the costs of the arbitration.

Indemnity to be fixed by arbitrators, award and costs.

**142.** The city council shall have full and entire power to purchase and acquire, with the funds of the city, any land and immoveable property whatever in the city, which it shall deem necessary for the opening or widening of any street, public place or market place, or for the erection of a public building, or for any object of public utility of what kind soever it may be.

Power to purchase property for public purposes.

**143.** The city council shall have full power and authority to purchase real property in the city, and also out of and beyond the limits thereof, if it think proper so to do, for any purpose of public utility, and especially in order to establish a cemetery or cemeteries in or near the city, for the use and benefit of its inhabitants or of the majority of its inhabitants.

Purchase of property in or outside of city, for public purposes, cemeteries, etc.

**144.** Whenever the majority of the proprietors of real estate in a street or part of a street, in the city shall, by a petition addressed to the city 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 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.

Making sewers, macadamizing streets, etc., by city at request and at expense of persons benefited ;

Council to decide what part of properties are benefited by such improvements.

When any real property shall be situated on two or more streets, or on one or two streets and a public square, the council in passing such by-law shall decide what proportion or part of the said 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.

Expropriation of land by corporation.

**145.** When the proprietor of a piece of land, situate within the limits of the city, which the city council shall wish to purchase for purpose of further utility, shall refuse to consent amicably to such sale, or when such proprietor shall be absent from the Province, or when such piece of land shall belong to minors, children yet unborn, idiots, lunatics, or married women, the council may apply to the Superior or Circuit Court for the district of St. Hyacinthe, for the appointment by the court, of an arbitrator, to make, in conjunction with the arbitrator of the council, a valuation of the said piece of land, with powers to the said arbitrators to name a third in case of difference of opinion; and when the arbitrators shall have made their report to the council at a regular sitting, it shall be lawful for the council to take possession of the said piece of land on depositing the price at which it shall have been valued by the said arbitrators, in the hands of the prothonotary of the Superior Court, or the clerk of the Circuit Court at St. Hyacinthe, for the use of the person entitled to it.

Arbitrators, their appointment and duties.

Deposit of price with prothonotary.

Six months after award, deposit to be withdrawn from prothonotary and held by secretary-treasurer subject to claim of owner.

If any such person entitled to such indemnity does not present himself within six months after the making of the deposit in the hands of such prothonotary or clerk, so to claim the sum deposited, then the said prothonotary or clerk shall return such sum to the secretary-treasurer of the city, to be by him placed with the moneys of the city, which sum shall be payable by the council to any person entitled thereto, within three months after a formal notification to pay such sum have been given to the secretary-treasurer of the said city.

Streets not to be opened without permission; If opened, may be closed by council; penalty for contravention.

No street shall be opened in the city without the permission of the council.

If any be opened without such permission, it may be closed by authority of the council of the city of St. Hyacinthe without any formality, at the cost and expense of the person contravening, who shall further incur a penalty of from five to twenty dollars for each contravention with costs.

Arrest on view of idle, disorderly, intoxicated persons, etc ;

**146.** It shall be lawful for any police officer or constable of the city, to apprehend on view every loose, idle

and disorderly person, that is any person whom he shall find disturbing the public peace, or in a state of intoxication or whom he shall just cause to suspect of any evil designs, or whom he shall find lying, loitering, either by night or by day, in any field, highway, yard, or other place, and every prostitute or person wandering by night or by day, or found lying down, loitering or sleeping in any barn, shed, outhouse or other building unoccupied, or in the open air, or under any tent, cart, wagon or other vehicle, not giving a satisfactory account of himself or herself, and every person causing a disturbance in the streets or highways, by shouting or otherwise, and to deliver any person so apprehended into the custody of the officer or constable appointed under this act, who shall be in attendance at the nearest police station in order that such person may be so secured until he can be brought before any one or more justices of the peace, residing in the said city, to be dealt with according to law and the provisions of this act ; and it shall further be lawful for the said justice or justices, by whom any such loose, idle or disorderly person shall be convicted of any of the said recited offences, on confession or on the evidence under oath of one or more credible witnesses, to adjudge that such person shall pay a fine not exceeding twenty dollars and the costs taxed by the said justice or justices, either immediately or within such period as may be thought fit ; and in default of such payment, either immediately or within the time appointed as aforesaid, such person may be imprisoned in the said common gaol or house of correction or the town prison, at hard labor, for a time not exceeding two calendar months, the imprisonment, however, to cease upon payment of the fine imposed and costs.

