

to render the said acts permanent ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The act of the parliament of the late province of Lower Canada, passed in the second year of the reign of his late Majesty, King George the Fourth, intituled : " An Act for better regulating the common of the Seigneurie of Laprairie de la Magdeleine ;" ^{2 Geo. 4, c. 8.}

The act of the said parliament, passed in the same year of the same reign, and intituled : " An Act to enable the inhabitants of the Seigniory of La Baie Saint Antoine, commonly called Baie du Febvre, to provide for the better regulation of the common of the said Seigniory," as amended and extended by the act of the said parliament, passed in the fourth year of the same reign, and intituled : " An Act to authorize the chairman and trustees of the common of the Seigniory of La Baie St. Antoine, commonly called Baie du Febvre, to terminate certain disputes relating to the limits of the said common, and for other purposes appertaining to the same," ^{4 Geo. 4, c. 26.}

The act of the said parliament, passed in the ninth year of the same reign, and intituled : " An Act to alter and amend an act passed in the sixth year of Her Majesty's reign, and intituled : " An Act to authorize the inhabitants of the fief Grosbois, in the county of St. Maurice, to make regulations for the common of the said fief," ^{9 Geo. 4, c. 32.}

Are hereby rendered permanent, and shall remain in made permanent force until repealed by this legislature. ^{Made permanent.}

2. This act shall come into force on the day of the sanction thereof. ^{Act in force.}

C A P X X I X.

Town Corporations' General Clauses Act.

CONTENTS OF THE ACT.

	Sect.
Preliminary	1

FIRST PART.

ORGANIZATION OF THE CORPORATION.

I. Of the Council.....	16
1. Composition of the Council.....	17
2. Provisions proper to members of the Council.....	21

II. Of persons bound to accept municipal offices, and of those incapable of or exempt from discharging them.....	34
1. Of persons bound to accept municipal offices.....	34
2. Of persons incapable of discharging muni- cipal offices.....	36
3 Of persons exempt from the discharge of municipal office.....	45
III. Of municipal electors.....	50
IV. General elections of mayor and councillors.....	52
V. Vacancies in the office of mayor or councillors.	96
VI. Contestation of the elections of mayor or coun- cillors.....	98
VII. Of sessions of the council.....	112
VIII. Of officers of the council.....	132
1. General provisions.....	132
2. Of the Secretary-Treasurer.....	149
§I. Security of the Secretary-Treasurer.....	152
§II. General duties of the Secretary-Treasurer	160
3. Of Auditors.....	175
4. Of Valuers.....	177
IX. Of municipal notices.....	180

SECOND PART.

POWERS OF THE COUNCIL.

I. General provisions.....	197
II. Provisions applicable to by-laws of the council.	205
III. General powers to make by-laws.....	223
1. Government of the council and its officers..	224
2. Aid in the construction, improvement and maintenance of works foreign to the cor- poration.....	227
3. Public markets.....	233
4. Sale of bread.....	238
5. Sale of intoxicating liquors.....	239
6. Masters and servants.....	241
7. Public health.....	242
8. Public safety.....	243
9. Indemnity, aid and rewards.....	260
10. Decency and good morals.....	267
11. Public nuisances.....	273
12. Drains.....	277
13. Ditches and water courses.....	279
14. Public roads.....	283
15. Carters.....	293
16. Lighting of the town.....	296
17. Miscellaneous provisions.....	297
IV. Water supply.....	310

V. Valuation roll.....	323
VI. List of municipal electors.....	340
VII. Loans.....	348
VIII. Taxes and their collection.....	363
IX. Infliction of punishments.....	385
X. Expropriation for municipal purposes.....	386

THIRD PART.

SPECIAL PROCEEDINGS.

I. Execution of judgments rendered against the corporation.....	395
II. Recovery of penalties.....	409
1. General Provisions.....	409
2. Suits before justices of the peace.....	417
3. Appeals to the superior court.....	426
Final Provisions.....	441

[Assented to 28th December, 1876.]

HER MAJESTY, by and with the advice and consent of the Legislature of Québec, enacts as follows :

PRELIMINARY.

1. The provisions of this act shall apply to every town corporation or municipality, which shall hereafter be established by the legislature of this province, and they shall constitute part of the special act relative to such town, so as to form with it one and the same act, unless they be expressly modified or excepted. Application of this act.

2. For any of the provisions of this act not to be incorporated in the special act the special act must expressly declare that such provisions, specifying them by their numbers, shall not form part thereof; and this act shall be interpreted accordingly. Express mention of exceptions shall be necessary.

3. The following expressions, terms and words, whenever the same occur in this act, shall have the meaning, sense and application, which are respectively assigned them in this section unless the context of the provision indicates or declares otherwise : Interpretation.

1. The term "special act" means any act of the legislature of this province establishing a town municipality or corporation; Special act.

2. The word "municipality" signifies the territory erected into a town by the special act; Municipality.

3. The word "district" means any judicial district established by law, and designates the district in which the town is situated; District.

Circuit Court
of the County
or County
Circuit Court.

4. The terms "circuit court of the county" or "county circuit court," mean the circuit court in and for the county; and if there is more than one circuit court in the county, they include all those established therein;

Magistrate's
Court; Magis-
trate's Court
of the county.

5. The terms "magistrate's court" or "magistrate's court of the county" mean the magistrate's court established in the county, by proclamation of the lieutenant-governor, and presided over by the district magistrate;

Member of
the council.

6. The term "member of the council" means and includes the mayor and all the town councillors;

Municipal
office.

7. The term "municipal office" means all the offices or functions discharged either by the members or officers of the council;

Justice of the
peace.

8. The term "justice of the peace" includes equally the mayor and each councillor acting *ex-officio* as justices of the peace, under section 33;

Session.

9. The word "session," employed alone, means indifferently an ordinary or general session, and a special session;

The day fol-
lowing.

10. The expression "the day following" does not mean or include holidays, unless a thing may be done upon a holiday.

Meaning of
terms "know
how to read
and write."

4. In all cases in which it is declared by the provisions of this act or of the special act, that any person to be capable of filling any municipal office, must know how to read and write, it shall not be sufficient that such person be only able to read print or to write his name, or even to do both.

Manner of
signing on
certain cases.

5. Whenever, according to the provisions of this act or of the special act or of the by-laws of the council, it is declared that any person must sign his name to any document whatsoever, such person, if he is unable to write or sign his name, shall affix his mark to such document, in the presence of a witness who signs.

This section shall not apply to members of the council or to officers, who, according to the provisions of this act, must be able to read and write.

Reference.

6. Any reference to one or more sections indicated in the provisions of this act, without mention of the act or statute of which such sections form part, is a reference to the sections of this act.

Unnecessary
allegations in
municipal
acts.

7. Unnecessary allegations or expressions, used in any act whatsoever connected with municipal matters, in no manner affect the validity thereof, provided that, on their being set aside as surplusage, what is left is capable of being understood in the sense intended.

8. No act connected with municipal affairs, performed by a council, its officers or any other person, shall be null or void solely on account of error or insufficiency in the designation of the corporation, or of the municipality, or of such act, or on account of insufficiency in, or the omission of the declaration of the quality of such officer or person, provided no surprise or injustice result therefrom. Error or insufficiency.

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

10. Any oath required by the provisions of this act, or of the special act, may be made before the mayor, the secretary-treasurer or any justice of the peace. Taking of oaths.

Any person, before whom any oath may be made, is empowered, and required whenever he is called upon to do so, to administer the oath and deliver a certificate thereof to the party taking the same without fee.

11. In all proceedings in which the rights of any municipal corporation are involved, no witness shall be inadmissible from the fact of his being an elector or a rate-payer of the municipality, or from his forming part of the council. Competence of witnesses, who are electors or councillors.

12. Whenever any deposition or information is required to be given under oath, on behalf of any corporation, such deposition or information may be given by any member or officer of the council. Depositions on behalf of corporations.

13. Every justice of the peace and all persons who refuse or neglect, without reasonable cause, to do any act or duty imposed upon them by the provisions of this act or of the special act, or required of them in virtue of such provisions, shall incur, over and above the damages caused, a penalty of not less than four nor more than twenty dollars, except in cases otherwise provided for. Penalty for refusal or negligence to act in certain cases.

FIRST PART.

ORGANIZATION OF THE CORPORATION.

14. The inhabitants and rate-payers of every town municipality, which shall in future be established, and Corporation constituted.

their successors, shall be a corporation or body politic, known under the name mentioned in the special act.

General powers.

15. Such corporation, under its corporate name, shall have perpetual succession, and may :

1. Acquire real or personal property by purchase, donation, devise or otherwise, and hold, enjoy and alienate the same ;

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

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

4. And generally exercise all the powers vested in it or which are necessary for the accomplishment of the duties imposed upon it.

1. OF THE COUNCIL.

By whom the corp. is represented.

16. The corporation shall be represented by its council : its powers are exercised and its duties discharged by such council and its officers.

1. *Composition of the Council.*

How composed.

17. The municipal council shall be composed of a mayor and of the number of councillors fixed by the special act, elected in the manner hereinafter prescribed.

Duration.

18. The mayor shall be elected for one year, and the councillors for the period fixed by the special act.

Term expired.

19. 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.

Another term

20. 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.

2. *Provisions proper to members of the council.*

Oath of office.

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

Before whom taken.

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

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

Entry upon duty.

22. The omission during fifteen 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.

Omission to take oath.

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

Services to be gratuitous.

24. The members of the council shall be unable to hold any subordinate office under the council of which they are members, nor shall they be sureties for the performance of the duties attached to such office.

Disabilities resulting from office.

25. Any person appointed to the office of mayor or of councillor, 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.

Refusal to accept office.

