

7. The council shall have the powers specified in article 598 of the municipal code. Powers conferred.

8. The powers contained in articles 625 and the followings of the municipal code, to the 636 article inclusive, are, by this act, conferred upon the said municipal council. Certain powers conferred. Any by-law made in virtue of the present section, shall be submitted to the vote of proprietors, being municipal electors, before coming into force, as to the part of the said section which refers to the establishment and construction of market.

9. The effects of persons owing municipal taxes may be seized, even when they do not reside in such municipality. Seizure for taxes.

10. Notwithstanding article 716 of the municipal code, the making of the valuation roll shall take place during the month of May of each year. The list of electors and the jury list shall, nevertheless, be prepared at the time appointed by law, as if the making of the valuation roll had taken place in the months of June and July. Time of the making of valuation roll.

11. For the maintenance of roads, the cost of the works ordered by the superintendent of roads shall be recoverable, in the case of the absence of the proprietors, from the said municipality or the city of Quebec, as a municipal tax; provided that the accounts of such works are sworn to before a justice of the peace. Recovery of the costs of certain works.

12. The present act shall come into force on the first day of April, eighteen hundred and seventy-five. Coming into force of this act.

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

An Act to amend and consolidate the Act of incorporation of the City of Three Rivers, and the various Acts which amend the same.

[Assented to 23rd February, 1875.]

**W**HEREAS it is expedient to amend and consolidate the provisions of the act of the late province of Canada, passed in the twentieth year of Her Majesty's reign, intitled : " An Act to make more ample provisions for the incorporation of the Town of Three Rivers," as also the provisions of the various acts which amend the same, and whereas it is expedient to confer upon the said corporation of the city of Three Rivers other powers than those con- Preamble.

ferred by the said above mentioned acts ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Acts repealed.

1. The various acts mentioned in the first clause of the act passed in the twentieth year of Her Majesty's reign, chapter one hundred and twenty-nine, are repealed in so far as they concern the city of Three Rivers, and the said act 20 Victoria, chap. 129, and the following acts, to wit : 22 Victoria, chap. 105, 23 Victoria, chap. 74, 27 and 28 Victoria, chap. 61, 29 and 30 Victoria, chap. 59, passed by the legislature of the late province of Canada, and the following acts, to wit : 36 Victoria, chap. 57, and 37 Victoria, chap. 46, passed by the legislature of Quebec, are repealed.

#### CORPORATION.

Inhabitants incorporated.

Name and general powers.

2. The inhabitants of the city of Three Rivers and their successors are and shall be a body politic and corporate under the name of *The Corporation of the City of Three Rivers*, and, in such capacity, shall have perpetual succession, and shall be competent to appear in court, to sue and to be sued, implead and be impleaded before all courts of law and equity, in all actions or causes whatever, they may accept, take, receive by donation or otherwise acquire, sell, alienate, exchange, transfer, cede or lease every property movable or immovable, give or accept all obligations, judgments or other securities for the payment of any sum of money loaned or borrowed, or for the accomplishment and exercise of any other duty of the said corporation ; they shall have a common seal with power to destroy, alter and modify the same at their will or pleasure ;

Seal.

Present acts and by-laws, remain in force.

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

Corp. to be the same, and present officers to remain in office.

2. Nothing contained in the present act shall be regarded as dissolving the corporation of the inhabitants of the city of Three Rivers as now existing, and the present mayor and councillors, as well as the officers of the council, shall remain in office until they shall have been replaced under the provisions of the present act ;

Powers, &c., of the council, vested in the corporation.

3. All the powers, privileges, and duties conferred and imposed upon the municipal council of the late town of Three Rivers, by the act of the legislature of the late pro-

vince of Canada, 13 and 14 Victoria, chap. 104, intituled : *An Act to transfer to the Municipal Council of the Municipality of the Town of Three Rivers, the administration of the Common of the said Town, and for other purposes*, shall devolve upon the said corporation of the city of Three Rivers ;

4. And whereas in the several acts above cited and repealed by the present act, the corporation of the said city is sometimes designated, in the French language, under the name of *La Corporation de la Cité de Trois-Rivières*, and sometimes under the name of *La Corpration de la Cité des Trois-Rivières*, it is declared that either one or other of the aforesaid designations which shall have been or shall be hereafter employed in any proceeding, act, order, or by-law of or concerning the said corporation, shall be legal and taken to have been correctly written.

Interpretation  
of the names of  
the corp.

#### BOUNDARIES OF THE CITY.

3. The said city of Three Rivers shall be bounded as follows, to wit : in front by the River St. Lawrence, in rear by a line parallel to the general course of the said river, at a distance of one hundred and sixty chains from the west point of the mouth of the river St. Maurice, on the east side by the east bank of the said river St. Maurice, and on the west side by a line at right angles to the said rear-line, commencing from a point therein, at a distance of one hundred and sixty chains from the west bank of the said river St. Maurice, until it reaches the said river St. Lawrence, including the islands in the river St. Maurice, within the said limits.

Boundaries of  
the city estab-  
lished.

4. The said city of Three Rivers shall be divided into four wards, which shall respectively be called and known as "St. Philip's Ward," "St. Louis Ward," "Ste. Ursule Ward," and "Notre-Dame Ward," and the said wards shall be bounded as follows, to wit :

Division in  
wards.

1. St. Phillip's Ward shall be bounded in front by the river St. Lawrence, on the south-west and in rear by the limits of the city, on the north-east by the rear line of the building lots situated upon the north-east side of Bell street and St. George street to Bolvin street, thence by the said Bolvin street to Desforges street, and by the said Desforges street to St. Margaret road, and by the said St. Margaret road to the point where the said road is intersected by the line separating the common from the farm of J. N. Bureau, Esquire, and thence following the said line prolonged to the north-west limits of the said city ;

St. Phillip's  
Ward.

2. St. Louis Ward shall be bounded in front by the River St. Lawrence, on the south-west by St. Philip's Ward, in the rear by the limits of the city, and on the north-east by

St. Louis  
Ward.

a line from the river St. Lawrence, passing by the centre of Barracks' street and Bonaventure street, and by the street which runs along the burial-ground to the north-east, and from thence following a line which would be a prolongation of the said street to the north-west limits of the said city ;

Ste. Ursule  
Ward.

3. Ste. Ursule Ward shall also be bounded in front by the River St. Lawrence, on the south-west by St. Louis Ward, on the north-east by the rear line of the building lots situate to the north-west of St. Joseph street, and by a line passing through the middle of St. Charles street, continued in a straight line as far as the east bank of the river St. Maurice ;

Notre-Dame  
Ward.

4. Notre-Dame Ward shall be bounded on the south-west by St. Louis Ward, on the north-west and north-east by the limits of the city, and on the south-east by Ste. Ursule Ward,

#### ELECTIONS

Election of the  
Mayor, Alder-  
men and  
Councillors.

5. There shall be, from time to time, elected, in the manner hereinafter provided, a fit and proper person, who shall be and be called the mayor of the city of Three Rivers, and four competent persons, who shall be and be called aldermen of the city of Three Rivers, and eight competent persons, who shall be and be called councillors of the city of Three Rivers ; and such mayor, aldermen and councillors shall form the council of the said city, and shall represent, for all lawful purposes, the corporation of the said city of Three Rivers.

Persons ineli-  
gible as Mayor,  
Aldermen or  
Councillors.

6. No person shall be capable of being elected mayor, alderman, or councillor of the city of Three Rivers, unless he be a natural born or naturalized subject of Her Majesty, of the full age of twenty-one years, and unless he has, under the provisions of this act, the right of voting at such election for mayor, alderman or councillor ;

Idem.

2. No person being in Holy Orders or the ministers of any religious belief whatever, nor judges, nor officers on full pay in Her Majesty's army or navy, nor any person accountable for the revenues of the said city, or receiving any allowance from the city for his services, nor any officer or person presiding at the election of the mayor, aldermen or councillors, while so employed, nor any person who shall have been convicted of treason or felony in any court of law within any of Her Majesty's dominions, nor any person having in person or through his partner, any contract whatever, or interest in any contract with or for the said city, shall be capable of being elected mayor, alderman or councillor for the said city ; provided always, that no person shall be held incapable of being elected mayor, alderman or

councillor for the said city, from the fact of his being a shareholder in any incorporated company, which may have a contract or interest in any contract with the said city;

3. The following persons shall not be obliged to accept <sup>Persons ex-</sup> the office of mayor, alderman or councillor of the said city, <sup>empl.</sup> nor any other office to be filled by the council of the said city, to wit: members of the privy council and members of the executive council, members of the provincial legislature, practising physicians, surgeons and apothecaries; schoolmasters actually engaged in teaching; branch pilots, persons over sixty years of age, and the members of the council of the said city, who have been so within the two years next preceding; and the persons who shall have fulfilled any of the offices to which the council was entitled to appoint them, or paid the penalty incurred for refusal to accept such office, shall be exempt from serving in the same office, during the two years next after such service or payment of such fine;

4. No person shall be capable of being elected mayor of <sup>Qualification</sup> the city of Three-Rivers unless he shall have resided and <sup>of mayor.</sup> held his principal place of business within the said city for one year before such election, nor unless he be possessed, as owner of real estate, within the said city, of the value of two thousand dollars, after payment or deduction of his just debts;

5. No person shall be capable of being elected alderman <sup>Qualification</sup> of the said city, unless he shall have resided and held his <sup>of alderman.</sup> principal place of business within the said city for one year before such election, nor unless he be possessed, as owner of real estate, within the said city of the value of sixteen hundred dollars, after payment or deduction of his just debts;

6. No person shall be capable of being elected a council- <sup>Qualification</sup> lor of the said city, unless he shall have resided and held <sup>of councillor.</sup> his principal place of business within the said city for one year before such election, nor unless he be possessed, as owner of real estate, within the said city, of the value of one thousand dollars, after payment or deduction of his just debts.

7. The municipal elections for the said city, in virtue of <sup>Time of elec-</sup> this act, shall be held on the first Monday in July of each <sup>tion and no-</sup> year, or on the day following, if the said Monday be a holi- <sup>tice.</sup> day, and public notice thereof shall be given at least eight days previous to such election in the French and English languages, in one or more newspapers published in the said city, and shall also be posted up in the most public and frequented places mentioned in the by-law, in each of the wards of the said city; such notice shall be signed by the secretary-treasurer of the said council, or by the mem-

ber of the said council who shall have been appointed, to preside at the said elections, as hereinafter provided, and shall specify the day, place and hour upon which the said elections are to take place in each ward of the said city.

President of elections.

**8.** The council of the said city shall appoint, at least one month before the period, in which the said municipal elections shall annually be held, one of the members of the said council, who, at the said elections then next, shall not go out of office, to preside at the said elections, and such member, so chosen to preside at the said elections, shall appoint, within eight days after his own appointment, an assistant who, in case of the absence of the said member of the council, shall have all the powers conferred, and shall discharge all the duties imposed, by this act, upon such presiding officer, and he shall further appoint a deputy for each of the wards of the said city, in which the election is to take place, and he shall also make oath to discharge the duties of his office, as required by this act, before taking any proceedings in relation to the elections over which he shall preside.

Assistant.

Deputy for each ward.

Oath.

Preparation of the election list.

**9.** It shall be the duty of the secretary-treasurer of the said council to prepare and complete, at least twenty-two days before the day on which the municipal elections are to take place in the said city, an alphabetical list for each ward of the said city, sworn to by the said secretary-treasurer, of the electors qualified to vote in each of the said wards, at the said municipal elections, and to give public notice of the completion of the said lists; and during the six days which shall follow the day on which the said lists shall have been completed after further notice shall have been previously given, they shall remain deposited in the office of the secretary-treasurer, for examination by the said municipal electors, and every elector who shall have cause to complain of the said lists, or any of them, shall, within the said delay, produce his complaint against the said list or lists before the said secretary-treasurer, and at the expiration of the said six days, such complaint shall be heard and adjudged by a committee named by the said council, and composed of three of its members; provided always, that none of the members of the said council, retiring from office at the then next elections, shall act as members of the said committee, and after such lists shall have been revised by the said committee, or after the delay fixed for so doing shall have expired, which delay shall not be more than eight clear days, if they have not been revised, the said secretary-treasurer shall prepare with, in the two following days, and transmit to the president of the said elections, certified copies of the said lists, to be used at the different polling stations in which the elections shall be held, and no

Deposited for examination.

Complaints judged by a committee.

Certified copies of said lists transmitted to the president of elections.

other persons than those, whose names are inscribed on the said lists, shall have the right of voting at the said elections.

**10.** It shall be the duty of the members of the said council to see that the said lists be prepared, revised and transmitted as above; and in default by the said secretary-treasurer to prepare the said lists, or any of them, within the above delay prescribed, and to transmit them to the president of the said elections within the time above prescribed, he shall incur a penalty of one hundred dollars, recoverable by any elector of the said municipality, before any court of competent jurisdiction in civil matters; and in case the said lists shall have been prepared by the secretary-treasurer within the above delay, and that they, or any of them shall not have been revised in the manner and within the delay prescribed in the preceding section of this act, each member of the said council shall incur a penalty not exceeding twenty dollars, recoverable in the said court, by any elector who shall have brought a complaint against the said list or lists, as provided in the said section.

The council shall revise said lists.

Default of sec.-treas.

Penalty.

Penalty against members.

**11.** If, at the time of an annual municipal election, no electoral list shall have been prepared or revised for all or any of the said wards of the said city, or if they have not been transmitted as prescribed, the election shall take place in the same manner, as before the passing of the act, 36 Vict., chap. 57, but the electors, who shall vote at the said election, shall have the qualifications required by the present act.

