

claim being made by third parties, be by him retained until judgment be rendered by a court of competent jurisdiction upon the petition, opposition or attachment to that effect. If the claim is admitted by the defendant the moneys shall be paid to the claimant by the secretary-treasurer.

Duty of  
sec.-treas.  
before giving  
title to  
purchaser.

6. If the rights and improvements of an occupant of land, sold as above provided for, are not redeemed according to the provisions of the Municipal Code of the Province of Quebec, the said secretary-treasurer, before granting the deed of sale, shall ascertain that all municipal and school taxes and all ground-rent are paid.

Application of  
general  
education laws.

7. The general laws on public instruction in the Province of Quebec shall apply to all school affairs and procedure not specially provided for in the act of incorporation of the said city of Hull, and the acts amending the same.

Act in force.

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

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### C A P. L X X X .

An Act to amend and consolidate the act incorporating the town of Fraserville.

[Assented to 30th March, 1883.]

Preamble.

WHEREAS it is desirable that the provisions of the Act, intituled : "An Act to incorporate the town of Fraserville" (37 Vict., chap. 47) be amended and consolidated ; and whereas it is expedient to grant more extended, and better defined limits and powers to the corporation ; whereas further the corporation has by its petition prayed for amendments, and it is expedient to grant the prayer of such petition ; Therefore, Her Majesty by and with the advice and consent of the Legislature of Quebec, enacts as follows :

37 Vict., c. 47,  
repealed.

1. The act mentioned in the preamble is repealed and replaced by this act.

### P A R T F I R S T .

#### C O R P O R A T I O N .

Incorporation  
of town.

2. The inhabitants and ratepayers of the town of Fraserville, as hereinafter bounded and described, shall be, and

are hereby declared to be a body corporate and politic by the name of "The Town of Fraserville" and by that name they and their successors shall have perpetual succession, and shall have power to sue and be sued, in all actions, causes and suits at law whatsoever, and shall have a common seal, with power to alter and modify the same at will, and shall be in law capable of receiving by donation, acquiring, holding and parting with and transferring any property, real or moveable, for the use of the said town, of becoming parties to any contracts or agreements connected with the administration of the affairs of the said town, and they shall, moreover, have all the other collective rights which are necessary for the fulfilment of the duties imposed on them.

3. The corporation of the town of Fraserville shall be represented by a council composed in the manner specially prescribed in the present act and all the rights and powers of the said corporation shall be exercised and the duties and obligations thereof shall be fulfilled by such council and its officers.

The said council shall be called : "The Council of the town of Fraserville."

a. All acts, orders, by-laws and resolutions, now in force shall remain in force until they are amended, annulled or repealed by the council of the said town or by any other competent authority, and all notes, debentures and obligations whatever consented to, contracted or issued by the corporation or in its favor, up to the coming into force of this act, shall have the same force and effect as if this act had never been passed.

b. All the *procès verbaux* for water-courses and streets, made before the first of January, eighteen hundred and eighty two, shall be considered as having been regularly made and shall be binding until they are amended, cancelled or repealed by the council under the provisions of this act.

4. Nothing contained in the present act shall be construed to dissolve the corporation of the inhabitants of the town of Fraserville as now existing, and the present mayor and councillors, as well as the officers of the council, shall remain in office until they shall have been replaced under the present act.

#### LIMITS OF THE TOWN.

5. The town of Fraserville, situate in the county of Temiscouata, in the district of Kamouraska, in the Province of Quebec, shall be bounded as follows :

To the north by the river St. Lawrence.;

To the south-west by the division line between the farm of Damase Caron and those of Olivier Ouellet, Andrew Meinke and Alexander Clark, in the first range of concessions of the parish of St Patrick of Rivière du Loup ;

To the south, by the division line between the lots of the first and second ranges, starting from the farm of the said Damase Caron, running north-easterly to the farm known as " La petite ferme " ; thence towards the south by the north-east line of the farm of David Poitras, senior, for one hundred feet English measure, to the south of the lot occupied by the Intercolonial Railway ; from this point the line will extend towards the north-east as far as the north-eastern limit of the Seigniorial Domain of the Frasers, five thousand three hundred and seventy-six feet, English measure, to the south of the front line between the first and second ranges of the said domain ;

To the north-east the town shall be bounded by the north-east line of the Seigniorial Domain, descending towards the river as far as the farm of Paschal V. Taché, Esquire ; thence the line shall run north-easterly along the division line between the farms of the said Paschal V. Taché and the lots in the second range of St. Antoine village as far as the farm of Jean Baptiste Pelletier ; thence, running towards the north, it shall follow the front line or division line between the lands of the said P. V. Taché, of the representatives of Thomas Jones, of Ferdinand Chamberland, Jean Baptiste Pouliot, and his representatives as far as the front line of the lots in the first range called *Anse au Persil* range ; thence in a south-westerly direction along the said front line, as far as the lot of the said Alpheus Jarvis ; from which point it shall run in a northerly direction, between the lots of the said Alpheus Jarvis, Madame Joseph Levesque, and the heirs Hayward and Beaulieu, and those of Fabien Plourde, as far as the river St. Lawrence. The farm of Fabien Plourde being exempted therefrom.

#### ANNEXATION OF TERRITORY.

Powers as to  
territory which  
is annexed.

6. The properties hereby annexed to the town of Fraserville shall be so annexed for all purposes, but shall be exempt from paying any taxes to the said town, until the first day of January, one thousand eight hundred and eighty five, except for repairs to roads and bridges, within the territory annexed, with respect to which the present valuation will serve as a basis.

Exemptions of  
certain rate-

1. The rate-payers in the portion of the territory, hereby annexed, shall not be obliged to contribute to the payment

of the debt contracted for the building of the court house, payers from certain taxes.  
at Fraserville.

2. No farmer of the parish of St. Patrick of Rivière du Loup shall be obliged to obtain a carter's license from the Exemption of certain farmers from taking out carter's licenses. corporation of the said town of Fraserville for transporting, to and from the railway station or Government wharf, such tourists as may occupy his house during the summer season.

3. The parish of St. Patrick of Rivière du Loup is for the Parish of St. Patrick of Rivière du Loup relieved from certain works. future relieved from all works which may be carried on within the limits of the town and especially from all assessments for the maintenance and repair of the bridge on the Rivière du Loup, near the Intercolonial Railway Station.

#### TOWN COUNCIL.

7. There shall be elected, in every year, in the Mayor. manner hereinafter mentioned, a proper person, who shall be and be called " the mayor of the town of Fraserville, " and three fit persons, who shall be the councillors of the Councillors. town ; and such mayor and councillors, for the time being, shall, with the three councillors elected during the previous year, form the council mentioned in section 3.

#### MAYOR AND COUNCILLORS.

8. No person shall be capable of being elected mayor or councillor of the town of Fraserville, unless he can write Qualification of mayor and councillors. and read manuscript and unless he has been a resident house-holder within the said town for one year before such election, nor unless he be owner or possessor, or usufructuary, either in his own name or in that of his wife or minor children, of real estate, within the said town, of the value of four hundred dollars according to the valuation roll then in force.

9. No person shall be capable of being elected for a Residence in ward required if town so divided. ward, if the said town is divided into wards, unless he resides in such ward.

10. No person shall be capable of being elected and of acting as mayor, or councillor of the town of Fraserville, Member of council to be a British subject. unless he be a natural born or naturalized subject of Her Majesty, and of the full age of twenty-one years.

11. No person being in holy orders, nor the ministers of Persons incapable of being mayor or councillor. any religious belief whatever, nor the members of the executive council, nor judges, sheriffs, clerks of any court of

justice or their deputies, nor officers on full pay in Her Majesty's army or navy, nor salaried civil functionaries, nor any person accountable for the revenues of the said town, nor its servants or employees, receiving a monthly or annual salary, nor inn-keepers, hotel-keepers or persons being keepers of houses of public entertainment, being or having been such during the last twelve months, nor officers or persons presiding at the election of the mayor or the councillors, while so employed, nor persons who shall have been convicted of treason or felony in any court of law, within any of Her Majesty's dominions, nor persons having in person or through their partners any contract whatever, or interest in any contract with or for the said town, shall be capable of being elected mayor or councillor for the said town; provided always that no person shall be ineligible or become incapable of acting as mayor or councillor for the said town, from the fact of his being a shareholder in any incorporated company, which may have a contract or agreement with the said town;

Application of word "contract." The word "contract" in this section does not apply to leases, sale or purchase of land nor to any loan of money, nor to any agreement relating to any of such contracts;

Idem of words "judge" "clerks or their deputies" The words "judge," "clerks or their deputies," used in this section shall not mean justices of the peace or commissioners for the summary trial of small causes or their clerks or deputies.

Disqualification for office of mayor and councillors in certain events.

**12.** Every person who, while filling the office of the Mayor or Councillor of the said town, shall be declared to be in bankruptcy or shall become insolvent, or who shall cease to possess real estate to the amount necessary to qualify him, or who shall enter into holy orders or become a minister of any religious belief, or who shall be appointed a judge or a member of the Executive Council, either federal or provincial, or who shall become accountable for the revenues of the town, in whole or in part, or who shall become a servant or salaried officer of the town, shall *ipso facto* be disqualified, and his seat in the council shall become vacant and such vacancy shall be filled in accordance with the provisions of the present act, relating to annual elections.

Retiring from office of mayor and councillors.

**13.** The term of the office of mayor shall end at the opening of the first general or special session of the council held after the annual general elections.

The same rule shall apply to the councillors retiring from office at the time of such elections.

**14.** In all cases the mayor or any councillor, elected to replace another, shall remain in office only during the remainder of the time for which his predecessor was elected.

Duration of office of mayor replacing another.

**15.** Every member of the council, so soon as he is appointed, shall make oath well and faithfully to discharge the duties of his office.

Oath of office of member of council.

The oath of office may be taken before a justice of the peace, or before the mayor in office for the time being, or before the secretary-treasurer, and an entry thereof shall be made in the book of the proceedings of the council.

Before whom taken, &c.

A member of the council shall not enter upon the discharge of his duties, until he has taken the oath of office.

Oath required before discharging duties.

**16.** The omission during eight days on the part of any member of the council to take the oath, required for the office to which he has been appointed, shall constitute a refusal to accept such office, and render him subject to the penalties prescribed in such case, unless he be exempt from serving.

Effect of omission to take oath,

**17.** Whoever shall be capable of exercising any municipal office whatsoever and who shall not be exempt therefrom shall be obliged to accept such office if he be appointed thereto and to perform the duties thereof under the penalties hereinafter prescribed. Nevertheless, no one shall be obliged to accept or to continue to occupy the office of secretary-treasurer.

Acceptance of office obligatory.

Exception.

**18.** Any person, appointed to the office of mayor or of councillor, or to any other office, who illegally refuses to accept such office or to continue to perform the duties thereof, shall incur a penalty of thirty dollars for the office of mayor and twenty dollars for the office of councillor and ten dollars for the other offices.

Penalty on person refusing to accept office of mayor or councillor.

**19.** A member of council shall be deemed to have refused to continue to perform the duties of his office when he, for two months, shall refuse or neglect without, in the opinion of the council, reasonable cause, to discharge the duties of such office.

What constitutes a refusal to accept.

**20.** If any person appointed to a municipal office becomes incapable, while in the exercise thereof, he shall without delay send to the office of the council a notice stating the reasons for such incapacity and tendering his resignation ; until such notice is given such person shall be reputed to have continued to exercise his office and shall be

Duty of member of council if he become disqualified during his term of office.

subject to all penalties, prosecutions or other rights of action set forth in this act.

Power of council if disqualification is notorious.

**21.** If the incapacity of the person, appointed to a municipal office or occupying the same, is well known or sufficiently established, the council may by resolution declare such person's office vacant, saving the recourse of the person appointed. It shall afterwards fill the vacancy in the usual manner, within the prescribed delay.

Council may accept resignation of mayor.

**22.** The council of the town of Fraserville may accept the resignation of the mayor or of a councillor, if the council be satisfied with the reasons given.

Councillors not to be paid for their services.

**23.** The councillors shall not receive any salary, profit or indemnity, in any shape whatsoever, for their services.

#### EXEMPTION FROM OFFICE.

Exemptions from municipal office.

**24.** The following persons shall not be obliged to accept the office of mayor or councillor of the said town, nor any other municipal office: Members of the provincial or federal legislatures, practising physicians, surgeons and apothecaries, schoolmasters actually engaged in teaching, persons over sixty years, gaolers and wardens of houses of detention, of houses of correction or reformatories, persons employed in light-houses and on railways, pilots, millers, advocates, and surveyors, prothonotaries, sheriffs, clerks of the Circuit Court and notaries.

Payment of penalty, exempt for a certain time.

The persons who shall have filled any office under such council, or paid the penalty incurred for refusal to accept such office, shall be exempt from serving in any office of the council during two years next after such service or payment.

Duty of person who is exempted if he be appointed to notify council.

**25.** Any person who shall be appointed to a municipal office from which he is exempt, and desires to avail himself of such exemption, shall lodge in the office of the council, a special notice to that effect, within the fifteen days following the notification of his appointment, or upon the day when he shall become exempt from filling such office.

Consequence of failing to give notice.

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

#### OF MUNICIPAL ELECTORS.

Qualification of municipal electors.

**26.** Every person who possesses, at the moment he exercises such rights and privileges, the following conditions shall be a municipal elector, and as such shall have

the right to vote at the election of mayor and councillors, and to exercise all the rights and privileges conferred on municipal electors by the provisions of this act :

1. He must have attained the age of majority, and be a British subject ;

2. He must have been in possession, in the municipality, during the preceding six months, either in his own name or in the name and for the benefit of his wife or his minor children, as appears by the valuation roll in force, as proprietor of real estate of the actual value of at least one hundred dollars, or as tenant-farmer or lessee, or as occupant by any title whatsoever, of any land, house or portion of a house, or office, store or shop, of the annual value of at least twenty dollars ;

3. He must have paid, before the nomination of the candidates in each year, all the municipal and school taxes then due and owing ;

4. His name must be entered in the valuation roll in force in the municipality, either as proprietor, lessee or occupant, or on the list of municipal electors, if there is such list.

27. It shall be lawful for any candidate or his representative, during the voting, to require the production of the receipts from the Secretary-Treasurer of the said town, establishing the payment of such assessments so due as aforesaid, and in any case where the said elector has lost his receipt, he shall then produce a certificate, which the Secretary-Treasurer shall give him, to enable him to vote, establishing the payment of such taxes, within the above-mentioned delay, and in default of his producing such certificate, the said elector shall not be able to vote at such election.

Receipts for  
payment of  
taxes, &c.,  
may be  
required of  
elector before  
voting.

28. Every elector, duly qualified to vote at the municipal elections of the town, may vote for the mayor and for as many councillors as there are to be elected.

Right to vote.

29. Whosoever shall vote at any municipal election, or exercise any right or privilege by this act conferred on any municipal elector, without having at the time of voting or exercising such right or privilege, the qualities required as a municipal elector, shall incur a penalty of twenty dollars.

Penalty for  
voting when  
not qualified.

#### MEETINGS OF ELECTORS.

30. The nomination for the municipal elections of the town of Fraserville shall take place at the hour of nine

Place and  
date of  
municipal  
elections.

in the forenoon on the second Monday of January in each year at the Town Hall or Public Hall, and the polls, when they are necessary, shall be held on the next day or the next juridical day.

Who are to be elected.

**31.** At each such election there shall be elected a mayor and as many councillors as there are going out of office.

Notice of elections.

**32.** Seven days at least before each general election, public notice shall be given by the Secretary Treasurer or by the mayor, announcing such election and calling upon the electors of the town to attend a general meeting for the nomination, at the place and date indicated. Such notice shall be read aloud and posted on the door of the Roman Catholic Church of the parish of St. Patrick of Rivière du Loup, in the French language, at the close of divine service in the morning, on the first of January or the previous Sunday, and further two other notices at least, one in English and the other in French, shall be posted in other public places in the said town on or before the first of January.

Want of notice not to prevent meeting. Penalty for failure to give notice.

**33.** The omission to give such public notice shall not prevent the meeting of the municipal electors from being held for such election ; but the persons who have neglected to give such notice within the prescribed delays, shall each incur a penalty of not less than five nor more than twenty dollars.

Appointment of president of election.

**34.** The town council shall, at least eight days before the nomination, appoint one of its members, who does not go out of office, to preside at the election. The presiding officer shall be assisted in the performance of his duties in connection with the election by the secretary-treasurer who shall replace him when necessary or when no presiding officer is appointed by the council as aforesaid. The presiding officer may also appoint an election clerk if necessary.

Election clerk.

Proceedings at election meeting.

**35.** After having opened the meeting, the presiding officer shall receive and nominate all the names of the persons presented to him in writing by at least seven municipal electors. Such nomination may be handed to the presiding officer before the opening of the meeting. When the town is divided into wards if the election be for a councillor in a ward, the nomination must be made by at least five electors of the ward.

Election by acclamation.

**36.** If, one hour after the opening of the meeting, only one person has been nominated for the office of mayor, the

presiding officer shall declare such person elected mayor.

If, after the same period of time, only as many persons have been placed in nomination for councillors for any ward, as there are councillors to be elected therefor, the presiding officer shall proclaim such persons elected councillors.

**37.** If, one hour after the opening of the meeting, there have been and remain nominated, for the office of councillors, more persons than there are councillors to be elected and for the office of mayor more than one person, it shall be the duty of the presiding officer of the election to grant a poll. When poll may be granted.

**38.** When the town shall be divided into wards, there shall be elected for each ward only the number of councillors required to be elected. Election when town divided into wards.

**39.** At the time specified, the poll shall be opened by the presiding officer, who shall enter or cause to be entered in a book, to be kept in accordance with the conditions hereinafter prescribed, the votes of the electors, by entering therein the names and additions of each of them. Duty of presiding officer when poll is opened.

The poll shall be opened at nine o'clock in the morning and be closed at five o'clock in the afternoon of the same day. If one of the Mondays above mentioned in the preceding sections should be a non-judicial day, everything which should be done on that day shall be done on the following judicial day. Poll when to be held.

**40.** Each poll book shall contain, at the top of as many distinct columns, the names and surnames of each candidate, nominated for the office of mayor and councillors. What poll book is to contain. Poll book to be paged.

The pages of each poll book shall be numbered in writing and initialled by the presiding officer.