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

When refusal shall be held to have occurred.

27. Any member who refuses to accept the office, or to continue to perform the duties of the office, to which he has been appointed in the council, or who is unable to perform such duties for three consecutive months, through absence, illness, infirmity, or otherwise, may at any time, until the vacancy caused by his refusal or incapacity to act be filled up, resume his duties and perform the same, if he is able to do so, without prejudice in any case to the costs of proceedings instituted against him, when any such proceedings may be instituted.

Resumption of office

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

Validity of certain votes and acts.

29. The mayor shall exercise the right of superintendence over the officers of the municipality, shall see to the faithful and impartial execution of all municipal ordinances and by-laws, and communicate to the council any information and suggestion which he may consider

Mayor to superintend and make suggestions.

conducive to the interests of the municipality or its inhabitants.

Signs, etc. **30.** He 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.

Reads all circulars from Gov't, etc. **31.** It shall be his duty to read to the council, in session all circulars or communications addressed to himself or the council by the lieutenant-governor, or by the provincial secretary, and, if it be required by the council or by the lieutenant-governor, to make them public in the municipality, in the manner required for public notices.

Gives information. **32.** He shall be also bound to furnish to the lieutenant-governor, on demand, all information concerning the execution of the municipal law, and all other information which it may be in his power to give with the concurrence of the council.

Mayor and councillors to be justices of the peace. **33.** The mayor and councillors shall be *ex-officio*, without other qualification and without being obliged to take the oath prescribed for such office, justices of the peace within the limits of the municipality so long as they continue in office.

Jurisdiction. They shall be competent to hear and decide all cases in which the corporation or its officers are interested parties.

II. OF PERSONS BOUND TO ACCEPT MUNICIPAL OFFICES, AND OF THOSE INCAPABLE OF, OR EXEMPT FROM DISCHARGING THEM.

1. *Of persons bound to accept municipal offices.*

General qualification. **34.** Every male resident of full age in a municipality, not declared disqualified by a provision of this act, shall be capable of discharging a municipal office.

Exercise of duties obligatory. **35.** Whosoever is capable of discharging any municipal office in the municipality, and is not exempted from so doing, shall be bound to discharge such office, if he is thereunto appointed, and to perform all the duties thereof, under the penalties prescribed by law.

No one, however, shall be bound to accept or to continue in the discharge of the office of secretary-treasurer.

2 *Of persons disqualified for municipal offices.*

36. The following persons shall not be appointed to nor fill municipal offices : General dis-
qualifica-
tions.

1. Minors ;
2. Persons in holy orders, and the ministers of any religious denomination ;
3. Members of the privy council ;
4. The judges of the supreme court, of the court of Queen's bench, of the superior court, and of the court of vice-admiralty, the district or police magistrates and sheriffs ;
5. Officers on full pay of Her Majesty's army or navy, and the officers or men of the provincial or local police force ;
6. Keepers of taverns, hotels or houses of public entertainment, or persons who have acted as such within the twelve preceding months.

37. Whosoever has no domicile or place of business in a town, shall be incapable of exercising any of the municipal offices of such town. Idem.

38. No person receiving any pecuniary allowance or other consideration from the corporation for his services, or having, directly or indirectly, by himself or his partner any contract or interest in any contract with the corporation, shall be appointed a member of the council of the said corporation or act as such. Idem.

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

The word "contract" used in the first provision of this section does not extend to any lease, nor to any sale or purchase of lands, nor to any loan of money, nor to any agreement respecting any of these acts. Meaning of
word "con-
tract."

39. No person shall be elected mayor or councillor, or fill either of these offices unless : Eligibility

1. He be of the male sex, of full age and a subject of Her Majesty by birth or naturalization ;
2. He can read and write ;
3. He has had his domicile or place of business within the limits of the town, during the year preceding the election ; and
4. He has possessed therein, for at least twelve months, as proprietor in his own name or in that of his wife, real estate of the value of one thousand dollars for the office of mayor and four hundred dollars for that of councillor.

Disqualifica-
tion.

40. The person who *de facto* presides at any municipal election shall not be elected as mayor or councillor at such election.

Idem

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

Other disqua-
lifications.

42. Other disqualifications relative to certain municipal offices, are prescribed in the provisions respecting these offices.

Notice re-
quired.

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

Until such notice is given, such person shall be deemed to have continued in the exercise of such office, and shall be liable to all penalties, prosecutions and other rights of action set forth in this act.

Notorious
disqualifica-
tion.

44. If the disqualification of a person appointed to a municipal office or holding the same is notorious or sufficiently established, the council may by resolution declare the office of such person vacant, saving any recourse on the part of the person appointed. The vacancy shall then be filled in the ordinary manner, and within the delay prescribed.

3. *Of persons exempt from municipal offices.*

General
exemptions.

45. The following persons are exempt from any municipal office :

1. Members of the senate, of the house of commons, of the executive council, and of the provincial legislature ;

2. All civil functionaries, the employees of the federal parliament and of the provincial legislature, and the militia staff ;

3. Advocates, notaries, provincial land surveyors, physicians, apothecaries and teachers, engaged in their respective professions ;

4. Licensed pilots, persons engaged in navigation, and millers ;

5. Persons of over sixty years of age ;

6. Gaolers and keepers of houses of confinement, of correction, or of reformatory schools ;

7. All persons employed on railways.

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

47. Any person actually engaged in an office under any council, may, while he is discharging the duties of such situation, refuse to accept any other office under the same council. Employment under council.

48. Any person who shall pay a penalty for refusal to accept any municipal office, shall be exempt from filling any office whatsoever, under the same council, during the period for which he had been appointed. Payment of fine.

49. Any person, who shall be appointed to a municipal office from which he is exempt, or who while filling any office shall become exempt, and desire 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 the day when he shall become exempt from filling such office. Notice required.

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

III. OF MUNICIPAL ELECTORS.

50. Every person 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 or of the special act, who, at the time he exercises such rights and privileges, is under the following conditions: Electoral qualifications.

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, as appears by the valuation roll in force, as proprietor of real estate of the actual value of at least two hundred dollars, or as tenant farmer or lessee or as occupant by any title whatsoever, of real estate of the annual value of at least twenty dollars;

3. He must have paid all the municipal and school taxes due by him at the period of his exercising such right as elector;

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

Illegal exercise of electoral rights.

51. Whosoever shall vote at any municipal election, or exercise any right or privilege by this act or by the special 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.

IV. GENERAL ELECTION OF MAYOR AND COUNCILLORS.

Date of elections.

52. The general elections shall take place every year in the month of january. The nomination shall take place at ten o'clock in the morning, on the second monday of january, and the polling, when required, shall be held on the third monday of january.

If for new town.

53. In any town newly established, the first general election shall take place on the day and at the hour and place mentioned in the special act.

The following general election shall be held at the time fixed in the preceding section.

Number of persons to be elected.

54. At each such election, there shall be elected a mayor and as many councillors as the special act requires, if it is the first election, or as retire from office, if it be the general elections following.

Notice previous to election.

55. Eight days before each general election, public notice shall be given by the secretary-treasurer or by the mayor, announcing such election, and calling together a general meeting of the electors of the municipality, at the time and place indicated for the nomination.

In the case of the first general election, the notice shall be given by the person who is to preside over it.

Omission to give notice.

56. 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 delay, shall each incur a penalty of not less than five nor more than twenty dollars.

Penalty.

Sec.-Treas. to preside over election.

57. The secretary-treasurer of the council shall *ex-officio* preside at the election of the mayor and councillors. In a town newly erected, the election of the mayor and councillors shall be presided over by the secretary-treasurer of the municipality from which the territory of the town has been separated, unless some person has been designated by the special act as presiding officer of such election.

Appoint an election clerk.

The presiding officer, shall, in all cases, appoint an election clerk to assist him in the execution of his duties

relative to the elections. In the event of the secretary-treasurer being absent or unable to act, the election clerk shall discharge all his duties and under the same penalties.

58. If the secretary-treasurer, from any reason whatsoever becomes unable to act before he has appointed a clerk the mayor in office may appoint another person, to hold and preside over the election; and the person so appointed shall, in this respect, have all the powers and discharge all the duties of the secretary-treasurer. If secretary becomes unable to act

59. The meeting of municipal electors for the nomination of mayor and councillors, shall be held at the town hall and shall be opened at ten o'clock in the morning of the day fixed therefor. Time and place of election.

60. After having opened the meeting, the presiding officer shall receive and place in nomination the names of all persons handed in writing, by at least seven municipal electors. Nomination.

In the case of an election of councillors, the presentation must be made by the electors of the ward.

61. 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. Acclamation.

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

63. If one hour after the opening of the meeting there have been and remain nominated, for the office of councillors in one or more wards, more persons than there are councillors to be elected therefor, it shall be the duty of the presiding officer of the election, to grant a poll for such ward, which poll shall be held on the Monday following, at the town hall. Polls for election of councillors.

64. If, after the same period of time, there have been and remain nominated more than one person for the office of mayor, the presiding officer shall grant a poll. Such poll shall also be held on the Monday following, at the town hall, for each and every ward of the town, and at the same time as the poll for the election of councillors, if a poll is to be held in relation to such office. For election of mayor.

Deputy pre-
siding offi-
cers.

65. It shall be the duty of the presiding officer to appoint for each ward in which a poll is to be held in conformity with the two preceding sections, a deputy presiding officer, to whom shall be entrusted the holding of such poll.

How poll
shall be held.

66. At the time specified, the poll shall be opened for each ward, by the deputy 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.

The poll shall be opened at nine o'clock in the morning and closed at five o'clock of the afternoon of the same day.

Poll book.