If there is no electoral list.

**12.** The persons only who shall have right of voting at the municipal elections of the said city, shall be the male inhabitants of the age of twenty-one years, taxed in the valuation or assessment roll or in the collection books of the said city, and residing therein, and in actual possession of real property in the said city of the value according to the said valuation rolls or collection books of two hundred dollars, and also tenants of immovable property at the time of the said elections who shall have resided and paid rent in the said city, according to the said valuation or assessment rolls, or the collection books of the said city, for a house or part of a house during the year immediately preceding such election, for a sum not less than thirty dollars per annum; provided always, that no person shall have the right of voting or shall vote at an election for mayor, aldermen or councillors for the said city, or for any other matter concerning the affairs, management or administration of the said corporation, without having, at least thirty days before the day on which such election or assembly at which he has

Persons entitled to vote.

Previous payment of taxes, required.

the right to vote shall be held, paid all taxes or assessments which he may owe to the said corporation.

Oath of the  
presiding  
officer at  
elections.

**13.** Before any person shall proceed to hold an election in conformity with this act, he shall take the following oath, which any justice of the peace, residing in the said city, is hereby authorized to administer, that is to say :

“ I do solemnly swear, that I will faithfully and impartially, to the best of my judgment and ability, discharge the duties of presiding officer at the election which I am about to hold for a person or persons to serve as members of the city council of Three Rivers : So help me God.”

Nomination of  
candidates to  
the mayoralty.

**14.** On the Saturday preceding the said first Monday in July, at least twenty-five duly qualified municipal electors shall deposit in the hands of the secretary-treasurer of the said city, in his office, before four of the clock in the afternoon, a written nomination paper signed by them, of the person whom they intend to propose as a candidate at the said election of mayor, and the said secretary-treasurer shall be obliged to give a receipt for each nomination paper, and shall give notice to the officer presiding over the election of the names and surnames of the persons who shall have thus been nominated, and if only one candidate shall have been nominated, the said officer presiding over the election shall proclaim him to be duly elected on the said first Monday in July, at nine of the clock in the forenoon, at the door of the city hall, and if several candidates have been nominated, polling stations shall be opened in each ward of the said city as provided in the following sub-sections ;

Notice.

Choice of aldermen and councillors.

**2.** And on the said first Monday of July, at ten of the clock in the forenoon, there shall be held in each ward of the said city, at the place designated by the person presiding at the said municipal elections for holding the polling station of the said ward, a public meeting of the duly qualified municipal electors of the said ward (which meeting shall be presided over by the deputy appointed for each ward by the person presiding at such elections) to chose an alderman and councillor for such ward, and if then and there only one candidate offers himself or is proposed to the said electors, for the office of alderman or councillor for such ward, the said deputy, presiding over such meeting, shall proclaim the said person or persons duly elected alderman or councillor for such ward, and if several persons offer themselves or are proposed as candidates, a polling station shall be immediately opened to receive and record the votes, and the said polling station shall remain open until four of the clock in the afternoon of the same day, and after the close of the poll, the said deputy presiding over the election for each ward shall declare the person or persons who shall

Public meeting, and by whom held.

Duties of presid., if there is only one candidate.

If several persons are proposed—shall keep polls.

have obtained the greatest number of votes, duly elected members of the said council ; and in case two candidates in a ward for one or other of the above offices of alderman or councillor, shall have equally obtained the greatest number of votes, then the deputy presiding over the election for such ward, shall give his casting vote in favor of one of the candidates and declare the latter elected ; and if only one candidate, either for the office of alderman or councillor, has been proposed and declare elected, and that there were two or more candidates proposed for the office of mayor on the preceding Saturday, a poll shall be opened as above in each of the said wards to receive and record the votes of the duly qualified electors, who shall present themselves to vote ;

Casting vote.

Polls open in certain cases.

3. The officer presiding at such election shall give to each of such deputies for each ward respectively, a notice informing them, if several candidates have been nominated for the office of mayor, the said notice to contain the names and surnames of the persons nominated, or if there has been only one, and this before ten of the clock in the morning of the said election ;

Duties of the officer presiding before the election.

4. Each elector shall have the right of voting in his ward for the mayor of the city, and for an alderman and councillor for such ward, as prescribed by the twenty-second section of this act.

Where an elector shall vote.

15. The deputies, immediately after the closing of the polls in their respective wards, shall immediately report to the president of the election, the number of the votes recorded in their respective wards for the election of the mayor of the said city, returning to him the poll-book duly attested under oath, and the said president, at six of the clock in the afternoon of the same day, at the city hall, shall declare the person, who has obtained the greatest number of votes in his favor, duly elected mayor of the said city, but in the case in which the candidates for the mayoralty shall have an equal number of votes, then the president shall give his casting vote in favor of one of the candidates and declare the latter duly elected.

The deputies report to the president after the election.

Declaration of the elect. of the mayor.

Casting vote.

16. The person who shall preside at an election and his deputies in each ward, shall, during such election, be conservators of the peace, and shall be invested with the same powers for the preservation of the peace, and the apprehension, or causing to be apprehended and imprisoned or brought to justice, whoever shall commit a breach of the law or disturb the public peace, as are vested in justices of the peace, and this, whether the said person so presiding or his deputies do or do not possess the property qualification of a justice of the peace, as required by law, and it shall be

The president and his deputies shall be conservators of the peace.

Special constables.

lawful for the president to appoint special constables in sufficient numbers to preserve peace at the said election, if he shall think it necessary or be required so to do by five electors.

Delivery of the poll books, &c., to the Sec.-Treas.

**17.** The person presiding at any election shall immediately deliver up to the secretary-treasurer of the city council, if such officer exist, and if not, then as soon as the said officer shall be appointed, the poll-books kept at such election, together with all other papers and documents relating to the said election, certified by himself, to form part of the records of the said council, and copies of the same, certified by the secretary-treasurer, shall be considered authentic in all courts of justice, except to produce the original when required.

Poll books attested on oath by the deputies.

**18.** At all elections held under this act, the poll-books containing the names of the voters and other matters, shall be attested on oath by each of the deputies who shall have presided at such election, in the respective wards of the said city, each of the said deputies attesting his own, before any justice of the peace, residing in the said city, which oath the said justice of the peace is hereby authorized to administer, and which shall be in the form following :

Oath.

“ I, A. B., do swear that the poll book kept by me at the  
 “ municipal election for                      ward, of the said city of  
 “ Three Rivers, is just and correct, to the best of my know-  
 “ ledge and belief : So help me God. ”

Voters may be sworn.

**19.** Any person who shall present himself in the polling station to vote for a mayor, alderman or councillor, may be examined on oath (*or affirmation,*) touching his right or qualification to vote by the officer presiding over such election, or by one of his deputies ;

False swearing.

2. If any person being examined upon oath or affirmation under this act, as to his qualification to vote, declare knowingly the contrary of the truth, on conviction thereof, shall be subject to the same penalties as in other cases of wilful perjury ;

Persons voting and not having the right to vote.

3. Every person, who shall vote at an election for a mayor, alderman, or councillor, without having, at the time of his voting at such election, the qualifications required by law to give him the right of voting at such election, shall incur a penalty of not less than twenty, nor more than one hundred dollars ;

Penalty.

Corruption at elections.

4. Every elector, duly qualified to vote at an election for a mayor, alderman, or councillor, in the said city, or on any by-law made by and under the authority of the present act, who shall exact or receive, after the passing of this act, any money or other recompense in the nature of a gift or loan,

or under any other pretext, or shall agree or stipulate that he shall receive money, or any gift, office, employment, or other recompense to vote or refrain from voting at such election; or if any one, by himself or his employee, by means of any gift, or recompense, or of any promise, agreement or guarantee of a gift or recompense, shall corrupt, or try to cause to be corrupted, or shall engage an elector to give or refrain from giving his vote at such election, shall incur and pay for each offence in the above cited cases, a fine of forty dollars, which shall be levied, with all costs of suit, to the benefit of any one who shall sue for its recovery, before the circuit or any other court having competent jurisdiction, and the vote given at the said election by any elector, who shall thus have exacted and received money or other recompense, or who shall thus have agreed or stipulated to receive any money, gift or other reward, or who has thus allowed himself to be corrupted in any way, shall be declared null on proof thereof.

Penalty.

Nullity of corrupted votes.

**20.** The person presiding at any election, shall, within two days from the closing of the election, give to the mayor and each of the aldermen and councillors so elected, special notice of their said election, as well as of the place, the day, and the hour, appointed for the first meeting of the council to take place after their election. The mayor, aldermen and councillors so elected, shall enter respectively into office as such, at the said first meeting, and shall remain in office until their successors have been sworn.

Duty of the presiding officer after the election.

Entry in office of the officers.

**21.** In the case in which one of the persons thus elected shall refuse to act as mayor, alderman or councillor, or that his election, being contested, shall be declared null, the same person who shall have presided at the said election which has thus to be held anew, shall, *ex-officio*, be president of the new election to replace such mayor, alderman or councillor, which election shall be held within one month after such refusal or declaration of nullity shall have been established, and after the service of the judgment annulling such election, and in such case the placards and notices of such election, required by the present act, shall be published and posted up at least eight clear days before the election, and the voting at such election shall be made on the list of voters in force at the time of the last municipal elections;

In case persons elected refuse to act, &c.

New election.

**2.** If it is the mayor elect who refuses to accept office, or whose election has been declared null, the presiding officer shall give notice of the day on which the said election shall be held, by observing the delays and formalities required for annual elections. Such election shall take place on the Monday, and the nomination of candidates shall take

If the mayor refuses, &c.

place on the Saturday preceding, in the manner provided in the 14th section of this act; and if there are several persons who or are proposed for mayor, a poll shall be opened in each ward of the city, and the polling shall take place in the manner prescribed by the twelfth section of this act on the list of voters in force at the time of the last annual municipal elections;

If an alderman or councillor refuses.

3. If it is an alderman or councillor who refuses to accept office, or whose election shall have been declared null, the electors of the ward for which such alderman or councillor shall have been elected, shall proceed to a new election, and shall elect a person to replace such alderman or councillor in the manner prescribed by the present act, for the annual elections of aldermen and councillors, on the list of voters in force at the time of the last annual municipal elections.

Continuance in office of the mayor and aldermen and councillors.

22. The mayor and aldermen shall be elected for two consecutive years, and shall remain in office until their successors shall enter into office, and the first election for a mayor and four aldermen for the said city, under the present act, shall take place at the annual elections of eighteen hundred and seventy-five, and afterwards every two years only, and four councillors shall be annually elected, and shall remain in office during two years; provided always, that the councillors who were elected at the municipal elections of eighteen hundred and seventy-four shall remain in office until the municipal elections of eighteen hundred and seventy-six.

Proviso:

Penalty incurred by those who refuse to perform the duties.

23. Every person who being elected or appointed to any of the offices mentioned in the following list shall refuse or neglect to accept such office, or to perform the duties of such office, during the whole or any portion of the period for which he was so elected or appointed, shall incur the penalty mentioned in such list, opposite the name or designation of such office, that is to say:

The office of mayor, thirty dollars.

The office of alderman, twenty-five dollars.

The office of councillor, twenty dollars.

Election expenses.

24. The expenses of every election shall be defrayed out of the funds of the corporation.

In case the election is not held at the time fixed.

25. In case an annual municipal election shall not be held, for any reason whatever, on the day when, in pursuance of this act, it ought to have been held, the said city council shall not, for that cause, be deemed to be dissolved, and such members of the said council, as shall not have retired from office, shall meet again, for the purpose of fix-

ing, as early a day as possible, for the holding of such annual municipal election; and in such case, the notices and publications required by this act shall be published, and posted up, not less than eight clear days before the election.

#### CONTESTED ELECTIONS.

**26.** If the election of the mayor, or of one or more of the aldermen or councillors be contested, such contestation shall be exclusively decided by the circuit court for the district of Three Rivers; Contestation decided by the C. C. Three Rivers.

2. Every such election may be so contested by one or more of the candidates, or at least ten of the electors of the said city;

3. Such contestation shall be brought before the court, or in vacation, before a judge having jurisdiction in the said court, in vacation, by a petition signed by the petitioner or petitioners, setting forth in a clear manner the facts and grounds of such contestation; Petition.

4. A true copy of the petition, with a notice stating the day on which the said petition shall be presented to the said court or judge, shall be first duly served upon the mayor, alderman, councillor, or aldermen and councillors whose election is contested, at least eight days before the day on which the said petition shall be presented to the said court or judge; and a return of such service shall be drawn up and signed in due form upon the original of the said petition, by the bailiff who shall have made such service; but no such petition shall be received after the term next following the election thereby contested, unless such election had been held within the fifteen days next preceding the first day of such term, in which case, any such petition may be presented within the thirty days which shall follow such election, but not later; nor shall any such petition be received, unless security for costs be given by the petitioner or petitioners before a judge of the superior court sitting in the circuit court, or the clerk of the circuit court for the said district of Three Rivers, or his deputy; Notice of the petition.  
Return of the bailiff.  
Delay for the presentation of the petit.  
Security for costs.

5. If the court or judge be of opinion that the facts and grounds set forth in the petition are sufficient in law to void the election, he or it shall order proof to be adduced, if proof be necessary, and the parties interested to be heard, on the nearest day which it shall deem the most expedient, and shall proceed in a summary manner to hear and decide the said contestation; the evidence may be taken down in writing, or given orally, in whole or in part, as the court or judge shall order; and the court or judge shall proceed with the trial from day to day until he has rendered final judgment thereon, and if at the close of the term of the court the contesta- Hearing and proof.  
Proceedings to be in a summary manner.

tion is not finished the court shall adjourn from day to day until final judgment shall have been pronounced ;

Powers of the judge.