Detention of such persons at police station ;

Their trial ;

Fine ;

Imprisonment in default of payment of fine.

**147.** It shall be lawful for any constable, by day or night, to arrest on view any person contravening any of the by-laws of the council, and such constable may also arrest any such offender, immediately after the commission of the offence, upon good and sufficient information given as to the nature of the offence and the persons of the offenders ; and every person so summarily arrested shall be safely kept until he can be brought before one or more justices of the peace, to be dealt with, according to law and the by-laws in force.

Arrest of offenders by constables, on view or on sufficient information.

**148.** Every person who designedly shall tear, damage or deface any advertisement, notice or other document which is ordered by this act, or shall be ordered by any by-law or order of the council, to be posted in a public place, shall incur a penalty not exceeding eight dollars for each offence.

Punishment of persons tearing advertisements or public notices.

Punishment of tenants falsely representing the value of rents paid by them.

**149.** Every tenant who shall falsely represent the value of the rent paid by him, in order to diminish the amount of his assessments, shall be liable, on conviction thereof, before the mayor or a justice of the peace, to a fine not exceeding five dollars, or to an imprisonment not exceeding one calendar month.

Punishment of persons resisting seizure.

**150.** Whosoever shall refuse to open the door of a house to the person entrusted with the seizure or the sale of the goods and chattels therein, shall be guilty of resisting seizure and may in consequence, be condemned by the mayor or any justice of the peace to an imprisonment not exceeding thirty days.

Opening of doors by person entrusted with seizure.

**151.** Every person entrusted with a warrant of seizure and sale may be authorized by a special order, signed by the mayor, or by any justice of the peace, to open the doors of the houses or buildings which he has found closed, or of which the entrance has been refused to him, and may also, by virtue of the same order, require the assistance of any other person, as he may judge proper, and the costs incurred in such proceeding shall be levied by virtue of the same warrant.

Punishment of officers neglecting or refusing to execute their duty.

**152.** Any returning officer, deputy returning officer, poll clerk, secretary-treasurer, assistant secretary-treasurer, chief of police, constable and police officer, or market clerk, who shall neglect or refuse to execute any duty to him assigned by this act, or to obey any lawful order of the city council, shall, for each offence, incur a penalty not exceeding five dollars.

Punishment of persons transgressing by-laws.

**153.** Any person who shall transgress any by-law made by the city council under the authority of this act or of any other act by the present repealed, shall, for such offence, be liable to the fine or imprisonment, with or without hard labor, as specified in the said by-law, with the costs to be allowed by the justice or justices of the peace who shall try such offence.

Actions may be taken by private parties, or by council

**154.** Every person aged twenty-one years residing in the city, shall have the right to take any action authorized by this act or any of the by-laws of the city council.

All such actions may also be taken by the mayor and city council of St. Hyacinthe.

#### THE RECORDER'S COURT.

Recorder's Court.

**155.** There shall be, when required by the council, a court of record in the said city, to be called "Recorder's Court of the City of St. Hyacinthe."

**156.** The court shall be held by the recorder, to be Recorder.  
appointed as hereinafter provided.

**157.** The court shall have jurisdiction for deciding Jurisdiction  
in a summary manner in all suits for the recovery of the fines of Recorder's  
and penalties imposed by this act or by any by-law of the Court.  
council, which is now or may hereafter be in force, and  
incurred for any infringement of the provisions of such act  
or by-law.

**158.** The court shall, for the purposes aforesaid, be Place and  
held from time to time, as occasion may require, in the city time of hold-  
hall, or in such other place in the city as shall be set ing Recorder's  
apart for the purpose, by the council of the city. Court.

**159.** The recorder shall be a barrister of the Province of Qualification  
Quebec, of at least five years' practice and shall be ap- of Recorder,  
pointed by the Crown during pleasure ; he shall be, *ex*  
*officio*, a justice of the peace in and for the district of St  
Hyacinthe.

His salary shall not be more than eight hundred dollars Salary.  
per annum, and shall be payable monthly out of the funds  
of the said city.

**160.** The clerk of the said recorder's court shall be Clerk of Re-  
appointed by the council of the said city during pleasure. corder's  
Court.

**161.** The clerk may, from time to time, by an ins- Deputy clerk.  
trument under his hand and seal, to be acknowledged by  
him before the recorder, and duly deposited and filed in  
the office of the said recorder's court, and entered in the  
register thereof, appoint a fit and proper person, to be and  
act as his deputy in the discharge of all and every his du-  
ties as clerk of the said recorder's court, and may remove  
any person so appointed, and appoint another in his stead.