67. Each poll book shall contain, at the top of as many distinct columns, the names and surnames of each candidate as nominated for the office of mayor and councillors.

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

Voting.

68. At each poll so held the electors who have the right to vote thereat, may do so for any one of the candidates for the office of mayor, and for as many candidates for the office of councillor, as there are councillors to be elected for the ward.

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.

Idem.

69. Electors shall only vote at the poll of the ward in which they are qualified as such.

If one elector is qualified to vote in more than one ward, he may vote for the election of councillors, in each ward wherein he is so qualified; but as regards the election of mayor, he may only vote in the ward in which he resides.

Idem.

70. If any person possess in the municipality, as proprietor, parcels of real estate, the value of which does not amount to two hundred dollars each, and which are situated in different wards, he may, provided the total value of such real estate together, be at least two hundred dollars; vote in the ward in which he resides, for the election of mayor, and for the election of the councillors of such ward.

Idem.

71. No person shall vote but 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.

72. 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. Establishment of qualification.

73. The deputy presiding officer at each poll or his clerk may, and shall on the requisition of any candidate or of his representative, or of any elector, cause any person who presents himself for the purpose of voting, to make the oath or affirmation following: Oath.

“ You swear (*or affirm*) :

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 of electors now shown you, if there be a list of municipal electors*) ;

That you are entitled to vote at this election ;

That all your municipal and school assessments, taxes and dues exigible, are paid ;

That you have received nothing and have been promised nothing, either directly or indirectly, to vote at this election ; and

That you have not already voted at this election (of mayor and councillors of this ward, *as the case may be*). So help you God.”

74. If an elector take the required oath, or refuse to take the same, or if objection be 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. Mention in poll-book.

75. Whenever the deputy presiding officer, or his clerk, if he has one, does not understand the language spoken by one or more electors, an interpreter shall be appointed, who, before acting, shall take, before such deputy presiding officer, the following oath: Appointment of interpreters.

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

76. At the close of the poll each deputy presiding officer shall, in presence of two witnesses, calculate and certify, under his signature, in the poll-book, the total number of names entered on such book, from the first entry to the last, together with the total number of votes given to each of the candidates for the office of mayor and for that of councillor. Counting of votes.

Casting vote
of deputy
presiding
officer.

77. In the case of an equal division of votes in favor of two or more among the candidates, for the office of councillor, the deputy presiding officer for the ward shall forthwith give his vote, even although he be not a municipal elector, under a penalty of not less than twenty nor more than fifty dollars.

Councillors
proclaimed
elected.

78. The presiding officer shall then proclaim elected councillors of the ward, the candidates who shall have obtained the largest number of votes.

Report of
deputy
presiding
officer.

79. If a poll is held for the election of mayor, the deputy presiding officer of each of the polls so held shall, during the hour which follows the close of the poll, transmit to the presiding officer of the election, a copy of his certificate as entered in the book, as to the number of votes given for each of the candidates for the office of mayor.

Mayor pro-
claimed
elected.

80. The presiding officer of the election, after having received the certificates mentioned in the preceding section for all the wards of the town, and after having himself ascertained the total number of votes given for each candidate, shall proclaim elected mayor him who shall have obtained the greatest number of votes.

Casting vote
of presiding
officer.

81. In the case of an equal division of votes in favor of two or more candidates standing for the office of mayor, the presiding officer shall be bound, under a penalty of fifty dollars, to give his casting vote, without delay, in favor of such candidate as he may deem expedient, and shall proclaim him elected mayor.

Presiding
officer to
remain in
town hall.

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

Notice to
candidate
elected.

83. In the 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.

Report of
presiding
officer.

84. 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.

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

The presiding officer of the first election in a newly

erected town, shall keep such documents until the secretary-treasurer of the town shall have been appointed, and forward them to such officer without delay upon his entering in office.

85. The presiding officer of the election and the deputy presiding officers shall not vote except in the case of sections 77 and 81. Votes of presiding officer and deputy.

86. In any municipality, not divided into wards, the election of councillors for the whole municipality shall be held in the manner prescribed for that of wards; and the poll, if required, shall be held by the secretary-treasurer himself, with the assistance of his clerk. Municipalities not divided into ward.

87. In the case of the preceding section, if, at five o'clock of the day of the opening of the poll, the votes of all the electors present have not been recorded, the polling shall be adjourned till the following day at ten of the clock in the forenoon for the continuation of the recording of the votes; and the poll shall be closed at five o'clock on that day. Adjournment of polling.

88. If it happen that the annual general elections do not take place at the time specified in this act, it shall be the duty of the councillors who do not retire from office to assemble without delay to fix the days on which the nomination and the holding of the polls shall be held. In case general elections are postponed.

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

89 If, within fifteen days next after that on which the general elections should have taken place, the councillors who do not retire from office have not complied with the preceding section, they and each of them shall be liable to a penalty not exceeding twenty dollars. Idem. Penalty.

In such latter case, it shall be the duty of the mayor in office or of the person who shall have last discharged the duties of mayor, under a penalty of one hundred dollars, to fix the days of the election and to give the notice required by section 88. Duty of mayor.

90. In default to act, on the part of the mayor mentioned in the preceding section, the lieutenant-governor may name a person and direct her to do what is required of such mayor. Mayor's default to act.

91. The presiding officer at 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 Presiding officer to be a justice of the pea

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 in the morning of the day following the voting.

Appointment
of special
constables.

92. The presiding officer at the election may, moreover, for the purpose of preserving peace and public order, swear in as many special constables as he deems necessary, and require the assistance of all justices of the peace, constables and other persons residing in the municipality, by verbal or written order.

Appointment
of clerk.

93. Each deputy presiding officer of the election may, by an instrument in writing under his hand, appoint a clerk.

Duties.

Such clerk shall discharge all the duties assigned to him by the deputy presiding officer who appoints him, and shall further discharge those conferred by law on the deputy presiding officer, in the case of the latter's absence or incapacity.

Qualifica-
tions.

94. Deputy presiding officers at elections and their clerks shall in all cases be able to read and write.

Election ex-
penses.

95. Election expenses shall be defrayed by the corporation.

The services of presiding officer, at an election, shall be gratuitous ; nevertheless, the council shall reimburse all just expenses incurred by him, on account of the election, and may allow the deputy presiding officers and their clerks an indemnity for the services.

V. VACANCY IN THE OFFICE OF MAYOR OR COUNCILLOR.

When vacan-
cy occurs.

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

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 49 ;

2. In the case of refusal to accept or 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, or has applied to obtain the benefit of any law to protect or relieve insolvent debtors ;

5. When the mayor or any councillor, after his appointment, has come under one of the disqualifications established by the law and has complied with section 43 ;

6. In the case of absence from the municipality, or of inability to act through sickness, infirmity or otherwise, during the period of three months consecutively, subject, however, to the provisions of section 27 ;

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 44, 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. Proviso.

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

VI. CONTESTATION OF THE ELECTION OF MAYOR OR COUNCILLORS.

98. Any election of a mayor or councillor may be contested by any candidate or by five municipal electors, on the ground of violence, corruption, fraud or incapacity, or on the ground of the non-observance of the necessary formalities. Contestation. Grounds.

99. The examination and decision of such contestation shall be vested in the superior court of the district. Tribunal.

100. Such contestation shall be made by a petition in which shall be set forth the facts and reasons alleged in support of the contestation. Petition.

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.

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

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

- Security.** **103.** The petitioners shall give security for the costs before the service of the petition; otherwise such petition shall not be received by the tribunal.
- Before whom put.** **104.** The securities required by the foregoing section shall be put before the prothonotary.
- Amount.** 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.
- Presentation of petition.** **105.** Such petition shall be presented in open court, or to a judge in chambers, together with the returns of the preliminary services.
If the petition must be presented to a judge in chambers and that the judge be absent, it may be filed in the prothonotary's office.
- Proof and hearing.** **106.** If the court or the judge, after having heard the parties, is of opinion that the grounds set forth in the petition are sufficient in law to have the appointment declared null it shall order proof to be adduced and the parties interested to be heard, on the day it deems the most convenient.
- Summary proceedings.** **107.** The court or the judge shall proceed in a summary manner to hear and decide such contestation.
The evidence may be taken orally or in writing, in whole or in part, as the tribunal shall order.
- Judgment.** **108.** The court or the judge by his judgment may confirm or annul the election, or declare that one or more other persons have been duly elected.
- Costs.** **109.** The court or the judge may condemn either of the parties to pay the costs of the contestation; and such costs shall be recoverable as well against the parties to the suit as against their sureties.
- Sureties.** The judgment, in so far as regards the costs, shall be executory against the sureties, fifteen days after a copy thereof has been served upon them.
- Service of judgment.** **110.** The tribunal 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.
- Court to be continued.** **111.** If the trial of the contestation is not concluded at the close of the term of the court to which the petition was presented, the sitting judge shall continue it without

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

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

VII. OF SESSIONS OF THE COUNCIL.

112. In every newly organized town the first session of the council shall be held on the wednesday next after the closing of the election, at the place indicated in the special act. First session.

Such session shall be a general session of the council.

113. The council shall further hold general or ordinary sessions, on the first wednesday of each month, unless it be otherwise provided under section 224. General sessions.

114. The council shall continue to sit at the place selected for the first session, until another locality be determined on by resolution. Where held.

115. The quorum of the council shall be established by the special act. Quorum.

116. If the day fixed for an ordinary session by the provisions of this act or by the by-laws of the council, fall upon a holiday, such session shall be held on the next following juridical day. Holidays.

117. 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 the council, by giving special notice of such session to all the members of the council, other than those summoning the same. Special sessions.

118. At a special session, the subjects or matters mentioned in the notice calling the council together shall alone be taken into consideration. Preliminary proceedings at special sessions.