6. The court or judge, on such contestation, shall have the power to confirm the election or to declare the same to be null and void, or to declare another person to have been duly elected, and may, in either case, award costs to or against either party, which costs shall be taxed and recovered in the same manner, and by the same means, as costs are taxed and recovered in actions of the first class brought in such circuit court ; and the court or judge may order its judgment to be served upon the secretary-treasurer of the council, at the expense of the party condemned to payment of costs, as aforesaid ;

Costs.

Defect of form.

7. If any defect or irregularity in the formalities prescribed for the said election be set forth in any such petition, as a ground of contestation, the said court or judge may admit or reject the objection, according as such defect or irregularity may or may not have materially affected the election.

#### THE COUNCIL.

Entry into office of the mayor, aldermen and councillors.

27. The mayor, aldermen and councillors elect shall enter into office on the day that they shall have taken the oath prescribed by the present act, and a meeting of the council shall take place within the eight days immediately following the day of the elections, and, at such meeting, the mayor, aldermen and councillors elect shall take the following oath :

Oath.

“ I, A. B., do solemnly swear faithfully to fulfil the duties  
“ of member of the city council of Three Rivers, to the best  
“ of my judgment and ability. I further swear that I possess  
“ as the proprietor thereof, immovable property within the  
“ city of Three Rivers, of the value of (*two thousand*  
“ *dollars if it is the mayor ; sixteen hundred dollars if an*  
“ *alderman : and one thousand dollars if a councillor*) over  
“ and above all charges and incumbrances affecting the  
“ same, and after payment or deduction of my just debts :  
“ So help me God.”

Members absent.

2. And the members then present, providing they form a majority of the council exclusive of the person presiding at the sitting, shall be authorized to act as the council, and the members of the said council newly elected, who shall be absent from the first meeting, without just cause, shall be held to have refused the office, and be liable to the fine herein above imposed in like cases, unless they be persons who are exempt from serving.

Vacancies by death or absence.

28. In case of the death of the mayor, or an alderman or councillor, or in case of a member of the council neglecting, or failing, without the permission of the council, to be present

at the meetings of the said council during three consecutive months, whether he be present in the said city, or absent therefrom, the other members of the said council, at the first meeting of the council which shall take place after such decease, or the expiration of the said period of three months, shall appoint from amongst the duly qualified inhabitants of the city, another mayor, alderman or councillor to replace the mayor, alderman or councillor so deceased, or absent as above mentioned ; provided, however, that notwithstanding the decease or absence of the said mayor, alderman or councillor, the remaining aldermen and councillors shall continue to exercise the same powers, and fulfil the same duties, which they would have had to exercise or fulfil, had not such decease or absence, of the said mayor, alderman or councillor taken place. Proviso :

**29** Every person, holding the office of of mayor, alderman or councillor of the said city, who shall be declared a bankrupt, or shall become insolvent, or who shall apply for the benefit of any of the laws made for the relief or protection of insolvent debtors ; or who shall enter into holy orders, or become a minister of religion in any religious denomination, or who shall be appointed a judge of any court of justice, or who shall become responsible for the revenues of the city, in whole or in part, shall, by virtue of any one of these causes, become disqualified, and his seat in the said council shall become vacant ; and such person shall be replaced by the said council, at its first sitting, after such disqualification shall have become public and notorious ; and such person, so disqualified for any of the above reasons cannot fill the office of member of the council, unless elected at an annual municipal election. Vacancies by disqualification.

**30.** When any one of the said aldermen or councillors shall be elected mayor, his seat as member of the council of the said city shall immediately become vacant, and it shall be the duty of the said council, at the meeting following such election, to proceed to the choice and nomination of a qualified person to replace the member of the said council whose seat has become vacant. Vacancy by election as mayor.

**31.** Every mayor, alderman, or councillor so elected or appointed to replace another, shall remain in office for the remainder of the term for which his predecessor had been elected or appointed, and no longer. Persons elected to replace another.

**32.** The mayor of the said city of Three Rivers shall, during the term of his office, be a justice of the peace, in and for the district of Three Rivers, notwithstanding any disqualification he may by law be subject to, The mayor shall be a justice of the peace.

Pro-mayor. **33.** It shall be the duty of the council of the said city, at the first meeting of the said council, in the months of January and July of each year, to elect one of its members, to fulfil the duties of mayor, during the absence of the mayor of the said city, and the member of the said council, thus elected, shall be called the pro-mayor, so long as he shall fulfil as above the duties of mayor, or in case the office of mayor shall become vacant; and the said member, thus elected, shall have and exercise, during such vacancy and until the next election, the powers and authority with which the mayor of the said city is legally vested, in which case he shall take the title of mayor; and the said pro-mayor shall be chosen from among the aldermen.

Its powers.

Quorum. **34.** Seven members of the council shall constitute a quorum; but at all the meetings of the council at which a by-law shall be passed, the quorum shall be seven members exclusive of the chairman.

Monthly meetings of the council. **35.** The said city council shall meet, at least once in each month, for the transaction of the business of the said city, and shall hold their sittings in the city hall of the said city, or in any other place in the said city which shall have been set apart for the purpose, either temporarily or permanently; provided always, that one or several members, not sufficient to form a quorum, may adjourn any meeting of the council, which may not have taken place, for want of a quorum, and such members, though not forming a quorum, are hereby authorized to compel the attendance of members absent, to the regular or adjourned meeting as aforesaid, and to impose such penalties upon such absent members for a repetition of the offence, as may, by any by-law of the said city council, be provided for that purpose.

Special meetings. **36.** The mayor of the said city may, whenever he shall deem it necessary or useful, call special meetings of the said council, and whenever three members shall be desirous of obtaining such special meeting, they shall apply to the mayor to call such meeting, and in the absence of the mayor, or on his refusal to act, they may call such meeting themselves, on stating in writing to the secretary-treasurer of the said council, their object in calling such special meeting, and the day on which they are desirous that it shall be held; and the said secretary-treasurer shall, upon receipt of such written notification, be obliged to communicate the same to the other members of the council.

Punishment of council disturbing the sittings. **37.** Whoever shall be guilty of serious disturbance or violence during the sittings, either by action or by words, or in any other manner whatsoever, shall thereby incur a

fine not exceeding sixty dollars, or an imprisonment not exceeding fifteen days in default of payment of the fine, and may in addition be expelled from the council room on the written order of the chairman of the council.

**38.** All meetings of the said council shall be public, excepting only when the said council for any causes whatsoever, shall enquire into the conduct of any members of its own body, in which case it shall be lawful for the said council to sit with closed doors; and the said council shall determine the mode of their proceedings.

Sittings shall be public.

Exception.

**39.** The sheriff and gaoler of the district of Three Rivers shall be bound, and they are hereby authorized and required to receive and safely keep, until duly discharged, all persons committed to their charge, by the said city council, or any member or officer thereof, under the authority thereof.

Duties of the Sheriff and gaoler respecting prisoners sent by council, &c.

**40.** No member of the said council shall have the right of voting on any question, in which he has any direct pecuniary interest, different from the common interests of all the inhabitants of the said city

Case where a member has no right to vote.

**41.** Whenever the mayor or pro-mayor, shall be absent from a regular or special meeting of the said city council, the members present shall choose one of their number to discharge the duties of chairman during the meeting.

Mayor or pro-mayor being absent.

A councillor can only be chosen when no alderman is present.

**42.** Before the first of August in each year, the said council shall vote the sums necessary to meet the expenses of the current year, and provide:

Vote for the annual expenses.

1. For the payment of the debts or obligations of the said corporation, falling due during the course of the said year;

2. For the payment of the interest on the capital of the other debts of the said corporation;

3. For the general and ordinary expenses of the said city;

4. For the appropriation of the sums required during the said current year, for projected improvements or works;

5. For the creation of a reserve fund of not less than five per cent, to be levied on the revenues of the said city, from whatever source they arise, and such reserve fund shall be for the purpose of meeting the unforeseen expenses of the said corporation.

#### PENALTIES.

**43.** Every member of the council, every officer appointed by the council, every justice of the peace or other per-

Default of fulfilling the duties of office.

son who shall refuse or neglect to do anything, or perform any duty required of him, or which is imposed upon him, by this act, shall incur a penalty not exceeding twenty and not less than four dollars.

Penalty.

Road officer refusing to fulfill his duties.

**44.** Every inspector or officer of roads who shall refuse or neglect to perform any duty assigned to him by this act, or by the by-laws of the council, shall, for each day on which such offence shall be committed or shall continue, incur a penalty of one dollar, unless some other and heavier penalty be by law imposed upon him for such offence.

Penalty.

Penalty for hindering any officer from doing his duty, &c.

**45.** Every person who shall hinder or prevent, or attempt to hinder or prevent, any officer of the council in the exercise of any of the powers or in the performance of any of the duties conferred or imposed upon him by this act, or by any by-law or order of the said council, shall incur a penalty of one to twenty dollars for each offence, over and above any damages to which he may be liable.

For injuring or tearing any advertisement, &c.

**46.** Every person who shall wilfully tear down, injure or deface any advertisement, notice or other document, required, by this act, or by any by-law or order of the said council to be posted up at any public place for the information of persons interested, shall incur a penalty of from one to twenty dollars for every such offence.

#### SECRETARY-TREASURER.

Secretary-Treasurer.

**47.** The city council shall appoint an officer who shall be called the "secretary-treasurer of the council."

Functions and duties.

2. The secretary-treasurer of the council shall be the custodian of all the books, registers, valuation rolls, collection rolls, reports, *procès-verbaux*, plans, maps, records, documents and papers kept and filed in the offices or archives of the council; he shall attend all sittings of the council and shall enter in a register kept for the purpose, all the proceedings of the council, and he shall allow all persons interested therein, to inspect the same at all reasonable hours. And every copy or extract of or from any such book, register, valuation roll, collection roll, report, *procès-verbal*, plan, map, record, document or paper, certified by such secretary-treasurer, shall be deemed authentic;

Security required.

3. Every person appointed secretary-treasurer to the council shall, before acting as such, give the security hereinafter mentioned;

Nature of the security.

4. He shall furnish two sureties, whose names shall be approved by a resolution of the council, before they shall be admitted as such. These sureties shall be jointly and severally bound, together with the secretary-treasurer, and

their obligation shall extend to the payment of all sums of money, for which the secretary-treasurer may, at any time, be accountable to the corporation, including principal, interest and costs, as well as the penalties and damages to which he shall become liable, in the exercise of his office ;

5. Every security bond shall be made by a deed before a notary and accepted by the mayor ; it shall be the duty of the secretary-treasurer to transmit forthwith to the mayor a copy of the same, duly enregistered, provided always, that the said council may, if it deems advisable, accept as guarantee of the faithfulness of such secretary-treasurer or of any employee of the said council, in the accomplishment of their duties, and in the rendering of all accounts respecting city funds, placed in their hands, or under his control, the guarantee or policy of assurance of any incorporated or joint stock company, established for any such object, and this in the place and stead of the security specified in the sub-section immediately preceding ;

6. The secretary-treasurer shall receive all moneys due and payable to the corporation, and he shall pay out of such moneys all drafts or orders drawn upon him by any person thereunto authorized by this act, for the payment of any sum to be expended or due by the corporation, whenever thereunto authorized by the council ; but no such draft or order shall be lawfully paid by the said secretary-treasurer, unless the same shall shew sufficiently the use to be made of the sum mentioned in such draft or order, or the nature of the debt to be paid thereby ;

7. The secretary-treasurer shall be obliged temporarily to deposit, in an incorporated bank, the moneys arising from assessments, taxes or otherwise, belonging to the corporation of the said city, and to leave them so deposited until they are used for the purposes for which they were levied, and they shall be withdrawn only on bons or checks under the signature of the mayor, or, in his absence, of the pro-mayor, and countersignature of the said secretary-treasurer ;

8. The secretary-treasurer shall keep, in due form, books of account, in which he shall respectively enter each item of receipt and expenditure, according to dates, mentioning at the same time the names of the persons who have paid any moneys into his hands, or to whom he has made any payment respectively, and he shall keep in his office the vouchers for all expenditure ;

9. The secretary-treasurer shall render to the council, every six months, that is to say, in the months of June and December in each year, or oftener if required by such council, a detailed account of his receipts and expenditure, attested by him under oath ;

10. The secretary-treasurer's books of account and vouchers of the expenditure shall, at all reasonable hours of the day,

Notarial copy of the security shall be furnished.

Security by a policy of assurance.

Sec.-Treasurer shall pay and receive moneys.

Taxes to be deposited in an incorporated bank.

Mode of withdrawing them.

Account books and vouchers to be kept.

Accounts to be rendered every six months.

Books open to inspection.

be open for inspection, as well to the council and to each of the members thereof, and to the municipal officers by them appointed, as to any tax-payer in the city ;

Sec.—Treasurer  
may be sued  
for an account.

11. The secretary-treasurer, or any other person who shall have filled the said office, may be sued by the mayor, in the name of the corporation, before any tribunal of competent jurisdiction, for rendering an account, and in any such action he may be condemned to pay damages and interest for having failed to render such account ; and, if he render an account, he shall be condemned to pay any sum that he shall be acknowledged or shall have been declared to owe, together with such other sums as he ought to have debited himself with, or as the court shall think he ought to be held accountable for ; and every judgment pronounced in any such suit shall include interest at twelve per cent, in the nature of damages, and shall include a condemnation to pay the costs of suit ;

Judgment  
carry impri-  
sonment.