**41.** If however the mayor or councillors of the ward have been proclaimed elected on the day of the nomination, votes shall be given only for the office in contestation. For whom voting. is to take place.

**42.** When the town shall be divided into wards, the electors shall vote only in the ward in which they are qualified. 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 and, if any one only possesses, as proprietor in the municipality, real estate the value of which in the different wards does not give him a right to vote for each ward, he may, provided the aggregate value be sufficient to qualify him, vote for the election Voting when town is divided into wards.

of mayor and also for the election of councillors for the ward in which he resides, but not otherwise.

Voter to vote only once.

**43.** No person shall vote more than once for the election of mayor and once for the election of councillors of each ward in which he is qualified to vote, under a penalty of twenty dollars or of imprisonment for two months in default of payment.

Penalty for breach of this section.

How qualification is established.

**44.** In all cases, the qualification required of electors shall be established by the valuation roll in force, or by the list of municipal electors, if there be such list.

Presiding officer may swear elector.

**45.** The presiding officer may, of his own accord, or when thereunto required by a candidate or his representative, administer to any person tendering his vote the following oath :

Form of oath.

" You swear (or " affirm " when the same is permitted by law).

That you are a subject of Her Majesty ;

That your name is the same as that entered on the valuation roll (or " on the list now shewn you. ")

That you have not received or been promised anything, either directly or indirectly, to vote at this election.

So help you God. "

Oath to be translated into English or French as the case may be.

If the person tendering his vote does not understand French sufficiently, the above questions may be put and the above oath or affirmation made in English.

If elector refuses to be sworn.

**46.** If an elector refuses to take the oath or to answer the questions put to him as aforesaid, his vote shall be refused.

Entry in poll book in certain cases.

If an elector take the required oath, or refuse to take the same, or if objection is made to his vote, mention of each of such facts shall be made in the poll book, in the following terms,— " sworn " " refused " or " objected to," as the case may be.

If elector admits bribery, vote to be refused.

**47.** If an elector admits, under oath or affirmation, that he has received any consideration whatever to induce him to give his vote in favor of any candidate, the presiding officer shall refuse the vote of such elector, and shall note such refusal in the poll-book.

Counting of votes at close of poll.

**48.** At the close of the poll, the presiding officer shall count in the presence of two witnesses and certify, under his signature, in the poll-book, the total number of names entered in such book, together with the total number of votes given to each of the candidates.

In the case of an equal division of votes in favor of two or more among the candidates, the presiding officer shall give his vote, even though he be not a municipal elector, under a penalty of not less than thirty or more than fifty dollars.

Casting vote of  
presiding  
officer.

**49.** The presiding officer, after having ascertained the total number of votes, shall declare elected mayor or councillors respectively the candidates who shall have received the greatest number of votes.

Declaration  
by presiding  
officer as to  
person elected.

**50.** It shall be the duty of the presiding officer of the election to remain in the public hall or town hall during the whole time that the poll is being held.

Presiding  
officer to  
remain in hall  
during polling  
day.

**51.** Within three days next after the close of the election, the presiding officer thereof, shall give to each of the candidates elected mayor or councillor, a written notice of his election.

Notice to  
persons  
elected.

**52.** Within eight days next after the close of the election, the presiding officer shall draw up a faithful report of his proceedings, and shall forward it to the office of the council, together with the original notice to the candidates elected, the certificates, poll-books and other papers, which have been in his possession as presiding officer of the election. These various documents shall be certified by him as correct and form part of the records of the council.

Report of  
proceedings by  
presiding  
officer.

**53.** If at five o'clock on the day the poll is opened, the votes of all the electors present have not been registered, the holding of the poll shall be adjourned until ten o'clock in the morning of the following day, if it be a juridical day, if not of the next following juridical day, in order to continue the registering of the votes and on that day the poll shall be closed at four o'clock.

Continuation  
of polling in  
certain cases.

**54.** If at any time after the votes have commenced to be polled, either on the first or on the second day of the said election, one hour elapses without any vote being polled owing to the voters being absent, it shall be the duty of the person presiding, after the expiration of the said hour, to close the said election and declare duly elected, as councillors and mayor, such candidates as have obtained the majority of the votes; provided that no person shall have been, within the last hour, prevented from approaching the poll by violence, of which violence, notice shall have been given to the presiding officer.

Closing poll in  
certain events.

Proviso.

Oath to be taken by officers of election.

Form of oath.

**55.** The presiding officer and the clerk shall, before acting as such, take the following oath before a justice of the peace :

“ I solemnly swear that I will faithfully and impartially and to the best of my judgment and ability, perform the duties of presiding officer (*or* clerk of the election) which I am about to hold, of the person or persons who are to act as mayor or councillors of the town of Fraserville. So help me God.”

The oath shall be reduced to writing and the presiding officer shall annex it to his report of the election.

Presiding officer is justice of the peace.

**56.** The presiding officer of an election shall, as such, possess the same powers as a justice of the peace, and may exercise them throughout the whole extent of the municipality, from eight o'clock in the morning of the day of the nomination, to the day following up to nine o'clock in the morning, if there be no poll to hold. In the contrary case, he may exercise such powers till nine o'clock of the morning of the day following the voting.

Power of presiding officer to maintain order &c.

**57.** The presiding officer may, in order to maintain peace and order :

1. Swear in as many special constables as he may think proper ;

2. Require, by verbal or written order, the assistance of any justice of the peace, constable, or any other persons residing in the municipality.

3. Commit, on view, to the custody of a constable, or any other person, for forty-eight hours at least, any person breaking the peace, or disturbing order, or preventing any elector by threats, violence or otherwise, from freely giving his vote ;

4. Cause to be imprisoned, by a written order over his signature, such delinquent in the common gaol of the district of Kamouraska for a period not exceeding ten days.

Secretary treasurer to replace presiding officer if absent, &c.

**58.** In the event of the unavoidable absence or inability of the presiding officer to act as such, the secretary-treasurer shall replace him and have all the powers and be subject to all the duties conferred upon and required of the presiding officer by this act.

Expenses of elections.

**59.** Election expenses shall be defrayed by the corporation.

The services of presiding officer of an election shall be gratuitous ; nevertheless, the council shall reimburse all

expenses necessarily incurred by him on account of the election, and shall allow the secretary treasurer and the poll-clerks an indemnity for their services.

**60.** The persons, who are elected at the annual municipal elections as councillors of the said town, shall in all cases be elected for two years. Duration of term of office.

**61.** A councillor may however be eligible as mayor during his term of office, and in such case, his office shall become vacant and the town council shall provide for the replacing of such councillor in accordance with the provisions of this act relating to municipal elections. Councillor may be elected as mayor.

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

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

1. When a person has been appointed mayor or councillor who is exempt from serving as such, or when any person discharging either office becomes exempt during his occupancy thereof, and such person has, in either case, complied with section 25 ;

2. In the case of refusal to accept or to continue to perform such office ;

3. When the mayor's or councillor's domicile or place of business is no longer within the limits of the municipality ;

4. When the person discharging the office is declared bankrupt or becomes insolvent ;

5. When the mayor or any councillor after his appointment has come under one of the disqualifications established by law, and has complied with section 20 ;

6. In the case of absence from the municipality, or of inability to act through sickness, infirmity or otherwise, during the period of two months consecutively;

7. When the resignation of the mayor or of any councillor has been accepted by the council, or when the office has been declared vacant in virtue of section 21 ; or when the election has been annulled ;

8. In the case of death.

Notwithstanding any vacancy in the council, the members thereof remaining in office shall continue to exercise their powers and fulfil their duties as such.

Election of substitute.

**63.** When a vacancy occurs in the office of mayor or councillor, the election of a substitute shall be forthwith proceeded with, on the days fixed by the council; and such election shall be held in the manner prescribed for general elections.

#### CONTESTATION OF ELECTIONS.

Contestation of elections.

**64.** Any election of a mayor or councillor may be contested by any candidate or by five municipal electors, on the ground of violence, corrupt practices, fraud, incapacity, or of the non-observance of the necessary formalities.

Before what court brought

**65.** The examination and decision of such contestation shall be vested in the Superior Court of the district of Kamouraska.

Petition therefor.

Such contestation shall be brought before the court by a petition, signed by the petitioners or by their attorney, in which shall be clearly set forth the facts and reasons alleged in support of the contestation.

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

Service of petition.

**66.** A copy of the petition, with a notice stating the day on which it will be presented to the court, shall be served upon every councillor whose election is contested, within fifteen days from the date of such election; otherwise the right of contesting shall be forfeited.

Delay within which to present petition.

**67.** No such petition shall be presented or received after the expiration of the thirty days next following the day when the contested election was held.

Security for costs to be given.

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

How security is to be put in.

**68.** The security required by the foregoing section, shall be put in before the prothonotary.

Who may become surities.

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 surety shall suffice, provided he is an owner of real estate of the required value. One or more of the petitioners may be security, if they own sufficient property, as aforesaid.

Presentation of petition.

**69.** Such petition shall be presented in open court, or to a judge of the Superior Court in chambers, together with the returns of the preliminary services. If the petition

has to be presented in chambers and the judge be absent, it shall be filed in the prothonotary's office.

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

**71.** The court or judge shall proceed in a summary manner to hear and decide such contestation. To be summary.

The evidence may be taken orally or in writing, in whole or in part, as may be ordered.

**72.** The court or judge by the judgment may confirm or annul the election, or declare that one or more other persons have been duly elected. Power of court &c.

The court or judge may condemn either of the parties to pay the costs of the contestation ; and such costs shall be as for cases from one hundred to two hundred dollars, and be recoverable as well against the losing parties as against their sureties. As to costs.

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. Executory as to costs.

**73.** 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. Service of judgment.

**74.** If the trial of the contestation is not concluded at the close of the term of the court in 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 on the merits of the contestation. If the petition has been presented in chambers the judge shall continue the case from day to day until he has given judgment. Term to be continued until contestation concluded.

**75.** If any defect or irregularity in the formalities prescribed for the said election be set forth in any such petition, as a ground of contestation, the court may admit or reject them, according as such defect or irregularity may or may not have materially affected the election. Power of court as to defects, &c, in formalities.

#### FAILURE TO HOLD AN ELECTION.

**76.** And in case it shall happen that an annual muni- Proviso as to

failure to hold election. municipal election shall not be held for any reason whatever, on the day when, in pursuance of this act, it ought to have been held, the town council shall not, for that cause, be deemed to be dissolved and it shall be the duty of the members of such council to meet again for the purpose of fixing, as early as possible, a day for the holding of such municipal election; and in such case, the notices and publications required by this act shall be published and posted up, for at least seven clear days before the election; and if within fifteen days after the day on which the election should have been held, the members of the council have not fixed a day for such election, they shall be liable to a fine of twenty dollars each. In the latter case it shall be the duty of the mayor in office or of the person who shall have last filled the office of mayor, to fix a day for the election and give the necessary notice under a penalty of one hundred dollars.

#### SESSIONS OF THE COUNCIL.

First meeting of council. **77.** The first meeting of the council, after the annual elections, shall be held within the eight days immediately following such election; but before sitting at such meeting, the mayor and councillors elected shall take the following oath before a justice of the peace;

Oath of office. "I. A. B. solemnly swear that I will faithfully fulfil the duties of member of the town council of Fraserville, to the best of my judgment and ability. So help me God."

And the members then present, provided they form a majority of the council, shall be competent to act as such council.

Quorum of council. **78.** Four members of the council shall form a quorum thereof.

Time and place of meeting of council. **79.** The council shall meet at least on the first Monday of every month, at the town hall or other place in the said town which may be fixed upon, and if such Monday be a non-judicial day, then on the next following judicial day.

Special meetings. **80.** A special session of the council may be convened at any time by the mayor or by the secretary-treasurer or by two members of council, by special written notice of such session to all the members of the council, other than those summoning the same and by public notice given the day before.

Adjournment in default of quorum. **81.** If at any session of the council there be not a sufficient number of members to form a quorum, it shall *ipso facto* stand adjourned to the judicial day following.

**82.** No special session of the council shall be held and no adjournment thereof shall be made as aforesaid, unless it be established, before proceeding to business, that the notice calling such meeting has been regularly given to the members of the council who are absent when the meeting is opened. Mention shall be made in the minutes of the meeting that the notices have been given in accordance with this act. Preliminaries of meeting.

**83.** Notice of the calling of any special session of the council shall be given to the members of the council, at least twenty four hours before the time fixed for the holding thereof. Nevertheless a special session may be legally held if all the members are present when it is begun, as if public notice had been given. Notices of meetings.

**84.** The sessions shall be held with open doors and shall commence at the hour of seven in the evening, unless otherwise determined by by-law or resolution of the council. Meetings public and when held.

**85.** The mayor shall exercise the right of superintendence over all the officers of the municipality, shall see to the faithful and impartial execution of all municipal ordinances and by-laws, and shall communicate to the council any information or suggestion which he may consider conducive to the interests of the municipality or of its inhabitants. Powers of mayor.

**86.** The mayor shall preside at the sessions of the council and shall sign, seal, and execute in the name of the council all debentures, contracts, agreements or deeds made and passed by the corporation, unless the council provide otherwise. Further power of mayor.

He shall, *ex-officio* and without other qualification, be a justice of the peace for the district of Kamouraska, and shall not be obliged to take the oath required for such office. Mayor a justice of the peace.

#### PRO-MAYOR.

**87.** The council shall, from time to time, appoint one of the councillors as pro-mayor, who shall replace the mayor when absent and shall possess all his powers during the mayor's term of office. Appointment of pro-mayor.

The pro-mayor shall preside at the meetings when the mayor is absent, and when both the mayor and pro-mayor are absent, the council may appoint one of its members to preside. His duties.

## ORDER DURING THE SESSIONS.

Order during meetings.

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

Order of business, and power to fine &c., for contempt.

**89.** The council shall determine the order of its proceedings and shall have power to maintain order amongst those present at its meetings and to punish by fine, or imprisonment in default of the fine being paid, any act of contempt committed by any person so present; provided always that no such fine shall exceed the sum of twenty dollars and no such imprisonment the period of fifteen days.

Decisions of questions.

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

The mayor may give his opinion, but may not vote, except in the case of an equal division of votes. The pro-mayor or any other councillor who presides, may vote whenever any question is put to the vote.

In case of an equal division of votes, the presiding officer shall be always bound to give the casting vote, giving his reasons therefor if he so please.

Interested member not to take part in proceedings.

**91.** 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 shall have no right to vote on the question of his interest.

This section shall not apply to the forming of committees.

Method of voting.

**92.** Members of the council shall not be permitted to vote by ballot: the votes shall be recorded in the minutes of the proceedings of the council, whenever required.

Power of council in session.

**93.** At every special or adjourned session the council shall have the right to consider all matters generally within its jurisdiction and shall have the same powers as if in general meeting assembled.

## COMMITTEES.

Committees and their powers.

**94.** The council may appoint committees, composed of as many of its members as it shall judge convenient, and may delegate to them its powers respecting the examination of any question, the management of any business or

particular kind of business, or for the execution of certain duties.

The committees shall render account of their labors and their decisions by reports signed by their chairmen or by a majority of the members who compose them ; and no report or order whatever of a committee shall have any effect, until it has been adopted by the council at a regular session, save in the case of section 96.

**95.** Everyone who is entitled to be heard before the council or its committees, may be so heard in person or by any other person acting on his behalf, whether authorised by power of attorney or not.

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

1. Take communication of all documents or writings produced in evidence ;
2. Summon any person residing in the municipality ;
3. Examine under oath the parties and the witnesses produced by the parties, and administer or cause to be administered to them an oath or affirmation by one of their members or by the secretary-treasurer.

**97.** If any one so summoned before the council or the committees fails, without just cause, to appear at the time and place mentioned in the summons, when compensation has been paid or offered to him for his reasonable travelling expenses for going and returning, and fifty cents a day for his time, he shall incur a penalty of not less than four, or more than ten dollars or imprisonment not to exceed fifteen days.

#### OF THE OFFICERS OF THE COUNCIL.

**98.** The council shall always have an officer as custodian of its office and archives, who shall be styled the " secretary treasurer. "

It shall be also the duty of the council to appoint, in the month of February in each year, one or two auditors.

The council, in addition, may appoint all such officers as are necessary to carry into effect its orders and by-laws and the provisions of this act.

If the place of any municipal officer becomes vacant, such vacancy shall be filled by the council without delay, and every officer appointed to replace another, shall hold

office only for the remainder of the time for which his predecessor was appointed.

Power to remove officers.

**99.** Every municipal officer, may be removed by the council, and every appointment or removal of a municipal officer shall be made by resolution of the council; such resolution shall be communicated without delay by the secretary-treasurer to the person who is referred to therein.

Oath of office to be taken.

**100.** Every municipal officer who is bound to take the oath of office before entering upon his duties, shall do so within the eight days which follow the notice of his appointment. In default of his so doing, he shall be deemed to have refused to discharge the duties of the office to which he is appointed, and shall be liable to the penalties prescribed for such refusal.

Consequence of refusal.

He may, nevertheless, until the vacancy caused by his refusal be filled up, enter upon his duties and exercise the same, if he is capable of doing so, without prejudice to the costs of proceedings instituted against him.

Certificate of oath being taken to be filed.

**101.** Every certificate, attesting that an oath of office has been taken by any municipal officer, shall be filed without delay in the office of the council by the person who has taken such oath.

Duty of ex-municipal officer and his heirs to deliver keys, &c, to actual incumbent.

**102.** Every municipal officer, who has ceased to discharge the duties of his office, shall be bound to deliver, within eight days next following, to the mayor or to his successor, all the moneys, keys, books, papers, insignia, documents and archives, belonging to such office; and if any municipal officer dies, or absents himself from the district, his representatives shall be bound, within one month from his death or departure, to deliver to his successor, or at the office of the council, the moneys, keys, books, papers, insignia, documents, archives, and things belonging to the office so held by him.

Power of corporation to recover such keys, &c., from officer and his heirs;

**103.** The corporation shall be entitled, in addition to any other legal recourse whatsoever, to recover by process of revendication, from such officer or his representatives, all such moneys, keys, books, insignia, archives, or things with costs, damages and interest.

Also from other parties.

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

**104.** Every municipal officer in whose hands is deposited or filed any document whatsoever shall be bound, on demand, to give a receipt therefor. Receipts to be given for documents produced.

Should the document deposited or filed form part of the archives of the council, it shall be the duty of the municipal officer, with all possible speed, to file it among them.