The council, before proceeding to business at such session, must set forth and declare, in the minutes of the sitting contained in the book of its deliberations, that the notice of meeting has been served, in conformity with the requirements of this act, upon the members of the council who are not present at the opening of the sitting.

If it appear that the notice of meeting has not been served on all the absent members, the session shall be immediately closed, under penalty of all its proceedings being null.

Notice of
convocation.

119. The notice of convocation of every special session of the council, as well as the notice of adjournment in the case prescribed by section 127, shall be given to the members of the council at least twenty-four hours before the time fixed for the session or the resumption of the adjourned session.

Hour.

120. Every session shall commence at the hour of seven in the evening, unless otherwise determined by the notice of the meeting, by an adjournment or a by-law or resolution of the council.

Sessions to be
public.

121. The sessions shall be held with open doors. Until otherwise ordained, in virtue of section 224, each session shall consist of one sitting, unless adjourned.

Duration of
session.

Presidency
of council.

122. The sessions of the council shall be presided over by the mayor, or in default of the mayor by the pro-mayor, or in default of both by any member chosen from the councillors present, and in the case of the councillors not agreeing, by him who shall be chosen by lot.

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

Decision of
disputed
questions.

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

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

The pro-mayor or any other councillor who presides, may vote whenever any question is put to the vote; and, in case of an equal division of votes, he shall in addition have the casting 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.

Member
interested.

124. No member of a 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 naming of committees.

Voting to be
open.

125. 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.

126. Any ordinary or special session may be adjourn-
ed by the council to any other hour of the same day or
to a subsequent day, without it being necessary to
give notice of the adjournment to members not present,
except in the case of the following section.

Adjourn-
ment.

127. When there is no quorum, any two members of
the council may adjourn the session, one hour after the
want of a quorum has been established. The hour of
adjournment and the names of the members of the
council present, shall be entered in the minutes of the
sitting, in the book of the proceedings of the council.

No quorum.

In such case a special notice of the adjournment shall
be given by the secretary-treasurer to the members of
the council not present at the time of the adjournment.
The service of such notice shall be established, when
the adjourned session is resumed, in the same manner
as in the case of the notice summoning a special session,
and the absence of service of such notice shall render
null all proceedings adopted at such part of the adjourn-
ed session.

Notice.

128. 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 exe-
cution of certain duties.

Appointment
of commit-
tees ; powers.

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 130.

Reports.

129. Every one, 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 autho-
rized by power of attorney or not. He may also produce
and examine witnesses.

Appearance
by attorney.

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

Powers at
enquête.

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.

Refusal to
appear.

131. If any one so summoned before the council or the committees fail, 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.

VIII. OF THE OFFICERS OF THE COUNCIL.

1. *General provisions.*

Sec.-Treas.

132. The council shall always have an officer as keeper of its office and archives, who shall be styled the "secretary-treasurer."

Auditors and
valuators.

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

Other officers.

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

Vacancies.

133. If the place of any municipal officer become vacant, such vacancy shall be filled by the council without delay.

Substitute.

Every officer appointed to replace another, shall hold office only for the remainder of the time for which his predecessor was appointed.

Removal.

134. Every municipal officer may be removed by the council.

Mode of dis-
missal.

135. 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.

136. Every municipal officer, who is bound to take the oath of office before entering upon his duties, shall do so within the fifteen 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.

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

137. Any 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. Certificate of taking oath.

138. 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 at the office of the council, or to his successor, all the moneys, keys, books, papers, insignia, documents, archives and things belonging to such office. Duty of officer retiring.

139. If any municipal officer die, or absent himself from the district, his representatives shall be bound, within one month from his death or absence, 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. If dead or absent.

140. 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. Right of Corporation.

141. 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, keys, books, insignia, archives and things. Idem.

142. Every municipal officer, in whose hands is deposited or filed any document whatsoever, shall be bound, on demand, to give a receipt therefor. Receipt for document.

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.

143. 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. Action of majority, legal.

144. The council cannot, in any manner, discharge or exempt its officers from the performance of the duties imposed by the special act or this act, except in particular cases where such power is conferred upon it. No exemption from performance of duties to be granted.

145. 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 ser-

vices, 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.

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

Remuneration by corporation.

146. 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, or of any other act, or of the by-laws of the council.

Corporation responsible for acts of officers.

147. 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 and interests resulting from their refusal to discharge or negligence in discharging their duties, saving its recourse against such officers.

Officers liable to Corporation only.

148. Municipal officers shall be liable for their acts, or in damages and interests 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.

Exception.

2. *Of the Secretary-Treasurer.*

Duration of office.

149. The secretary-treasurer shall remain in office during the pleasure of the council.

Oath of office; security.

150. The secretary-treasurer, before acting as such, shall make oath to discharge well and faithfully the duties of his office, and shall, within thirty days next following, give security in the manner prescribed by this act.

Assistant-secretary-treasurer.

Powers and duties.

151. 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.

Oath.

Removal.

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.

In the performance of his functions, he shall act under the responsibility of the secretary-treasurer who appointed him. Responsibility.

§ I. SECURITY FURNISHED BY SECRETARY-TREASURER.

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

153. 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 and interests. Sureties jointly and severally responsible.

154. 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. Form and contents of deed of guarantee.

155. 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. Discharge of sureties.

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

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 infraction of this provision. Other sureties to be furnished.

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

157. 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 registra- Certificate of discharge.

tion thereof, shall discharge thenceforth the immovables hypothecated by such security-bond.

Discharge of hypothec. **158.** 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.

Guarantee insurance policy. **159.** The security given by the secretary-treasurer, may be, if the municipal council deem it convenient, a policy of a guarantee insurance, in place of a hypothec.

II. GENERAL DUTIES OF THE SECRETARY-TREASURER.

Keeping of archives. **160.** 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 upon an order of a competent tribunal.

Minutes. **161.** He shall attend at all sessions of the council, and draw up minutes of all the acts and proceedings thereof in a register kept for that purpose, and called "register of proceedings."

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

Mentions required. 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.

Certified copies and extracts. **162.** 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.

Charge of monies. **163.** The secretary-treasurer shall collect and have charge of all moneys due or payable to the corporation.

Investment of monies. **164.** The secretary-treasurer may deposit in any corporate bank the moneys arising from municipal taxes or dues, or belonging to the corporation, and may allow 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.

165. 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.

Payment of monies.

Authorization.

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 of the special act, or by the by-laws of the council.

Exception.

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.

166. No secretary-treasurer shall, under a penalty of twenty dollars for each infraction :

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

Discharges prohibited unless money received, also loans of money.

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.

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

Archives open to inspection.

168. 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.

Delivery of copies or extracts :

It shall be also his duty to send, without delay, by mail, to the principal place of business of any corporation or iron 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, *procès verbal*, filed for homologation or homologated, which affects such corporation or company, as

To railway companies.

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 corporation or company shall be bound to pay immediately on receipt of such document.

Fees.

His fees, until established under section 145, and unless otherwise fixed by the provisions of this act, shall be ten cents per hundred words, and fifty cents for the certificate.

Gratuitous copies.

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.

Rendering of accounts.

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

Suit en reddition de compte.

170. 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 render an account, 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 ought to have debited himself with, or which the court shall hold him accountable for, with interest and the costs of suit.

Contrainte par corps.

Every such judgment shall carry with it coercive imprisonment, if the same have been demanded in such action of account.

Statement to be sent to provincial secretary.

171. 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 :

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 capital amount due to the consolidated municipal loan fund ;
11. The amount of loans raised by the corporation by means of debentures or otherwise ;
12. The rate and the amount of interest due upon such loans ;
13. All other debts ;

- 14. The amount raised by loan within the year ;
- 15. The expenditure on salaries; and other expenditure for municipal administration ;
- 16. All other expenditure ;
- 17. The number of persons resident in the municipality.

172. 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. Prescription in favor of Sec.-Treas.

173. 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. Office of Sec.-Treas.

174. The secretary-treasurer shall perform whatever it is his duty to perform, under the provisions of the law respecting the jurors list and the list of electors of the legislature. List of jurors and electors of legislature.

3. Of the Auditors.

175. The auditors shall enter on their functions as soon as they are sworn to discharge well and faithfully the duties of their office. Taking office; oath.

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

No one can be appointed an auditor who is unable to read and write. Qualifications.

176. 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. Duties.

Such report shall include all the financial affairs of the corporation for the twelve months preceding.

4. Of Valuators.

177. 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, real estate to the value of eight hundred dollars, according to the valuation roll in force. Qualifications.

178. Valuators, in the execution of their duty, may demand the services either of the secretary-treasurer or of any other clerk. May employ clerk.

The secretary-treasurer or clerk, whose services shall have been so required, shall be entitled, for every day His fees.

during which he is employed, to a sum not exceeding two dollars, payable by the corporation, on certificate from the valuator who employed him.

Form of oath. **179.** The valuator, before acting as such, shall each take the oath following :

“ I , appointed valuator by the council of the town of , swear solemnly that I shall discharge, with honesty and justice, the duties of the said office, to the best of my judgment and capacity. So help me God.”

IX. OF MUNICIPAL NOTICES.

Notices. **180.** Every notice given, under the provisions of this act, of the special 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.

Special and public notices. **181.** Every notice, so given, shall be either special or public, and shall be given in writing.

Public notices shall be published ; special notices shall be served.

Copy, by whom certified. **182.** 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 or service. **183.** 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.

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

Special notice, how served. **184.** 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.

Agent of absent rate-payer. **185.** Every owner of land or rate-payer, domiciled without the limits of a municipality, may, by a special notice filed in the office of the council, appoint an agent to represent him for all municipal purposes.