12. Every such judgment shall carry imprisonment against the said secretary-treasurer, according to the laws in force in like cases in the province of Quebec, if such imprisonment be demanded in the action to compel the rendering of the said account.

#### OTHER OFFICERS.

Power of the  
council to ap-  
point officers.

48. The council shall have power and authority to appoint such other officers as may be necessary for carrying into effect the provisions of this act, or of any by-law or regulation of such council.

Duty of officer  
retiring from  
office.

49. Every member of the said council, and every municipal officer, whether elected or appointed shall, within eight days from the day on which he shall cease to hold such office, deliver to his successor, if he be then elected or appointed, or if not, then within eight days after the election or appointment of such successor, all moneys, keys, books, papers and insignia belonging to such office ;

The heirs shall  
be responsible  
for the delivery  
of books.

2. If any such member or officer of the said council die or absent himself from the province of Quebec, without having delivered up all such moneys, keys, books, papers, and insignia belonging to such office, it shall be the duty of his heirs or other legal representatives to deliver the same to his successor, within one month from the day of his death or of his departure from the province ;

Right of the  
successor in  
office to re-  
cover the  
books.

3. And in every such case the said council, or the successor in office of every such officer shall, besides all other legal remedies, have a right of action before any court of justice, either by *saisie revendication*, or otherwise, to recover from such member or officer or his legal representatives, and any other person in possession of the same, all such moneys, keys, books, papers or insignia, together with costs and

damages in favour of the corporation. And every judgment rendered in every such action may be enforced by imprisonment against the person condemned, according to the laws in force in such cases, in the province of Quebec, whenever the said imprisonment is demanded by the declaration.

**50.** The officers of the said council in office, at the time of the passing of this act, shall remain in office until they are replaced by the said council. Officers now in office.

**51.** The said council shall have the power to appoint, when they shall think proper, all such officers, constables and policemen, as they shall deem necessary for the due execution of the laws, and by-laws now in force or to be by them enacted hereafter, and to require from all persons employed by them in any capacity whatsoever such security as to them shall seem meet, to ensure the due execution of their duties, and to remove and replace them when they shall think proper. Power of the council to appoint policemen and other officers.

#### AUDITORS.

**52.** At the first meeting after each annual municipal election, two persons shall be appointed by the said city council, to be auditors of the accounts of the said council; and such auditors shall take the following oath, before any one of the justices of the peace, residing in the said city, that is to say : Auditors.

“I, A. B., having been appointed to the office of auditor of the city of Three-Rivers, do hereby swear, that I will faithfully perform the duties thereof, according to the best of my judgment and ability; and I do declare, that I have not directly or indirectly any share or interest whatever, in any contract or employment with, by, or on behalf of the city council of the said city of Three-Rivers: So help me God.” Oath.

**53.** It shall be the duty of the auditors to examine, approve or disapprove of, or report upon all accounts which may be entered in the books of the said council or concerning it, and which may relate to any matter or thing under the control, or within the jurisdiction of the said city council, and may then remain unsettled; and to publish a detailed statement of the receipts and expenditure, and of the assets of the said council, in two newspapers, one in the English and the other in the French language, published in the said city, immediately after the close of the civic year, for the purposes of this act. Duty of auditors.

**54.** The auditors, who shall be appointed for the said city, shall be proprietors of real estate therein of the value of at Qualification of auditors.

Proviso : least twelve hundred dollars ; provided always, that neither the mayor, aldermen, councillors, secretary-treasurer of the said city, nor any person receiving any salary from the said council, either for any duty performed under their authority or on account of any contract whatsoever entered into with them, shall be capable of discharging the duties of auditor for the said city.

## ASSESSORS.

Assessors and  
valuators.

**55.** The said city council shall have power, whenever they may deem advisable, to appoint assessors or valuers of property, movable as well as immovable rateable in the said city, according to their real value, and these assessors shall be bound further to enter in the valuation roll everything taxable under this act, and within the periods which shall be fixed by the said city council ;

Duty of  
assessors.

2. It shall, moreover, be the duty of the said assessors or valuers of the said city to assess and enter in the valuation roll of the said city the annual value of the rent of all immovable property occupied by any person who, not being the proprietor of such immovable, is not, however, obliged to pay any rent ;

Salary.

3. The said council shall, moreover, have power to fix the salary payable to the said assessors, and to establish by by-law, or by-laws, the manner of making the said roll, as to taxable persons or things.

Assessors to be  
sworn.

**56.** Every person, so appointed assessor, shall be bound, before proceeding to the valuation of any property in the, said city, to take the following oath before the mayor of the said city, or in his absence, before one of the aldermen of the council, to wit :

Oath.

“ I, A.B., having been appointed one of the assessors of the city of Three Rivers, do solemnly swear, that I will diligently and honestly discharge the duties of that office, to the best of my judgment and ability : So help me God.”

Qualification of  
assessors.

**57.** The assessors who shall be appointed for the said city, shall be proprietors of real estate in the said city, of the value of at least twelve hundred dollars.

Valuation roll  
to be remitted  
to the sec.-  
treas. for in-  
spection.  
Notice.

**58.** When the assessors shall have made a valuation of all the rateable property, matters or things in the said city, they shall deposit the valuation roll with the secretary-treasurer of the said city, and notice of such deposit shall be given by the secretary-treasurer, in one or more newspapers published in the said city. And, at the next ensuing meeting of the said council, the said valuation roll shall be produced, and if they desire it, be examined by the council ;

and the valuation roll shall be deposited in the office of the secretary-treasurer for the period of one month, dating from such meeting; and, during that period, it shall remain open to inspection to all persons whose property, matters or things, shall have been estimated, or to their representatives; and within that period those considering themselves aggrieved may give notice in writing to the secretary-treasurer, of their intention to appeal to the said city council, complaining of any inexact valuation; and such complaint shall be tried by the said council, at the first meeting which shall be held after the expiration of the month above mentioned; and the said council, after having heard the parties and their witnesses under oath, which shall be administered by the mayor or other presiding member of the council, shall confirm or alter the valuation, the change whereof shall have been prayed for, as to them shall seem just; and, at the same meeting, the said valuation roll shall be declared closed for two years; unless, however, from the number of complaints the council shall be compelled to adjourn, in which case, the said roll shall not be declared closed, until all the complaints shall have been heard and determined; provided always, that if, after the said valuation roll shall have been declared closed as aforesaid, any property in the said city should suffer any considerable diminution in value, either through fire, demolition, accident or any other reasonable cause, the said council may, upon the petition of the proprietor, instruct the assessors to reduce their valuation of such property to its then actual value; and provided also, that if any omission shall have been made in the said valuation roll, the said council may order the assessors to value any property so omitted, in order to its being added to the roll.

Examined by  
the council.

Complaints.

Judgment on  
them.Closing of the  
roll.

Re-estimating.

Omission.

**59.** The said council, shall cause, within the year following that during which the valuation roll for the said city shall have been made, the roll then in force, to be revised, and shall cause to be inscribed thereon, any change, or increase, or decrease, which may have occurred in relation to the number or value of real estate, rents, stocks in trade or goods, animals and vehicles, professions, occupations and trades, finally of all persons or things liable for the payment of municipal taxes and assessments.

Revision of the  
valuation roll  
in force.

**60.** Whenever the valuator neglect to make the valuation which they are required to make under this act, or neglect to draw up, sign and deliver the valuation roll containing such valuation to the secretary-treasurer of the council, within two months from the date of their appointment, every such valuator in default shall incur a penalty of two dollars for each day which shall elapse between the expira-

Valuators neg-  
lecting to make  
the valuation  
roll.

Penalty.

tion of the said period of two months, and the day upon which such valuation roll shall be so delivered, or upon which their successors in office be so appointed.

Penalty incurred for false representation as to the rent.

**61.** From and after the passing of this act, every proprietor or agent, who shall wilfully grant a certificate or receipt, setting forth a less sum than the rent really paid for the premises therein mentioned or referred to, and every tenant who shall present to the assessors of the said city such receipt or certificate, falsely representing the value of the rent paid by such tenant, in order to procure a diminution or abatement of his assessments, shall be liable on conviction thereof, before the mayor or justice of the peace, to a penalty of twenty dollars, or to imprisonment during one calendar month, according to the judgment of such mayor or justice of the peace.

#### BY-LAWS AND REGULATIONS.

Power to make certain by-laws and when.

**62.** It shall be lawful for the said city council, on the first Mondays in September, December, March and June, to make such by-laws, as may seem to them necessary or expedient, for the internal government of the city, for the improvement of the place, for the maintenance of peace and good order, and for the good repair, cleansing and draining of the streets, public squares, and vacant or occupied lots, for the prevention or suppression of any nuisance whatsoever, for the maintenance and preservation of the public health, and generally for all purposes connected with, or affecting the internal management or government of the said city.

Legality of the Corporation by-laws is presumed.

**63.** The existence or legality of the statutes and by-laws passed by the said corporation, and invoked in any action or judicial proceeding whatsoever, shall be taken to be admitted when so invoked, unless such existence or legality be specially called in question.

Coming into force of the by-laws.

**64.** Every by-law passed by the said council shall come into force and effect on the day named in the said by-law for that purpose, without posting up or publishing the same.

Right to vote reserved to certain proprietors of real estate in certain cases.

**65.** Whenever a by-law or by-laws, shall have been passed by the council of the said corporation to tax real estate in the said city, and which shall be subject to the approval or disapproval of the municipal electors of the said city, the resident proprietors of real estate in the said city, of the value of at least two hundred dollars, according to the assessment roll then in force, shall alone be entitled to vote on any such by-law; and a list of the said proprietors thus quali-

fied as above to vote on such by-law or by-laws shall be prepared by the secretary-treasurer of the said council, and shall be posted and revised in the same manner and within the same delays as are, under this act, the lists of voters at the annual municipal elections of the said city.

**66.** The said council shall have power to make by-laws :  
 1. For the concession of emplacements and for opening new streets in the common of the said city, to such extent as may from time to time be required, and upon such conditions as the council may deem proper, any law to the contrary notwithstanding ;

2. For amending, modifying or repealing the regulations and by-laws, or such of them as they may deem advisable, made by the municipal or town councils, who have had the management of the internal affairs of the said city ;

3. For establishing one or more new market places ; and for extending the market places now existing or which may be hereafter established ; the whole subject to the payment of the damages which may be incurred by parties in consequence of their respective lands being encroached upon by the extension of such market places ;

4. For determining and regulating the duties of the clerks of the markets in the said city, or all other persons they may deem proper to employ in superintending the said markets ;

and for letting the stalls or places for selling upon, in and about the said market places ; and for fixing and determining the duties to be levied upon any persons selling on any of the said markets, any provisions or produce whatsoever ; and for regulating the conduct of all such persons in selling their goods ; and to provide for the weighing or measuring, as the case may require, by the officers named for that purpose, by the said council, and on the payment of such fees, as the said council may think fit to impose in that behalf, of any things offered for sale on the said markets ;

5. To punish all persons, by the confiscation of their articles, provisions and food, who, by exposing the same for sale in the markets or in the streets of the said city, shall infringe upon the by-laws passed by the said council as to the weight or quality of such articles, provisions or food ;

6. For regulating the placing of vehicles in which any articles shall be exposed for sale on the said markets ;

7. For preventing persons bringing articles of any kind into the said city, from selling or exposing them for sale, or for allowing the same, in any place other than the markets of the said city ;

8. For regulating the weighing and measuring of all cordwood, sawn wood, lumber, coals, salt, grain, lime, hay and straw, brought into or sold in the said city, by strangers or persons residing therein ;

List of proprietors.

Power to make by-laws to grant lots and open streets.

To amend, &c., old by-laws.

To establish market places.

To regulate the duties of market clerks, &c.

Duties to be levied, &c.

Weighing.

To punish by the confiscation of articles, &c.

Placing of vehicles.

To prevent the sale of articles elsewhere than on the market.

To regulate the weighing, &c.

To determine in what manner articles will be sold.

9. For determining in what manner the said articles or all others shall be sold and delivered, as to quality, quantity or weight, and for obliging all persons to observe, in the above matters, the by-laws which the said council shall hereafter deem useful to establish.

By-laws of the council, considered as public laws.

67. The by-laws of the said council shall be taken and considered as public laws, within the limits of the said city, and shall be judicially recognized by all judges and other persons whomsoever, without it being necessary to plead them specially:

ROADS.

Power to acquire lands for public purposes.

68. The said council shall have full and unlimited power to purchase and acquire out of the revenues of the said city, all such lots, lands and real property whatsoever, within the said city, as they shall deem necessary for the opening or enlargement of any street, public square or market-place, or for the erection of any public building, or generally for any object of public utility for the use of the said city or municipality.

Mode of acquiring, on refusal to sell, &c.

69. When the proprietor of a lot, which the said council shall be desirous of purchasing, for any object of public utility whatsoever, shall refuse to sell the same by private agreement, or in case such proprietor shall be absent from the province, or in case such lot of land shall belong to minors, issue unborn, lunatics, idiots or married women, the said council may apply to the circuit court of the district of Three Rivers, or to any other court, for the appointment of an arbitrator by the said court, to make, conjointly, with the arbitrator appointed by the said council, a valuation of such lot, with power to the said arbitrators, in case of a difference of opinion, to appoint a third; and when the said arbitrators shall have made their report to the said council, at a regular meeting thereof, the said council may acquire such lot, on depositing the price at which it shall have been valued by the said arbitrators, in the hands of the prothonotary of the superior court for the district of Three Rivers, for the use of the persons entitled thereto; and if no person entitled to such indemnity shall appear, within six months after such amount has been deposited in the hands of such prothonotary, to claim the sum so deposited, it shall then be lawful for the said prothonotary, and he is hereby required, to remit such sum to the secretary-treasurer of the said council, to be by him deposited with the moneys of the said city, and such sum shall bear interest at the rate of six per centum; and both the capital and the interest accruing thereon shall be payable by the said council to any person entitled to receive the same, within three

Arbitrators.