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

**106.** The council cannot, in any manner, discharge or exempt its officers from the performance of the duties imposed by the provisions of this act, except in particular cases where such power is conferred upon it. Power of council limited in certain respects.

**107.** The council may by resolution establish a tariff of fees payable to municipal officers for their services, whether by persons who shall have required such services, or by those on account of whom they shall have been rendered, or by the corporation, in cases in which such fees shall not have been fixed by the provisions of this act. Tariff of fees for municipal officers.

Any tariff made under this section shall be posted up in a conspicuous place, in the office of the council.

The council may likewise fix the remuneration of municipal officers by the corporation, over and above fees and penalties which they may receive under the authority of this act, of any other act, or of the by-laws of the council.

**108.** The corporation shall be responsible for the acts of the officers of the council, in the execution of the functions in which they are employed, and also for all damages resulting from their refusal to discharge or negligence in discharging their duties, saving its recourse against such officers. Corporation responsible for acts of officers.

Municipal officers shall be liable for their acts or in damages, arising from their refusal or neglect to discharge their duties, to the corporation only ; save in so far as penalties incurred by them shall be concerned, which penalties may be recovered, according to the rules of the third part of this act. Responsibility of municipal officers.

#### OF THE SECRETARY-TREASURER.

**109.** The secretary-treasurer shall remain in office during the pleasure of the council. Secretary treasurer appointed during pleasure.

Before acting as such he shall make oath to discharge well and faithfully the duties of his office, and shall with- Oath of office.

in thirty days next following, give security in the manner prescribed by this act.

Assistant secretary treasurer; his powers and duties.

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

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

The assistant-secretary-treasurer shall enter into office after making oath to discharge well and faithfully the duties of such office: he may be removed or superseded at will by the secretary-treasurer who appointed him. In the performance of his duties he shall act under the responsibility of the secretary-treasurer who appointed him.

*Security furnished by the Secretary-Treasurer.*

Security to be furnished by secretary treasurer.

**111.** The secretary-treasurer shall furnish either one or two sureties, whose names shall be first approved by resolution of the council.

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

The security shall be given by deed in authentic form and accepted by the mayor. It must convey a hypothec, for the sum of at least one thousand dollars, on real estate sufficient to guarantee the payment of such sum.

Sureties of secretary treasurer may relieve themselves and how.

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

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

Other sureties to be then given by secretary treasurer.

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

**113.** Whenever one of his sureties dies or becomes insolvent, the secretary-treasurer, shall, so soon as he becomes aware of such fact, inform the mayor in writing thereof; and he shall supply the place of such surety within the thirty days next following. In default of his so doing he shall not perform any of the duties of his office, under the penalties prescribed by the preceding section.

Secretary treasurer to notify mayor of death &c of his sureties.

**114.** The sureties of the secretary-treasurer, after they are freed from future liability under their bond, or after the secretary-treasurer has ceased to discharge the duties of such office, may exact from the mayor a certificate of discharge for the future, which certificate, after registration thereof, shall discharge thenceforth the immoveables hypothecated by such security-bond.

Certificate to be given to sureties when relieved.

**115.** The mayor, on the authorization of the council, may sign the discharge of the hypothec given by the sureties of the secretary-treasurer, in cases where such discharge may be asked and granted.

Discharge of hypothec given to sureties by whom signed.

**116.** The security given by the secretary-treasurer may, if the municipal council thinks proper, be by a guarantee policy instead of the hypothecary security.

Guarantee policy may be accepted as security.

#### *Duties of the Secretary-Treasurer.*

**117.** The secretary-treasurer shall be the keeper of all the books, registers, plans, maps, archives, and other documents and papers, which are either the property of the corporation, or are produced, filed and preserved in the office of the council. He shall not divest himself of the custody of these archives, except with the permission of the council, or under the authority of a competent court.

Duties of secretary treasurer.

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

**118.** All minutes of the sittings of the council shall be approved by the council, signed by the person who presided over the council, and countersigned by the secretary-treasurer.

Approval and signature of minutes, &c.

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

Entry in register as to by-law.

Copies & certified by secretary treasurer and proof of their contents.

**119.** Copies and extracts, certified by the secretary-treasurer from all books, registers, archives, documents and papers preserved in the office of the council, shall be evidence of their contents.

Secretary treasurer collects funds of corporation and makes assessment & rolls.

**120.** The secretary-treasurer shall collect and have charge of all moneys due or payable to the corporation, and shall be obliged to make up the rolls of assessment and apportionment for all municipal purposes whatsoever.

Deposit of moneys by secretary treasurer.

**121.** The secretary-treasurer may deposit in any corporate bank the moneys arising from municipal taxes and assessments, or belonging to the corporation, and may allow them to remain there, until they are employed in the purposes for which they were levied, or until otherwise disposed of by the council.

He shall be bound to do so, if required by the council or the mayor.

Payment of moneys by secretary treasurer.

**122.** He shall pay, out of the funds of the corporation, all sums of money due by it, whenever authorized to do so by the council. If the sum to be paid does not exceed ten dollars, the authorization of the mayor shall be sufficient.

Even in the absence of authorization from the council or from the mayor, it shall be his duty to pay, out of the funds of the corporation, any draft or order drawn upon him, or any sum demanded, by any one empowered so to do by the provisions of this act, or by the by-laws of the council.

No draft or order can, however, be legally paid, unless the same shall show sufficiently the nature of the use to be made of the sum therein mentioned.

Penalty on secretary treasurer for:

**123.** The secretary-treasurer shall not under a penalty of twenty dollars for each infraction :

Granting discharges without being paid.

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

Lending corporation moneys.

2. Lend, directly or indirectly, by himself or by others, to rate-payers or other persons whatsoever, moneys received in payment of municipal taxes or belonging to the corporation.

Secretary-treasurers books of account, &c. open to inspection.

**124.** The secretary-treasurer's books of account and vouchers for his expenditure, together with all the registers and documents in his possession as archives of the

council, shall be open for inspection and examination on office days, between the hours of nine in the morning and four in the afternoon, to members of the council, to municipal officers, to every interested party, and to all rate-payers of the municipality, or their attorneys.

**125.** The secretary-treasurer shall be bound to deliver, upon payment of his fees, to any person applying for the same, copies or extracts from any book, roll, register, document or other paper, which forms part of the archives.

Secretary  
treasurer to  
deliver copies  
of rolls &c.  
when required.

It shall be also his duty to send without delay by mail to the principal place of business of any corporation, or railway company, which shall have filed in the office of the council a general application to that effect, and shall have made such principal place of business known, a certified copy of every public notice, by-law, resolution or *procès verbal*, filed for homologation or which affects such corporation or company, as well as a certified extract from the valuation roll, including the valuation of the taxable property of such corporation or company, together with a bill of his fees, which the company shall be bound to pay immediately on receipt of such document.

Secretary  
treasurer to  
send to certain  
corporations  
certain notices  
&c, affecting  
them.

**126.** His fees, until established under section 107, and unless otherwise fixed by the provisions of this act, shall be ten cents per hundred words, and fifty cents for the certificate.

Fees of  
secretary  
treasurer.

The secretary-treasurer nevertheless shall be bound to furnish gratuitously any copy or extract required by the lieutenant governor or by the council or its officers.

Certain copies  
to be furnished  
gratuitously.

**127.** The secretary-treasurer shall be bound to render, once a year, and oftener if required by the council, a detailed account of his receipts and expenditure.

Detailed  
accounts to be  
annually  
rendered  
by secretary  
treasurer.

**128.** The secretary-treasurer, or whoever shall have filled the office, may be sued by the corporation to render such account, and may be, in such action, condemned to render account, and, if he renders the same, to pay the sum which he shall admit to be due, or which he shall be declared to owe, together with all such other sums as he should have debited himself with, or which the court holds him accountable for, with interest and the costs of suit.

Secretary  
treasurer may  
be sued to  
account.

Every such judgment shall carry with it coercive imprisonment.

**129.** The secretary-treasurer shall be bound, between the first and thirty first days of January, in each year, to transmit to the provincial-secretary a return showing :

Annual return  
by secretary  
treasurer to  
provincial

secretary and  
what to contain

1. The name of the corporation ;
2. The estimated value of the taxable real estate ;
3. The estimated value of the real estate not subject to taxation ;
4. The number of persons paying taxes ;
5. The rate of assessment in the dollar imposed for all purposes whatsoever ;
6. The value of the property of the corporation ;
7. The amount of taxes collected within the year ;
8. All other sums collected ;
9. The amount of arrears of taxes ;
10. The amount of loans raised by the corporation by means of debentures or otherwise ;
11. The rate and the amount of interest due upon such loans ;
12. All other debts ;
13. The amount raised by loan within the year ;
14. The expenditure on salaries, and other expenditure for municipal administration ;
15. All other expenditure ;
16. The number of persons resident in the municipality.

Prescription of  
claims against  
secretary  
treasurer.

**130.** All actions, claims or demands against the secretary-treasurer, resulting from his administration, shall be prescribed in five years from the date of the last account rendered by him.

Office of  
secretary  
treasurer  
where held.

**131.** The office of the secretary-treasurer shall be established in the place where the sessions of the council are held, or in any other place fixed, from time to time, by resolution of the council.

Duties of  
secretary  
treasurer.

**132.** The secretary-treasurer shall perform whatever is his duty to perform, under the provisions of the law respecting jury lists and the list of parliamentary electors and section 9 of the act 45 Vict. chap. 22 and any other act of the Quebec Legislature.

#### *Of Auditors.*

When auditors

**133.** The auditors shall enter on their functions as soon

as they are sworn to discharge well and faithfully the duties of their office. enter into office.

They shall remain in office until the entry into office of their successors. Their duration in office.

134. The auditors shall be bound once a year, at the time fixed by the council, and oftener if required, to make an examination of and to report respecting all accounts of the corporation, and all accounts relating to any subject falling within the jurisdiction of the council. Auditors' duties. Report.

Such report shall include all the financial affairs of the corporation, for the twelve months preceding. What to contain.

#### *Of valuator.*

135. No person shall be a valuator unless he possesses, as proprietor, in the town, either in his own name, or in that of his wife or of his minor children, real estate to the value of six hundred dollars, according to the valuation roll in force. Qualification of valuator.

136. Valuator, in the execution of their duty, may demand the services either of the secretary-treasurer or of any other clerk. Clerk to valuator.

The secretary-treasurer or clerk, whose services shall have been so required, shall be entitled, for every day during which he is employed, to a sum not exceeding two dollars, payable by the corporation, on certificate from the valuator who employed him. Payment of such clerk.

137. The valuator, before acting as such, shall each take the following oath : Valuator to be sworn.

" I. A. B., appointed valuator by the council of the town of Fraserville, solemnly swear that I will diligently, honestly and justly discharge the duties of the said office, to the best of my judgment and capacity. So help me God. "

138. In the event of any vacancies occurring in the office of valuator or auditor, through omission to appoint valuator or auditors at the date determined by law, or owing to the death, absence, want of qualification or inability and refusal to act of the person or persons appointed to such offices, the council may appoint one or more persons duly qualified to fill such vacancies. Vacancies in office of valuator or auditor how filled.

Whenever the valuator shall neglect to make the valuation which they are required to make under this act, or shall neglect to draw up, sign and deliver the valuation roll to the secretary-treasurer of the council within the Penalty on valuator neglecting to perform their duties &c.

period specified by section 294, every valuator in default shall incur a penalty of two dollars for every day between the expiration of such period and the day on which such valuation roll shall be so delivered or their successors shall be appointed.

*Of Municipal Notices.*

Notices how given &c.

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

Notice to be in writing.

**140.** Every notice so given shall be either special or public, and shall be given in writing.

Attestation of copies of notices.

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

Certificate of publication of notices.

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

Original notice where to be filed.

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

Service of special notice how effected.

**143.** The service of a special notice shall be effected by leaving a copy of the notice with the individual to whom it is addressed, in person, or with a reasonable person at his domicile or at his place of business, even when occupied by him in partnership with some other person; except in cases where the service is made by mail.

Any absentee may appoint agent to receive notices and how.

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

How special notices are served on such absentees.

**145.** The special notice addressed to an absent proprietor or rate-payer, who has appointed in his stead an agent residing in the municipality, shall be served on such agent, in the same manner as on an absent proprietor.

How absentees are notified, if no agent has been appointed.

If an agent, resident in the municipality, has not been appointed, the notice shall be served by lodging in the post-office of the locality a copy thereof in a sealed and

registered envelope addressed to the absent proprietor or rate-payer, or to any agent he may have appointed.

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

Special notices need not be given to absentees who have no agents.

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

Special notices when to be served.

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

Services how effected if doors are closed.

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

Computation of delays upon special notices.

150. The publication of a public notice shall be made by posting a copy of such notice at two different places in the said town, from time to time determined by resolution of the council, and at the door of the Roman Catholic church of the parish and by reading the same on the Sunday after it has been made public, at the close of divine service in the morning, at the door of the said church.

Publication of notices.

151. Every public notice, given for any object whatever, shall be published at least seven clear days before the day fixed for such object, except in cases otherwise provided ; such delay counts from the day on which such notice shall have been posted as aforesaid.

Public notices for how long published.

152. No notice can be inserted in English and in French in a newspaper published in one of these languages only.

Notices in both languages cannot be published in one newspaper.

153. Except in cases otherwise provided for, the intermediate delay after a public notice shall date from the day on which such notice has been made public ; if it is ordered that the notice must be published in a newspaper, the intermediate delay shall date from the day of the first insertion of such notice ; if the notice is published in several newspapers upon different days, the intermediate delay shall date from the day of the first insertion made

Computation of delays upon public notices.

in the newspaper which shall have published such notice last. In all cases the day on which the notice was made public shall not count.

**154.** Public notices shall be applicable to and binding upon proprietors or rate-payers domiciled beyond the municipality, in the same manner as upon residents, except in cases otherwise provided for.

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

## PART SECOND.

### POWER OF THE COUNCIL.

#### I. GENERAL PROVISIONS.

**156.** The council shall have jurisdiction throughout the entire extent of the town, and beyond the limits of the town in special cases where more ample authority is conferred upon it.

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

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

**159.** The office of the council shall be that which is occupied by the secretary-treasurer in his official capacity and shall be held within the limits of the town.

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

**161.** Documents produced as exhibits, and filed in the office of the council or with its officers, shall be returned on a receipt being given, to the persons who filed the same, whenever they shall require them, provided always that the question in relation to which they were filed has been decided.

**162.** Every service, which should be made at the office of the council, may be made with equal validity on the secretary-treasurer personally, out of such office. Services on council, how effected.

## II. PROVISIONS APPLICABLE TO BY-LAWS OF THE COUNCIL.

**163.** The original of every by-law, in order to be authentic, shall be signed by the presiding officer of the council, at the time of the passing of such by-law, and by the secretary-treasurer. Original by laws by whom signed.

**164.** If such by-law should have been submitted for the approval of the municipal electors before coming into force, and such approval has been given, a certificate under the signatures of the mayor and the secretary-treasurer establishing the fact, shall accompany the original of such by-law and shall form part thereof. Certificate upon certain by-laws &c.

**165.** The original of every by-law shall be registered at length in a special book entitled, "book of the by-laws of the council of the town of Fraserville," and such entry shall be signed by the mayor and countersigned by the secretary-treasurer. By-laws to be registered and how.

The secretary-treasurer shall further enter in such book, at the foot of every by-law registered therein, a copy, certified by himself, of the notice of publication of such by-law, and a copy, similarly certified, of the certificate of publication of such notice. Further entry at foot of every by-law registered.

**166.** One and the same by-law may apply to several of the subjects mentioned in the provisions of this act. By-law may apply to several subjects.  
In the event of the various subjects, to which one and the same by-law applies, requiring the approval of the municipal electors, one approval alone shall be sufficient for the whole by-law. Approval of such by-laws.

**167.** The by-laws of the council shall come into effect and have force of law, if not otherwise provided in the provisions of the by-laws themselves, fifteen days after the day of publication; saving always those cases otherwise provided for under the provisions of this act. Coming into force of by-laws. Exception.

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

**169.** The by-laws shall be published after the passing thereof, or their final approval in cases in which they Publication of by-laws.

are submitted for the approval of the municipal electors, by a public notice in which mention shall be made of the object of the by-law, of the date on which it was passed, and of the place where communication may be taken thereof.

Notice how given.

Such notice shall be given, under the signature of the secretary-treasurer, and published in the usual manner.

If the by-law be approved by the municipal electors, the notice shall further mention the accomplishment of this formality and the day on which it was accomplished.

The council may further publish its by-laws in one or more newspapers.

By-laws executory and in force until repealed, &c.

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

Proceedings to amend &c. certain by-laws.

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

By-laws how repealed &c.

**172.** The repeal or amendment of any by-law can only be made by means of another by-law, and before proposing such by-law, it shall be necessary that a notice of motion thereof shall have been given at least fifteen days beforehand at a previous session.

Petition to set aside by-laws, how and by whom made.

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

Within what delay petition to be presented and what to contain.

**174.** The petition shall be presented within a delay of six months from the date of the coming into force of the by-law and 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 impugned, if such copy could be obtained.

Production of copy of by-law in certain cases.

If such copy could not be obtained, the court, upon application being made to it to that effect, shall order the production thereof by the secretary-treasurer of the council or by any person who may be the depository of such by-law.

**175.** The petition shall be served at the office of the Service of council, eight days at least, before it is presented to the petition court.

**176.** The rules prescribed in sections 69, 70 and 71 Rules of secs. 69, 70 and 71 shall also apply *mutatis mutandis* to the petition presented to apply to in virtue of the three preceding sections. such petition.

**177.** The petitioner shall previously to presenting the Security of: petition give security for costs before a judge of the Superior Court or the prothonotary of the court, or deposit in the costs to be given. office of the court an amount sufficient to secure the payment of such costs, and the judge or prothonotary shall determine the amount of such security or of such deposit.

**178.** The court or judge may condemn either of the Parties may be condemned to costs. parties to pay the costs of the contestation, which shall be taxed and recovered in the usual manner; it may also be ordered that its judgment be served upon the secretary treasurer at the expense of the party condemned to pay the costs.

The judgment, in so far as the costs are concerned, shall Execution of judgment as to costs. be executory against the sureties, fifteen days after a copy thereof shall have been served upon them.