186. 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 a resident proprietor. Notice served on agent.

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 other agent he may have appointed. In default of agent.

187. 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. Absentee without agent nor address.

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

189. 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. How served in certain cases.

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

191. The publication of a public notice for municipal purposes, shall be made by posting up a copy of such notice, at two different places in the municipality, from time to time determined on by resolution of the council. Publication of public notice.

In default of places determined upon by the council the public notice shall be posted upon or near the principal door of at least one place of public worship, if any there be, and at some other place of public resort in such municipality.

192. Every time a notice is ordered to be published in one or more newspapers, such notice shall be inserted in newspapers published at least once a week in the town, if any there be, if not, in newspapers of the district or of the neighbouring district, if no newspapers are published in the first district. In newspapers.

The same rule applies when such notice must appear in two newspapers published in different languages.

193. No notice can be inserted in english and in french in newspapers published in one of these languages only. Idem.

Computation of delay.

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

Public notices as regard absentees.

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

When irregular notices become valid.

196. 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.

SECOND PART.

POWERS OF COUNCIL.

I. GENERAL PROVISIONS.

Extent of jurisdiction.

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

How exercised.

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

Idem.

199. The council in the discharge of its functions, shall, in addition to the formalities required by the provisions of this act, fulfil all those prescribed by the special act and by the by-laws in force in the municipality.

Power of Sup. Court to set aside *procès-verbal*, etc.

200. Any *procès-verbal*, roll, resolution or other order of the council, may be set aside by the superior court of the district, by reason of illegality, in the same manner, within the same delay, and with the same effect as a by-law of the council, and shall be subject to the provisions of sections 211 and 221.

201. 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 municipality. Office of council.

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

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

204. 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. Service upon council.

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

205. The original of every by-law, 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. Signature to originals.

If such by-law must have been submitted for the approval of the municipal electors before coming into force, and that 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 required.

206. 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 . . . ;" and such entry shall be signed by the mayor and countersigned by the secretary-treasurer. Book of by-laws.

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.

207. One and the same by-law may regulate several of the objects mentioned in the provisions of this act or of the special act. By-laws regulating several objects.

In the event of the various objects, with regard to which one and the same by-law disposes, requiring the approval of the municipal electors, one approval alone shall be sufficient for the whole by-law.

By-laws coming into effect.

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

Idem.

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

How published.

210. The by-laws shall be published after the passing thereof, or their definitive approval in cases in which they 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.

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

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

Newspapers.

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

How long to remain in force.

211. 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 have been made.

Repeal of by-laws sanctioned by municipal electors.

212. 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.

How by-laws are to be amended. Notice required.

213. 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 a previous session.

Annulling of by-laws.

214. Any municipal elector in his own name, may, by a petition presented to the superior court or to one of the judges thereof, demand and obtain, on the ground of illegality, the annulment of any by-law of the council, with cost against the corporation.

215. The annulment of part only of a by-law may be demanded and obtained in the same way. Partial annulment.

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

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

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

218. The rules prescribed in sections 103, 104, 105, 106, 107, 109, and 111, shall apply also *mutatis mutandis* to the petition presented in virtue of the four preceding sections. Sections applicable to petition.

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

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

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

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

III. GENERAL POWERS TO MAKE BY LAWS.

223. The council shall have the right to make, amend, repeal or substitute, in whole or in part, from time to time, by-laws which refer to itself, its officers, or the municipality, upon any of the subjects following: Powers.

1. Government of the council and its officers.

224. 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 the committees. Sittings.

Date and length of sessions.

To determine the period of the ordinary sessions of the council and to fix the number of days such sessions may last.

Reading of by-laws.

225. 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.

Duties of officers.

226. To define the duties, not defined by this act, of the officers of the council.

2 *Aid in the construction, improvement and maintenance of public works or undertakings not belonging to the corporation.*

Road leading to municipality; bridges, &c.

227. To assist by money, granted or lent, in the construction, repair or maintenance of any road leading to the municipality, or of any bridge or public work, under the direction of the corporation of any other municipality.

Colonization road.

228. To aid in opening up and improving the colonization roads declared by the lieutenant-governor in council to be colonization roads of the second or third class, in which the corporation shall be held to be interested, in virtue of any law concerning colonization roads.

Public works.

229. To aid in the construction of any bridge, causeway, pier, wharf, slide, macadamized or paved road, railroad, or other public works, situated in whole or in part within the municipality or in its vicinity, 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.

Telegraph lines.

230. To subscribe for or hold stock in any company formed for the purpose of constructing electric telegraph lines.

Approval of electors required.

231. Every by-law passed in virtue of the two preceding sections, before coming into force and effect, shall be approved by the electors of the municipality who are proprietors, in the manner prescribed in sections 356 and the following to section 360 inclusive.

232. By-laws made in virtue of sections 227, 229 and 230, may determine the conditions under which assistance or subscription for shares is authorized. Conditions of assistance.

3. *Public markets.*

233. To establish, change, abolish or keep in order public markets, or places in which public markets are held; and to regulate the lease of stalls or stands therein or in their vicinity for the sale or offering for sale, of every description of goods, merchandise or wares, or of any specific commodity. Establishment; lease of stalls.

234. To establish and maintain public weigh-houses. Public weigh-houses.

235. To determine and define the duties and powers of all officers employed in superintending public markets and weigh-houses, within the whole extent of the municipality. Superintendents.

236. Generally to determine all matters relating to the public markets. General management.

237. To impose a tax on all persons selling on the high roads, markets or market places of the corporation. Tax.

4. *Sale of bread.*

238. To fix the quantity and quality of each loaf sold or offered for sale in the municipality; and prescribe the marks which it should bear. Quality; quantity; marks.

5. *Sale of intoxicating liquors.*

239. To fix a sum not exceeding eight dollars payable for the granting of each certificate to obtain a license authorizing the sale of spirituous, vinous, alcoholic or intoxicating liquors. Granting certificates.

240. To forbid infants, apprentices or servants to frequent inns, hotels, restaurants and shops, in which intoxicating liquors are sold. Frequenting taverns.

6. *Masters and servants.*

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

In default of by-laws made under this section, the provisions of the law respecting masters and servants in force in rural municipalities, shall be applicable within the municipality. In default of by-laws.

7. *Public health.*

Contagious diseases; boards of health.

242. To take proper measures for securing 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.

8. *Public safety.*

Buckets and ladders, in case of fire.

243. 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.

Carrying fire into certain buildings.

244. 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.

How fire to be lighted therein.

245. To prevent any person from lighting or keeping a fire in any out-house, pig-sty, barn, shed or other building, otherwise than in a chimney or a metal stove.

How to carry fire.

246. To prevent any person from carrying fire over any public street, or in any garden, yard or field, otherwise than in a metal vessel.

Combustible or inflammable substances.

247. To compel the owners or occupants of barns, hay lofts, or other buildings containing combustible or inflammable substances, to keep the doors thereof shut.

Chimney sweeping.

248. 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 name the sweeps to be employed and to fix the amount payable to the sweeps or to the council.

Sweeps.

Sale of explosive substances.

249. To determine the precautions to be adopted in the sale of gunpowder or other explosive substance.

Quick lime and ashes.

250. To regulate the manner in which quick lime or ashes shall be kept or deposited.

Demolition in case of fire.

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

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

252. 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. Fire brigade.

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

254. To establish, authorize or cause to be established, after each fire in the town, an enquiry into the cause and origin of such fire. Enquiry into origin of fire.

For this purpose the council, or a committee composed of two or more of its 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. Powers to that effect.

255. To construct fire-proof buildings for the reception and storage of oils and other inflammable fluids, liquids or substances. Depositing of inflammable substances.

256. To prevent all persons from setting off fire-works or crackers, or from discharging fire-arms, or lighting fire in the open air, on the high road or in the neighbourhood of any building, grove or inclosure, or to permit the same under certain conditions. Setting off fireworks, etc.

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

258. To prevent the erection of wooden buildings or fences in the municipality, or in any fixed part thereof. Wooden buildings, etc.

259. To compel all proprietors or occupants of houses or other buildings erected on the public street, to remove the snow and ice from the roofs of such buildings or edifices. Snow on roofs.

9. *Indemnities, relief and rewards.*

260. To indemnify persons whose property has been destroyed or injured, either wholly or in part, by rioters Indemnity in case of riot.

- or persons tumultuously assembled, within the limits of the municipality.
- Tax for that purposes.** 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.
- Recovery in law.** In default of the council paying such damages within six months, according to the decision of arbitrators, the corporation may be sued before any competent court for the damages so occasioned.
- Persons injured at fires.** **261.** To relieve any person who has received any wound or contracted any sickness or disease at a fire.
- Meritorious actions at fires.** **262.** To grant rewards, in money or otherwise, to any person who performs a meritorious action at a fire, or who saves or endeavours to save any one from drowning or from other serious accident.
- Relief to their families.** **263.** To provide for the wants of the family of any person who loses his life at a fire, or while saving or endeavouring to save any one from a serious accident.
- Poor, etc.** **264.** To contribute to the maintenance or support of poor persons residing in the municipality, who, from infirmity, age, or other causes are unable to earn their own livelihood.
- Charitable institutions.** **265.** To establish and maintain poor-houses, 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.
- Rewards for arrest of criminals.** **266.** To offer and give rewards for the discovery and arrest of persons who have committed criminal offences.
- 10. Decency and good morals.*
- Gambling; gambling houses.** **267.** To suppress every kind of gambling and the existence of gambling houses or houses of ill fame.
- Public exhibitions.** **268.** To prohibit circuses, theatres, or other public exhibitions from being held: to regulate and permit them to be held upon such conditions as may be deemed fit.
- Races, etc., on Sunday.** **269.** To prevent, on sundays and holidays of obligation, races and all other horse or velocipede exercises upon any race course or place whatever.