Their reports.

Price deposited.

months after a formal notification shall have been given to the mayor or the secretary-treasurer of the said city, to pay the same; provided always, that when the said council shall refuse to take, and pay for all such land, which has been thus valued by arbitrators as aforesaid, notice shall be given to the proprietor, or possessor, or to the agent of the proprietor of such land, within the fifteen days next after the receipt by the said council, of the report of the said arbitrators, and, in such case, payment shall be made to the proprietor or possessor of such land, of all damages which he may sustain, or has sustained, in consequence of the refusal of the said council, to take and purchase such land, which damages shall be estimated by the arbitrators who have valued the said land.

Case where the council does not take the land.

**70.** The said council shall also have power to make by-laws:

Power to make by-laws.

1. For placing under the control of the said council any road, street, lane, sidewalk, brook, ditch, drain and bridge, or part of any road, street, lane, sidewalk, brook, ditch, drain and bridge, within the said city, and for opening, making, improving, repairing, maintaining, and keeping the same in good order; and for imposing certain special taxes on all proprietors of any lands, lots or emplacements, bound by law or under any *procès-verbal* or by-law made by the said council, to open, make, improve, maintain and repair any such road, street, lane, sidewalk, brook, ditch, drain or bridge as the said council may so take under their control; in order to refund the said council, in whole or in part, all costs and expenses incurred for such purposes. Such special tax shall be reckoned and payable to the said council in proportion to the extent of any land so taxed along such road, street or lane, and to the extent of land crossed by such brook, ditch or drain; and when and so soon as such roads, public squares, streets, lanes, side-walks, streams, ditches, drains and bridges shall be placed under the control of the said council, the persons obliged to make, improve, maintain, and repair the same shall be discharged therefrom, and the said council shall alone then be held to open, make, improve, maintain, repair and keep the same in good order;

Roads, streets lanes, &c.

Taxes for that end.

2. To cause to be valued by arbitrators or assessors, in the manner prescribed by the fifty-fifth, fifty-sixth, fifty-seventh and fifty-eight sections of this act, the increase in value acquired by properties, the value of which is increased, or which shall have been benefited by the opening, extension, or widening of any street, road or public square, by the said council, and to impose a special tax or assessment on the properties so valued, for the purpose of causing to be paid by the proprietors of the said lands, the fourth or any other pro-

To cause properties to be valued in certain cases and impose taxes on their increasing value.

- portion, less than one-fourth of the cost of such works or improvements, as the said council may deem just and fair ; provided that the amount that each proprietor shall be obliged to pay for any such improvements, shall not in all exceed twenty-five per cent of the increased value given to his property by such improvements ; the surplus of the cost of such works or improvements shall be paid out of the general funds of the city ;
- Proviso :
- To lay out winter roads. 3. To cause winter roads to be laid out across any fields or enclosure, excepting orchards, gardens, yards or other lands enclosed in hedges ;
- To repair and maintain roads, side-walks, &c. 4. For making, improving, repairing and maintaining all roads, streets, lanes, sidewalks, fences, ditches, bridges or drains, which the proprietor or possessor of any land in the said city may be obliged to make, improve, maintain and repair, and which such proprietor or possessor has neglected or refused to make, improve, repair or maintain, and to charge the costs against such property, and to recover the amount thereof in the manner provided for the payment of arrears of assessment ;
- Recourse. 5. For regulating the width of streets to be hereafter opened in the said city ; for widening, lengthening or closing any street, and for regulating and altering the height or the level of any street or side-walk in the said city ; provided, that if any person shall suffer real damage, by the widening, lengthening, closing, or altering the level of any street in the said city, such damage shall be paid to such person, after having been assessed by arbitrators, if any of the parties shall require it ;
- To regulate the width of streets, &c. 6. For preventing the sale in public highways of any merchandise or produce whatsoever ;
- Indemnity. 7. For preventing and hindering all obstacles and obstructions of any nature whatsoever in streets ;
- Sale on public highways. 8. To establish as many public pounds as the said council shall deem expedient to open for the impounding of animals of any kind, which may be running at large in the said city ;
- Obstructions in the streets. 9. To compel the proprietors of all land and real property within the said city, their agents or representatives, to enclose the same, and to regulate the height of the fences, and strength and quality of the materials used ;
- Public pounds. 10. To oblige all proprietors or occupants of houses in the said city, to remove from the streets all encroachments of any sort, such as steps, galleries, porches, posts, and all other obstacles whatsoever ;
- To compel proprietors to enclose their lots. 11. To cause to be pulled down, demolished and removed, when necessary, all old or dilapidated walls, chimneys and buildings of any description, that may be in a ruinous state, and to cause to be removed from the streets all sheds, stables, and other buildings on the line of any street, or in
- Encroachments in streets.
- Old walls, &c.

the immediate vicinity thereof, and to determine the time and manner in which the same shall be pulled down, demolished or removed, and by whom the expense thereof shall be borne ;

12. For assessing proprietors of real property situate on any of the streets of the said city, for such sums as shall be deemed necessary for making or repairing any common sewer, in any of the streets of the said city, such assessment being in proportion to the assessed value of such property ; and for regulating the mode in which such assessment shall be collected and paid ;

Proprietors to be assessed for repairs to sewers, &c.

13. For assessing all proprietors, tenants or occupants of property situated in any street or public square of the said city, in any sums necessary to meet the expense of sweeping, watering, and keeping clean, such street or public square, and for removing the snow from any such street, lane or public place, such assessment to be in proportion to the assessed value of such property ;

Tax for sweeping and watering the streets.

14. For preventing the driving of vehicles at an immoderate pace in the said city, and riding on horseback on the sidewalks of the said city, and the cruel treatment of horses or other beasts.

For preventing driving at an immoderate pace.

71. Except in the discharge of a duty imposed by law, no person shall, without the permission of the proprietor or occupant, enter or pass upon any land, lot or emplacement situated within the limits of the said city ; and any person contravening the provisions of this section, may be prosecuted by such proprietor or occupant, before one or more justices of the peace, and it shall be the duty of such justice or justices, upon the deposition of one credible witness, other than the complainant, to condemn such person, for every offence, to pay a fine of from one to twenty dollars, and the costs, and in default of payment by the person so condemned, to commit him to the common jail for a period not exceeding two months.

Trespass on private property not allowed.

Penalty.

72. It shall be lawful for the said city council to order the inspector of the said city, to notify any parties who shall have made or shall hereafter make encroachments upon the streets or public squares of the said city, by means of houses, fences, buildings, or obstructions of any kind, to cause the removal of such encroachments or obstructions, by giving to such persons a reasonable delay for that purpose, which delay shall be specified by the said city inspector in giving his notice ; and, if such persons shall not have removed such encroachments or obstructions within the delay specified, the council may order the said inspector to remove such encroachments or obstructions, taking with him the assistance necessary for that purpose ; and the said council may allow to

Obstructions in the streets removed by order of the inspector.

the said inspector his reasonable expenses, and recover the same before any court, having competent jurisdiction, from any person making such encroachment or obstruction.

Power of the council to prevent rebuilding on a site when it encroaches on the public streets or squares.

**73.** It shall be lawful for the said council, whenever any house shall encroach upon any of the streets or public squares of the said city, to prevent the proprietor of such house from rebuilding on the site occupied by the demolished house, and it shall be lawful for the council to purchase any part of such lot encroaching upon any street, or to require the proprietor to dispossess himself thereof, in consideration of indemnity therefor, and such indemnity shall be fixed by arbitrators appointed respectively by the said council, and by the party they are desirous of dispossessing; and the said arbitrators after having been sworn by a justice of the peace, shall take cognizance of the matter in dispute, and, after visiting the place in question, shall decide upon the amount of indemnity to be granted to such proprietor; and the said arbitrators shall be authorized to decide which of the parties shall pay the costs of arbitration.

#### SALE OF LIQUORS.

Right of granting certificates for hotel licenses.

**74.** The said council shall continue to have the exclusive right of granting or delivering certificates, for the procuring of hotel licenses, any law or custom to the contrary notwithstanding, and such certificate shall be signed by the mayor and secretary-treasurer of the said council, and be sealed with the common seal of the said council.

Power to make by-laws:

**75.** And the said council shall have power to make by-laws:

To prevent or authorize the sale of liquors.

1. For restraining and prohibiting the sale of any spirituous, vinous, alcoholic or intoxicating liquor, or for authorizing such sale, subject to all such restrictions as they may deem expedient;

Conditions, &c., of licenses.

2. For determining under what restrictions and conditions and in what manner the collector of inland revenue, for the district of Three Rivers, shall grant licenses to merchants, traders, shop keepers, tavern keepers, and other persons to sell such liquors;

Regulating shop-keepers, &c.

3. For regulating and governing all shop-keepers, tavern keepers, and other persons selling such liquors by retail in any place whatever, in such manner as they may deem expedient to prevent drunkenness;

Sale of liquor to minors, &c.

4. For preventing the sale of any intoxicating beverage to any minor child, apprentice, or servant.

## POLICE.

**76.** The said council shall also have power to make by-laws :

1. For the government, arming, lodging, clothing and <sup>Police.</sup> paying a police force in the said city, and for determining the duties thereof ;

2. For prohibiting gaming-houses, places for gambling, <sup>Gaming houses, &c.</sup> house of ill-fame, or any other description of immoral or disorderly house, being maintained the said city.

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

**78.** It shall be lawful for any constable, to apprehend and arrest all persons, whom he shall find disturbing the public peace, within the limits of the said city, and also every person who shall be found sleeping in any field, land, highway, yard, or other place, or shall be found loitering and idling in any such place, and shall not give satisfactory reasons for his conduct ; and every such constable shall deliver such person into the custody of the person, who shall have the charge of the prison, or any other place of detention, in order to the safe keeping of the said person, until he shall be brought before the mayor or other magistrate, to be dealt with according to law.

## FIRES.

**79.** For the better protection of the lives and property of <sup>Protection of lives and property against fire.</sup> the inhabitants of the said city, and for more effectually preventing accidents by fire, the said council may make by-laws to be binding on all persons for the following purposes, to wit :

1. To prevent and hinder the construction or erection of any building of inflammable material, within the limits of the said city, and to impose a penalty not exceeding twenty dollars for each day, during which the parties shall infringe such by-laws, and such fine shall be recoverable in the manner provided by the one hundred and twenty-eighth section of this act ; <sup>To prevent building being constructed of inflammable material.</sup>

For regulating the construction of chimneys.

2. For regulating the construction, dimensions, and height of chimneys above the roofs, or even in certain cases above the neighboring houses and buildings; and at whose cost the elevation of such chimneys shall be raised, and within what delay they shall be raised or repaired;

For the maintaining of fire engines, &c.

3. For defraying out of the funds of the said city any expenses that the council may deem necessary to incur for the purchase of fire engines or apparatus of any kind for the same use, or for taking such means as shall appear to them most effective for preventing accidents by fire, or arresting the progress of fires;

For the protection of property, &c., at fires.

4. For preventing thefts and depredations which may be committed at any fire in the said city; and for punishing any person who shall resist or maltreat any member or officer of the said council, in the execution of any duty assigned to him by the said council, under the authority of this section;

Enquiry in case of fire.

5. For establishing or authorizing or requiring to be established, after each fire in the said city, a judicial enquiry into the cause and origin of such fire; for which purpose the said council or any committee thereof, authorized by it for this purpose, may summon and compel the attendance of witnesses, and examine them on oath, which oath shall be administered to them by any of the members of the said council or of such committee;

For the sweeping of chimneys.

6. For regulating the manner in which and the periods of the year when, chimneys shall be swept, and for granting licenses to such numbers of chimney sweeps as the said council shall think proper to employ, and for obliging all proprietors, tenants or occupants of houses in the said city to allow their chimneys to be swept by such licensed chimney sweeps; and for fixing the rates to be paid for sweeping chimneys, either to the council or such licensed chimney-sweeps; which rates for chimney sweeping, if paid to the council, shall be taken as municipal taxes; and for imposing a penalty of not less than one dollar nor more than five dollars on all persons whose chimneys may have caught fire, after any refusal to allow them to be swept, such penalty to be recovered before any justice of the peace; and whenever any chimney, which shall have caught fire as aforesaid, shall be common to several houses, or be used by several families in the same house, the said justice of the peace shall have power to impose the above penalty in full on each house or family, or to divide the same among them in proportion to the degree of negligence shewn, on proof before him;

Penalty if Chimneys have caught fire, &c.

Respecting ashes and quick lime—carrying fire, &c.

7. For regulating the manner in which ashes and quick-lime shall be kept in the said city, and for preventing all the inhabitants of the said city from carrying fire in the streets

without necessary precautions, from making a fire in any street, from going from their houses to their yard out-buildings, and entering therein with lighted candles not enclosed in lanterns ; and generally for making such regulations as they may deem necessary for preventing or diminishing accidents by fire ;

8. For regulating the conduct of all persons present at any fire in the said city ; for compelling idle persons to assist in extinguishing the fire, or in saving effects which may be in danger, and for compelling all the inhabitants of the said city to keep at all times upon and in their houses, ladders, fire-buckets, battering-rams, and fire-hooks, in order to arrest more easily the progress of fires ;

Conduct of persons at fires, and means of arresting the progress of fires.