**179.** The court may by its judgment confirm or annul Court may confirm, &c., by-law. such by-law, in whole or in part, and such judgment shall be published by the secretary-treasurer in the manner provided for the usual publication of by-laws within the fifteen days immediately following the service upon him of a true copy of such judgment.

**180.** Any by-law or part of a by-law so annulled, shall Effect upon by-law annulled. cease to be in force from the date of the judgment.

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

**182.** Any *procès-verbal*, roll, resolution or other order Procès-verbal, &c., may be annulled for illegalities, &c. of the council may be annulled by the Superior Court for the district or by a judge thereof, for illegality or informality, within the same delay, in the same manner and with the same effect as a by-law of the council.

### III. GENERAL POWERS TO MAKE BY-LAWS.

**183.** The town council may, from time to time, make General powers of corporation such by-laws as may seem to them necessary or expedient,

to make cer- for the internal government of the town, for the improve-  
tain by-laws. ment of the place, for the good order, and for the good  
repair, cleaning, and draining of the streets, public  
squares, and vacant or occupied lots ; for the prevention  
or suppression of all nuisances whatsoever, for the mainte-  
nance and preservation of the public health, for the protec-  
tion of the life and property of the inhabitants of the town,  
in a word for everything affecting the internal management  
and government of the said town.

Power to make &c., certain by-laws to : **184.** The council shall also have the right, from time to time, to make, amend, repeal or replace, in whole or in part, by-laws which refer to itself, its officers, or the municipality, upon any of the subjects following :

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

Regulate debates and preserve order during sittings ; Fix period for sessions ; **185.** To regulate the manner in which debates are to be carried on, and order and decorum preserved during the sittings of the council or of its committees.  
To determine the period of the ordinary sessions of the council and to fix the number of days such sessions may last.

Regulate number of times by-laws are to be read, &c ; **186.** To order that the municipal by-laws, before the passing thereof, be read two or three times, either on the same or on different days.

Authorize visit of property by corporation officers for certain purposes ; **187.** To authorize the officers of the council to visit and examine all immoveable or moveable property, as also the interior or exterior of any house, building or edifice whatsoever, to ascertain if the by-laws of the council are executed in respect thereof ; and to compel the owners or occupants of such properties, buildings and edifices to admit the officers of the council.

Determine powers of officers and impose fines upon them for neglect of duty ; **188.** To determine the powers of all officers appointed by the council, and impose upon such officers penalties for fines for neglect of duty when such fines and penalties are not determined by law.

### 2. *Public Health.*

Take measures respecting health of town ; **189.** To take proper measures for protecting the inhabitants of the municipality, from contagious or pestilential diseases, or for diminishing the danger or effects resulting therefrom ; and to establish one or more boards of health, appoint a competent person to inspect the meat and milk sold or offered for sale in the town and to empower him to

confiscate all meat and milk not of the first quality or which may be unfit for food and dangerous to health. And the council may by by-law impose a penalty by fine and imprisonment, in default of such fine being paid, upon all persons selling or offering for sale in the town such unhealthy and bad meat or milk.

### 3. *Public Safety.*

**190.** To compel the proprietors or occupants of houses or other buildings to provide a fixed number of fire buckets, and to have ladders from the ground to the eaves, and from the eaves to the top of the roof. Compel proprietors to have fire buckets and ladders ;

**191.** To prevent any person from entering any shed, stable, pig-sty, barn or out-house with a light not enclosed in a lantern, or with a lighted cigar or pipe, or from carrying into the same any fire without proper precaution. Prevent persons entering barns, &c., with lights, &c;

**192.** To prevent any person from lighting or keeping a fire in any out-house, pig-stye, barn, shed or other building, otherwise than in a chimney or a metal stove. Prevent lighting of fires in out-houses &c ;

**193.** To prevent any person from carrying fire over any public street, or in any garden, yard or field, otherwise than in a metal vessel. Prevent persons from carrying fire through streets &c.

**194.** To compel the owners or occupants of barns, hay-lofts, or other buildings containing combustible or inflammable substances, to keep the doors or other openings thereof shut. Cause doors, &c, to be shut of certain buildings ;

**195.** To compel the owners or occupants of houses to have or permit their chimneys to be swept ; to regulate the manner in which such chimneys shall be swept, and the number of times they shall be swept within a given period, to appoint the sweeps to be employed and to fix the amount payable to the sweeps or to the council. Have chimneys swept, &c. Appoint sweeps, &c.

**196.** To determine the precautions to be adopted in the sale of gunpowder or other explosive substances. Regulate sale of gunpowder ;

**197.** To regulate the manner in which quicklime or ashes shall be kept or deposited. Regulate deposit of quicklime, &c ;

**198.** To authorize certain persons to cause to be pulled down, removed or blown up such buildings as may appear necessary in order to avert the progress of any fire, saving Cause buildings to be removed to prevent spread of fires &c ;

all damages and indemnity payable by the corporation to the proprietors of such buildings, to an amount agreed between the parties, or on contestation to an amount settled by arbitrators.

Power of mayor under this section ;

In the absence of any by-law under this section, the mayor may, during the course of any fire, exercise this power by giving a special authorization.

Authorize formation of fire companies ;

**199.** To authorize the formation and organization of one or more companies of firemen or sappers, and to determine the duties of the members of such companies.

Provide for purchase of fire engines, &c ;

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

Have enquiries made into causes of fires ;

**201.** To establish and authorize or cause to be established after each fire an enquiry into the cause and origin of such fire.

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

Construct buildings for storage of certain fluids &c ;

**202.** To construct fireproof buildings for the reception and storage of oils and other inflammable fluids, liquids or substances.

Prevent discharge of firearms &c ;

**203.** To prevent all persons from setting off fireworks or crackers, or from discharging fire-arms, or lighting fires in the open air, on the high road or in the neighborhood of any building, grove or fence, or to permit the same under certain conditions ; to prevent or regulate shooting with guns, pistols or other fire-arms.

Have dilapidated walls &c, removed ;

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

Prevent erection of wooden buildings &c ;

**205.** To prevent the erection of wooden buildings or fences in the town, or in any part thereof.

Determine position of stoves &c ;

**206.** To determine in what manner stoves, grates and stovepipes shall be placed, and chimnies, furnaces and ovens shall be made and used.

**207.** To regulate the conduct of all persons present at a fire, to compel idle persons to assist in saving effects in danger and in extinguishing the fire ; to punish any person who shall resist any member or officer of the council while exercising any of the powers conferred upon him by any by-law relating to fires. Regulate conduct of person at fires ;

**208.** To appoint all such officers as the council may deem necessary for carrying into execution the by-laws in relation to accidents by fire, to prescribe their powers and duties and remunerate them out of the funds of the town Appoint officers to carry out by-laws &c ;

#### 4. Public Nuisances.

**209.** To oblige the owners or occupants of all groceries, cellars, manufactories, tanneries, drains or other unhealthy and fetid places, to keep them clean and render them wholesome. Have groceries &c, cleaned ;

**210.** To prevent the making deposits of or of leaving within the municipality, or in the waters which bound the same, substances, or matters from whence issue noxious gases or odors, such as dead bodies, coal oil, superphosphate of lime in course of preparation, the contents of privies and the like ; and to regulate the mode of making such deposits. Prevent deposits of certain substances &c ;

**211.** To compel the proprietors or occupants of houses to clean their stables, cattle-sheds, pig-styes, sheds, privies, and the yards connected with such buildings and to fix the time and manner in which they shall be drained. Compel proprietors &c, to clean stables &c ;

**212.** To prohibit, or regulate the erection, use, or employment in the said town of steam-engines or of manufactories of any kind which may be calculated to vitiate the air and incommode the neighborhood, of which the said council shall be the judge, 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 ; and the said town council shall also have the power to permit the erection, use or employment thereof, subject to such restrictions, limitations and conditions as the said town council may deem necessary. To regulate &c, use of steam engines &c ;

**213.** To prevent any person from bringing into or depositing or leaving within the limits of the said town any dead body or carcass, and cause the same, together with any matter or thing on the point of becoming unwhole- Prevent carcasses from being brought or left in town &c ;

some, to be removed by the proprietor or occupant of any place where the same may be found.

Prevent profanation of burying grounds &c;

**214.** To prevent in the said town the profanation of burying-grounds, tombs, sepulchres, monuments or vaults, where dead bodies are buried.

#### 5. Decency and good morals.

Prevent racing on certain days;

**215.** To prevent on Sundays and holidays of obligation, horse-races and all other horse or velocipede exercises upon any race course or place whatever.

Prevent cock fights &c;

**216.** To prevent cock fights, dog fights, and every other cruel amusement; and punish every person whomsoever taking part in or being present at them.

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

**217.** To prevent the posting up, or the making or writing of indecent placards, paintings, drawings, words or inscriptions, upon houses, walls or fences, and on public roads or squares.

Prevent bathing in certain places and regulate the same;

**218.** To prevent persons from bathing or washing themselves in public waters, or in the open air, close to public roads or squares, or to regulate the manner in which bathing in such places may be performed.

Suppress and punish vagabonds &c;

**219.** To suppress and punish vagabonds, beggars, prostitutes and disorderly persons.

Prevent games of chance;

**220.** To prevent and restrict all games of chance, with or without betting, within the limits of the town and to suppress gambling houses and houses of ill-fame.

Suppress swearing &c;

**221.** To suppress swearing, blaspheming in the streets or public squares of the town or its vicinity.

Prevent charivaris &c;

**222.** To prevent mock serenades (*charivaris*) or other disorderly conduct disturbing the public peace.

#### 6. Public Markets.

Establish and regulate public markets;

**223.** To establish, change, abolish or keep in order public markets or places in which public markets are held; to regulate and determine the duties and powers of the market clerks of the town, of constables or other persons employed in looking after such markets, to regulate the lease of stalls or stands in and around such markets, to determine and establish the dues to be levied upon all

persons who shall come to sell or offer for sale any kind of articles or goods.

**224.** To regulate the conduct of all such persons in the sale of their effects. Regulate conduct of persons on markets selling effects;

**225.** To establish, maintain and regulate weighing and measuring, by officers appointed for the purpose, on payment of all fees which the town council may deem advisable to impose therefor upon all produce or articles whatsoever which may be offered for sale upon such markets. Establish weighing &c;

In a word to determine whatever may relate to the government of public markets. Regulate markets generally;

**226.** To impose taxes upon all persons who sell in the streets or markets under the control of the corporation. Impose taxes on persons selling on streets and markets;

**227.** To authorize the seizure and confiscation of all goods or produce, articles and effects brought into the town for sale or otherwise, owing to deficient weight, measure and quality or for any other good or sufficient cause and to determine in what manner such articles shall be delivered and sold. Authorize confiscation of certain articles;

**228.** To permit the inspector or any rate-payer or police constable appointed by the council or the market clerks to seek out and cause to be punished all persons who endeavor to avoid or who avoid or who shall have avoided payment of the dues imposed for the sale of goods or animals within the town, by hiding in private yards, selling in the streets, or otherwise. Allow inspector &c, to have certain persons punished for certain infractions of market regulations;

#### 7. Sale of bread.

**229.** To fix the weight and quality of each loaf sold or offered for sale in the municipality; and prescribe the marks which it should bear. Regulate the sale of bread

#### 8. Sale of intoxicating liquors.

**230.** To suppress and prohibit the sale of spirituous, alcoholic or intoxicating liquors, or to permit the same under such restrictions as the council may deem expedient. Suppress &c sale of spirituous &c, liquors.

**231.** To prevent the sale of any intoxicating drinks to children under sixteen years of age, apprentices and Prevent sale of intoxicants to certain persons;

servants, and forbid their frequenting taverns, hotels, restaurants and shops in which intoxicating liquors are sold.

Regulate  
tavern keepers  
&c;

**232.** To regulate and govern tavern-keepers, shop-keepers and other retailers of such liquors, in such manner as the council may deem expedient, for the prevention of drunkenness.

#### 9. Carters.

License carters  
&c;

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

Establish rules  
and tariff for  
carters &c;

**234.** To establish rules with respect to owners and drivers of horses and vehicles kept for public hire and fix a tariff therefor.

Fine persons  
not paying  
carters em-  
ployed by  
them, &c.;

**235.** To impose a fine and penalty upon every person who hires or employs a carter of the town and neglects or refuses to pay him according to the tariff, as well as upon every carter, owner or driver of a public vehicle who exacts in any manner whatsoever a higher fare than that determined by the tariff.

#### 10. Masters and servants.

Regulate con-  
duct of ap-  
prentices &c;

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

#### 11. Water-courses, ditches, and drains.

Cause ditches  
&c, to be  
opened &c.

**237.** To cause to be opened, dug, enlarged, covered or maintained any ditch necessary for drainage, or any boundary or division ditch or any water-course common to several lots, as the council may judge advisable, and to determine the time and manner of making such works, as also the persons of the town by whom or at whose expense, the same shall be made, and if the council deems more expedient that the works be executed at the joint expense of the parties interested, it may levy on the proprietors of the lands situate within the town and drained by the ditch or water-course, the sums required for such works, according to the estimated value of such lands or the length of the ditch or water-course upon the same; and to determine the

mode of collecting and levying the taxes so imposed. And the council may appoint an inspector of water-courses, determine his duties and impose penalties not exceeding twenty dollars and in default of payment an imprisonment not exceeding one month on any person obstructing, deranging, or suffering the obstruction or derangement of ditches or water-courses, or refusing to make or suffer to be made the works ordered by the inspector under the by-laws for all or part of the works on ditches or water-courses.

Appoint  
inspector  
therefor.

Provided always that the council may, for a period determined by it, by a by-law passed to that effect, take charge of all water-courses and ditches at its own expense and on its own responsibility if it thinks proper.

**238.** To raise by assessment money sufficient to make or repair one or more common sewers in any street of the town, from all the owners of lands situated in such streets; to determine the mode of making such sewers and the manner of collecting such taxes; provided always that the majority of such proprietors have by petition requested such assesment.

Assessment  
for repairs to  
common  
sewers, &c.

**239.** To compel every owner or occupant of land in the town, on which there is stagnant water; to drain or raise such land, in such manner that the neighbors be not incommoded or the public health injuriously affected.

Compel drain-  
ing, &c.,  
of certain  
property.

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

## 12. Public streets and squares.

**240.** To order the opening of new streets and the enlargement or alteration of existing streets.

Open up new  
streets.

To prescribe the mode of construction and repairing of the roads and streets of the town, at the cost of the corporation or of the owners of adjacent lands so as to keep them always in good order, as the council may deem advisable, and according to such plans and conditions as the council shall deem suitable.

Prescribe  
method of  
construction,  
&c., of roads  
in town.

**241.** To extend, narrow, widen, open, make, repair, maintain or completely close the roads, streets, squares, lanes, bridges, sidewalks, crossings, drains, streams, ditches and all natural water-courses in the town; to regulate and alter the line or height thereof, to prevent their being encumbered or obstructed in any way and protect

Extend, &c.,  
streets, &c.

them against all damage, trespass, projections or obstacles of any kind; to prescribe how they are to be made or maintained, provided that if any person suffers any real damage from the widening, extending, closing or changing of the level of such streets or sidewalks, such damage shall be paid to such person as may be awarded by experts.

Open, &c.,  
squares, &c.

**242.** To open, acquire, enclose, embellish, improve and maintain at the cost and charges of the corporation, squares, parks, or public places, of a nature to conduce to the health and well-being of the inhabitants of the municipality.

Compel  
removal of  
snow from  
side-walks,  
&c.;

**243.** To oblige every proprietor or occupant of land to remove the snow from the side-walks skirting such land, within a specified delay and compel every proprietor or occupant of a house or other building on the public street to remove the snow and ice from the roof of the house or building.

Levy funds to  
sweep, water,  
&c., streets,  
&c.;

**244.** To levy, by assessment, funds sufficient to sweep, water, and keep clean any street, or public square, or to remove the snow therefrom, upon all proprietors or occupants resident in such street or public square, provided that the majority of such persons have asked for it by petition.

Prevent  
driving at too  
rapid a rate,  
&c.;

**245.** To prevent vehicles being driven at too rapid a rate, or persons riding on horseback or on velocipedes, or in any other vehicle over or upon the sidewalks; and regulate in what manner horses shall be left standing or be tied in the streets or open sheds of the town.

Prevent  
cruelty to  
animals;

To prevent horses or other animals from receiving cruel treatment, such as being excessively beaten to compel them to draw too heavy loads or burdens.

Oblige parties  
to fence their  
property, &c.;

**246.** To oblige the proprietors of lands, in the town or their representatives, to fence such lands, to fix the level and height of the fences, as also the strength and substance of the materials used in them.

Compel  
parties to  
plant, &c.,  
trees, &c.;

**247.** To compel proprietors to plant and maintain trees in good order on the front of their properties and determine what kind of trees; and in case such trees shall die, or shall be cut down, broken or completely destroyed in any manner whatsoever, to plant in proper season other trees instead of those so destroyed, and to impose such penalty as the said council shall deem advisable, not exceeding twenty five dollars, against all persons pulling out, cut

ting down, damaging or destroying in any manner whatever such trees, or attempting, advising or inciting whomsoever to pull out, cut down, damage or destroy the said trees.

**248.** The council shall be bound to provide that the roads, streets, sidewalks and public highways, be kept in constant good order; and the corporation shall be responsible in damages for the bad state of such roads, streets, sidewalks and other public highways.

Obligation of council as to roads, &c., and damages arising from bad state thereof;

13. *Indemnities, relief and rewards.*

**249.** To indemnify persons whose property has been destroyed or injured, either wholly or in part, by rioters or persons tumultuously assembled, within the limits of the municipality.

Indemnify persons, &c., for damages, from riots, &c.;

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

Levy special rate therefor;

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

Corporation may be sued for such damages, &c.;

**250.** To relieve any person who has received any wound or contracted any sickness or disease at a fire.

Relieve persons wounded at fires;

**251.** To grant rewards, in money or otherwise, to any person who performs a meritorious action at a fire, or who saves or endeavors to save any one from drowning or from other serious accident.

Reward meritorious services at fires, &c.;

**252.** To provide for the wants of the family of any person who loses his life at a fire, or while saving or endeavoring to save any one from a serious accident.

Provide for family of persons killed at fires, &c.;

**253.** To contribute to the maintenance or support of poor persons residing in the municipality, who from infirmity, old age, or other causes are unable to earn their own livelihood.

Contribute to support of the poor;

**254.** To establish and maintain poorhouses, houses of refuge, or other establishments for the support and relief of the poor and destitute; and to aid charitable institutions established in the municipality or its neighbourhood.