**162.** So long as he holds office, the said deputy shall Powers of  
fulfil all the duties, and shall be invested with all the deputy clerk.  
powers imposed or conferred by this act on the clerk of the  
court.

**163.** The clerk of the court shall prepare and make Duties of  
out all the summonses, orders, writs and warrants whatso- clerk.  
ever, which shall be issued by the court.

**164.** He shall conduct, in behalf and in the name of the Clerk to con-  
prosecutors, when such prosecutors are the corpora- duct suits and  
tion of the said city of St. Hyacinthe, all cases and suits prosecutions,  
cognizable by and within the jurisdiction of the court,  
except in cases where the corporation shall deem it expe- Exception.  
dient to appoint an attorney, or to associate counsel with  
him.

Oath of office  
by clerk and  
deputy.

**165.** The clerk and his deputy, shall respectively take an oath of office, before the recorder's court; and the said oath shall be inscribed on the back or other part of the document appointing such clerk or deputy clerk.

Register kept  
by clerk.

**166.** He shall enter daily, and in a succinct manner, in a register which shall be kept for that purpose, the proceedings had in each cause or complaint brought in the said court.

Entry of pro-  
ceedings and  
judgments of  
court, what  
necessary and  
how made.

**167.** It shall not be necessary for the clerk of the court to enregister at full length the proceedings and judgments of the court; but a roll only of the said judgments shall be duly kept by the said clerk, wherein shall be set forth the nature of the offence, the penalty and the date of conviction; and the notes of proceedings, noted in the original summons or plaint, shall be sufficient evidence thereof; provided, that when the defendant requests, prior to the hearing of the case, to have the proceedings entered as heretofore, the above provisions shall not apply.

In event of  
death of clerk,  
deputy to act.

**168.** In the event of the death of the clerk, the deputy clerk shall continue to act as such, until another clerk shall have been appointed by the council.

Writs, etc.,  
how issued.

**169.** Every summons, order, writ or warrant of any nature whatsoever, issued out of, or by the court, shall run and be in the name of Her Majesty, her heirs or successors, and they shall be signed by the clerk of the court.

In certain  
cases, verbal  
complaints  
sufficient.

**170.** In all cases tried for drunkenness, or where a person shall be arrested on view by a police constable of the city for an offence against the provisions of this act, or of any by-law now in force, or which shall be in force in the city, it shall not be necessary that the complaint be reduced to writing, but a verbal complaint, under oath, made before the said recorder's court, by the constable who shall have arrested such person, shall be deemed a sufficient complaint.

Complaint to  
be in writing,  
if demand  
made there-  
for.

**171.** If such person demand that the complaint be reduced to writing, the court shall direct the clerk of the court to reduce the said complaint to writing.

Powers of Re-  
corder ;

**172.** All the powers conferred upon justices of the peace by the Revised Statutes of Canada, chapter 178, as regards summary orders and convictions are conferred upon the said Recorder's Court; and the proceeding set forth in the said chapter 178 shall be those observed by the said court.

Proceedings.

The said chapter shall likewise apply to the said court as if it were incorporated with the present act.

**173.** If any person summoned to appear before the said court, for the commission of any offence, as aforesaid, does not appear either in person or by his attorney, then, upon proof of the service of the summons, proceedings by default shall be taken against such person, and upon proof by the plaintiff of the allegations of the complaint, the court shall render the proper judgment in the matter, deciding also upon the costs.

R. S. C., c. 178, to apply.

Proceedings in cases of persons making default to appear.

**174.** If the defendant appears, the court shall cause the plea put in by him to the complaint to be entered; it shall hear the witnesses produced by the parties, and shall decide in conformity to law and justice.

Plea by defendant; Hearing of witnesses, decision by court.

**175.** The court shall have power to compel witnesses to appear in any prosecution or complaint pending before the court, and to answer all lawful questions put to them, in the same manner as is done in the ordinary courts of civil jurisdiction in this Province.

Power of Court to compel witnesses to appear and answer.

**176.** In any prosecution or complaint for any offence committed against any by-law of the city, or against the provisions of any of the acts hereinbefore cited, any member of the council of the city, or any employee, officer or servant of the corporation, shall be a competent witness; provided he has no direct interest in the result of such prosecution, or complaint, or is not incompetent from any other cause.

In suits by city, its officers may be competent witnesses, exceptions.

**177.** The deposition of the parties or of the witnesses in cases of prosecution or complaint for offences, as aforesaid, shall not be reduced to writing.