9. For defraying out of the funds of the said city, any expense which the said council shall deem expedient to incur, in aiding or assisting any person in their employ, who shall have received any wound or contracted any serious disease at any fire in the said city ; or in assisting or providing for the family of their employees who shall perish at any fire ; or in bestowing rewards, in money or otherwise, upon persons who shall have been particularly useful, or who shall have specially exerted themselves, at any fire in the said city ;

To help persons wounded, &c., at fires, or their families.

10. For vesting in such members of the council or in the fire inspectors, or to the said members and inspectors to be designated in such by-laws, the power of ordering to be demolished during any fire, any houses, buildings, out-houses, or fences which might serve as fuel to the fire, and endanger other property of the inhabitants of the said city ;

Houses demolished in order to arrest a fire.

11. For appointing all such officers as the said council shall deem necessary for carrying into execution the by-laws to be passed by them in relation to accidents by fire ; for prescribing their duties and powers, and providing for their remuneration, if they think fit, out of the funds of the said city ;

Appointment of officers of the fire department, &c.

12. For fixing the places for the erection in the said city of manufactories or machinery worked by steam.

To fix the places for manufactories.

13. For authorizing such officers, as the council shall think fit to appoint for that purpose, to visit and examine, at suitable times and hours, both the inside and the outside of all houses and buildings of any description, within the said city, for the purpose of ascertaining whether the by-laws passed by the said council, under the authority of this section, are regularly observed, and for obliging all proprietors or occupants of houses in the said city, to admit such officers for the purposes hereinabove set forth.

To give powers to the offi. for examining houses, &c.

## HEALTH.

Power to make  
by-laws re-  
specting  
burials.

**80.** The said council shall also have power to make by-laws :

1. For fixing and regulating the places in which interments may take place within the said city; for compelling the taking up of any bodies interred within the said limits contrary to this provision ;

Stagnant  
waters.

2. To compel the proprietors or occupants of lots of land in the said city, having stagnant water thereupon, to drain or raise such lands so that the neighbors may not be incommoded, nor the public health endangered thereby ; and in the event of the proprietors of such lands being unknown, and having no representative or agent in the said city, it shall be lawful for the said council to order the said lands to be drained, or raised, or to fence in and enclose them at their cost, if they are not already fenced in and enclosed ; and the said council shall have a like power if the proprietors or occupiers of such lands are too poor to drain, raise or fence the same ; and in every case the sum expended by the said council in improving such lands, shall remain as a special hypothec on such lands, and have privilege over all other debts whatsoever, without it being necessary to register the same ;

Board of  
health and its  
by-laws.

3. For establishing a board of health, and investing them with all the privileges, powers, and authority necessary for the fulfilment of the duties entrusted to them, or for acquiring every useful information on the progress or general effects of all contagious diseases, or for making such regulations as such board of health shall deem necessary for preserving the citizens of the city from any contagious diseases, or for diminishing the effects or the danger thereof.

## MISCELLANEOUS POWERS.

Power to make  
by-laws re-  
specting the  
weight and  
quality of  
bread.

**81.** The said council shall also have power to make by-laws :

1. For regulating, fixing and determining the weight and quality of bread which may be sold or offered for sale, within the limits of the said city, and to provide for the inspection and weighing of bread exposed for sale, and for the seizure, forfeiture, confiscation, and the mode of disposal after confiscation, of all bread baked or exposed for sale in contravention of the said by-laws, or such bread under weight prescribed or unwholesome, and to this end, to empower officers or any fit person, to enter into bakeries or other places, and to stop vehicles carting bread, for the purpose of inspecting or weighing such bread, and to do any other act or thing that may be necessary, or that may be

so deemed for the public interest, for the attainment of such object, or for causing such by-laws to be enforced ;

2. For regulating the conduct and certain duties of apprentices, domestics, hired servants and laborers in the said city ; and also certain duties and obligations of masters and mistresses towards servants, apprentices and laborers ;

To regulate the duties of apprentices, &c., masters, &c.

3. To assess, over and above all other rates specially established by this act, all the citizens of the said city, to meet the expenses of any indemnity which the said council might be obliged to pay to persons in the said city, whose houses or buildings of any description might be destroyed or damaged by any riot or tumultuous assembly ; and if the said council shall neglect or refuse within six months after such destruction or damage caused to any property in the said city, to pay a reasonable indemnity to be established by arbitrators, if one of the parties shall so desire, then the said council shall be liable to be sued for such damage, before any court of justice in this province ;

Damages caused by riots

4. To cause all dangerous and vicious dogs, or those for which no tax has been paid by the person obliged to pay the same, to be killed ;

Dogs.

5. For providing out of the funds of the said city a supply of water for the citizens of the said town, and for the lighting of the said city with gas, or in any other manner ; and for compelling the owners of immovable property within the said city, to allow the necessary works for these purposes to be performed upon their respective properties ; and for compelling all proprietors to allow the necessary pipes, lamps or posts to be attached to their houses ; provided always, that in all these cases, the expense of such pipes, lamps and other necessary works shall be borne by the said council ; and provided also, that the solidity of the buildings on or near which they shall be, shall be in no way affected thereby, and that all damages which may be caused shall be paid by the said council, and that every proprietor shall be indemnified by the said council.

Water and gas.

Provide :

Provide :

#### WATER WORKS.

82. Whereas the council of the said city has lately acquired from the shareholders of the "Water-works Company of Three Rivers," their shares, rights and pretensions in the said water-works company ; and moreover, whereas the corporation is now the sole proprietor and in possession of the shares and property of the said Three Rivers water-works company, the said water-works shall belong for the future to the said corporation, and shall be called the water-works of Three-Rivers, and all transactions made by the council of the said city with the said shareholders

Water works.

for the purchase of their said rights and pretensions, are, by this act, declared legal and valid for all lawful purposes.

Rights of the  
gas and water  
Cos. conferred  
to the council.

**83.** Upon the said council are, by this act, devolved all the rights, duties, powers and privileges conferred and imposed upon joint stock companies, for furnishing gas and water to cities, towns and villages, by the sixty-fifth chapter of the consolidated statutes of Canada, and by the act 23 Vict., chapter 32; provided always, that it shall not be necessary to publish any by-law passed by the said council, in conformity with the provisions of the above mentioned acts.

Proviso :

New aqueduct.

**84.** To meet the requirements of the said city, the said council may construct a new aqueduct with iron pipes and steam engines, and may expend for this purpose a sum not exceeding one hundred and fifteen thousand dollars.

Water rates.

**85.** When and so soon as the said city council shall be ready and prepared to furnish to the said city or any part thereof, water from the said aqueduct, or from any other aqueduct which the said council may make and construct under the authority of the preceding provisions of this act, it shall be lawful for the said council to establish a tariff of rates for the water furnished or to be furnished in the said city by the aqueduct, which rates shall be payable at the times and in the manner prescribed by a by-law to that effect, by all proprietors, occupants or others to whom the said water, from the said aqueduct, shall be supplied or to whom it may be hereafter supplied; which rates, for supplying water, from the said aqueduct, shall be collected in the same manner as are the municipal taxes and assessments, and may be payable by those who shall consent to receive into their houses, stores, workshops, offices, places of business or other buildings, the pipes of the said aqueduct; provided always, that the cost of the introduction of the said water into the said houses, stores, workshops, offices, places of business or other buildings, shall be borne by the said council, and the works performed by them; but the cost of distribution of the said water into and in the interior of the said houses, stores, workshops, offices, places of business or other buildings, after having been introduced therein, shall be borne by such proprietors or occupants requiring such water.

Collection of  
rates.

Costs of intro-  
duction.

Proviso :

Water rates  
are privileged  
debts.

**86.** The sums due to the said council for water from the said water-works supplied to the proprietor or tenants of any land in the said city shall be privileged debts against such land, saving the recourse of the proprietor against his tenant, which recourse shall be secured by the landlord's privilege.

**87.** All revenue arising from the said water-works shall form a special fund, separate from the other revenues of the said city, and shall be specially and solely applied to the liquidation of the debts contracted or to be contracted for the purchase, repair, improvement or extension of the said water-works, and to the payment of the interest on such debts.

Use of the  
revenue from  
water works.

#### DEBENTURES.

**88.** For the purpose of constructing a new aqueduct with iron water pipes, the said city council is hereby authorized to issue debentures or obligations for, or to otherwise contract on the credit of the city of Three Rivers, a debt which shall not exceed one hundred and fifteen thousand dollars, which debentures, thus issued solely and only to build the said new aqueduct, shall be under the signature of the mayor, and countersigned by the secretary-treasurer, and sealed with the seal of the corporation, and shall bear interest, payable semi-annually on the first days of January and July in each year, at a rate not exceeding six per cent per annum, and there may be annexed to all such debentures or obligations coupons to the amount of the semi-annual interest thereon, which coupons, having been signed by the mayor and the secretary-treasurer, shall be respectively payable to the bearers thereof, when, and so soon as the semi-annual interest therein mentioned shall become due, and shall be, at the time of the payment thereof, delivered to the corporation, and the possession of every such coupon shall be *prima facie* proof that the semi-annual interest therein mentioned has been paid according to the tenor of such debenture or obligation, and every such debenture or obligation, principal as well as interest, shall be secured by special and privileged hypothec on the produce market, Champlain square, the city hall, and on the said water-works.

Issue of debentures for the construction of a new aqueduct.

**89.** Nothing in this act shall have the effect of annulling or rendering illegal any issue of debentures or obligations, that may have taken place or have been allowed by any of the acts respecting the city of Three Rivers, that are repealed by the present act, or of diminishing or restricting the privileges securing such debentures.

Old debentures or obligations.

**90.** It shall be the duty of the secretary-treasurer of the council of the said city, to take, each year, out of and from the annual revenues and funds of the corporation of the city of Three Rivers, from whatever source they arise, and before the payment of any appropriation whatever out of the said revenues or funds, a sum of money equal to two per cent or more on the amount of the

Sinking fund, for the debentures issued and to be issued.

debentures or obligations bonds, issued in virtue of the present act, or already issued, which said sum of money the said secretary-treasurer shall keep separate from all other moneys, to invest and apply them according to the orders of the said council, solely and only as a sinking fund, for the extinction of the debt created by the issuing of the said debentures or obligations; it shall also be the duty of the said secretary-treasurer to take, at the same time, from and out of the annual revenues and funds of the said corporation, from whatever source they may arise, and before the payment of any appropriation whatever out of the said revenues or funds, such sums of money as shall be sufficient for the payment of the semi-annual interest becoming due on the debt created by the issuing of the said debentures or obligations; and it shall be the duty of the secretary-treasurer to place before the council, at its first meeting in the month of July in each year, a certificate signed by him, and countersigned by the mayor of the said city, certifying that he has faithfully performed the obligations imposed upon him, by the present section of this act, and in default of his so doing, the said secretary-treasurer shall *ipso facto* be liable towards the said corporation to a fine of two hundred dollars, which shall be recoverable before any court of competent jurisdiction by action of debt, instituted by the said corporation; and the said fine shall form part of the said sinking fund; and it shall be the duty of the mayor, or of the person acting as such for the time being, and of the other members of the city council, to see that the provisions of this section be strictly carried out each year, by the persons whose duty it is to execute them, and within the time prescribed, and that the sum thus placed apart as a sinking fund be invested without delay in public securities of the Dominion of Canada or of this province, or in shares of such incorporated banks, which offer the most ample guarantees, and shall be most advantageous for all the parties concerned; provided, that it shall be always at the disposal of the said secretary-treasurer, when he requires it for the purpose of redeeming, by order of the said council, any of the said debentures or obligations.

#### LOANS.

§ 3. Whenever the council shall contract loans on the credit of the said city, to effect improvements or for other purposes of public utility in the said city, it shall be held, and it is hereby enjoined to immediately provide for the payment of the annual interests on such loans, which interests can in no case, exceed the legal rate of interest in this province; and the said council shall also, whenever it contracts a loan, provide out of its revenues, for the

establishment of a sinking fund, which sinking fund shall be a sum equivalent to at least two per cent of the debt to be extinguished; provided always, that when the interests on all the debts, engagements and loans, and sinking fund combined, shall absorb one half of the annual revenues of the said council, then and in that case, it shall no longer be lawful for the said council to contract new loans, the intention of this act being, that the said council shall not devote to interest and sinking fund for its debts and loans, more than one-half of its revenues.

Sinking fund.

Loans limited.

## FERRIES.

**92.** The exclusive right of granting licenses or permits for ferries, between the said city and the southern shore of the river St. Lawrence, as well as between the said city and the parish of Ste. Marie Madeleine, called Cap de la Madeleine, shall belong, as heretofore, to the council of the said city, and the corporation of the city of Three Rivers shall be in return bound to maintain the winter roads on the said ferries.

Right to grant ferry licenses.

**93.** The said city council shall grant the said licenses for ferries on such conditions, obligations and restrictions as it may establish by by-law for that purpose, and may by the same by-law establish a tariff or tariffs of rates of toll, for the ferries mentioned in the section immediately preceding.

Conditions.

## SCHOOLS.

**94.** All the powers and duties of the school commissioners for the school municipality of the city of Three Rivers, are and shall continue to be devolved upon the corporation of the said city; and the mayor, aldermen and councillors of the said city, and their successors in office, shall be *ex-officio* school commissioners for the said city, for all purposes whatsoever for the schools in the said city; the mayor shall of right be their chairman, and their corporate name when acting as such commissioners shall be "The School Commissioners for the City of Three Rivers."