Establish poorhouses, &c.;

**Offer rewards for discovery of offenders ;** **255.** To offer and give rewards for the discovery and arrest of persons who have committed criminal offences.

**Assist colonization, &c. ;** **256.** To assist, by all means deemed expedient, colonization within the Province, and agriculture, horticulture, arts and sciences within the town.

#### 14. *Miscellaneous Provisions.*

**Council may also make by-laws to :** **257.** The council shall also have the right to make, amend or repeal by-laws for the following objects :

**Divide town into wards ;** To divide the municipality into as many wards as may be expedient for the purpose of representation in the council and determine the number of councillors to be elected for each ward, provided the total number be the same as that specified by this act.

**Alter boundaries of wards ;** To revise or alter the boundaries of the various wards of the town.

**Number houses ;** To compel all proprietors or tenants to allow numbers to be placed upon their houses and upon their lots, as well as the names or numbers of the streets and avenues of the town upon such lots or houses as the council shall designate, under penalty of a fine not exceeding twenty dollars, and in default of payment of imprisonment for not more than one month against any person who shall remove, destroy, endeavor, assist, advise or incite any one to remove or destroy such numbers or names.

**Establish, &c., wells ;** **258.** To establish, control and maintain public wells in the municipality.

**Subscribe to agricultural society, &c. ;** **259.** To subscribe and set apart every year such sum of money as the council may deem sufficient for the purpose of assisting the agricultural society of the county of Temiscouata in holding exhibitions or agricultural shows in the town, of providing a suitable locality for promoting the holding of such exhibitions or shows in the manner the best suited for the improvement of agriculture ; to prevent or cause to be done away with all abuses prejudicial to agriculture and unprovided for by law.

**Regulate, &c., custody, &c., of animals ;** **260.** 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.

**Provide for establishment of public pounds ;** **261.** For the establishment of public pounds for the safe keeping of animals and poultry, found astray or doing damage on the public roads and bridges or on the lands

of others than the owners of such animals and poultry ; the fees to be paid to such keepers of such pounds ; the damages payable by owners of such impounded animals and poultry, and also the manner in which such animals or poultry shall be sold, in the event of their not being claimed within eight days, 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.

**262** 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 town. Establish tariffs for public pounds ;

Provided always that such fines may be recovered from the owners of such animals or fowls, if such owners are known, without its being necessary to stop such animals and take them to the pounds ; and it shall be the duty of the keepers so appointed to deliver and hand over such animals to their owners, on payment of the fine imposed together with their fees and the cost of keeping the animals.

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

**264**. The council of the town of Fraserville may, at any time, at its own expense, cause to be laid out, fixed and determined under the direction and superintendence of the road committee and of three commissioners appointed for that purpose by the council, streets, roads, public places and squares, and for that purpose employ a sufficient number of surveyors or other competent persons who shall, within the delay fixed by the council and under the direction and superintendence aforesaid, lay out, fix and determine such streets, roads, public places and squares, with such width and extent as they may deem that suited to the public interest. Council may lay out, &c., streets, roads, &c. ;

2. Such surveyors or other persons may for such purpose enter in and upon all property in the town and draw up a plan indicating the streets, roads, public places and Powers of surveyors in laying out streets, &c. ;

squares, both those actually in existence and those which they shall lay out and they shall show upon the said plan, the new direction of the streets or sections of streets, highways, places and squares which the council shall have resolved to widen; and such plan shall be known as the *Plan of the town of Fraserville*.

Deposit of plans of such streets, &c., for confirmation;

3. When such plan shall be completed, the town shall, by summary petition, apply to the Superior Court for the district of Kamouraska, after giving public notice of the day and hour when the petition will be presented, thirty days before presenting the same, to obtain the confirmation and ratification of the plan after having corrected it, if necessary.

Effect of confirmation.

4. When the plan shall have been confirmed in the manner above-mentioned it shall be final, definite and binding upon the corporation of the town and all the rate-payers; and no compensation or damages shall be demanded or granted for any buildings or improvements whatever, erected or made after the confirmation of the plan upon any space of ground received for the widening of the streets or public squares; provided always that the council shall have the right to widen or extend any of the streets, public places or squares indicated in the plan, if it deems advisable.

Duplicate plan.

5. A duplicate of the plan shall be deposited, immediately after its completion in the office of the prothonotary of the court and another duplicate in the office of the council; and the secretary-treasurer shall make an entry on the duplicate of the plan deposited in the office of the council, in the following terms: "Confirmed by the Superior Court on the                      day of                      one thousand eight hundred and                      ."

#### IV. SPECIAL POWERS.

##### 1. *Water Supply.*

Council may make by-laws to:

Provide for establishment of water works;

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

For providing for the establishing and maintaining of aqueducts, public wells or reservoirs to supply the said town with water, and for the protection and management of such aqueducts, public wells or reservoirs, for preventing public water from being soiled or wasted uselessly or contrary to such by-laws, for restricting the use of the same as circumstances shall require; for forbidding any person to give, or allow any person to take such

water when the council has taken it away from them as hereinafter provided.

2. Every by-law, ordering the construction of a water-works at the expense of the town, shall be approved by the electors in the manner prescribed by sections 286 to 291 of this act inclusively. Approval of such by-laws ;

~~266f.~~ It shall be lawful for the said council, when the water rates shall not be sufficient for paying the interest on the sums expended for establishing or building such aqueducts, and for creating a sinking fund, to assess all taxable real estate in such town at an annual special tax, not exceeding three-fourths of a cent in the dollar, of the assessed value of such real estate ; provided the said corporation shall be bound, on demand, to convey the water opposite any property on which there is a building, situated at a distance not exceeding two hundred feet from the point where water-pipes shall be laid down ; and it shall be lawful for such council irrespective of and above such annual special tax, to provide for the payment by all persons occupying houses or lodgings to which such council shall have conveyed or caused water to be conveyed, of a water-rate based on such tariff or scale as the said council may deem expedient ; provided always, that the said town council shall have the right to oblige every such person to pay such water-rate, whether they use the said water or not, as soon as such council shall have notified such person by a verbal or written notice, given by the secretary-treasurer or by any police constable in such town, that it has conveyed, at the cost of the corporation, such water to such house occupied by such person, to a distance of at least ten feet within the line of the street, if the building erected on such property is at an equal or greater distance from the line of such street ; and it shall be lawful for such council to exact from the proprietor, tenant, sub-tenant, or occupant, the payment of such water-rate, in case a dwelling house or shop is occupied by several tenants, sub-tenants or occupants, who would be deprived of the use of the water from the water works, through the proprietor refusing or neglecting to give to each tenant, sub-tenant or occupant a separate water-pipe ; provided the tenant, sub-tenant, or occupant, who shall be obliged by such council to pay such compensation, in the cases above mentioned, shall have the right to be reimbursed by the proprietor and to deduct for that purpose an amount equal to the water-rate by him so paid from and out of the rent that he may then or will hereafter owe such proprietor, as long as such tenant, sub-tenant or occupant, shall so occupy such property ; and it Council may levy special tax for water works in certain event, and duty of corporation in such case ;

Proviso as to payment of rates ;

shall, moreover, be lawful for the said council to make special arrangements with interested parties, to supply the said water to any person without the limits of the said town, provided such person shall conform themselves to the by-laws of the said town concerning the management of the said aqueduct, and also to supply the said water for the use of steam-engines, breweries, distilleries, tanneries, manufactories, mills, livery-stables, hotels, or any other particular cases ;

Laying of  
water rate.

**267.** All annual special taxes or water rates, which such council may impose and establish in virtue of the preceding section, shall be collected and levied under the same obligations and rules, and in the manner hereinafter prescribed, for the collection of the general taxes of such town, observing however that for the payment of the water-rate such council can only call on persons using or who are supposed to use the water from the water works, without prejudice to what is provided with respect to the collection of such water-rates, in the next preceding section, as to tenants, sub-tenants or occupants, deprived of the use of such water by the fact of the proprietor refusing or neglecting to give each of them a distinct and separate pipe.

Council may  
stop and cut  
off water sup-  
ply in certain  
cases.

**268.** It shall be lawful for the said council to stop the water supply from a person refusing or neglecting to pay the said annual special tax, or the said water-rate for the use of the said water, or any other tax due to the said corporation, and from any person allowing the said water to go to waste, or using the same contrary to the by-laws of the said town, or refusing to admit, as hereafter provided, within his house, or upon his property, the officers appointed by the said council for the management and supervision of the said aqueducts, and such person shall remain nevertheless, responsible for the said arrears of taxes and water rates and be bound to pay the same, and such person shall also be bound to pay any such annual tax and water rates as aforesaid, becoming due thereafter, as if he had used the said water ; and the said council shall not be responsible for the quantity of water to be supplied under the authority of this section, and no person shall, by reason of the insufficiency of the said water, refuse to pay such annual special tax, or such water-rate.

Council may  
compel  
proprietors,  
&c., to allow  
necessary  
works to be

**269.** The said council may compel the proprietors or occupants of all lands or properties, within or without the said town, to allow all necessary works to be made upon their properties for the purposes of this act, sa-

ving compensation for actual damages thereby caused to such lands or properties; and the said council may appoint such officers as they shall think proper, for the management of such aqueducts, and such officers shall have the right to enter into any house or building whatsoever, or upon any property, within and without the said town, with a view of ascertaining whether the public water is wasted or not, and whether the by-laws of the said council relative to the aqueduct or aqueducts are duly put into operation; and it shall be the duty of the proprietors or occupants of any such house, building or property, to allow the said officers to visit such house, building or property, as aforesaid, under the penalty of being deprived of the use of the said water as long as such proprietor or occupant shall not allow or shall prevent such visit by the said officers, and further under a penalty not exceeding twenty dollars, or in default of payment an imprisonment not exceeding one month.

**270.** It shall be lawful for the said town council to transfer by a by-law to that effect, their rights and powers concerning the supply of water for the said town, to any person or company who shall consent to take charge thereof, provided that such person or company shall not exceed the rates to be levied by virtue of the provisions of this act upon the persons bound to take the said water, which rates the said town council shall fix by the same by-law.

## 2. Lighting of the town.

**271.** The council may also, from time to time, make, amend and repeal by-laws:

For providing for the lighting of the said town in such manner as shall be deemed proper, for protecting all pipes, lamps or other things necessary for such purpose, also to provide for the establishment, maintenance and protection of one or more fire-alarm telegraphs; for compelling all proprietors or occupants of any house, building or land within the said town, to allow the laying of such necessary pipes, telegraph lines, electric wires, lamps and posts in such houses or on such lands, reserving actual damages, if any there be, and for punishing any person breaking, destroying, disturbing or putting out, without authority, or attempting or aiding, advising or inciting any person whomsoever to break, destroy, disturb or put out the said pipes, telegraph lines, electric wires, posts or lamps;

3. *Exemption from taxes, and bonuses.*

Council may grant exemptions from taxation to manufacturing companies, &c.

**272.** The council of the town may, by resolution, exempt from municipal taxes, for a period of twenty years or less, any person, partnership or incorporated company, carrying on any industry or manufacturing or industrial undertaking whatsoever, together with the lands occupied by such industry or undertaking, in the said town, or agree with such person, partnership or company upon a sum of money to be paid annually, during a period not exceeding twenty years, in commutation of all municipal taxes (including the business tax) in the said town, and in either case for such period of time only, during which such industries shall be really in operation.

Exemption limited.

Such exemption or agreement shall not extend to work to be done on water-courses, line ditches, fences or main roads or side-walks in connection with the taxable property so exempted or commuted.

Council may grant bonus to manufacturing companies.

2. It shall, at all times, be lawful for the council of the town, for the purpose of encouraging any person, partnership or incorporated company who may have already or who may hereafter wish to establish any industry or manufacturing or industrial undertaking in the said town, to give and grant, by by-law made and passed in the manner hereinafter prescribed, to any such person, partnership or company, on such conditions as they may think proper, as a premium or bonus, any sum of money which may be deemed necessary by the said council (such sum to be paid in money or in debentures).

Council may aid construction of bridge, railways, &c.

**273.** The Council may also aid in the construction of any bridge, causeway, pier, wharf, slide, macadamized or paved road, railroad, or other public work, situated in whole or in part within the town or in its vicinity, to be undertaken and built by any incorporated company, or by the provincial government.

1. By taking and subscribing for shares in any company formed for such purpose ;

2. By giving or lending money to such company or to the provincial government ;

3. By guaranteeing by endorsation or otherwise any sum of money borrowed by such company.

By-laws under secs. 272 and 273 to be approved by electors.

All by-laws passed under the two preceding sections shall be submitted to the approval of the electors in the manner prescribed by sections 286 to 291 of this act inclusively.

4. *Guardians of the peace.*

**274.** It shall be lawful for the said town council, by a Council may resolution passed to that effect, to appoint, dismiss and re-equip and place, from time to time, when occasion shall require, a regulate sufficient number of men to compose the police force of the police force. said town ;

2. Such men shall be sworn before any justice of the Constables to peace for the district of Kamouraska, to act as police of-be sworn. ficers in order to preserve peace within the said town ;

3. The said police officers or constables shall obey all To obey law- legitimate orders they may receive from the council, ful orders of from any of its members individually, or from any justice council, &c. of the peace of the district of Kamouraska ;

4. All and every such police officers or constables afore-Powers of said shall be vested with all the necessary powers for the constables &c. accomplishment of all duties imposed upon them ; and it within the shall be lawful for them to arrest on view and without a town. warrant any person they may find breaking the public peace, or lying or loitering either during the night or day-time in any highway, field, or other place, or lodging or sleeping in any barn, out-house or other unoccupied building, or under any tent, cart or other vehicle, and not giving a satisfactory account of himself, as well as any person drunk or causing tumult in the public roads or high-ways, wharves or on any part of the beach of the river St. Lawrence within the limits of the said town, by shouting, swearing or otherwise, and all persons contravening any federal or provincial law or any by-law of the town, and in like manner all persons advising, aiding or encouraging any person whomsoever to contravene any such federal or provincial law, or any such by-law of the said town ; and it shall be lawful for the said police officers or constables to arrest, on view and without a warrant, any such persons immediately after the commission of the offence, on good and sufficient information being given as to the nature of the offence ;

5. They shall have also the power and authority to ar-Idem outside rest, even without the limits of the said town, all persons town. who shall have contravened any federal or provincial law, or any by-law of the said town, or who shall have advised, aided or encouraged any person whomsoever to contravene any such federal or provincial law or any such by-law ;

6. They shall have power and authority, to serve all Power of con- summons and subpoenas and execute all warrants and stables to other proceedings for the arrest and the confinement in serve summons &c., in certain cases.

gaol of all persons accused or detained for subsequent examination or for trial, or arrested in virtue of a warrant of arrest for the commission of any crime or misdemeanor, or the violation of any federal or provincial law, or any by-law of the said town ;

Power of constables to enter houses, &c., for certain purposes ;

7. It shall be lawful for any police officer or constable of the said town to go into every house, store-house, grocery store, shop, inn or other suspicious house, and to go into every yard or other place within the limits of the said town, in which any person may be reasonably suspected to be for evil motives, and if any such person be found in such places, the said police officers or constables shall arrest, on view and without a warrant, and shall keep in custody any such person ;

To enter inns, &c. ;

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

To enter unlicensed liquor shops, &c.

9. It shall be lawful for the said police officers or constables, at any time, to go into every store house, shop or other houses not licensed for the sale of spirituous, vinous or fermented liquors, wherein they shall suspect such liquors are sold, and to arrest, on view and without a warrant, every person contravening the laws prohibiting the sale of spirituous, vinous or fermented liquors without license ;

Proceedings upon arrest of offenders.

10. Any such persons, so summarily arrested, shall be immediately conveyed to the prison of the district of Kamouraska, there to be safely kept until they may be taken before the mayor, or a justice of the peace ; but such persons so arrested may give bail or a sufficient recognizance, to be taken or received by the said mayor, or other justice of the peace and shall appear on the day appointed, before the said mayor or justice of the peace ;

Constables may serve special notices.

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

5. *Expropriations.*

**275.** The council may, by complying with the following provisions, appropriate any land required for the execution of works ordered by it, within the scope of its jurisdiction.

Council may expropriate land for certain purposes.

**276.** The council shall not, without the consent of the owner thereof, in any manner, injure any canal, or the dam of any mill or manufactory, nor divert the course of the water, which feeds such canal, mill or manufactory.

Council cannot without consent, injure certain works, &c.

**277.** The compensation to be paid for any land expropriated may be specified and determined by agreement between the council and the owner of such land, if he be of full age and in the enjoyment of his civil rights ; and it may also be agreed that no compensation shall be awarded the expropriated owner.

Amount of compensation for expropriation, how to be ascertained.

**278.** In default of an agreement between the parties or if the owner be a minor or be not in the enjoyment of his civil rights, the value of the land in question, as well as everything which may be taken in compensation for such value, shall be estimated by arbitrators appointed as follows : one by the council, another by the owner, or on his behalf, or in his default, by a judge of the Superior Court and a third by the two first arbitrators, or if they do not agree, then by a judge of the Superior Court, at the request of one of the interested parties. When the said arbitrators shall have made their report, it shall be lawful for the said council to take possession of such land, by depositing the sum, at which it shall have been valued by the arbitrators, in the hands of the prothonotary of the Superior Court for the district of Kamouraska, for the use of the person entitled thereto ; and if such person, who is entitled to such indemnity, does not, within six months from the date of the deposit in the hands of the prothonotary, claim the sum so deposited, it shall thereupon be lawful for the said prothonotary, and he is hereby required so to do, to return the said sum to the secretary-treasurer of the said council to be placed amongst the funds of the town ; the said sum shall bear interest at the rate of six per cent, and shall be payable by the said Council to any person entitled thereto, both principal and interest, within three months after the regular notice to pay such sum shall have been given to the mayor and to the secretary-treasurer of the town.

Appointment of arbitrators in certain cases.

Property to be taken possession of, after money is deposited by council.

The arbitrators are bound to accept and perform the duties mentioned in this section under penalty of a fine of forty dollars for each of such arbitrators.

Arbitrators bound to accept office.

**Proceedings by arbitrators.** **279.** The arbitrators shall proceed at the time and place fixed by them, and of which they shall have given at least ten days special notice to the parties interested.

The arbitrators, after having examined and valued the land and heard the parties and their witnesses, under an oath administered by one of them, shall give their decision by means of a certificate signed by them or by the majority of them, and which they shall file in the office of the council.