Deposition to be verbal.

**178.** In any complaint or prosecution brought by the said corporation, in the said recorder's court, it shall not be necessary to specify or recite the act or by-law under which such suit, prosecution or complaint shall be brought; but it shall be sufficient to state that it is in virtue of the act or by-law in that behalf made.

Not necessary to recite by-law in complaints.

**179.** The council may make and settle a tariff of the fees, which may be exacted by the clerk and bailiffs, and change the said tariff, from time to time; but neither the said tariff, nor any of the changes made therein, shall have force and effect, until the same shall be approved by the Lieutenant-Governor in Council.

Council to make tariff of fees, subject to approval of Lieutenant-Governor.

**180.** The court may be held and may sit as many times as it may be necessary each day, without previous notice, and may fix any time for the summary

Sittings, when held.

hearing and determination of offences committed by any person against the provisions of any act or by-law now in force, or that may hereafter be in force in the city; and for summarily hearing and determining the case of any vagrant, loose, idle, or disorderly person, and other offenders arrested by or in charge of the police of the city, or the cases of persons arrested, on view or immediately after the commission of any offence, as aforesaid, or by warrant issued out of the court, or by the recorder, or by any justice of the peace for the district of St. Hyacinthe.

Power of police to bring offenders before court.

**181.** The police of the city or any other peace officer or constable may bring, before the court or before the recorder, any person offending, as aforesaid, against the provisions of the acts or by-laws aforesaid, and any vagrant, loose, idle, or disorderly person, and any person arrested, as aforesaid, to be then and there dealt with according to law, as the court or the said recorder, may judge and determine.

Joint-owners, how sued.

**182.** Any joint-owner or occupant of any lot, house, building or other real property in the city, complained of, for violation of any by-law of the said council now or hereafter to be in force, bearing upon such joint-owner or occupant, or upon the said lot, house, building or other real property in any manner whatsoever, or any other offence of what nature soever against the provisions of any by-law of the council, may be sued alone or jointly with his co-owners or co-occupants, in the said recorder's court, as may be deemed advisable, as also any agent of the said joint-owner or co-occupant.

Contents of complaint.

In the suit to be instituted, it shall be sufficient to mention the name of such joint-owner, or co-occupant, or of such agent, with the addition of the word "and others," and the oral testimony of such act of ownership or occupancy as aforesaid whether joint or individual or of such agency, shall be deemed sufficient, any law, usage, or custom to the contrary notwithstanding

Oral proof of ownership sufficient.

Right of council to remit fines and costs.

**183.** To the council alone shall appertain the right of remitting the whole or part of any fine belonging to the city, as well as of the costs of the suit occasioned by the prosecution for the fine.

Remission to be by resolution, on recommendation of judge.

**184.** This remission shall be made, in each case, by a simple resolution adopted by the majority of the council, on a petition presented to the council to that effect, accompanied by a recommendation of the judge or magistrate who shall have imposed the fine, the said petition

to be presented by the person asking such remission, and not otherwise.

**185.** Any member or officer of the council who shall infringe the provisions of any of the two next preceding sections, shall incur a fine not exceeding twenty dollars for each offence. Penalty for infringing two preceding articles.

**186.** Any remission of any fine or costs in violation of the provisions of this act, shall be considered as null and void. Remission, when null.

**187.** Whenever in the present act or any other act relative of the city, or in any by-law, rule or order as aforesaid, imprisonment is imposed, such imprisonment shall be in the common gaol of the district of St. Hyacinthe or in the prison of the city of St. Hyacinthe as prescribed by the judgment or conviction. Imprisonment to be in common gaol of district, or in prison of city.

**188.** The recorder's court may use its discretion in awarding or withholding costs, or ordering each party to pay his own costs. Costs discretionary.

**189.** In any action, proceeding or complaint by the corporation, it shall not be necessary to allege or to prove that the formalities required for the passing of a by-law have been observed, ; but the fact that such formalities have been observed shall be presumed, until proof to the contrary be shown. In suits, not necessary to allege observances of certain formalities.

**190.** All fines and penalties imposed by this act, or by any by-law made by the city council of St. Hyacinthe, shall be recovered before any justice of the peace sitting in the said city, or before the recorder's court. Recovery of fines.

**191.** All the fines and penalties imposed in virtue of this act, or any by-law made by the city council of St. Hyacinthe, shall be recovered for the use of the city council, and shall form part of its funds. Application of fines.

It shall be lawful for the council and for the mayor of the city of St-Hyacinthe, to remit any fine or penalty which he shall think proper to remit. Mayor or council may remit fines.

The secretary-treasurer or the mayor is hereby authorized to accept the payment of all such fines and penalties and to fix the amount thereof, which shall not exceed the half of the *maximum* of such penalty imposed either by this act or by by-laws of the council and all the costs of the parties who may wish to pay such fines or penalties and costs without awaiting the decision of the court, or even without having been sued. Secretary-treasurer, etc., may accept payment of fines or portion thereof in settlement.

Suits to be brought within thirty days.

**192.** Any information or complaint for infraction of any by-law of the city council, shall be made or brought, within the thirty days following the commission of the offence.

Power of sheriff and gaoler to receive and detain persons condemned to imprisonment.

**193.** The sheriff and the keeper of the city prison, as the case may be, and the gaoler of the district of St-Hyacinthe shall be bound, and they are hereby enjoined and empowered to receive and safely to keep, until they shall be duly discharged, all persons condemned to imprisonment, in virtue of this act or of any by-law passed by the city council, and also all persons committed to the custody of the sheriff, keeper, or gaoler, by the city council, or by any of its members or officers, under its authority, or by any returning officer or deputy returning officer at any municipal election in the city.

Previous by-laws to remain in force until annulled ;

**194.** The by-laws which have been printed by order of the city council of St. Hyacinthe, in the year one thousand eight hundred and eighty-four and passed by the council the eighteenth of November of the said year, and all those passed since by the city council, shall remain in force until they shall be regularly rescinded and annulled, by virtue of the act ; and a copy of any of the aforesaid by-laws and of all those to be adopted hereafter, certified by the mayor or the secretary-treasurer shall be evidence of their contents before all courts of justice.

Copies of by-laws certified by mayor or secretary-treasurer to be evidence.

Public notice of putting in execution of by-laws.

**195.** Every notice for the putting in execution of any by-law shall be posted in the office of the secretary-treasurer and inserted in a newspaper published in the city, during fifteen days before the day when such by-law shall become binding.

Posting up to take place of publishing in newspaper.

The posting of such notice during the same time in a public place of the city, chosen for that purpose by the city council, shall have the same effect to all purposes, as the publication of such notice in a newspaper.

Public notice how given.

**196.** Every public notice required by this act, unless otherwise provided for, shall be posted up in the office of the secretary-treasurer and inserted in a newspaper published in the city, during fifteen days.

Posting up to take place of publishing in newspaper.

The posting up of such notice during the same space of time, in a public place in the city, selected for that purpose by the city council, shall take the place of the publication of such notice in a newspaper.

Inhabitants of city to be competent witnesses.

**197.** The inhabitants of the city shall be competent witnesses in any case in which the city council shall be a party, and shall not be held to be interested because they reside or are rate-payers therein.

**198.** All suits, actions or prosecutions which might, before the passing of this act, be brought or commenced in the name of the collector of revenue, in virtue of the sixth chapter of the Consolidated Statutes for Lower Canada, and any acts which may have been or may hereafter be passed to amend the same, may be brought and commenced before one or more justices of the peace, residing in the said city, in the name of the mayor and city council of St. Hyacinthe, provided they are brought for offences committed within the limits of the said city.

Suits, etc., heretofore brought in name of collector of revenue to be brought in name of mayor and city council, etc.

All and every the provisions of the said last cited act in regard to the said offences, and to the mode of prosecuting and punishing therefor, and all proceedings, orders and convictions authorized and commanded to be made in and by the said act, and those amending it, are incorporated with this act, with such modifications as are necessary for their application.

Provisions of C. S. L. C., c. 3, incorporated herein.

**199.** All the provisions of any law inconsistent with the provisions of this act, shall be and the same are hereby repealed.

Repeal of inconsistent provisions.

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

Coming into force of act.

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

An act to amend the charter of the town of Terrebonne, and the act amending the same.

[Assented to 12th July, 1888.]

**W**HEREAS the corporation of the town of Terrebonne, has, by its petition, signed by all the members thereof, prayed for amendments to its charter and the act amending the same; and whereas it is expedient to grant its prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Preamble.

**1.** Section 4 of the act 23 Victoria, chapter 76, is replaced by the following:

23 V., c. 76, s. 4, replaced.

“ 4. No one shall be elected mayor of the town of Terrebonne, unless he can sign his name, unless he has been a resident householder in the town, for one year previous to such election, and unless he be possessed, as proprietor, in his own name or in that of his wife, for at least one year also previous to such election, of immove-

Qualification of mayor.