Members of the council are school commrs.

**95.** Nothing contained in this act shall prejudice the rights and privileges of dissentients, who shall continue and remain in all respects as if this act had not been passed.

Privileges of dissentients.

**96.** No alderman or councillor, being a dissentient, shall act as a school commissioner, in case there shall be one or more dissentient schools in operation in the said city; but the other members of the said council, or the majority thereof, shall act as such commissioners.

No dissentient alderman or councillor shall be school commissioner.

Case of the mayor being a dissentient.

**97.** In case the mayor elected is a dissentient, the members of the said corporation, qualified to act as such school commissioners, as aforesaid, shall choose one of their number to be the chairman of the said school commissioners.

Sec.-treas. of the council is sec.-treas. of the school commrs. if he is not dissentient.

**98.** The secretary-treasurer of the council of the said city, shall of right be the secretary-treasurer of the said school commissioners; but if the said secretary-treasurer is a dissentient, it shall be lawful for the said school commissioners to replace him by a non-dissentient.

Person who desires to be a dissentient.

**99.** Every one liable for the payment of school taxes, who, after the passing of this act, shall not be recognized as a dissentient by the school commissioners, and who desires to be so recognized as a dissentient, shall give notice thereof in writing to the secretary-treasurer of the said school commissioners, and every such person, not giving such notice, shall be obliged to pay the said school taxes and contributions, to the said school commissioners.

Investment of the price of ecclesiastical estate ceded to the corpor.

**100.** Civil or ecclesiastical corporations, whose property or any part thereof, shall be ceded to the corporation of the said city of Three Rivers, or taken by them for public purposes, may invest the price or compensation paid for the property thus ceded or taken, in any other real estate in any part of this province, and may hold and possess the said property without letters of *mortmain* from Her Majesty, any law to the contrary notwithstanding.

#### TAXES AND ASSESSMENTS.

Annual taxes.

**101.** In order to provide the necessary funds to meet the expenses of the said city council, and to provide for the several necessary public improvements in the said city, the said city council shall be authorized to levy annually at the beginning of each fiscal year, on persons and on movable and immovable property in the said city, the taxes hereinafter designated, to wit:

On real estates. Exception.

1. On all lands, city lots, or parts of lot, excepting churches, bishops' palaces, parsonage houses, charitable and educational establishments, as also their dependencies, whether there are buildings erected thereon or not, with all buildings and erections thereon, the sum of fifty cents in each hundred dollars of the total real value, as entered on the valuation roll of the said city;

On certain movable properties.

2. On the following movable property, a like annual sum of fifty cents in the hundred dollars at the value herein specified;

Every horse kept for covering mares shall be rated at four hundred dollars;

- Every horse kept for hire or gain, at sixty dollars ;  
 Every horse above the age of three years, kept for domestic purposes, at forty dollars ;  
 Every bull, at forty dollars ;  
 Every head of horned cattle, aged two years and upwards, at forty dollars ;  
 Every covered carriage, at two hundred dollars ;  
 Every open carriage with two seats, at eighty dollars ;  
 Every open vehicle with one seat, at forty dollars ;  
 Every two horse sleigh or cariole, at sixty dollars ;  
 Every one horse sleigh or cariole, at twenty dollars ;

Provided always, that all winter and summer vehicles used solely for the purpose of drawing loads, and all vehicles commonly called draught vehicles, and also one milch cow for each family, and any animal of a less value than twenty dollars, shall be exempt for any tax whatsoever ;

3. On the stock in trade of all descriptions, kept by merchants and dealers, and exposed for sale in shops, or kept in vaults or store-houses, on all yards or depots for rough, sawn or manufactured wood or lumber, and on all yards or depots for coal or other articles of commerce kept for sale, a tax of one eighth per cent on the average estimated value of such stock or other articles of commerce or trade ;

4. On all tenants paying rent in the said city, saving the exception specified in the first sub-section of this section, an annual sum equal to two and one-half cents in the dollar on the amount of rent ; provided always, that every occupant of an immovable of which he is neither proprietor nor tenant shall be liable for the payment of the present tax, according to the value of the rent of such immovable, as fixed by the assessors ;

5. On each male inhabitant of the age of twenty-one years, who shall have resided in the said city during six months, and who shall not be liable to the payment of any tax in virtue of this act, an annual sum of one dollar, which tax shall be called capitation tax ;

6. On every dog kept by persons residing in the said city, an annual sum not exceeding three dollars ;

7. It shall be lawful for the said council to impose certain duties or annual taxes on the proprietors or occupiers of houses of public entertainment, taverns, coffee-houses, and eating-houses ; and on all retailers of spirituous liquors, and on all pedlars and petty chapmen bringing, for sale into the said city, any articles of commerce of any kind whatsoever ; and on all proprietors, possessors, agents, managers or keepers of theatres, circuses, menageries, billiard-tables, ball-alleys, or other games or amusements of any description ; and on all auctioneers, grocers, bakers, butchers, hucksters, carters, horse runners, brewers, distillers, and owners of steam engines, and on all traders and manufacturers ;

on all proprietors or keepers of wood or coal yards and slaughter-houses in the said city ; on all money changers, or money brokers, brokers, pawnbrokers and their agents ; on all bankers and their agents ; and, generally, on all trades, manufactures, occupations, arts and professions which have been or may be exercised and introduced in the said city, whether the same be or be not mentioned herein, and whether the same be exercised by one or more different persons ; and the stores or workshops of mechanics shall be divided into first and second class, and every store or workshop which shall be declared by the assessors to rank in the first class, shall be assessed at the rate of one dollar per annum, and those of the second class at twenty-five cents per annum ;

Proviso : -

Provided always, that it shall be lawful for the said council to establish by by-law for that purpose, that any one of the duties or taxes hereinbefore set forth, shall be a special or annual tax, and that in any by-law or other document of the said council, the word "license" may be employed to designate such duty or tax.

#### COLLECTION OF TAXES.

Collection of taxes.

**102.** Immediately after the closing and homologation by the said city council of the valuation roll, the secretary-treasurer of the said council shall forthwith prepare a collection roll containing the names in alphabetical order, of all the rate-payers liable to the payment of the duties, taxes or assessments authorized by the present act.

Sec.-treas. shall give notice that he has completed the collection roll.

**103.** The secretary-treasurer, when he shall have completed his collection roll, shall proceed to collect the taxes therein mentioned, and for that purpose shall give or cause public notice to be forthwith given, in one or more newspapers published in the said city, that the collection roll is completed and deposited in his office, and that all persons therein mentioned, liable to the payment of assessments are required by him to pay the amount thereof at his office within the twenty days which follow the publication of the said notice ;

20 days after, demand of payment.

**2.** If, at the expiration of the said twenty days, there shall be any arrears of assessment, the secretary-treasurer shall leave at the ordinary place of residence or domicile of each person so in arrears, or serve upon each person in arrears personally, a detailed statement of the different sums and the total amount of assessments due by such person in arrears, as well as all sums due to the said council for constituted rents, water rates, rents or market revenues arising from all sources, obligations or moneys disbursed by the said council in conformity with the provi-

sions of any obligation, contract or agreement with the said council, or of any by-law of the said council, duties or licenses payable to the said council, and of all judgments obtained before any court of justice, and at the same time and by a notice annexed to the said statement, he shall demand the payment of the assessments and other debts therein mentioned, together with the expenses of the service of such notice, according to such tariff as the council shall have decided upon ; provided always, that the said notice may be signed by the said secretary-treasurer or by one of his assistants, and served by any of the employees of the said council ;

3. If any person neglect to pay the amount of assessments imposed upon him, as well as the amount of any of the debts mentioned in the sub-section immediately preceding, for a period of fifteen days, after he shall have been so requested as aforesaid, the secretary-treasurer shall levy the said assessments or debts with costs, by a warrant under the hand of the mayor, authorizing the seizure and sale of the goods and chattels of the person bound to pay the same, or of all the goods and chattels in his possession, wherever they shall be found, within the limits of the said city, addressed to one of the sworn bailiffs for the district of Three Rivers, of the superior court for the province of Quebec, who is hereby authorized to seize and sell the said goods and chattels in the ordinary manner ; and no claim founded on a right of ownership or privilege upon the same shall prevent sale or payment of the assessments and expenses out of the proceeds of such sale ; provided always, that it shall be lawful for any person who shall think himself aggrieved by the said seizure to file an opposition to the same at any time before the sale of the goods so seized, which he shall deliver to the officer seizing, who shall be bound to report his proceedings to the circuit court for the district of Three Rivers, where the said opposition shall be heard and determined according to law and the rules of practice, and the party failing shall be condemned to pay the costs.

104. Every tax or assessment, imposed under this act, upon any property or house in the said city, may be recovered either from the proprietor, tenant, or occupant of such property or house ; and if such tenant or occupant be not bound by lease or other stipulation to pay such tax or assessment, such tenant or occupant may and shall be entitled to deduct the sum so paid by him out of the rent which he would have to pay for the use of such property.

## SALE OF LANDED PROPERTY.

Sale of properties after a certain time.

**105.** In all cases, in which the assessments imposed on any vacant land or other immovable property, shall not have been paid for the space of three years, or on which there be shall be due three years of constituted rent on the lands conceded by the said council on the common of Three Rivers, and that it appears by the return of the bailiff entrusted under the provisions of the third sub-section of the hundred and third section of the present act, that he could not sufficiently levy by the seizure and sale of the movable effects of the proprietor or occupant of such land, that the said proprietor or occupant does not reside in the said city, or that the said bailiff could not proceed to the seizure of any movable effects belonging to or in the possession of the said proprietor or occupant, or that the proceeds of the sale of such movables and effects is not sufficient to cover the amount due for taxes on the said property and the costs incurred by the seizure and sale of the said movable effects, it shall be the duty of the said secretary-treasurer to proceed to the sale of the said vacant lot or other immovable in the manner and by observing the formalities following :

Duties of the sec.-treas.

List made of persons indebted for 3 years.

1. The said secretary-treasurer, before the eighth day of January in each year, shall prepare a list containing :

The names of all persons indebted, for three years of municipal taxes or school rates, or constituted rents (heretofore *cens et rentes*) imposed upon immovable property held or occupied, according to the valuation roll by such persons, adding all other charges against the said real property, which may be then due or payable to the said council ;

The description of all lands subject to the payment of the said arrears of municipal taxes, or school rates, constituted rents or other charges ;

The total amount of arrears of taxes for which such property is liable for municipal or school taxes or other charges ;

Public notice, added.

2. Such list shall be accompanied by a notice setting forth that such lands are to be sold at public auction, at the office of the secretary-treasurer of the said council, on the first Monday of March next, or on the day following, if such Monday be a legal holiday, at ten of the clock in the forenoon, in default of payment of the taxes, for which they are liable and the costs incurred ;

Time of the sale.

List and notice published in the *Official Gazette*, &c.

3. Such list and the notice which accompanies it, must be published in the French and English languages during one month, in the *Official Gazette* of the province, and in one or more newspapers published in the said city ; and the said list and notice annexed, shall be read by a bailiff on three Sundays in the month preceding the sale of any such land at the door of the Roman Catholic parish church, and at

Public reading.

that of the Anglican church of the said city, at the issue of morning divine service ;

4. At the time appointed for the sale, the secretary-treasurer of the said council himself, or some other person for him, shall sell to the highest and last bidder thereof, the lands described in the said list upon which taxes are still due, after making known the amount to be levied on any such land, including the costs incurred for the sale, in proportion to the amount of the debt ;

5. Whoever shall then offer to pay the highest price and shall be the last bidder, shall become purchaser of the land thus sold, and the said land shall be at once adjudged to him by the secretary-treasurer who shall sell such land ;

6. The purchaser of all land thus sold shall pay the amount of the purchase price immediately upon the adjudication thereof ;

7. In default of immediate payment, the secretary-treasurer shall either at once again put up the land for sale, or shall postpone the sale to another day, within eight days, by giving notice of such postponement to all persons present in an audible and intelligent voice ; provided always, that at any time before the putting up for re-sale of the said land the purchaser at the last sale, may prevent such re-sale by paying the price for which such land had been adjudged to him at the first sale, with the addition of the subsequent costs, if any there are ;

8. If at the time of the sale, no bid is made, or if all the lands advertised cannot be sold on such first Monday in March or following day, if such Monday be a legal holiday as aforesaid, the sale shall be postponed to any other day within eight days, in the manner prescribed in the preceding sub-section ;

9. Upon payment by the purchaser of the amount of his purchase money, the secretary-treasurer shall set forth the particulars of the sale, in a certificate made in duplicate under his signature, and shall deliver a duplicate thereof to the purchaser ;

10. The purchaser shall thereafter become seized of the property in the land adjudged, and may enter into possession thereof, subject to redemption, which may be made within the two years next following.

106. The corporation of the said city may bid at the sale of such immovable thus put up for sale, and may become purchaser thereof, through the mayor or other person, authorized by the city council.

107. When the price for which such land or building lot has been sold or adjudged, shall exceed the amount due to the said council of the city of Three Rivers,

the secretary-treasurer of the said council shall pay over into the funds of the city, the surplus money which he may thus have in his hands, which shall bear interest at the rate of six per cent per annum, and shall be payable in capital and interest by the said council, after the expiration of the two years next after the sale of such land or lot, to any person having a right thereto, within one month after the regular notice to pay such sum shall have been given to the secretary-treasurer of the said city; provided always, that before dispossessing himself of any of the said surplus money, that he might thus have in his hands, it shall be the duty of the secretary-treasurer to require and receive from the registrar of the registration division of Three Rivers, a certificate of all the privileges and hypothecs whatever the said land thus sold shall be subject to;

Proviso :

In case of opposition, &c., during 2 years; duty of the sec.-treas.