**Decision final.** Such decision shall be final and without appeal.

**Contents of arbitrators' award.** **280.** In any decision rendered by them, the arbitrators shall mention the lot whereof the land taken forms part, shall name the owner of such land, and also the by-law or order of the council under which such land is taken, and shall fix the amount of the indemnity, if they grant an indemnity, or in the contrary case give reasons for the refusal thereof.

**Corporation may take possession, on payment or tender of amount.** **281.** On payment or lawful tender of the amount of the indemnity agreed upon or accorded, or on the deposit thereof under section 278, the corporation shall be entitled to take possession of the land.

**Proviso: if taking possession resisted.** If such taking possession is resisted or opposed by any person, any judge of the Superior Court, on proof of the decision of the arbitrators, and of the payment, or tender or deposit, as the case may be, may issue a writ addressed to any bailiff or to the sheriff, in order to have the corporation placed in possession of such lot, and to cause all resistance or opposition to cease, all which the bailiff or sheriff shall accomplish, providing himself to that end with the assistance required.

#### 6.—Loans.

**Council may borrow money for certain purposes.** **282.** It shall be lawful for the town council, from time to time, to borrow divers sums of money for effecting improvements in the town, or for the purpose of building one or more market-houses, town-halls, or other public buildings, or for draining the streets, or for constructing one or more aqueducts, and generally for such purposes as the council shall deem useful or necessary within the limits of its powers.

**Provision to be made for payment of interest.** Provided that whenever the council shall contract a loan it shall at once take steps to provide, out of the revenues of the corporation of the town, for the payment of the yearly interest and the establishment of a sinking fund of at least one per cent for such loan.

Nevertheless the total amount of the debts with which the revenue arising from the taxes shall be charged, shall not exceed the sum of one hundred thousand dollars. Limitation of amount to be borrowed.

**283.** Every sinking fund shall be invested in public securities of the Dominion or of the Province or employed in the redemption of bonds issued by the corporation or be deposited in an incorporated bank. Investment of sinking fund.

The council may also, in all such cases, if the lenders consent thereto or exact it, deposit in their hands the amounts intended for the establishment of the sinking funds. In this case the receipts given to the council shall be made out in such manner as to show what amount shall have been paid for interest and what amount for the sinking fund. In interpreting this act, holders of bonds or debentures shall be considered as lenders. Sinking fund may be paid to lenders.

**284.** The council may contract its loans by an issue of debentures, under the signature of the mayor, and countersigned by the secretary-treasurer, and bearing the seal of the corporation. Council may contract loan by issuing debentures.

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

**285.** Coupons to the amount of the half-yearly interest, signed by the mayor and countersigned by the secretary-treasurer, and payable to bearer, at the period the interest specified therein shall fall due, may be annexed to each debenture. Coupons to be attached thereto and contents thereof.

At the time of payment, the coupons shall be handed to the secretary-treasurer; and the possession by such officer of any coupon, shall be *prima facie* evidence that the half-yearly interest specified therein has been paid. Coupons to be delivered up when paid.

**286.** The loans made by the town by the issue of debentures or otherwise shall only be effected upon a by-law of the council to that effect, approved by the majority of the electors who are proprietors in the town, who have voted, representing and owning more than one half the value of the assessed real estate therein. By-laws for loans to be approved by certain municipal electors.

There shall be imposed by every by-law authorizing a loan under this section, a special annual tax sufficient to pay the interest for each year and at least one per cent per annum as a sinking fund, until the debt is paid. Annual tax to be thereby imposed.

**287.** Every by-law authorizing a loan shall be submitted for the approval of the said electors, within thirty days after the council has passed the same. When by-law to be submitted.

Meeting for such purpose, and notice.

For such purpose, a public meeting of all municipal electors, who are proprietors of immoveables in the said town, shall be convened by a public notice, signed by the mayor, for a future day fixed by the council.

Contents of notice.

Such public notice shall specify the object of the meeting and indicate the day, hour and place at which it shall be held.

Mayor to preside.

Such meeting shall be presided over by the mayor or if the mayor be absent by the pro-mayor or by a person present at the meeting, elected by the majority of the municipal electors present who are real estate owners.

Secretary of meeting.

The secretary-treasurer shall act as secretary.

By-law to be read when meeting is opened. Poll may be demanded.

**288.** When the meeting is opened, the president shall read the by-law or cause it to be read by the secretary-treasurer.

Six municipal electors, qualified to vote on such by-law, and present at the meeting, may require the holding of a poll for ascertaining whether such majority exists and on such demand the mayor, or in his absence the presiding councillor or the pro-mayor shall grant a poll which shall be held within the four days immediately following the meeting; the secretary-treasurer shall act as poll-clerk under the supervision of the mayor, the presiding councillor or pro-mayor as the case may be; but if, within one hour from the opening of the meeting, a poll be not demanded by six qualified electors, the presiding officer shall declare the by-law approved.

If poll granted when held.

If a poll be granted it shall be held during two consecutive juridical days from ten in the forenoon to five in the afternoon.

Voting on by-law.

**289.** Each elector shall come forward according to his place on the roll, and shall vote by "yea" or "nay", the word "yea" signifying his approval of the by-law, and the word "nay" his disapproval thereof.

Qualification required.

**290.** No person shall be admitted to vote unless his name be entered on the list of municipal electors as a proprietor, or if no such list exist, unless it appear by the valuation roll in force that he is a municipal elector and a proprietor.

Municipal taxes need not be paid.

In such case it shall not be necessary that municipal electors have paid their municipal and school taxes.

Mayor's duty at close of poll and certificate to be given.

**291.** At the close of the poll, the mayor or other presiding officer shall count the "yeas" and the "nays"; and, within the four days following, he shall lay before the council the result of the voting, together with a statement

showing the value of the taxable real estate of each of the voters, according to the valuation roll in force.

Such statement shall be certified by the signature of the mayor or of the person presiding and of the secretary-treasurer for the information of the council.

It shall be further certified in such statement, whether the majority in number and value of the proprietors of taxable real estate, who have voted at the poll, approve or disapprove such by-laws.

If the council desire to examine the poll books, they shall be forthwith laid before it.

In the case of an equal division of votes, the mayor or other presiding officer shall give his casting vote.

The poll-books, together with the statement and certificate produced, shall be deposited in the archives of the council.

If the mayor has to give his casting vote a new certificate shall then be given, showing the final result of the poll.

292. Notwithstanding the provisions of the preceding sections, the council of the town of Fraserville, pending the collection in full of the yearly taxes, may by a simple resolution to that effect and contract, from time to time, temporary loans, by means of promissory notes or notarial obligations for an amount not exceeding in any one year two thirds of the revenue derived from the taxes of each such year.

Council may borrow certain amounts on simple resolution.

293. And whereas the council of the town has, by a by-law, bearing date the eighteenth day of July, 1881, authorized the effecting of a loan for the purpose of defraying the expenses necessitated by the building at Fraserville of a court house and gaol for the District of Kamouraska; whereas such by-law has been approved by the municipal electors assembled at a public meeting held for that purpose on the nineteenth day of September, one thousand eight hundred and eighty one;

Certain by law for special loan for construction of court house ratified and confirmed.

Whereas in virtue of such by-law a loan has been effected by means of debentures to the amount of fifteen thousand dollars, and whereas doubts have arisen as to the legality of such loan, and it is expedient to remove such doubts, it is hereby declared that the said town council had power to contract such loan, and the by-law to that effect is approved, ratified and confirmed and shall have full force and effect.

#### V. VALUATION ROLL.

294. The town council shall appoint every year, at Assessors to-

be annually appointed.

its general session in the month of May, or at a previous session, three assessors, whom the said council shall have the power to replace when needed; and it shall be the duty of the said assessors to make, between the fifteenth day of May and the twenty fifth day of June, in each year, and in the manner prescribed by the council, the valuation of the taxable and non-taxable stocks in trade and real-estate in the town, distinctly as to each category, according to the real value thereof, and it shall be their duty to enter on the said roll the names of all persons subject to the payment of taxes and to report upon everything subject to taxation. They shall further inscribe on the said roll all other information required by the council.

Their duties.

Contents of valuation 10<sup>1</sup>.

**295.** In the valuation roll the valuers shall specify the name, surnames, profession or occupation of all proprietors, tenants or occupants of real estate or other taxable property and the actual and annual value, the rent or annual value of each and every tenement, house, immovable or portion of immovable occupied by a tenant. They shall designate the houses or tenements by the number they bear. If the owner of an immovable be unknown, the word "unknown" shall be entered in the place of the owner's name. It shall also be the duty of the valuers to enter in the roll, in special columns, the age of every rate-payer or head of a family, occupying a house or tenement, the number of persons composing each family, and to mention such infirmities or disabilities as might exempt any person from serving as a juror. All such special information shall be obtained with the greatest possible care.

Property exempt from taxation.

**296.** The following property shall be exempt from taxation in the town of Fraserville :

1. All lands and property belonging to Her Majesty, and her successors, held by any public body or office, or by any person for the service of Her Majesty, and her successors ;
2. All properties or buildings belonging to the Federal or Provincial governments ;
3. All places devoted to public worship, parsonages and their dependencies, burial grounds, and all property belonging to *fabriques*, or to religious, charitable or educational institutions or corporations, or occupied by such *fabriques*, institutions or corporations, for the ends for which they were established, and not possessed solely by them to derive a revenue therefrom.

**297.** The proprietors of the property, mentioned in the preceding paragraph, shall, nevertheless, be bound to pay for the making and maintenance of roads, streets, water-courses and ditches, in conformity with the by-laws of the town council, and such proprietors shall also be bound to pay any special tax for that purpose and the compensation for the use of water as may be imposed by the council.

Proprietors, exempt under section 296, liable for certain taxes.

**298.** From and after the passing of the present act, any proprietor or agent who shall wilfully grant a certificate or receipt, setting forth a less sum than the rent really paid for the premises therein mentioned, or referred to, and every tenant who shall present to the assessors of the town such a receipt or certificate, falsely representing the value of the rent paid by such tenant, in order to procure a diminution or abatement of his assessment, and every person who shall directly or indirectly deceive such assessors as to the value of his rent, occupation, employment, or quality or the number of taxable effects, shall be condemned, on conviction thereof, before the mayor or one or more justices of the peace, to a fine not exceeding twenty dollars, including costs, and in default of payment to imprisonment not exceeding one calendar month.

Penalty on proprietor granting receipt for less amount of rent than that actually paid.

**299.** The valuation roll shall be drawn up and signed by the three assessors, who shall all work at the same, and be signed by the secretary-treasurer or other person employed by them as clerk.

Valuation roll by whom drawn up and signed.

**300.** When the assessors shall have made and completed the valuation roll of the town, they shall deposit the same with the secretary-treasurer, and notice of such deposit shall be given within the two juridical days next following by the secretary-treasurer, in the same manner as for the deposit of the lists of municipal voters; such notice shall further state that the valuation roll shall remain, during the period of thirty days, from the date of the deposit thereof, open for inspection.

Deposit of valuation roll and notice thereof.

2. During that period, any rate-payer may give notice in writing to the secretary-treasurer of his intention to appeal to the town council, complaining of any such valuation roll, which notice shall state clearly the subject of such complaint; and such council shall proceed in the following manner to homologate such roll, and to the hearing of complaints made relating to it.

Appeal to council respecting roll.

3. At its first general meeting after the thirty days above mentioned, the council shall hear the complaints relating to such roll, If, from the nature of such complaints,

Complaints when heard.

or any of them, the council deems it necessary that special notices be given to the persons or any of them to whom such complaints relate, such council shall adjourn its proceedings on such homologation for a period not exceeding twelve days, and shall direct its secretary-treasurer to give each person whom it shall designate a special notice, informing him of the existence and of the nature of the complaint filed against him, or in his favor, relating to such valuation roll, and the place, day and hour when such council shall commence the examination and revision of such roll. The proceedings in connection with the service of such notice shall be the same as those provided for with relation to the examination and revision of the list of municipal electors.

Homologation of roll. 4. The council, after having heard the parties and their witnesses under oath, which shall be administered by the mayor, pro-mayor or presiding councillor, shall confirm or alter the valuation roll, as to it shall seem just.

Assessors may be heard. 5. The assessors, shall have the right to be heard, if they desire.

Revision and homologation of roll if no complaints are made. 6. The council shall, in any case, proceed to the revision, amendment, if such be required, and homologation of the valuation roll of the town, whether the same be demanded or not, at its said general session next following the expiration of the thirty days above mentioned, or at an adjourned meeting of the said session, and they shall have the right to rectify all errors in the wording of the roll.

Roll closed after homologation. 7. When the council shall have so revised the valuation roll, it shall be declared closed for the current year, provided that if any omission shall have been made in the valuation roll, the council may, at any time, order the assessors to value any property so omitted, and add it to the roll.

Proviso as to property omitted. Notice to party interested in application to add property to roll. In such case, such addition shall not be made until after a special notice of eight days shall be given of such addition, to the proprietor who may, within such delay, file his complaint against the valuation and be heard by the council on the day fixed on the notice.

Proviso as to diminution in value of property after roll closed. 301. After the rolls are declared closed as aforesaid, if any property in the town should decrease considerably in value, owing to fire, demolishing, accident or any other reasonable cause, it shall be lawful for the council, on petition of the proprietor, to order the assessors to reduce the valuation of such property to its actual value.

Roll may be completed and homologated 302. The default on the part of the valutors or of the council to act within the time prescribed, shall not have

the effect of preventing the completion or homologation of the roll, beyond the time prescribed. at the proper time.

**303.** After every change of owner or occupant of any land mentioned in the valuation roll in force, the council, on a written petition to that end, and after sufficient proof, may erase the name of the former owner or occupant, and inscribe on such roll the name of the new one. Changes in ownership of property how entered on roll.

**304.** Whenever the valuation roll shall have been set aside under section 173 and following, the former roll shall revive and avail until a new valuation roll comes into force. Old roll replaces new roll set aside.

**305.** Within the ten days following the final revision and homologation of the valuation roll, any person, who has made a complaint and who considers himself aggrieved by the council's decision, may appeal from such decision to the Superior Court sitting in the district of Kamouraska, or a judge of such court, and such judge or court, as the case may be, shall hear the parties and their witnesses, and the valutors if they wish to be heard, and may confirm or alter the valuation complained of, as shall be deemed proper, with or without costs, which shall be taxed as in cases of from one hundred to two hundred dollars. The formalities required and the rules prescribed by this act as to the proceedings to annul by-laws shall be observed in appeals in virtue of this section in so far as they apply. Appeal to Superior Court from council's decision respecting roll.

All such portions of the valuation roll as are not appealed from shall not be affected by such appeal; and the secretary-treasurer, in making out the collection roll, shall include the property concerning which appeals have been taken, but he shall not exact the payment of the tax or assessment upon such property before the decision of the judge has been given, and when any change has been made by the judge, the secretary-treasurer shall amend the valuation roll and the collection roll in accordance with such judgment. Appeal affects only part of roll appealed from.

#### VI. LIST OF MUNICIPAL ELECTORS.

**306.** Within the thirty days next after the day on which a new valuation roll shall have come into force, the secretary-treasurer shall make, for each ward or for the town, if the town is not divided into wards, an alphabetical list of the names of the persons, who, according to such roll, appear to be municipal electors. List of electors how made.

Oath as to  
correctness of  
lists.

And the secretary treasurer shall within the same delay, certify the correctness of the lists, under oath before the mayor or, in his absence, before any justice of the peace, and shall deposit the same in the office of the town council, on the day after that on which he shall have certified them.

If lists not  
prepared  
when and upon  
whose order to  
be prepared.

**307.** In all cases where, for any reason whatsoever, the electoral lists or any of them shall not have been made and prepared in the manner and within the delay above prescribed, the council may order that such list be made by the secretary-treasurer within such further delay as may be fixed by the council.

Deposit of list.

**308.** Within the two juridical days immediately following the day on which the alphabetical lists shall have been deposited in the office of the council, the secretary-treasurer shall give public notice of such deposit in the manner prescribed for the publication of by-laws; such notice shall further state that the lists shall remain posted up in the office for the information and inspection of parties interested, during the fifteen days immediately following that on which such lists shall have been deposited.

Notice thereof.

Complaints.

**309.** In such space of fifteen days, any person having any ground of complaint in respect of such lists or of any one of them, personally or for another, may complain thereof, by giving to that end a written notice to the secretary-treasurer specifying the grounds of his complaint.

Revision of  
lists.

**310.** On the evening of the last of the fifteen days mentioned in section 308, a board of revisers, composed of three councillors, appointed by the council for that purpose, shall, if there be occasion, proceed to the revision and amendment of the lists in the office of the council.

These three revisers shall act together, under their oath of office as councillors, and one of them shall act as president.

The secretary-treasurer shall act as secretary to the revisers.

The councillor, whom the members of the board shall select among themselves, shall preside at such meeting, and if the members of the board of revisers present at the meeting cannot agree upon the choice of a president, it shall be decided by lot.

Proceeding at  
first meeting of  
revisers.

**311.** At their first sitting, the members of the board of revisers shall take communication of the complaints and shall order that special notices be given to the

persons or any of them to whom such complaints relate ; the members of the board of revisers shall adjourn their proceedings for a delay of not more than twelve days, and shall direct their secretary to give to each person whom they shall designate a special notice, informing him of the existence and nature of the complaint filed against him or in his favor with respect to the list of municipal electors and of the day, hour and place where the board of revisers shall commence the examination of such list. Every special notice to be given in virtue of this section, shall be served on the person entitled thereto, at least three clear days before the day on which the board of revisers shall resume its proceedings. Such notices shall be served, by any bailiff or police constable of such town, upon the persons residing in the town, and upon the persons not residing in the said town through the post, by lodging a copy of such notice in the post office of the locality, under sealed and registered envelope, directed to such absent proprietor or rate payer, or his agent if one has been appointed by him. As to the persons whose address is not known, such notice shall be posted up in the office of the secretary-treasurer.

Board to adjourn and parties interested to be notified.

Contents of notice.

2. The board, shall have the power to examine upon oath all persons respecting the said claims, and all matters connected with the revision of the said lists.

Power to examine witnesses.