270. To prevent cock fights, dog fights, and every other cruel amusement; and punish whoever takes part in or is present at them. Cock fights, etc.

271. 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 roads or squares. Indecent placards.

272. 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. Public bathing.

11. *Public nuisances.*

273. 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. Stables, etc.

274. 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 odours, 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. Infectious substances.

275. To cause dogs to be muzzled or tied up; to prevent them being permitted to go at large, or without their masters or other persons to take charge thereof, and to authorize municipal officers to destroy by poison or otherwise vicious dogs or those found contravening municipal regulations. Vicious dogs.

276. 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. Unhealthy places.

12. *Sewers.*

277. 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 situate in such street; 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 assessment. Assessment for sewers.

Stagnant
water.

278. 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 neighbours be not incommoded or the public health injuriously affected.

Unknown or
poor propri-
etor.

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.

13. *Ditches and water courses.*

Opening and
maintenance.

279. To cause to be opened, dug, enlarged, covered and maintained, any ditch necessary for drainage, or any boundary or division ditch or any water course situate in the town or beyond the limits thereof, as the council may judge advisable.

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.

Tax for that
purpose.

280. To levy, if the works are to be executed at the joint expense of the parties interested, on the proprietors of the lands situate within the town and 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 watercourse upon the same; and to determine the mode of collecting and levying the taxes so imposed.

Penalties.

281. To impose penalties on any person obstructing, deranging, or suffering the obstruction or derangement of ditches or watercourses, or refusing to make or suffer to be made the works ordered by the inspector under the by-laws.

Carry on
works at ex-
pense of cor-
poration.

282. To carry on at the expense of the corporation, for a determined or undetermined period, all works on ditches or watercourses.

14. *Public highways.*

Opening and
maintenance
of streets.

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

To prescribe the mode of construction and of repairing of the streets of the town, at the cost of the corporation or of the owners of adjacent lands, as the council may deem advisable, and according to such plans and conditions as it shall deem suitable.

284. To determine and change the alignment and the height or level of the streets or sidewalks of the town provided always that if any person suffer damage thereby, he shall receive compensation to be settled by arbitrators. Alignment, etc.

285. To open, enclose, embellish, improve and maintain, at the costs 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. Public squares.

286. To oblige the proprietors of land situated on any road, street, square or public way, established in the municipality, to make and maintain in front of their properties, sidewalks of wood, stone or other substance fixed upon, either throughout the whole municipality or only through a part thereof. Sidewalks.

To determine the manner of making or maintaining such sidewalks, and even do so at the expense of the corporation.

287. To compel the proprietors or occupants of houses to remove from streets or public squares all encroachments or projections of any kind, such as steps, galleries, porches, posts, gates opening upon the public way or other obstacles. Encroachments or projections.

288. To oblige every proprietor or occupant of land to remove the snow from the sidewalks skirting such land, within a fixed delay. Removal of snow.

289. 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. Clearing of streets.

290. To prevent the road being blocked up in any manner whatever. Blocking up.

291. 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. Rate of speed for vehicles.

292. The council shall be bound to provide that the roads, streets, sidewalks and public ways, save and except roads under the control of trustees, 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 ways. Responsibility of council.

15. *Carters.*Granting
licenses.

293. 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 of public hire.

Carters'
tariff.

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

Services obli-
gatory:

295. To compel all carters under license, to give their services to any person asking the same, at the tariff rates.

16. *Lighting of the town.*Manner ;
penalty.

296. To provide for the lighting of the town in any manner deemed advisable; and to punish any person extinguishing without authority the lamps provided for such lighting.

Laying pipes,
etc.

The proprietors or occupants of houses, buildings or lands in the town, shall be bound to permit the necessary pipes, lamps and posts to be placed on their houses, buildings or lands, saving recourse in damages if damage is occasioned thereby.

17. *Miscellaneous provisions.*Division of
municipality
into wards.

297. To divide the municipality into as many wards as is deemed expedient for the purposes of representation in the council, if the special act has not made such division; and to fix the number of councillors to be elected for each ward, provided that the total number be the same as that determined by the special act.

To revise or alter the boundaries of the different wards of the town.

Numbering of
houses.

298. To cause the houses and lots of the town to be numbered; to compel every proprietor, tenant or occupant to allow numbers to be affixed on their houses or lots, as also the name of the street or square.

Police.

299. To control, arm, lodge and dress a police force in the town, and to determine the duties of the men of such police.

300. To erect in the municipality, if the prison of the district be not in such municipality, a lock-up house for the temporary custody of any person under arrest. Lock up house.

301. To establish one or more public pounds for the keeping of animals of all kinds found straying in the town; and to establish a tariff of penalties and dues, to be paid towards the public pounds of the town. Public pounds.

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

303. To oblige the proprietors of lands or their representatives to plant, keep and maintain constantly in good order, trees in front of their properties; and to determine the kind of such trees. Trees.

304. To aid, by all means deemed advisable, the colonization of the province: and agriculture, horticulture, art and science, in the municipality, or within the limits of the agricultural society, within which such municipality is situated. Colonization.

305. To authorize the confiscation for the benefit of the poor of the municipality, of any article offered for sale or sold or delivered, in contravention of by-laws made in virtue of this act, or of the special act. Confiscation for benefit of poor.

306. To establish, control and maintain public wells in the municipality. Public wells.

307. To authorize the officers of the council to visit and examine all movable or immovable 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. Inspection of houses, etc.

308. Generally the council may, from time to time, make, amend, substitute or repeal by-laws for the improvement, the internal administration and the government of the town. General powers.

309. The council may also, from time to time, amend, replace, repeal, in whole or in part, all by-laws or ordinances made by the municipal councils which have had the government of the territory comprised within Power to amend or repeal old by-laws.

the town, and which shall have, through the special act, been continued in force within the bounds of such territory.

IV. WATER SUPPLY.

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

Powers of council.

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

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

3. To restrict the use of such water as circumstances may in the opinion of the council, render the same necessary ;

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

Tax for that purpose.

311. The council may, by by-law, with the object of meeting the interest on all the sums expended in the construction of water-works, and of establishing a sinking fund, impose on all the owners or occupants of houses, shops or other like buildings, a special annual tax not exceeding the rate specified in the special act, on the assessed value of each such house, shop or building, including therein the land.

The sinking fund created by virtue of this section, shall be invested and managed in the same manner as stated in relation to the fund of section 349.

To be levied even on proprietors not availing themselves of the water-works.

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

Additional compensation.

313. The council may, by by-law and over and above the special tax, cause to be paid a compensation calculated according to such tariff as it shall deem meet, by every proprietor, tenant or occupant of any house, shop or like building, whether or not the latter avail themselves of the water ; provided always that it has caused a notice to be served on them, to the effect that it is prepared to conduct the water at its own expense into or near their houses, shops or buildings.

If a proprietor has several tenants,

Every proprietor having one or more tenants, sub-tenants or occupants, shall be liable for the payment of

such compensation, in the event of his refusing or neglecting to furnish a distinct and separate supply pipe to such tenant, sub-tenant or occupant.

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

315. The special tax and the compensation imposed by sections 311 and 313, shall be levied according to the rules and in the manner prescribed for general taxes. Levy of tax and compensation.

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

317. The council may oblige the owners of lands situate within the municipality or beyond its limits to permit the work necessary for the construction and maintenance of the water-works to be executed upon their properties, saving indemnity for damages *bona fide* sustained and settled by arbitrators. Necessary works for aqueduct.

A plan indicating the manner in which properties shall be traversed by pipes, shall be prepared and previously submitted for the approbation of the lieutenant-governor in council. Plan.

318. The officers appointed for the administration of the water-works may enter into any house or building whatsoever or upon any property whether situated within or without the limits of the town, for the purpose of satisfying themselves as to the waste of water or as to the by-laws relative to the water-works being faithfully carried out. Visits of examination.

It shall be the duty of the owners or occupants of any such house, building or property to suffer the officers to make such visit or examination. The water may be cut off from any person refusing to receive the officers while such refusal continues.

319. The council may cut off the water supply from any person refusing or neglecting to pay the special tax or compensation for the use of the water, as also from all persons who allow the water to be wasted. Water cut off.

320. The persons from whom water shall have been cut off, for any of the reasons mentioned in the two preceding sections, shall, however, remain liable for the Taxes &c. exigible.

payment of the special annual tax and of the compensation fixed for the use of the water, as fully as if they availed themselves of the water.

Quantity not to be guaranteed.

321. The corporation shall not be bound to warrant the quantity of water to be supplied under the authority of this act, and no person shall refuse, on account of the insufficiency of the water supply, to pay the annual special tax and the compensation for the use of the water.

Rights of council, to be transferable.

322. The council may, by by-law, transfer its rights and powers respecting the water supply, to any company willing to undertake the same, provided that such company shall not exact, for the use of the water, rates higher than those approved or determined by by-law of the council.

V. VALUATION ROLL.

Annual valuation.

323. It shall be the duty of the valutors in office, to make annually, at the time and in the manner ordered by the council, the valuation of the taxable property of the municipality, according to real value.

They shall also make the valuation of the annual value of such property, and shall enter it, in the roll, in a separate column.

Entry in roll.

They shall also enter in the roll the names of tenants and the amount of annual rent paid by each of them.

Other entries.

324. The valutors shall enter on the roll all other information required by the council.

Properties not taxable.