But if, within the space of the said two years, there is served upon the secretary-treasurer a *saisie-arret* or opposition to the payment of the moneys which he thus has in his hands, or if it appears by the certificate of the registrar of the registration division of Three Rivers, that there exists any privilege and hypothec on and against such land, then the said secretary-treasurer shall, at the expiration of the said two years, place in the hands of the prothonotary of the superior court for the district of Three Rivers, a certificate under his hand, and the seal of the said corporation, setting forth the amount of the moneys that he thus has in his hands, over and above the amount due to the said corporation, as well as all seizures, oppositions or other documents which may, during the course of the said two years, have been duly served upon him, and shall comply with the provisions of any judgment of distribution which may afterwards intervene before the said superior court.

Sec.-treas. gives notice of the sales, &c.

**108.** The secretary-treasurer shall, within the fifteen days next after the adjudication of such lands, by a notice to be signed by himself, and to be published twice, in French and English, in one or more newspapers published in the said city, notify the proprietors or occupants of the lands thus sold, of the sale that has taken place, together with the name and residence of the purchaser, as well as the purchase price.

Default of redemption during the two years.

**109.** If within the two years which follow the day of the adjudication, the land adjudged has not been repurchased or redeemed according to the provisions of the hundred and eighteenth section of this act, the purchaser shall become the irrevocable proprietor thereof.

**110.** Such purchaser, upon production of the certificate of adjudication, and upon proof of the payment of all municipal taxes and other charges, which have become due during the interval, upon the said land, shall be entitled, at the expiration of such delay of two years, to a deed of sale from the corporation of the said city, and such deed of sale shall be executed, in the name of the corporation, by the mayor and by the secretary-treasurer, in the presence of two witnesses, who shall sign the same, or by a deed *en minute* before a notary.

Right of the purchaser to a deed of sale, after two years.

**111.** The deed of sale shall be enregistered as soon as possible, on the demand of the mayor or the secretary-treasurer, and the costs of the said deed of sale and of the enregistration thereof shall be borne by the purchaser, and may be demanded before the deed is signed.

Deed of sale to be enregistered.

**112.** The sale made under the above provisions, shall be a title which conveys the ownership of the land adjudged; it shall vest in the purchaser all the rights of the original proprietor, and shall purge the land of all privileges and hypothecs whatever with which it may be charged, in the same manner and subject to the conditions and restrictions concerning *décret* mentioned in articles 708, 709, 710 and 711 of the code of civil procedure of the province of Quebec.

Effect of the sale.

**113.** If the adjudication or sale is declared null, on any demand brought to set aside the same, or in any other cause or contestation, or if the land is redeemed, the purchaser can only exact repayment of the purchase money paid by him, together with the expenses of necessary repairs and of improvements which have increased the value of the land up to such value, unless he prefer to remove the same, with interest upon the whole amount claimed at the rate of fifteen per cent per annum.

Sale declared null.

**114.** The action to annul a sale of land made under the preceding provisions of this act, or the right of calling in question the legality thereof, shall be prescribed by two years from the date of such adjudication.

Action to annul sale, prescribed.

2. This right may be exercised by the original proprietor of the land thus sold, or by any of his creditors, before any competent tribunal.

Persons having this right.

**115.** If any land described in the list of lands to be sold under the one hundred and fifth section of this act, is advertised to be sold by the sheriff, the secretary-treasurer of the said council cannot sell such land; but he shall without delay transmit to the sheriff, a statement of the amount

Duty of sec.-treas., if the land is sold by the sheriff.

due for taxes, and the cost of publication, on account of such land, which amount shall be paid out of the moneys arising from the sale made by the sheriff.

When proceedings of the sheriff are discontinued.

**116.** Nevertheless, if on the first Monday of March, or following day if such Monday be a holiday as aforesaid, the proceedings of the sheriff on the sale have been discontinued, the secretary-treasurer may sell the land in the usual manner.

When proceedings are suspended.

**117.** The said corporation in the interest of which the sale of any land by the secretary-treasurer of the said city ought to be made, may, in the case in which such land is advertised to be sold by the sheriff, and the proceedings on such sale shall have been suspended, intervene in the cause, and demand and obtain the adoption of any proceeding tending to the rendering of a final judgment therein.

#### REDEMPTION OF LANDS SOLD.

Redemption of land within the two years.

**118.** The owner of any land sold under the provisions of the one hundred and fifth and following sections of this act, may, within the two years next following the day of the adjudication, redeem the same, by paying to the secretary-treasurer of the said council the amount disbursed for the purchase price, with interest at the rate of fifteen per cent per annum, every fraction of a year being reckoned as a complete year.

Land may be redeemed by any person in the name of the proprietor.

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

If the person is not authorized.

2. When the redemption is made by a person not specially authorized, the secretary-treasurer in the receipt which he shall give in duplicate, shall set forth the name, quality and domicile of the person who effected the redemption.

Receipt to be given to him, &c.

3. Such receipt, after being registered in the registration division of Three Rivers, shall entitle the person mentioned therein to be reimbursed the amount paid by him, with interest at the rate of eight per cent, and shall secure to him a privileged hypothec, ranking next after municipal taxes, on the land in question for the reimbursement of such money, any provisions of articles 1994 and 2009 of the civil code to the contrary notwithstanding.

Duties of secretary-treas. in case of redemption.

**120.** The secretary-treasurer shall, within fifteen days after the redemption is effected, give special notice thereof to the purchaser, and, if in the interval there has been no *saisie-arrêt* or opposition for payment, he shall pay over

to the said purchaser, on demand, the sum paid into his hands, retaining two and a half per cent on the purchase price, for his fees.

**121.** The purchaser may compel the owner or the person who shall have redeemed the land in the name of the owner, to indemnify him for all useful repairs and improvements made by him on the land redeemed, unless he removes the same, and also, to reimburse him the amount of the taxes paid, or of the public or municipal works performed on account of such land, with interest on the whole, at the rate of fifteen per cent per annum, every fraction of a year being counted as a complete year ;

Reimbursement to the purchaser.

2. This claim bears a privilege in favor of the purchaser upon the land in question ;

3. The purchaser may retain possession of the land redeemed, until payment of such claim.

**122.** All the debts hereafter due to the said city council for all taxes or assessments imposed upon movable or immovable property in the said city under this act, for constituted rents (heretofore *cens et rentes* of the common,) and for water rates, shall be privileged debts, and shall be paid in preference to all other debts, and the said city council shall, in the cases of distribution of moneys, be collocated in preference to all other creditors ; provided always, that this privilege shall apply only to assessments, constituted rents and water-rates due for three years and no longer ; and provided also, that this privilege shall have its full and complete effect without its being necessary to have recourse to registration.

Debts due to the council, privileged debts.

Proviso :

Proviso :

**123.** The said city council may charge an addition not exceeding ten per cent, on all yearly arrears of taxes or assessments, constituted rents, rents or market revenues, accruing from all sources, revenues of the waterworks, on all yearly arrears of interest due to the said council under any obligation, agreement or contract whatever, and may charge a rate of interest not exceeding ten per cent per annum on any sum of money disbursed by the said corporation, for the advantage of any person, in conformity with the provisions of law or any by-law of the council, or on any obligation, agreement, or contract whatever, and on the amount of any duty or license due to the said council, and on the amount of any judgment obtained by the said council before any court of justice.

Power to charge an increase on arrears due.

Interest of 10 per cent.

**124.** The said council shall have power to remit to poor persons in the said city, who may have been taxed under this act, the whole or part of their assessments, in certain

Power to remit to poor persons.

cases of fire, long illness, or any other cause that the said council shall deem reasonable and sufficient.

Property ex-  
empt from  
taxation.

**125.** The following property shall be exempt from taxation in the city of Three Rivers :

All lands and property belonging to Her Majesty, her heirs or successors, held by any public body, or by any person for the service of Her Majesty, her heirs or successors ;

All provincial property and buildings ;

Every place of public worship, and every burying ground ;

Every public school house and the ground on which the same is built ;

Every public educational establishment and the ground on which the same is built ;

All buildings, lands and property occupied or possessed by hospitals or other charitable institutions ;

Proviso : Every court house or district gaol and the grounds attached thereto ; provided always, that this exemption shall not extend to lots or to buildings built upon lots leased or occupied by tenants under the government or the ordinance department in the said city ; and such lands belonging to the government or to the ordinance department, or to religious corporations occupied by tenants, shall be valued and assessed in like manner as other real property in the said city, and such rates or assessments shall be paid by the said tenants or occupiers thereof.

Taxes on  
strangers.

**126.** In addition to the powers conferred upon the secretary-treasurer of the said city, by section one hundred and three of this act, the said secretary-treasurer shall levy with costs, in virtue of a warrant under the signature of the mayor and the provisions of the said section, all taxes imposed upon strangers, (that is to say, persons not domiciled in the city,) and on the refusal or neglect of such stranger to pay the said tax on the first demand, then, if the stranger has no movables in the said city, or that they cannot be found therein, the secretary-treasurer may, without other authority, cause the arrest of such stranger, and have him brought before the mayor or the pro-mayor, or any justice of the peace, and on conviction of having refused or neglected to pay said tax, he shall pay a fine of not less than one nor more than five dollars, and in default of immediate payment, he shall be condemned to an imprisonment which shall not exceed fifteen days in the common gaol, in the discretion of the mayor, pro-mayor, or justice of the peace ; provided always, that all movables found in the possession of such stranger, shall be deemed to be his property ; and provided always, that the provisions of the present section, shall apply to those who are liable to pay the capitation tax, as well as to strangers.

Arrest.

Proviso :

## ACTIONS AND PENALTIES.

**127.** If any action or suit shall be brought against any person, for any matter or thing done in contravention or in execution of this act, such action or suit shall be brought within three calendar months next after the act committed, and not afterwards. Action to be brought within 3 months for any offence.

**128.** If any person shall violate any by-law made by the said city council, under this act, such person shall, for every such offence, incur the penalty specified in any of the said by-laws or orders, with the costs to be allowed by the justice or justices of the peace, who shall try such offences, and the said fine and costs shall be levied on the goods and chattels of the offender; such offender as aforesaid, shall be liable to be imprisoned in the common gaol of the district, for a term not exceeding two months, but which may be less in the discretion of the court; and no person shall be deemed an incompetent witness upon any information under this act, by reason of his being a resident of the city of Three Rivers; provided also, that for any such offence, no fine or penalty shall be imposed less than one nor more than twenty dollars, and that no imprisonment for any such offence, shall in any case be more than two calendar months, except in the cases provided for by this act. Fines and costs. Imprisonment. Witness. Proviso:

**129.** In all cases of persons convicted of drunkenness or of loose, idle, and disorderly conduct, or as vagrants, or of a breach of the peace in the said city, when they shall have been previously convicted of a similar offence, the court, may, in pronouncing the sentence, in its discretion sentence the offender, either to the fine and costs prescribed by the section of this act immediately preceding, or else to imprisonment in the common gaol of the district of Three Rivers, for a term not exceeding two calendar months, with costs of suit, in default of payment of costs an additional imprisonment of one month. Persons convicted of drunkenness, &c., repetition. Punishment.

**130.** All prosecutions for the contravention of any by-law of the said city council or of any provision of this act, and for the recovery of any fine incurred by reason of any such contravention, may be brought and continued in the name of the corporation, and every officer or member of the corporation shall be competent as a witness therein; and any such fine or pecuniary penalty, shall belong to the corporation. Actions in the name of the corporation.

**131.** It shall not be necessary in any prosecution before a justice or justices of the peace, for any contravention of any by-law; or of this act, or of any provision of the acts re- Evidence in writing not necessary.

lating to the said corporation, that the evidence should be taken in writing ; unless the parties or one of the parties require that it be so taken.

Fines paid  
over to sec.-  
treas.

**132.** All fines and penalties, recovered under this act, shall be paid over into the hands of the secretary-treasurer of the said city council, and the proceeds of all licenses, granted under this act, shall form part of the funds of the said city, any law to the contrary notwithstanding.

Proceeds of  
licenses.

Tribunal  
before whom  
penalties may  
be recovered.

**133.** All the penalties imposed by this act or by any by-law made by the council may be recovered before the circuit court for the district of Three Rivers, or before any justice of the peace ; all penalties or fines incurred by the same person may be included in the same action, and in any such action the party failing shall be condemned with costs of suit, in accordance with the tariff of such court.

Action.

Certain forms  
not necessary.

**134.** In any action, prosecution or complaint brought by the said corporation, before any court, it shall not be necessary to designate or recite the act or by-law under which such action, prosecution or complaint is brought ; but it shall suffice to allege that it is in virtue of the act or by-law in such case made and provided.

Contrary pro-  
visions, re-  
pealed.

**135.** The provisions of any law, contrary to the provisions of this act shall be and are hereby repealed.

Coming into  
force of the  
act.

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

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

An Act to amend the Act 27th Victoria, Chapter 24, intituled : " An Act to erect the Village of Beauharnois as a Town."

[Assented to 23rd February, 1875.]

Preamble.

**W**HEREAS " the mayor and council of the town of Beauharnois" have, by petition, represented that the act 27th Victoria, chapter 24, intituled : " An Act to erect the Village of Beauharnois as a town" ought to be amended ; and whereas it is expedient to grant the prayer of the said petition ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Sec. 1 of 27 V.,  
c. 24, amended.

**1.** Section first of said act of incorporation is amended by striking out the words " the mayor and council of the town