3. The board, after having heard the evidence of which the cases will admit, shall be bound to make the necessary additions or erasures respecting the claims to them submitted ; they shall also have the power to correct all errors, made by the secretary-treasurer in the preparation of lists, in order to render them conformable to the valuation roll ; and the lists, so revised and settled, shall be signed by the person presiding the said board, countersigned by the secretary, and sealed with the town seal ;

Power of board to correct lists.

4. The lists shall remain in force till the time when the new lists of the municipal voters shall finally come into force.

How long lists remain in force.

## VII. TAXES.

**312.** In order to raise the necessary funds to meet the expenses of the town council, and to provide for the several necessary public improvements in the town, and enable it to meet its obligations and provide for the debts it may incur and have incurred under the powers conferred on it by this act, the said town council shall be authorized to levy annually, on persons and on moveable and immo-

Council may levy taxes for certain purposes upon :

veable properties in the town, the taxes hereinafter designated, that is to say :

- Immoveable property ;** 1. On all lands, town lots or parts of town lots, with all buildings and erections thereon, a sum not exceeding one cent in the dollar on the whole real value, as entered on the valuation roll of the said town ;
- Stocks in trade ;** 2. On all stocks-in-trade or goods kept by merchants or traders, and exposed for sale on shelves in shops, in yards, or kept in vaults or store-houses, a tax of not exceeding one per cent on the estimated average value of such stock-in-trade or goods ;
- Tenants ;** 3. On each tenant paying rent in the said town, an annual sum not exceeding five cents in the dollar on the total amount of his rent, and on each occupant a sum of two cents in the dollar on the annual value of his occupation ;
- Male inhabitants ;** 4. On all male inhabitants of twenty one years and over, residing in the town and not otherwise taxed, who are neither proprietors, tenants, apprentices or servants, a sum not exceeding two dollars ;
- Horses, &c. ;** 5. On every horse, mule, or ass, over three years of age, a yearly tax not exceeding one dollar ;
- Gigs, &c. ;** 6. On every gig or light waggon drawn by two horses, a yearly tax not exceeding two dollars ;
- Light waggons &c. ;** 7. On every gig or light waggon drawn by one horse, a yearly tax not exceeding one dollar ;
- Omnibus ;** 8. On every omnibus, a yearly tax not exceeding five dollars ;
- Dogs ;** 9. On every dog, a yearly tax not exceeding two dollars ;
10. On every bitch, a yearly tax not exceeding five dollars.

**Council may levy taxes upon certain occupations and industries.**

**312.** And it shall be lawful for the said town council to fix, by a by-law or by-laws, and to impose and levy certain annual duties or taxes on proprietors or occupants of houses of public entertainment, private boarding-houses, taverns, coffee-houses, and eating-houses, and on all retailers of spirituous, vinous or fermented liquors ; or to impose a duty or tax upon their certificates of electors respectively when approved by the council, for the granting of their license ; and on all proprietors, possessors, agents, managers and keepers of theatres, circuses, billiard-rooms, ten-pin alleys, or

other places for games or amusements of any kind whatsoever ; and on all auctioneers, grocers, bakers, butchers, hawkers, hucksters, carters, livery-stable keepers, brewers, and distillers or bottlers ; and on all traders and manufacturers, and their agents ; and on all proprietors or keepers of wood-yards, or coal-yards, and slaughter-houses ; and all money-changers or exchange brokers, pawn-brokers, and their agents ; and on all bankers and banks, and all agents of bankers ; upon all insurance companies their agents, their managers, factors or employees ; upon all telegraph or telephone companies, their agents and operators ; upon all manufacturers of ginger beer, spruce beer and root beer and the agents and agencies of each of them ; upon all brick manufacturers, lumber dealers, owners or occupants of mills, driven by water power or steam, and of tanneries ; upon public scales ; upon bailiffs and apothecaries residing in the town, and upon all commerce, manufactures, callings, arts, trades and professions carried on in the town, whether they be or be not mentioned in this act, and on all persons by whom they may be exercised or carried on in the town either on their own account or as agents for others and upon the premises in which they are or may be exercised or carried on.

**314.** The council may by by-law impose a yearly tax or assessment of not exceeding twenty dollars upon every person who shall sell or offer for sale in the town articles of commerce of any kind whatsoever, represented by samples, cards, or other marks of such articles and upon every person who shall sell or offer for sale articles, on samples for and on account of any merchant, manufacturer, or other person whomsoever whose principal place of business is not in the town. Council may tax transient traders.

**315.** The council shall also have power to make by laws to compel all insurance agents, commercial-travellers, and transient traders, selling by public auction or by private sale, all traders, manufacturers or their agents, all proprietors, managers or agents of theatres, circuses or other public games or amusements, all auctioneers, livery-stable keepers, carters, butchers or bakers, residing outside of the town, who shall come therein to ply their art, trade or commerce, to take out a license and to exact for the granting of each such license a sum not exceeding fifty dollars ; and in default of taking out such license, all such persons shall be liable to a fine of not more than fifty dollars, and in default of payment of such fine and costs, to an imprisonment not exceeding two months ; and such license signed by the secretary-treasurer shall confer upon the holder Council may compel certain persons to take out licenses

thereof the right of plying his art, trade or commerce during one year from the first of May in each year.

License fee to be paid on disposing of bankrupt stock by transient traders.

**316.** And if any person or persons should come temporarily into the said town to dispose of bankrupt or other stocks of merchandize, articles or effects, either by public auction or by private sale, the council may, by a resolution passed as soon as convenient, levy upon such person or persons a license fee of not less than ten and not more than fifty dollars for the sale of such merchandize so brought into and exposed for sale in the town. Such tax shall be payable by such person or persons on demand; and if it be not paid on demand it may be collected by means of a writ of attachment issued under the hand of the mayor or pro-mayor immediately after such default to pay, and the said merchandize may be seized and detained for the payment of the license.

Certain professions to be taxed.

**317.** And every person in the said town, practising the profession of an advocate, physician, dentist, land-surveyor, or notary or any other liberal profession, or acting as a civil officer appointed by the federal or by the local governments, or as prothonotary of the Superior Court of this Province, or as clerk of the Circuit Court, or sheriff, or employed in the service of another and whose salary is five hundred dollars or over, shall, for the same purposes, be assessed at the sum of five dollars annually.

Duty of assessors respecting preparation of roll under this section,

And the said town council may order the assessors to make the roll of the persons, industries, companies, employment, quality and moveable property mentioned in the different parts of this section.

#### VIII. COLLECTION OF TAXES.

Revenue of council whence derived.

**318.** The revenues of the council shall be those which it may establish for its own purposes, by means of the taxes which this act authorizes it to levy.

General funds of town.

**319.** All sums of money not specially appropriated shall form part of the general funds of the corporation.

Whenever any sum levied shall exceed in amount the sum required by the council to meet the liabilities for which such sum was raised, the surplus shall belong to the corporation and fall into the general funds thereof.

Employment of such general funds.

**320.** All sums of money, forming part of the general funds of the corporation, may be employed for any purpose within the scope of the council.

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

Interest payable upon taxes.

**322.** All municipal taxes and the interest due thereon shall be privileged debts exempt from the formality of registration.

Taxes and interest thereon are privileged claims.

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

Taxes may be collected from tenant.

**324.** The council may in its discretion grant by by-law, such rate of discount, not exceeding six per cent, upon all assessments, taxes and water rates, paid within such delay after the completion of the assessment rolls, in each year, as the council shall specify and determine in such by-law.

Discount may be allowed, if taxes paid within certain time.

**325.** If the municipal council has ordered, by resolution that the collection of school taxes be made at the same time and in the same manner as municipal taxes, the secretary-treasurer shall enter, on the general collection roll, the amount of such taxes, collect them and remit them forthwith to the secretary-treasurer of schools.

Collection of school taxes.

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

Privilege of person paying taxes for another.

**327.** The council shall on the requisition of the school commissioners or trustees of any school municipality, situated within the limits of the municipality, accept the school assessment roll or the certified extract therefrom presented by them, or order the secretary-treasurer to collect such taxes, in the same manner and at the same time as municipal taxes.

Collection of school taxes how effected.

**328.** It shall be the duty of the secretary-treasurer to make a general collection roll, each year, at the time fixed

Preparation of general collection roll.

by the council, including all taxes both general and special, then imposed under any provision of this act.

Special  
collection roll.

He shall also make a special collection roll, whenever any special tax has been imposed after the making of the general collection roll, or whenever he is ordered so to do by the council.

Arrears how  
entered in roll.

There shall be entered and mentioned in a column specially devoted to that purpose and designated under the head of "arrears," in each collection roll for general taxes, all the arrears of general taxes and also all other taxes which, according to the collection roll of the said taxes for the previous year, appear to be unpaid on or before the thirtieth of the month of June previous.

Other debts  
due corpora-  
tion how  
entered in roll.

He shall enter and mention in the same roll, in a separate column under the head of "sundry items," all debts due by any person whomsoever for costs of maintaining sidewalks and streets, or for any other thing whatsoever.

Entries in roll  
respecting  
water taxes  
and rates.

The secretary-treasurer shall enter and mention, in the collection roll for special taxes and indemnity for the supply of water in two columns, respectively headed "arrears of taxes" and "arrears of water-rates," all arrears of taxes and water-rates, all special taxes and arrears thereof, and all indemnity for water-rates and the arrears thereof, which shall appear by the collection roll for the special taxes and water-rates for the supply of water to be unpaid, on or before the thirtieth day of the month of June previous.

How entries  
are made.

The secretary-treasurer shall enter these various amounts opposite the name of the person who shall owe them.

Notices of  
completion  
and deposit  
of roll.

**329.** The secretary-treasurer, after having completed the collection roll, shall give public notice, in which he shall announce that the general collection roll, or the special roll, as the case may be, has been completed and deposited in his office, and shall require all persons liable for the payment of the sums therein mentioned, to pay the same at his office, within the twenty days following the publication of such notice;

statement of  
amounts due to  
be delivered to  
parties liable.

And within such interval of twenty days he shall deliver or cause to be delivered by his assistant or by any bailiff at the domicile or office of the rate-payers a detailed statement of the general and special taxes or arrears whatsoever due by them; the secretary-treasurer shall be entitled to a fee of five cents for the delivery of each statement, to be paid out of the funds of the town.

Special notice  
demanding  
payment to be  
served.

**330.** At the expiration of such delay of twenty days, the secretary-treasurer shall make a demand of payment of all sums entered in the collection roll and remaining

uncollected from the persons liable for the same, by serving or causing to be served upon them personally or at their domicile, a special notice to that effect; the secretary-treasurer shall be entitled to twenty-five cents for the service of such notice.

**331.** If, after the fifteen days next following the demand, made in virtue of the preceding section, the sums due by the persons entered on the collection roll have not been paid, the secretary-treasurer may levy them together with costs, by seizure and sale of the goods and chattels of such persons wherever they may be found within the limits of the town.

Execution to issue if taxes not paid within certain time.

**332.** Such seizure and sale shall be made under a warrant signed by the mayor addressed to a bailiff, and executed by that officer, under his oath of office, according to the same rules and under the same responsibilities and penalties as a writ of execution *de bonis* issued by the Circuit Court.

Seizure and sale how effected.

The mayor, in giving and signing such warrant, shall not incur any personal responsibility; he shall act under the responsibility of the corporation.

Mayor not personally responsible for signing warrants.

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

Proceedings if debtor is absent or doors &c., are shut.

**334.** In the event, at any time after the imposition of any of the general or special taxes aforesaid, of any tenant or occupant leaving the said town without paying the taxes due by him, any bailiff or any constable of the police force of the town, upon a written order to that effect from the mayor, or the secretary-treasurer, under the seal of the corporation shall be authorized and obliged to detain and seize the moveable effects of such tenant or occupant, wherever they may be found within the limits of the town and to detain them until the tenant or occupant shall have paid to the proper person the amount due by him for taxes or water rates as aforesaid, or until proceedings have been taken to have the said effects sold for the recovery of such taxes and water rates, in accordance with the provisions of this act.

Seizure and sale of effects of persons liable for taxes and removing from the town.

Seizure and  
sale how  
stayed.

**335.** The seizure and sale under the preceding section and under section 331 shall not be stopped, except on an order of a judge of the Superior Court, made on petition presented either in chambers, or to the Circuit or Superior Court for the district of Kamouraska.

Prescription of  
taxes.

**336.** All arrears of municipal taxes, shall be prescribed by five years.

Taxes may be  
sued for before  
Circuit or  
Superior  
Court.

**337.** The payment of municipal taxes may be also claimed by an action brought in the name of the corporation, before the Circuit Court or the Superior Court for the district of Kamouraska according to the amount claimed.

#### IX. SALE OF PROPERTY.

Sale of real  
estate liable  
for taxes.

**338.** In all cases where any person, having been rated in respect of any vacant ground or other real property in the town, shall not reside within the town, or, in all cases where sufficient chattels shall not be found to be seized, for the payment of the taxes imposed upon any person, in the town in respect of any ground, building, or other immoveable property belonging to such person or to pay the special taxes or water-rates or arrears due by him, if such person is proprietor, or if any such taxes or water-rates remain unpaid for six months, after the notice of the deposit of the various collection rolls of the town shall have been given, then and in such case, it shall be lawful for the council, on report made to that effect by the secretary-treasurer, to authorize the said secretary-treasurer to sell or cause to be sold at the office of the town council, in the manner hereinafter prescribed, the real property, or any of such real property which the council shall designate by a resolution, so indebted for municipal taxes or for special taxes or water-rates.

List of  
property to  
be sold to be  
prepared by  
secretary  
treasurer and  
publication  
thereof.

**339.** The secretary-treasurer shall prepare a list containing a sufficient designation of the property, in virtue of Article 2168 of the Civil Code, and he shall within fifteen days after such order, give a public notice, in the manner prescribed for the publication of the by-laws, of the day, hour and place where such sale shall take place, and such notice and the copies thereof to be posted up shall be respectively accompanied by a copy of the list of the immovable properties to be so sold, as well as the amount of taxes and costs on each property respectively. A similar notice and the list which shall accompany it shall be published twice in French and English, in the "Quebec Official Gazette," in the month of February before such sale.

2. The secretary-treasurer shall give a special notice to every person whose property is to be sold. Special notices to owners.

3. At the time appointed for the sale, the secretary-treasurer or some other person acting for him, shall sell to the highest bidder, the property described in the list upon which taxes are still due, after making known the amount to be raised on each of such lots, including therein the costs incurred for the sale. Sale to whom to be made.

4. Any person, then and there offering to pay the highest price and being the last bidder, shall become the purchaser of such lot and such lot must be at once adjudged to him by the secretary-treasurer or other person who has sold it. Adjudication.

The purchaser of the lot so sold, shall pay the amount of his purchase-money immediately upon the adjudication thereof. Purchase price when to be paid.

In default of immediate payment, the secretary-treasurer shall either at once put up the lot for sale or shall postpone the sale for eight days, by giving all persons present notice of such postponement in an audible and intelligible voice, and he shall also give public notice of such postponement in the manner prescribed for the publication of by-laws. Proceedings in default of immediate payment.

**340.** If at the date of the sale, no bid is made or if all the lots advertised cannot be sold, the sale shall thereupon be postponed for eight days and notice of such postponement shall be given in the manner prescribed ; but the proprietor or any person, whether authorized by him or not, may prevent the sale by paying into the hands of the secretary-treasurer the amount to be levied and the costs incurred, and the purchaser may also prevent the subsequent sale by paying into the hands of the secretary-treasurer, before the time fixed for such sale, the amount of the price and all additional costs incurred through the postponement of the sale. Subsequent proceedings, if no bid made, &c.

**341.** On payment by the purchaser of the amount of the purchase money he is seized of the ownership of the land adjudged and may enter into possession thereof, subject to its being redeemed within the two years following the date of adjudication. Nevertheless he cannot cut any tree or make any alteration of a nature to deteriorate the property sold during the two years following the sale. Purchaser may enter into possession after payment.

**342.** All owners of real-estate so sold or any person, whether authorized by them or not, may redeem the same, but only in the name and for the benefit of the person who was the owner of the property when it was adjudged, but Redemption by former owner.

only within the two years from the date of such sale, by paying to the purchaser the amount in full of the purchase-money and the cost of the necessary expenditure made upon such real-estate in order to keep it in the same state and condition as when it was purchased, together with the legal interest thereon.

Application of  
balance of  
proceeds.

**343.** If, after the sale, there remains a balance of money over and above the sum due for taxes and costs upon any property, such balance shall be paid by the secretary-treasurer into the funds of the town, in order to be ultimately handed over, with interest on demand after its redemption, if the right of redemption be exercised, or at the expiration of the two years if such right be not exercised, to the person to whom the property so sold belongs, except that when the property has not been redeemed and claims have been filed in the office of the council, in such cases the secretary-treasurer shall transmit to the Superior Court for the district of Kamouraska, at the expiration of the two years, such claims together with a copy of a notice of the sale and of the list of the real estate ordered to be sold, and a certificate giving the description of the property to which the claim relates, the price, a statement of the amount due to the corporation and paid out of such purchase money, and the amount remaining on deposit as well as the interest accrued, and such surplus and interest shall be paid to whomsoever it may be ordered to be paid by a report of distribution made and homologated as in ordinary cases.

Idem if claims  
have been  
filed.

Interest shall cease to run on such balance from the date at which the claims shall have been transmitted to the Court.

Title to be  
given to  
purchaser,  
if property not  
redeemed.

**344.** If, within two years from the date of the adjudication, the property adjudged has not been redeemed the purchaser shall remain the irrevocable owner thereof, and upon payment of all municipal and school taxes, which have become due and payable in the interval on such property, such purchaser, at the expiration of the two years, shall be entitled to a deed of sale of such property from the corporation.

Formalities of  
deed.

**345.** The deed of sale shall be executed in the name of the corporation and shall be signed by the mayor and secretary-treasurer and sealed with the common seal of the town; and the costs of such deed of sale as well as of its registration shall be paid by the purchaser to the secretary-treasurer before the passing and registration of such deed of sale. The secretary-treasurer shall cause each such deed of sale to be registered.

**346.** Such sale shall have the same effect as a sheriff's Effect of sale.  
sale.

**347.** The corporation of the town of Fraserville may bid Corporation  
at the sale of such immoveables and may become the pur- may purchase  
chaser thereof, through the mayor or other person autho- property at  
rized by the council, without being held to pay in forth- such sales.  
with the amount of the purchase money.

**348.** A list of lots sold, setting forth the name and resi- List of lots sold  
dence of the purchaser and the price of the sale, shall be to be prepared  
transmitted by the secretary-treasurer, within the fifteen and special  
days next after the adjudication; and the secretary-treasurer notice to be  
shall, without delay, give special notice, to the proprietors given to  
or occupants of such lands, of the sale thereof. proprietors or  
occupants.

**349.** The action to annul a sale of land, made in virtue Prescription of  
of the provisions of this act, or the right of calling in action to  
question the lawfulness thereof, is prescribed by three years annual sale.  
from the date of such adjudication.

**350.** If any lot described in the list published under Duty of  
the provisions of this act, is advertised to be sold by the secretary  
sheriff, the secretary-treasurer shall not sell such lot, but treasurer, if  
shall, without delay, transmit to the sheriff a statement of lots advertised  
the sums due for taxes and cost of advertising, on account to be sold are  
of such lot. also advertised  
by sheriff.

**351.** Nevertheless, if on the day fixed for the sale, the If sheriff's  
proceedings of the sheriff on the sale have been discon- sale has been  
tinued, the secretary-treasurer may sell the lot in the usual discontinued,  
manner unless the taxes due and the costs of advertising secretary-  
be previously paid. treasurer may  
proceed with  
his sale.

**352.** The secretary-treasurer of the school municipality Sec.-treas. of  
of the town of Fraserville, for the purpose of collecting school muni-  
the arrears due to such municipality by the rate-payers, may cipality may  
transmit to the secretary-treasurer of the town the list transmit list  
of lots in of lots in  
arrears for arrears for  
school rates school rates  
and the to sec.-treas.  
secretary-treasurer of the town shall proceed to sell such of town to  
lots in the manner provided for in the present act and proceed to sale  
the said sale shall have the same effect as if the said lots thereof.  
had been sold for municipal taxes.

#### X. PENALTIES.

**353.** If any person infringes any by-law passed by the Penalty for  
town council or any of the provisions of the present act, infringement  
imposing a penalty for such infringement, such person of by-laws.

shall, for each such offence, be liable to fine, and imprisonment in default of payment thereof, as specified in any of the said by-laws or provisions of the present act, with the costs allowed by the justice or justices of the peace who shall try such offences, according to the tariff then in force, for the fees of the officers of such justices of the peace; and such fine and costs shall be levied upon the goods and chattels of the delinquents, under a warrant signed by a justice of the peace, which warrant shall be executed in accordance with the formalities prescribed by the present act for the seizure and sale of goods and chattels for taxes mentioned in the assessment roll.

Limitation of  
complaint for  
penalties.

**354.** Every information or complaint for infringement of any by-law of the said town council, or of any provision of the present act, imposing a penalty for such infringement, shall be made or brought within two months after the offence has been committed.

Sheriff and  
gaoler of  
district of  
Kamouraska  
to receive and  
detain prison-  
ers.

**355.** The sheriff and the gaoler of the district of Kamouraska shall be bound, and they are hereby required, and power is hereby given them, to receive and detain in safe custody, until duly discharged, any person condemned to be imprisoned under this act or under any by-law passed by the town council under this act or the acts hereby repealed, and also any other person entrusted to the custody of the said sheriff or gaoler, by the said town council or by any of its members or officers, authorized by it or by the person presiding at the municipal elections.

Power of mem-  
bers of coun-  
cil to order  
arrest of cer-  
tain offenders.

**356.** It shall be lawful for every member of the town council, individually, to order the immediate arrest of any person who is drunk or disorderly, or any riotous person whom he may find disturbing the peace within the limits of the town, and to have such person confined in the common gaol of the district, or in any other place of detention, in order to the safe-keeping of such person, until he shall be brought before the mayor or a justice of the peace, to be dealt with according to law.

Power of  
constables to  
arrest distur-  
bers of the  
peace.

**357.** It shall be lawful for any constable or bailiff residing in the town to apprehend and arrest all persons whom he shall find disturbing the public peace within the limits of the said town, and also every person who shall be found sleeping in any field, vacant lot, highway, yard or other place, or who shall be found loitering or idling in any such place, and shall not give satisfactory reasons for his conduct; and every such constable or bailiff shall deliver such person into the charge of the gaoler, in charge of the gaol

or other place of detention, in order to the safe keeping of the said person, until he shall be brought before the mayor or any other magistrate, to be dealt with according to law.

**358.** Every person who shall assault, beat or forcibly resist any constable or peace officer appointed under this act, and engaged in the execution of his duty, or who shall aid or excite any person to assault, beat or forcibly resist such officer or constable or bailiff, residing in the town, or other person shall, upon conviction thereof, before the mayor or a justice of the peace, be liable to a fine of from four to forty dollars, and in default of payment thereof to imprisonment not exceeding two calendar months, notwithstanding any provisions to the contrary in the present act.

Penalty for assaulting or resisting constable.

**359.** The town council shall have power, in order to secure the execution of its by-laws, to impose penalties for each infringement of the by-laws, by a fine not exceeding thirty dollars, and in default of payment thereof by imprisonment for a period not exceeding two calendar months, but in the by-law the amount of such fine and the period of such imprisonment, if ordered, shall be mentioned.

Power of council to impose penalty for infringement of by-laws.

### THIRD PART.

#### SPECIAL PROCEEDINGS.

##### I. EXECUTION OF JUDGMENTS RENDERED AGAINST THE CORPORATION.

**360.** Whenever a copy of a judgment, condemning the corporation to pay a sum of money, shall have been served at the office of the council, the secretary-treasurer shall forthwith pay the amount thereof out of the funds at his disposal, on the authorization of the council or of the mayor, according to the rule laid down in section 122.

Payment of judgments against corporation.

**361.** If there are no funds, or if those at the disposal of the secretary-treasurer are not sufficient, the council shall, immediately after the service of the judgment of the court, by resolution, order the secretary-treasurer, to levy, on the taxable property of the municipality, a sufficient sum to pay the amount due with interest and costs.

Special rates to be levied if funds are insufficient.

**362.** The court, which shall have rendered the judgment, may, on petition to that end, presented either in term or in vacation, grant, from time to time, to the municipal council, any delay which it shall deem necessary to levy the amount of money required.

Delays for such levy may be granted by Court on application.

If judgment not satisfied within certain time, execution may be issued against the corporation.

**363.** If the judgment has not been satisfied within two months after the service thereof at the office of the council, or on the expiration of the delay granted by the court or agreed upon by the parties, the person in whose favor such judgment was rendered, may, on producing the return of the service of such judgment at the office of the council, and, on a requisition in writing for such purpose, obtain the issue of a writ of execution from the court against the corporation, returnable before the same tribunal, so soon as the amount of the judgment and costs has been levied.

Proceedings upon such execution.

**364.** Such writ shall be attested and signed by the clerk or prothonotary, sealed with the seal of the court, and addressed to the sheriff of the district in which such municipality is situated, who shall be enjoined by the same among other things :

1. To levy from the corporation, with all possible despatch, the amount of the debt with interest and costs of the judgment as well as of the execution ;

2. In default of immediate payment by the corporation :

To apportion the sums to be levied on all the taxable property in the municipality, in proportion to its value as it appears by the valuation roll, with the same powers and obligations, and under the same penalties as the council and the secretary-treasurer to whom he shall be by right substituted for the levying of such money ;

To prepare without delay a special collection roll ;

To publish such special roll in the municipality, in the manner required by section 329 ;

To exact and levy the amounts entered on the special collection roll, in the manner and within the delay prescribed by sections 330 and 331 ;

In default of the payment of such amounts by the persons who are bound so to do, to levy the same with costs, on their moveable property, in the manner prescribed by section 331 and the sections following up to section 337, inclusive ;

To sell the real-estate liable for such amounts, in default of their payment, in the same manner and with the same effect, as if he were acting under a writ *de terris* issued by the Superior Court of the district ;

3. To make a return to the court of the amount levied and of his proceedings, as soon as the amount of the debt, interest, and costs shall have been collected, or from time to time as the court may order.

Sheriff bound to execute such writ, &c.

**365.** The sheriff shall be bound to execute without delay, either personally or by his officers, all the injunc-

tions of such writ or of any other order subsequently issued by the court.

**366.** The sheriff shall have free access to the registers, valuation rolls, collection rolls and other documents deposited in the office of the council, and he may demand the services of the municipal officers of such council, under the same penalties as if such services were required by the council itself. Power of sheriff thereunder.

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

On the refusal or neglect of the municipal council or its officers to deliver up such documents, he shall be authorized to take possession thereof.

**368.** If it is impossible for the seizing officer to obtain the valuation roll, which should serve as a basis for the collection of the moneys, or, if there is no such valuation roll, the sheriff shall, without delay, proceed to make a valuation of the taxable property; and he shall be authorized to base the special roll for the collection of the moneys to be levied on such valuation, as if it were the valuation roll in force. Proceedings, if valuation roll cannot be obtained.

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

**369.** The fees, costs and disbursements of the sheriff shall be taxed in the discretion of the judge of the court from which the writ of execution issued. Costs to be taxed.

**370.** The sheriff shall transmit a copy of his special collection roll and of any other list or document, whereof he has taken possession, to the office of the council, after having levied the whole amount set forth in the writ of execution, together with interest and costs. Sheriff to transmit copy of special collection roll to council.

**371.** The arrears due, in virtue of the special collection roll of the sheriff, shall belong to the corporation, and may be recovered by such corporation, in the same manner as any other municipal tax. Arrears under such roll belong to corporation, and how collected.

If any surplus remain in the hands of the sheriff, it shall belong to the corporation. Disposal of surplus.

**372.** The sheriff may obtain from the court any order calculated to facilitate and secure the complete execution of the writ addressed to him. Sheriff may obtain certain orders from court.

Property of corporation may be seized in ordinary manner.

**373.** If the corporation, against which any judgment has been rendered, ordering the payment of any sum of money, holds property in its own name, such property may be seized and taken in execution in the ordinary manner prescribed in the Code of Civil Procedure.

Property mortgaged for judgment debt to be first sold.

If any such property be mortgaged for the debt being the object of the judgment, it shall be sold before the writ mentioned in section 364 be issued.

## II. RECOVERY OF PENALTIES.

### 1. General provisions.

Penalties, before what court recoverable.

**374.** Penalties imposed by the by-laws of the council, or by the provisions of this act, shall be recoverable before the Circuit Court of district of Kamouraska, or before any justice of the peace residing in the municipality.

Several may be joined in same suit.

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

Prescription of suits for penalties.

**376.** Every suit for the purpose of recovering such penalties shall be begun within six months from the date when they were incurred, after which period the same cannot be brought.

Prosecutions, by whom brought.

**377.** Such prosecutions may be brought by any person of age in his own name, or by the mayor in the name of the corporation.

One witness sufficient.

**378.** Any such suit may be decided on the oath of one credible witness.

Application of penalties.

**379.** Penalties recovered in virtue of by-laws of the council or of the provisions of this act, belong, unless it is otherwise provided, one-third to the prosecutor, and the other two-thirds to the corporation.

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

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

Secretary-treasurer may accept payment of penalties.

The secretary-treasurer is hereby authorized to accept the payment of all such sums or penalties or to determine the amount thereof at the maximum of such penalty, imposed either by this act or by the by-laws of the council and all the costs incurred by the parties, without awaiting the decision of the court or even before a suit is taken.

**380.** In default of payment of the fine inflicted by the court and the costs within fifteen days from the rendering of the judgment, the person condemned may be imprisoned for any time not exceeding two calendar months, which imprisonment shall end, however, on payment of the sum due.

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

All taxes or assessments, arising from any source whatsoever and shares of contributions to the cost of constructing or repairing any sewer, drain or water-course, when once paid to the corporation, shall not be reclaimed from it for any informality in the by-laws or in the assessment, collection, or apportionment rolls, in virtue of which such taxes or assessments or sums have been paid.

**381.** Every person who designedly tears, damages or defaces a notice, advertisement or other document which is ordered by this act or by any by-law or order of the council to be posted up in a public place for the information of the parties interested, shall incur a penalty not exceeding eight dollars for such offence or an imprisonment not exceeding fifteen days, in default of payment.

**382.** The plaintiff or the complainant, whose demand or complaint has been dismissed with costs, shall be bound to pay the costs, under penalty of imprisonment, in the manner and within the delay prescribed in section 380.

## 2. Prosecutions before Justices of the Peace.

**383.** Prosecutions brought before justices of the peace, in virtue of section 374, shall be heard and decided by them, according to the usual rules of procedure laid down respecting summary orders and convictions, except in so far as the same are inconsistent with the provisions of this act.

**384.** Such suits need not be begun by the affidavit or deposition on oath of the plaintiff or complainant, provided always that the purport of the complaint or demand shall be sufficiently set forth in the writ or in a declaration annexed thereto.

**385.** On the day of the return of the summons or of the warrant, the justice of the peace who signed the summons or the warrant, shall be entitled to hear and decide the case alone.

Justice may require assistance of others. Return of service. He may nevertheless require the assistance of any other justice of the peace having jurisdiction within the district. The return of service made by a bailiff shall be given under his oath of office.

Notes of evidence to be taken. Notes form part of record. **386.** The justice of the peace or the clerk shall take notes of the important parts of the evidence. These notes signed by the sitting justice of the peace shall form part of the record.

Judgment, when executory. **387.** The judgment of the court shall be executory at the expiration of fifteen days from the date thereof.

Records, by whom remitted to justice in cases of appeal. **388.** The record of every suit shall be remitted by the person, in whose custody the same is, to the justice of the peace upon his order, in cases where there is an appeal from the judgement to the Superior Court.

### 3. Appeals to the Superior Court.

Appeal lies to Superior Court. **389.** An appeal shall lie to the Superior Court from every judgment rendered by one or more justices of the peace, in suits brought under the provisions of this act, or of the by-laws of the council.

Security for appeal to be given. **390.** The party who desires to appeal therefrom must, within ten juridical days after the judgment is rendered, furnish, before the prothonotary, good and sufficient security to effectively prosecute the said appeal, to satisfy the judgment and to pay the damages awarded, and costs incurred, as well in the inferior court, as in appeal in the event of the judgment being confirmed.

Sureties must justify under oath. **391.** Sureties shall, to the satisfaction of the prothonotary, justify their sufficiency, to the amount of at least one hundred dollars, over and above all debts, and under oath, if the prothonotary deems proper.

One surety sufficient. One surety shall be sufficient.

Appeal, how brought. **392.** The appeal shall be brought before the court by means of a petition setting out summarily the title of the cause, the date of the judgment, the security furnished, the grounds of appeal, with conclusions praying for the setting aside of the judgment and for the rendering of that which ought to be rendered and the day that the petition shall be presented to the court or judge.

Service of copy of petition with notice. **393.** A copy of such petition certified by the appellant's attorney, together with a notice of the day when it

will be presented to the court, shall be served within the fifteen days next after the rendering of the judgment, on the respondent or his attorney, and on the justice of the peace or on one of the justices of the peace, who rendered the same, or on their clerk.

when and how made.

**394.** Between the day of such service and that fixed for presenting the petition in appeal to the court or judge, the justices of the peace, shall transmit the record in the cause to the prothonotary, with a certificate testifying that the documents transmitted are all the papers, documents and evidence relating to the cause, under penalty of a fine of from five to ten dollars.

Record to be transmitted before day fixed for presenting petition.

**395.** The execution of the judgment, from which an appeal has been instituted, shall be suspended until the decision of the Superior Court or of the judge, if a copy of the petition in appeal has been served, within the prescribed delay, upon the justices of the peace or upon their clerk; in default thereof the judgment may be carried into effect.

Execution suspended, pending appeal.

**396.** The petition in appeal shall be presented to the Superior Court in open court, or to a judge of such court, in chambers, within thirty days after the judgment was rendered, in default whereof the appeal shall lapse.

Petition to whom presented.

If the petition must be presented in chambers and the judge be absent it shall be filed in the prothonotary's office.

To be filed in absence of judge.

**397.** The appellant shall then produce the return of the bailiff establishing the necessary services.

Return of bailiff to be produced.

**398.** The appeal shall be heard and decided in a summary manner, and no fresh witness shall be heard.

Appeal heard and decided summarily.

**399.** The judgment shall be set aside only when a substantial injustice has been committed, and never by reason of any slight variance or informality.

Judgment to be set aside only if substantial

If objections are raised, which do not affect the merits of the cause, the court or the judge may amend the proceedings, which shall thereupon be executed as though it had been regular in the first instance.

injustice has been done. Proceedings may be amended.

**400.** Immediately after the judgment is rendered, the record in the cause, together with a copy of the judgment deciding the appeal and a certificate of the costs allowed, shall be transmitted to the court below, under the authority of which all the costs incurred, including those in appeal, shall be levied.

Record to be transmitted to Court below after decision in appeal.

**Abandonment of appeal.** **400.** Every appellant who neglects to make the service, required by section 393, or, who having made the same, neglects effectually during six months to prosecute the appeal, shall be deemed to have abandoned such appeal, and the court, on application by the respondent, shall declare all the rights and claims, founded on the said appeal, forfeited with costs in favor of the respondent, and shall order the transmission of the record to the court below.

**Sureties bound to satisfy judgment in appeal.** **401.** The sureties shall be bound to satisfy the judgment under penalty of seizure and execution, and in the same manner as the principal party, fifteen days after service of the judgment upon them.

**No appeal in municipal matters from judgment of Superior Court.** **402.** No appeal shall lie under the provisions of this act from any judgment rendered by any judge of the Superior Court, respecting municipal matters.

**No certiorari allowed.** **403.** No judgment, decision or conviction, subject to appeal under this act, can be set aside by *certiorari* in the Superior or Circuit Court.

#### FINAL PROVISIONS.

**French version of act to prevail.** **404.** In the event of a discrepancy between the English and French versions of this act the French version shall be adopted in preference.

**Interpretation acts to apply, and coming into force of act.** **405.** The present act shall come under the effect of the interpretation act or acts of the Province of Quebec and shall come into force on the day of its sanction.

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

An Act to incorporate the town of Laurentides.

[Assented to 30th March, 1883.]

Preamble.

**W**HEREAS the inhabitants of a portion of the parish of St. Lin, comprising the territory hereinafter described, have, owing to the increase of their population, and to the fact that the provisions of the Municipal Code are no longer sufficient to allow such inhabitants to effect the improvements which they intend to make, prayed for the erection of the said territory, including the village of St. Lin and some rural properties adjoining thereto, into a town corporation, to have and bear the name of the town