325. The following property shall not be taxable :

1. Property belonging to Her Majesty, or held in trust for her use, and property owned or occupied by the corporation of the municipality ;

2. Property owned or occupied by the federal or the provincial government ;

3. Property belonging to *Fabriques*, or religious, charitable, or educational institutions or corporations ;

4. Burial-grounds, bishops' palaces, parsonage-houses, and their dependencies ;

5. All property belonging to railway companies, receiving a grant from the provincial government, for the whole time during which such grant is accorded.

Statement to be transmitted by certain railway companies.

326. Every iron railway company or wooden railway company other than those mentioned in the fifth paragraph of the preceding section and possessing real estate in the municipality, shall transmit to the office of the

council, in the month of May in each year, a return showing the actual value of their real estate in the municipality other than the road, and also the actual value of the land occupied by the road estimated according to the average value of land in the locality.

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

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

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

328. If the owner of land is unknown, the valuator shall insert the word "unknown", in the column of names of owners, opposite the description of such land. Owner unknown.

329. The valuation roll shall be signed by at least two of the valutors who drew it up or caused it to be drawn up, and by the secretary-treasurer or any other person whom they employed as clerk. Who shall sign roll.

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

The notice shall further state that the roll will remain open to the examination of the parties interested, or their representatives, for the thirty days next after that of the deposit thereof.

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

332. The council at its first general session, after the expiration of the thirty days mentioned in section 330, shall take into consideration and decide all the complaints made under the preceding section. Hearing of complaint.

After having heard the parties and their witnesses, under oath, administered by its presiding officer, as also the valutors if they wish to be heard, the council shall maintain or alter the roll, as to it shall seem meet. Decision of council.

333. In all cases, it shall be the duty of the council to proceed at such session, to the revision and homologation Revision and homologation.

of the roll, whether it be complained of or not. It may also make any correction in the style of the drawing up thereof.

Declaration
of homology-
tion.

334. At such session, or so soon thereafter as all the complaints filed shall have been decided, the council shall declare the roll homologated ; and the roll so homologated shall be in force, until the entry into force of a new roll.

Property
omitted.

335. If there be an omission of any property in the roll prepared by the valuers, the council may order such officers to value such property and add it to the roll.

In such case the roll shall not be homologated until special notice of eight days, in relation to such addition, has been given to the proprietor, who may, within such delay, file his complaint against the valuation, and be heard before the council at the time of such homologation.

Default or
delay to act.

336. The default on the part of the valuers 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.

Change of
owners.

337. After every change of owner or occupant of any land set forth in the valuation roll in force, the council, on a written petition to that end, and after sufficient proof, may erase the name of the former owner or occupant, and inscribe on such roll the name of the new one.

Roll set aside.

338. Whenever the valuation roll shall have been set aside under section 200, the former roll shall revive and avail until a new valuation roll come into force.

Roll of a
new town.

339. In any town municipality newly organized, the valuation of the taxable property of the territory which is constituted into such town, shall continue to be in force ; and the valuation roll of such property, or an extract therefrom, as the case may be, shall be the valuation roll in force of the taxable property of the town, until one be drawn up in accordance with this act.

VI. LIST OF MUNICIPAL ELECTORS.

When to be
made.

340. 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.

341. After having drawn up such lists, and certified their accuracy at the foot thereof, the secretary-treasurer shall deposit them in the office of the council. To be deposited in office of council.

He shall forthwith give public notice stating that such lists are filed in his office, and they shall there remain open to the examination of parties interested and their representatives, during the fifteen days next after the date of such notice. Notice.

342. 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. Complaint.

343. On the evening of the last of the fifteen days mentioned in section 341, a board of revisors composed of three councillors, previously to that end appointed by the council, shall proceed to the revision and amendment, if there be occasion, of the lists in the office of the council. Board of revisors.

Such three revisors shall act together under their oath of office as councillors, and under the chairmanship of one of them.

The secretary-treasurer shall act as secretary of the revisors.

344. The board of revisors at such meeting or at any subsequent adjournment thereof, shall take into consideration the complaints filed under section 342, shall hear the parties interested, shall examine them together with their witnesses, under oath administered by the chairman, and shall maintain the lists or make the necessary additions and corrections thereto. Trial of complaints; decision of revisors.

It may correct any errors and supply any accidental omissions made in such lists.

345. The revisors shall not hear any complaint not made in writing, in accordance with section 342. Complaint not made in writing.

346. The name of no person shall be struck from any list, before he shall have been notified of the application to that end, and has had an opportunity of being heard before the revisors. Name struck from list.

347. The lists so revised shall be signed by the chairman of the board of revisors, countersigned by the secretary-treasurer and sealed with the seal of the council. Signatures to list.

Duration. Such lists, to the exclusion of all others, shall be in force up to the entry into effect of the new lists drawn up in virtue of these provisions.

List annulled. Whenever the list, or any of the lists in force, shall have been annulled under section 200, the old list shall come again into force, and shall remain so until the entry into force of a new list.

VII. OF LOANS.

General powers. **348.** The council may borrow, from time to time, various sums of money, for the purpose of improvements in the town, and generally for all objects within the scope of its authority.

Interest; sinking fund. **349.** Whenever the council shall contract a loan, it is enjoined to immediately provide, from and out of the revenues of the corporation, for the payment of the annual interest, and for the establishment of a sinking fund of at least one per cent per annum, for each such loan.

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

Investment of sinking fund. **350.** The sinking fund may be invested in the purchase of public property belonging to the dominion or to the province, or in the redemption of bonds issued by the corporation, or may be deposited in an incorporated bank.

The council may, if the lenders consent to it or require it, deposit in their hands, the sums intended for such sinking fund. In such case the receipts given to the council shall be so drawn as to define what amount shall have been given for interest, and what amount shall have been paid into the sinking fund.

Issue of debentures. **351.** 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.

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.

Coupons. **352.** 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.

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.

353. The principal and interest of every debenture issued by the council, shall be secured by and out of the general fund of the corporation. General guarantee of debentures.

354. Town loans, whether by the issue of debentures or otherwise, shall only be made on a by-law of the council to that effect approved by a majority in number and in real value of the proprietors who are municipal electors. Sanction of electors required.

355. When the interest and the sinking fund of the sums borrowed by the corporation shall absorb half the revenue of the town, the council shall not in any case contract a new loan, without having been specially authorized thereto by this legislature, and moreover without having obtained the approval of the majority in number and in real value of the proprietors who are municipal electors. Authority of Legislature required for certain loans.

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

356. Every by-law authorizing a loan shall be submitted for approval by such electors, within thirty days after the council has passed the same. Delay.

357. For such purpose, a meeting of all municipal electors who are proprietors, shall be convened by a public notice, signed by the mayor, on a day fixed by the council. Meeting of electors.

Such meeting shall be presided over by the mayor; and the secretary-treasurer shall act as secretary.

Six electors present, qualified to form part of such meeting; may require the holding of a poll, for the purpose of ascertaining whether the by-law is approved or disapproved; and on such demand, the mayor shall fix, within the eight days next ensuing, a day for the opening and holding of the poll. Poll.

358. The poll shall be held and presided over by the mayor, with the assistance of the secretary-treasurer. It shall be held for two consecutive juridical days, from ten o'clock in the morning until five o'clock in the afternoon. Holding of poll.

Manner of voting.

359. Each elector shall come forward in his turn and shall vote by "yea" or "no", the word "yea" signifying his approval of the by-law, and the word "no" his disapproval thereof.

Right to vote.

360. 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 appears by the valuation roll in force that he is a municipal elector and a proprietor.

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

Counting of votes.

361. At the close of the poll, the mayor 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.

A certificate shall be given, under the hand of the mayor and of the secretary-treasurer, for the information of the council, whether the majority in number and taxable real value approve or disapprove such by-law.

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 shall give his casting vote.

Deposit of poll books.

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

VIII. OF TAXES AND THEIR COLLECTION.

Revenues.

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

General funds.

364. 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 fund thereof.

Employment.

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

Exemption from or com-

366. The council may, by a resolution, exempt from the payment of municipal taxes, for a period not exceeding

twenty years, any person who carries on any industry, trade, or enterprise whatsoever, as well as the land used for such industry, trade or enterprise, or agree with such person for a fixed sum of money payable annually for any period not exceeding twenty years, in commutation of all municipal taxes.

It may also exempt the poor of the municipality and their property from the payment of municipal taxes.

Such exemption or agreement shall not extend to work upon water-courses, boundary ditches, fences or front roads connected with taxable property so exempted or commuted.

367. The council may, whenever it shall deem the same advisable, by resolution, authorize the secretary-treasurer or any other officer, to add to the amount of all taxes to be levied, on taxable property in the municipality, a sum not exceeding ten per cent to cover losses, costs and bad debts.

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

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

370. 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.

371. 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 movable or immovable 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.

372. 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 assesment roll or the certified extract therefrom presented by them, and order the secretary-treasurer to collect such taxes, in the same manner and at the same time as municipal taxes.

General collection roll.

373. It shall be the duty of the secretary-treasurer to make a general collection roll, each year, at the time fixed by the council, including all taxes both general and special, then imposed under any provision of this act or of the special act.

Special 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.

Collection of school taxes.

374. 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.

Notice of deposit of roll.

375. 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 at 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.

Demand of payment; statement of account.

376. 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, accompanied by a detailed statement of the sums due by them.

Fee.

Until the fee for the service of such notice is fixed by the council, the secretary-treasurer shall be entitled to twenty-five cents for the service of such notice.

Seizure and sale of movables.

377. 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 which may be found in the municipality.

Warrant to that effect.

378. 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.

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

379. If the debtor is absent, or if there is no person to open the doors of the house, cupboards, chests or other closed doors, &c. 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.

380. The sale on such warrant shall not be stopped, except on an order of a judge of the superior court, made on petition presented either in chamber, or to the circuit or superior court. Stoppage of sale.

381. All arrears of municipal taxes, shall be prescribed by three years. Prescription of taxes.

382. The payment of municipal taxes may be also claimed by an action brought in the name of the corporation, before the magistrate's court, or the circuit court for the county or district, or before the mayor, or two or more councillors acting *ex officio* as justices of the peace. Action at law.

383. If the taxes imposed on one or more immovables have not been paid within the six months next after the notice of deposit of the roll, because the person bound to pay them does not reside in the town, or if he reside therein, because sufficient movable property to him belonging have not been found therein, the mayor may, with the authorization of the council, issue under his hand and the hand of the secretary-treasurer a warrant specifying the amount of taxes due, and ordering the sheriff of the district to seize and sell the immovables therein described, and in respect of which such taxes are due. Sale of immovables; warrant to sheriff.

384. The sheriff shall be bound to execute such warrant, by observing the same formalities and with the same effects, as in the case of a writ *de terris*; and all proceedings subsequent to the issue of the warrant by the mayor shall take place in the superior court of the district. Duties of sheriff; proceedings.

IX. INFLECTION OF PUNISHMENT.

Fine or
imprison-
ment.

385. The council may, in any by-law made under the provisions of this act or of the special act, enact the imposition of punishment, by fine or imprisonment for enforcing any such by-law, provided that the fine does not exceed the sum of twenty dollars, and that the imprisonment be for a period not exceeding thirty days at the court's discretion.

Such penalties shall not be ordered by the court unless they are enacted by each by-law to which they relate.

X. EXPROPRIATION FOR MUNICIPAL PURPOSES.

Right of
expropria-
tion.

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

Consent of
certain pro-
prieters
required.

387. The council shall not, without the consent of the proprietor, expropriate the properties following :

1. Property belonging to Her Majesty, or held in trust for her use ;
2. Property occupied by the federal or provincial governments ;
3. Property possessed or occupied by railway companies, *fabriques*, or religious, charitable or educational institutions or corporations ;
4. Cemeteries, bishops' palaces, parsonages, and their dependencies.

Idem.

388. The council further shall not without the consent of the owner, 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.

Indemnity.

389. The indemnity to be paid for any land liable to expropriation may be fixed and established by agreement between the council and the proprietor thereof, if he is of age and in possession of civil rights ; and it may also be agreed that no indemnity shall be accorded to the expropriated proprietor.

Appointment
of arbitrators.

390. In the absence of an understanding between the parties, or if the proprietor is a minor and has not the exercise of his civil rights, the value of the land in question, together with whatever goes in compensation against the value of such land, shall be estimated by arbitrators named as follows : one by the council, one by the proprietor or on his part, and a third by the two former, or if they cannot agree, on demand of any of the interested parties, by a judge of the superior court.

391. 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. Proceedings.

The arbitrators, after having examined and valued the land and heard the parties and their witnesses, under an oath administered by one of them, if they deem it expedient, 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. Final decision.

Such decision shall be final and without appeal.

392. 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 shall establish the refusal thereof. What to contain.

393. On payment or lawful tender of the amount of the indemnity agreed upon or accorded, or on the deposit thereof under section 394, the corporation shall be entitled to take possession of the land. Entry into possession by corporation.

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

394. If the expropriated proprietor is unknown, or if the council through apprehension of future claims or through other motives, deems it advisable so to act, the amount of the indemnity together with six months interest thereon, shall be deposited at the office of the prothonotary of the district, together with a copy of the deed of accord, or of the decision of the arbitrators; and proceedings shall be taken for the ratification of such deed or decision, by following the same procedure and with the same effect, as in ordinary applications for ratification of title. Ratification of title.

THIRD PART.

SPECIAL PROCEEDINGS.

I. EXECUTION OF JUDGMENTS RENDERED AGAINST THE CORPORATION.

395. Whenever a copy of a judgment, condemning the corporation to pay a sum of money, shall have been served. Payment on service.

ved 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 165.

Levy, in
default of
funds.

396. 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, order the secretary-treasurer, by resolution, to levy on the taxable property of the municipality, a sufficient sum to pay the amount due with interest and costs.

Delay to
that effect.

397. The tribunal 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 moneys required.

Writ of
execution.

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

Form and
contents of
writ.

399. 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 dispatch, 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 375 ;

To exact and levy the amounts entered on the special collection roll, in the manner and within the delay prescribed by sections 375 and 376 ;

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 movable property, in the manner prescribed by section 377 and the sections following to section 382 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.

400. The sheriff shall be bound to execute without delay, either personally or by his officers, all the injunctions of such writ or of any other order subsequently issued by the court. Duties of Sheriff.

401. The sheriff shall have free access to the registers, valuation roll, collection rolls and other documents deposited at 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. Access to registers, &c.

402. 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. Rights and powers.

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.

403. 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. Special collection roll.

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.

404. The fees, costs and disbursements of the sheriff shall be taxed at the discretion of the judge of the court from which the writ of execution issued. How taxed.

Return of documents, after collection.

405. The sheriff shall transmit a copy of his special collection roll, and of any other roll 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.

Arrears.

406. 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

Surplus.

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

Orders of court.

407. The sheriff may obtain from the court any order calculated to facilitate and secure the complete execution of the writ addressed to him.

Salé of corporation property.

408. 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.

If mortgaged.

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 398 be issued.

II. RECOVERY OF PENALTIES.

1. *General provisions.*

Tribunal.

409. Penalties imposed by the by-laws of the council, or by the provisions of this act or of the special act, shall be recoverable either before the magistrate's court of the county, or before the circuit court of the county or district, within the limits of which they have been incurred, or before any justice of the peace residing in the municipality, if there is one, if not, before any justice of the peace resident in a neighbouring municipality in the district.

Suit.

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

Prescription.

411. 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.

Who may bring suit.

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

413. Any such suit may be decided on the oath of one Prof. credible witness.

414. Penalties recovered in virtue of by-laws of the council or of the provisions of this act or of the special act, shall belong, unless it is otherwise provided, one half to the prosecutor and the other half to the corporation. To whom fine belongs.

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.

415. In default of payment of the fine ordered by the court, and the costs, within fifteen days from the rendering of the judgment, the person condemned may be imprisoned for any time not exceeding thirty days, which imprisonment shall end, however, on payment of the sum due. Imprisonment in default of payment.

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

416. 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 the preceding section. If demand is dismissed.

2. Prosecutions before justices of the peace.

417. Prosecutions brought before justices of the peace, in virtue of section 409, shall be heard and decided by them, according to the usual rules of procedure laid down respecting summary convictions and orders, except in so far as the same are inconsistent with the provisions of this act. Procedure.

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

419. There shall be an interval of at least two judicial days between the day of the service of the summons and that of the return. Delay between service and return.

420. On the day of the return of the summons or of the warrant, the justice of the peace who signed the sum- Hearing by justice of the peace.

mons or the warrant, shall be entitled to hear and decide the case alone.

He may nevertheless require the assistance of any other justice of the peace having jurisdiction within the district.

Returns. **421.** The returns of service made by a bailiff shall be given under his oath of office.

Notes of evidence. **422.** The justice of the peace or the clerk shall take notes of the important part of the evidence.

These notes signed by the sitting justice of the peace shall form part of the record.

Execution of judgment. **423.** The judgment of the court shall be executory at the expiration of fifteen days from the date thereof.

Arrest on view. **424.** Any constable or police officer may, and shall if he is so required by the mayor or by any other member of the council, or by the council itself, apprehend and arrest on view all persons found contravening the provisions of any by-law of the council punishable by fine, if it is so ordered by the by-law, and bring them before any justice of the peace to be dealt with according to law.

Return of record in case of appeal. **425.** 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 judgment to the superior court.

3. *Appeal to the Superior Court.*

In what case. **426.** An appeal shall lie to the superior court from any judgment rendered by justices of the peace or a district magistrate, in suits brought under the provisions of this act, or of the special act, or of the by-laws of the council.

Security. **427.** 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 shall justify their sufficiency. **428.** 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 shall be sufficient

429. The appeal shall be brought by means of a Petition. 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 to a judge.

430. A copy of such petition certified by the appel- Service. lant's attorney, together with a notice of the day when it will be presented, 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.

431. Between the day of such service and that fixed Transmission for presenting petition in appeal to the court or to the of record. 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.

432. The execution of the judgment from which an Suspension of appeal has been instituted shall be suspended until the execution. 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.

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

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

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

434. The appeal shall be heard and decided in a sum- Proceedings mary manner and no new witnesses shall be heard. summary.

435. The judgment shall be set aside only when a sub- Judgment. stantial injustice has been committed and never by reason of any slight variance or informality.

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

Transmission
of record to
court below.

436. 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.

Foreclosure
from appeal.

437. Every appellant who neglects to make the service required by section 430, or who, having made the same neglects effectually to prosecute the appeal, shall be deemed to have abandoned such appeal, and the court or the judge, 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.

Responsibility
of sureties.

438. 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.

Judgment
non appeal-
able.

439 No appeal shall lie under the provisions of this act, from any judgment rendered by any judge of the superior court, respecting municipal matters.

Judgments
not to be
attacked by
certiorari.

440. No judgment, decision or conviction, susceptible of appeal under this act, shall be removed by *certiorari* to the superior or circuit court.

FINAL PROVISIONS.

Act to be ap-
plicable to
cities.

441. This act may apply to city corporations, which shall in future be incorporated; and, in such case, the word "town" shall be replaced by the word "city," every time that the meaning of this act, thus applied, shall require it.

Act in force.

442. This act shall come into force on the day of the sanction thereof.

C A P . X X X .

An act further to amend "The Quebec Railway act, 1869." (32 Vict., chap. 51.)

[Assented to 28th December, 1876.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :