

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 The provisions of any law, contrary to the provisions of this act shall be and are hereby repealed.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

WHEREAS " 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

of Beauharnois," in the fourth and fifth lines thereof, and substituting therefor the following words: "the corporation of the town of Beauharnois."

2. Section two of said act is repealed, and the following Section 2, repealed. section is substituted therefor:

"The boundaries and limits of the said town of Beauharnois shall be as follows: Commencing at the lake St. Louis Town boundaries. on the line between the lots two and three, lake St. Louis range, Annstown, thence following the said line southeasterly until it reaches the continuation of the rear line of the land of the gaol and court house of the district of Beauharnois, thence westerly by a line in rear of the gaol and court house to the middle of the Beauce road, thence westerly on a line parallel with Hannah street in the said town, to the south-east side of river St. Louis, to a point being in a straight line at a distance of 4,336 feet from the middle of the said Beauce road, and also at a distance of 720 feet in a straight line from the middle of the St. Louis road, and thence crossing river St. Louis, by a line parallel to the public road leading to the Beauharnois canal, to the north-east line of the property of Louis Leduc, known as lot No. 2 of the first range of Marystown, and thence continuing this line towards the north-west along the east line of the said Leduc's property to the said lake St. Louis; and the said town shall Division into wards. be divided into three wards, to wit:

First. North Ward, which shall include St. Laurent street North Ward. along its whole length, and all the streets extending to the river St. Lawrence, commencing in St. Laurent street aforesaid, and all the lots fronting on the said last mentioned street, and also all the land included within the limits of the said town, from river St. Louis, to the western line of the said town.

Second. Centre Ward, which shall include Ellice street Centre Ward. along its whole length, all the small streets extending from St. Laurent street to Ellice street, and all the lots fronting on Ellice street.

Third. South Ward, which shall include Hannah street South Ward. along its whole length, the streets extending from Ellice street to Hannah street, all the streets extending to Domaine St. Louis, and all the lots fronting on Hannah street.

3. The preceding section shall come into force and take When the last section shall have effect. effect only thirty days after the electors, being proprietors of real estate in the town of Beauharnois, as now defined, and those of the territory which it is desired to annex to the said town by the present act, shall have decided to accept the same.

Right to vote to decide the annexation.

4. The proprietors of lands within the limits of the territory that is intended to be annexed by the present act, shall, for the purposes of deciding on such annexation, have the right of voting at such election as fully and in the same manner as if they were proprietors, within the limits of the said town.

It is understood that in this exceptional case, the proprietors in the city, and in the territory to be annexed, whether holding in their own names or in the names of their wives, shall alone have the right of voting, whether they reside, or do not reside within the limits of the town of Beauharnois, or in the territory proposed to be annexed by the present act; provided always, that they shall have been proprietors for at least six months.

Meeting of electors for that purpose.

5. For the purpose mentioned in the two preceding sections, the mayor of the said town of Beauharnois, shall, within a month from the sanctioning of the present act, call a meeting of all the electors, being proprietors, mentioned in the two preceding sections, by public notice, posted in the usual places within the limits of the said town, and in another public place within the limits of the territory proposed to be annexed, at least eight clear days before the day fixed for such meeting, so that they may approve or disapprove thereof; and

Votation in case of oppositor, &c.

if there be opposition shown to the adoption of the said section at the time of such meeting, the said mayor or the president of the meeting shall grant a poll, fixing the day for holding the same, and the votes of the proprietors of real estate, shall be then enregistered in the manner used at the election for mayor or municipal officers of the said town. The said poll shall be thus held on one day only, at the usual place, from nine o'clock, in the forenoon, to four o'clock, in the afternoon. The said mayor shall cause the secretary-treasurer of the said town, to enregister, in a book prepared for that purpose, the names of the electors who shall vote for the said section, and of those who shall vote against it, and if during one hour no vote is polled, he shall terminate his proceedings by counting the votes and certifying the whole under his signature, after which he shall deposit the said book with a certificate showing the result in the hands of the said secretary-treasurer of the said town, who shall preserve the same in the archives of the said town, and the said secretary-treasurer shall be obliged to give copies thereof, on payment to him made of ten cents for each hundred words thereof; and if the majority of the said electors called upon to vote, have approved of the said section, the mayor shall publish the same at the parochial church door during the two consecutive Sundays that follow the said day of meeting, and he shall cause his cer-

Holding of the poll.

Duties of the mayor if the majority approves of.

tificate, showing the said result to be posted up at the door of the said church before divine service on each of the said Sundays.

6. Section four of said act is repealed, and the following is substituted therefor :

Section 4 of said act, repealed.
Qualification of the mayor.

1. No person shall be capable of being elected mayor of the town of Beauharnois, unless he is able to read and sign his name, and unless he shall have been a resident and *tenant feu et lieu* in the said town, for one year preceding such election, nor unless he be possessed as proprietor in his own name, or in the name of his wife, of real estate, for at least one year also preceding such election, within the limits of the said town, of the value of four hundred dollars, after deduction of his just debts.

2. No person shall be qualified to be elected councillor of the town of Beauharnois, unless he be able to write his name, and he shall have been a resident and *tenant feu et lieu* in the said town, for one year also preceding such election, and unless he be possessed as proprietor in his own name, or in the name of his wife, for at least one year, also preceding such election, of real estate of the value of two hundred dollars, after deduction of his just debts, in the ward of the said town for which he desires to be elected councillor; but no person shall be eligible as mayor or councillor of the said town of Beauharnois, unless he be a natural-born or naturalized subject of Her Majesty, and of the full age of twenty-one years.

Of councillors.

3. The following persons shall not be eligible as mayor or councillors of the said town, nor shall exercise any such office, to wit: minors, persons being in the holy orders, and ministers of any religious creed, members of the executive council and legislative council, judges, sheriffs and clerks, officers on full pay in Her Majesty's army and navy, inn-keepers, hotel-keepers or keepers of houses of public entertainment, being or having been such during the last twelve months, persons accountable for the revenues of the said town, or other persons receiving any pecuniary allowance from the town for their services, contractors or builders of the said corporation, nor persons having become sureties for such contractors or builders, nor any member of any unincorporated firm or company, to whom the said corporation shall have given a contract or undertaking whatsoever; provided that no person shall be ineligible to those offices, nor shall be rendered incapable of exercising the same from the fact of his being a shareholder in any incorporated company which may have with the said town, contracts rendering a person incapable of holding such office.

Persons not eligible.

Proviso :

Persons not obliged to accept charges, &c.

7. The following persons shall not be obliged to accept the office of mayor or councillor of the said town, to wit : members of the senate, of the commons, of the executive council, and of the provincial legislature ; practising physicians, surgeons or apothecaries ; school-masters actually engaged in teaching, persons over sixty years, and the members of the council of the said town who shall have fulfilled, during the year or during the two years next preceding, any of the offices of mayor or councillor of the said town, or who shall have paid the penalty incurred for having refused to accept such office.

Section 5 of said act, repealed.

Persons entitled to vote.

8. Section five of said act is repealed, and the following is substituted therefor :

1. The following persons shall be entitled to vote at the municipal elections of the said town : the male inhabitants of the age of twenty-one years, actually and *bond fide* possessors, as proprietors in their own names or in those of their wives, of real estate within the said town, of the real value of fifty dollars, or of which the annual revenue is four dollars, which shall appear on the valuation roll, on the making or revision of the same, or as tenants of real estate for the use of which they pay a rent of not less than eighteen dollars per annum ; which qualification shall be ascertained by the valuation roll in force at the time of the posting up of the notices of such election ;

Previous payment of taxes, required.

2. No person qualified to vote at any municipal election in the said town, shall have the right of having his vote registered, unless he shall have, before the first of January in each year, paid his municipal taxes or all other municipal taxes or duties then due, and it shall be lawful for any candidate at such election, and for the president of such election, to require the production of the receipts establishing that such taxes then due have been paid ;

Residence of tenants.

3. No tenant qualified as municipal elector shall use his right to vote at any such election, unless he shall have been a resident and paid rent in the said town for at least the six months next preceding the day of voting for such election.

Case of personal interest of a member.

9. No member of the council shall be entitled to vote on any question in which he is personally interested, and the council, in case of a discussion, shall decide whether such member is personally interested or not therein, and such member shall not be entitled to vote on the question whether he be interested.

Power to expel disorderly persons.

10. The said council shall have the power to cause to be expelled from the council room, until the adjournment, any person who shall persist in breaking the peace, after the mayor or presiding officer shall have called him to order, and

any motion to that effect shall always be held to be in order, and shall be decided without any debate ; the said council may also punish, by a fine not exceeding twenty dollars, Penalty. any councillor breaking the peace as aforesaid.

11. Section twenty-two of said act is amended by striking out in the third and eighth lines thereof the word "assessment," and by substituting the word "valuation," and by adding after the word "just" in the twenty-third line thereof, the following words : " and the said council may then amend, any such valuation of rateable property which they shall deem to have been made over or under its real or annual value, or by correcting the names of persons entered thereon, or the designation of properties mentioned therein, or by adding whatever the assessors might have omitted to enter." Section 22 of said act, amended. Amendments made to the valu. roll.

12. Section twenty-seven of said act is amended by adding after the words "office of" in the first line thereof, the words : "mayor or." Section 27, amended.

13. The said town council may appoint committees, composed of as many of their members as shall be thought fit, and they may delegate their powers to the same, for examining any question, for managing any business or affairs, or for the execution of certain works. Appointment of committees.

2. Such committees shall report their labours and decisions, verbally or by reports signed by their chairman, or by a majority of their members ; and no report or order whatever of any committee shall have effect, unless it be adopted by the council at a regular session, except in the case provided for by the fifteenth section of this act. Their reports.

14. Every one who shall be entitled to be heard before the council or its committees, may be so heard in person, or by an attorney, or by any other person acting on his behalf, whether authorized by an authentic power of attorney, or by private signature ; he may also produce and examine witnesses. Right to be heard in person or by attorney, &c.

15. The said town council on every question or matter pending before them, shall have the power : Powers of the council.

1. To take communication of all documents or writings filed as evidence ;

2. To summon any person residing within the said town ;

3. To examine under oath all parties, and witnesses brought by the parties, and administer or cause to be administered to them an oath or affirmation by one of their members.

Witnesses failing to appear.

16. If any one so summoned before the said town council, fails without just cause to appear at the time and place mentioned in the summons, when compensation shall have been paid or offered to him for his reasonable travelling expenses for going and returning, and fifty cents a day for his time, he shall incur a penalty of not less than ten, nor more than twenty dollars, or an imprisonment not exceeding fifteen days; such penalty may be recovered by suit of the corporation of the said town, before the mayor of said town or any justice of the peace residing therein.

Penalty.

Section 19 of said act, repealed.

17. Section nineteen of said act is repealed.

Appointment of assessors.

18. The said town council shall appoint every year, at its general session in the month of May, or at a previous session, three assessors, who shall be bound to make oath before acting, and it shall be their duty to make, between the fifteenth day of May, and the fifteenth day of July, in each year, and in the manner prescribed by the council, the valuation of the rateable properties in the town, and that, distinctly as to each category, according to the real value thereof, and it shall be their duty to enter on the said roll, the names of the tenants and the amount by them paid for rent. They shall further inscribe in the said roll, all other informations required by the council.

Their duties.

Voters' list prepared by sec.-treasurer.

19. Within thirty days next following that upon which the general valuation roll of the said town shall have finally taken force and effect, the secretary-treasurer shall be bound under a penalty not exceeding fifty dollars, to make out and prepare, for the said town, an alphabetical list of the names of persons, who, according to the said roll, shall appear to be duly qualified as municipal voters, in the said town as owners or tenants; and the said secretary-treasurer shall certify the correctness of such list under oath taken before the mayor of the said town, or, in his absence, before any other justice of the peace, and he shall deposit such list in the office of the town council on the day following.

Negligence of the sec.-treas.

2. In all the cases when for any reason whatever, the electoral list above mentioned shall not have been made out and prepared in the manner and delay above prescribed, the town council may order the secretary-treasurer to make out any such list within a further delay, to be fixed by the said council.

Notice of the deposit of such list, by sec.-treas.

20. Within two juridical days next following that of the deposit of the said alphabetical list in the office of the town council, the secretary-treasurer shall give public notice of such deposit, in the manner prescribed for the publication

of the by-laws of the said town ; such notice shall moreover mention that the said list shall remain posted up in the said office, for the information and examination of the interested parties during fifteen days next following that upon which the said list shall have been deposited as aforesaid.

21. During the said fifteen days, every person who shall desire to have his name added on such voters' list, or every elector who shall desire to have a name erased from such list, shall prefer his request in writing and under his signature, or *viva voce* before the council, stating the ward or wards to which he belongs, or to which belongs the person whose name he shall desire to be erased as aforesaid, and shall cause such request to be delivered to the secretary-treasurer on or before the last day of the delay hereinabove granted to prefer such request, and in case such last day be a non-judicial day, the said request shall be made in the aforesaid manner no later than the next following judicial day. Complaints and claims, &c.

22. At seven o'clock in the evening of the last day the voters' list is to remain posted up in the office of the town council, a board of revisors of the said list which shall be composed of three councillors to be specially appointed by the council for that purpose, at its general session in the month of June, and if such general session has not been held, at a special session to be held within fifteen days from the time of the said general session, shall proceed to the revision and amendment, if required, of the said voters' list ; Revision of the list by a board of revisors.

2. The three members of the board of revisors shall, in all cases, act together ;

3. Such councillor as the other members of the board shall choose at the meeting, shall preside thereat ;

4. The said revisors shall act as such, under their oath of office as councillors.

23. The said revisors shall hear the persons who shall have made any claims and shall decide thereon ; if the said list be not then examined, they shall have the power to adjourn from day to day until the said list shall be finally revised and settled ; Duties of the revisors.

2. The person presiding at the said board, shall have power to examine, upon oath, persons respecting the said claims and all matters connected with the revision of the said list, and to administer such oath to that effect ; Power of the president.

3. The said board, after having heard the best evidence of which the cases will admit, shall be bound and they are hereby required to decide upon the said voters' list, and to make to the said list the necessary additions or erasures respecting the claims to them submitted ; they shall have Duties and powers of the board.

also the power to correct all errors, or to add anything accidentally omitted on the said list; and the said list so revised and settled, shall be signed by the officer presiding the said board, countersigned by the secretary of the said town, who shall act as secretary of the said board, and sealed with the town seal, and the same shall be the only correct voters' list; provided always, that the name of no person shall be erased from the said list, without such person being notified of the claim for that purpose, and of his having had occasion to be heard respecting such claim; and provided also, that the said revisors shall hear no claim unless the same be made as above mentioned;

Proviso :

Time the list shall remain in force.

4. The said list shall remain in force till the time when the new list of the municipal voters for the following year, shall finally come into force;

If list is not made out.

5. In case such list be not made out or in case there is no list at the time of any municipal election of the said town, such election shall not be prevented on that account, and the qualification of the electors shall be ascertained in such case, by the oath of the voter and the valuation roll then in force in the said town.

Power and duty of the president of the election.

24. The president of the election for the said town, and in his absence, his poll clerk, whom he is by this act authorized to appoint on the day next preceding such election or before such day, shall have respectively the authority, and they are hereby required, when requested by any person duly qualified to vote at the election of the mayor, and at the election of the councillors in the said town, to administer the following oath to any person tendering his vote at any such election, to wit :

Oath of voters.

“ You swear that you are a subject of Her Majesty, that you are entitled to take part and to vote at this election, that all municipal assessments, taxes and other dues imposed upon your property or properties (or on the property or properties held by you as tenant,) due and payable previous to the first of January instant, have been paid, (if the oath is taken by a tenant,) that you reside and pay rent in the town of Beauharnois since at least six months before this day,” (if there be a list of the municipal voters,) “ that it is your name which is entered on the list of the voters of this town, and that you have not before voted at this election of the mayor or councillors of the said town : So help you God.”

Right of vote.

25. No person shall have the right to have his vote registered in the poll book kept for the election of the mayor or of the councillors, unless the name of such person shall be inscribed on the said list of voters, except in the case of sub-section 5 of section 23 without prejudice

nevertheless, to the provisions contained in section eight of this act, as to the payment of the assessments and to the period of time of the residence of the tenants within the limits of the said town.

26. It shall be lawful for the secretary-treasurer of the said town, from time to time, to appoint under his hand, an "assistant-secretary-treasurer," who may perform all the duties of the office of secretary-treasurer, with the same rights, powers and privileges, and under the same obligations and penalties as the secretary-treasurer himself, except as regards giving security, which the latter is bound to give, and such security the said secretary-treasurer shall not be obliged to renew yearly, but shall remain in force as long as the sureties shall not have been legally discharged ;

Asst. sec.-treas ; its powers and duties.

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

Vacancy in office of sec.-treas.

3. The assistant secretary-treasurer shall enter in office immediately after having been appointed ; he may be removed or replaced at will by the secretary-treasurer ;

Entry in office of the asst. sec.-treasurer.

4. In the performance of his duties he shall act under the responsibility of the secretary-treasurer who shall have appointed him, and under that of the sureties of such officer. Such assistant secretary shall be paid by the secretary-treasurer out of his own funds.

His responsibility.

Salary.

27. Whosoever shall have no domicile or place of business within the limits of the town, shall be incapable of exercising, or continuing to exercise any municipal office of the said town.

Qualifications necessary to a municipal officer.

28. Upon a demand in writing by a councillor, it shall be lawful for the said council, at one of their regular sessions to exempt him from the duties of such office, and to replace him and he shall replace him at the same session without delay, by appointing a fit person residing in the said town.

Resignation of a councillor.

29. If the disqualification of a person appointed to a municipal office or holding the same, is notorious or sufficiently established, the council may, by resolution, declare the office of such person vacant, saving any recourse on the part of the person appointed.

Notorious incapacity.

30. Section forty of said act is repealed.

Section 40, repealed.

31. The by-laws of the town council of Beauharnois shall contain no provision inconsistent with those of said act or of this act.

By-laws.

Coming into force of the by-laws.

32. The by-laws of the said town shall come into force and shall take effect as law, if not otherwise prescribed in the provisions contained in such by-laws, fifteen days after their promulgation, except always in the case of appeal to the proper authority, as hereinafter provided, against the passing of any by-law by the council of the said town, and in any other case otherwise provided for by the provisions of the said act or of this act.

Promulgation of by-laws.

33. The by-laws of the said town which, in consequence of provisions of their own, or of the said act, or of this act, shall only come into force at some stated period, shall be promulgated at least fifteen days before such period.

Idem.

34. Every by-law passed by the said town council, and amended or confirmed in appeal by the proper authority, shall come into force fifteen days after its promulgation or publication under section fortieth of this act.

Signature of the original of by-laws.

35. The original of every municipal by-law, to be authentic, shall be signed by the mayor, or by the councillor presiding the session of the council at which such by-law was passed, as the case may be, and countersigned by the secretary-treasurer or by his assistant secretary-treasurer.

Certificate annexed thereto.

2. If it has been necessary to submit the by-law for the approval of the municipal electors, before it shall come into force, and it has received such approval, a certificate under the signature of the mayor, or of the secretary-treasurer, certifying to each of these facts, shall accompany and form part of the original of such by-law.

Duration of by-laws.

36. The by-laws of said town shall be executory and shall remain in force until they shall be amended, repealed or annulled by the town council, or by the competent authority hereinafter designated, or until the expiration of the time for which they shall have been made.

Amendments to by-laws.

37. The by-laws of the said town which shall have been submitted to the approval of the municipal electors of the said town before they came into force and effect, shall only be amended or repealed by another by-law approved of in the same manner.

Idem.

38. The amendment or repeal by the said town council, of any by-law, shall be made only by a by-law of said town for that purpose, and before proposing any such by-law, a notice of motion shall be given at a previous meeting.

Notice of motion, required.

By-laws, considered promulgated.

39. The by-laws of said town shall be considered to be promulgated from the time they have been made public by public notice given in the manner provided by this act.

40. The by-laws of the said town shall be published within fifteen days after the passing thereof, or after their final approbation, in case they shall have been submitted for approval to the municipal electors of the said town, by a public notice mentioning the object of the by-law, the date of the passing thereof, and the place where the interested parties may have communication thereof;

Publication of
by-laws.

Notice.

2. Such notice shall be given in French and in English under the signature of the secretary-treasurer, and posted upon or near one of the doors of the town hall of the said town, and in case the said town hall shall be destroyed by any cause or reason whatever, at the place which the said council shall fix, by a resolution, to be the place where shall be posted public notices which ought to have been posted at the hall so destroyed, during the interval to take place until the re-building of said hall;

How and when
published.

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

Special men-
tion.

41. The original of every by-law of the council of the said town shall be registered at full length, in French, in a special book intituled: "Book of by-laws of the town council, of the town of Beauharnois," and this entry shall be signed by the mayor, and countersigned by the secretary-treasurer of the said town;

By-laws book.

2. The secretary-treasurer shall be bound, moreover, to enter in the said book, immediately after said by-law, a French or English copy, duly certified by him, of the notice of publication of each by-law inscribed in the said book, and a copy likewise certified of the certificate of publication accompanying such notice.

Entry of the
notice, &c.

42. Any municipal elector in his own name, may, by a petition presented to the superior court of Lower Canada, sitting in and for the district of Beauharnois, demand and obtain, on the ground of illegality, the annulment of any by-law of the said town or of any part thereof.

Annulment of
by-laws by S.
Court.

43. The petition shall be served within fifteen days from the date of the coming into force of said by-law, and shall set forth in a clear and precise manner, the reasons alleged in support of the demand, and shall be accompanied with a certified copy of the by-law impugned, and a copy of the public notice, if such copies could be obtained;

Petition; delay
for the service
thereof.

Its allegation.

2. If such copies could not be obtained, the court, upon application being made, shall order the secretary-treasurer of the said town, or any person in whose custody such documents may be, to produce the same.

- Service.** 44. Such petition shall be served at the office of the said town council, eight days at least before it shall be presented to the court.
- Security of the petitioner.** 45. The petitioner shall previously give security for costs before a judge of the superior court, or the prothonotary of said court, or his deputy.
- Presentation of the petition.** 46. Such petition shall be presented in open court, together with the returns and the preliminary services.
- Proof and hearing.** 47. If the court, after having heard the parties, is of opinion that the facts and grounds set forth in the petition are sufficient in law to have the by-law declared null in whole or in part, it shall order proof to be adduced, and the parties interested to be heard, on the nearest day it shall deem the most convenient.
- Proceedings to be summary.** 48. The court shall proceed in a summary manner and without appeal to the hearing of parties and to judgment upon the merits of said petition.
- Costs.** 49. The court may condemn either of the parties to pay the costs of the contestation, such costs to be taxed and recovered in the same manner and by the same means as are the costs of the last class in the superior court; the court may also order that its judgment be served upon the secretary-treasurer of the town council, at the expense of the party condemned to pay the costs as aforesaid.
- Judgment and its publication.** 50. The court may, by its judgment, confirm or annul such by-law in whole or in part, and such judgment shall be published by the secretary-treasurer in the manner prescribed for the ordinary promulgation of the by-laws of the said town, within the fifteen days next following the service which must be made upon him of a copy of the said judgment.
- By-laws, how passed.** 51. The by-laws, resolutions and ordinances of the town council, shall be passed by the said council in session.
- Sub-sec. 19 of sec. 31, repealed. Public pounds, &c.** 52. Sub-section nineteen of section thirty-one of said act is repealed, and the following is substituted therefor:
 "19. For the establishing and management of as many public pounds as the said council may deem advisable, for the safe-keeping of animals found astray in the streets, public places, on the beach, or on any lands other than the owner's within the said town, and for appointing persons as keepers of said pounds, determining their fees, regulating and establishing their duties, and for imposing such
- Guardians.**

fines not exceeding five dollars, on any animal found astray Sale of animals.
 as aforesaid; for regulating and providing for the sale of Penalty.
 unclaimed animals within the delays fixed by such by-laws,
 for determining the formalities to be adopted for such sales,
 for imposing, besides and irrespectively of fines incurred, Penalty.
 such duty or indemnity deemed proper by said council, for
 the cost of keeping such animals, whether claimed or un- Proviso :
 claimed; provided always, that such fines may be recover-
 ed from the owners of such animals, if such owners are
 known, without it being necessary to cause such animals
 to be arrested and conveyed to the said pounds; and it
 shall be the duty of the pound-keepers so appointed, to
 give and deliver up such animals to their owners, on pay- Deliverance of
 ment of the fine imposed, his fees, and cost of safe-keeping. animals.

53. Sub-section thirty of section thirty-one of said act is Sub-sec. 30
 amended by adding after the word "railway," in the of sec. 31,
 fourth line thereof, the words "or macadamized roads, amended.
 and in all companies," and by striking out all the words
 after the word "town" in the eighth line, to the end of
 said sub-section.

54. Section thirty-first is amended by adding the follow- Section 31,
 ing sub-sections : amended.

"34. For regulating the building of hog-sties and privies; Hog-sties,
 for regulating the places where such hog-sties, privies privies, &c.
 and stables shall be built; for obliging all persons to clean
 their stables, hog-sties, out-houses, privies and yards, at
 such times and in such manner as the council shall deem
 expedient; for preventing deposits being made of substances Unhealthy de-
 or matters exhaling gas or infect odours in the said town, posits.
 or for regulating the manner in which such deposits shall
 be made;"

"35. For preventing owners of dogs from allowing them Dogs.
 to go free through the streets, or for determining under
 what conditions they may be so allowed, and for authoriz-
 ing the killing of all dogs found in contravention with the
 by-laws of said council;"

"36. For preventing persons from bathing and cleansing Baths in open
 themselves in open air and at the sight of the public;" air.

"37. For prohibiting or allowing and regulating the plant- Plantation of
 ing of trees along the streets of the said town, and for im- trees.
 posing upon any person destroying any tree so planted, or
 planting trees in contravention with the said by-laws, a pe- Penalty.
 nalty not exceeding twenty dollars, or an imprisonment not
 exceeding one month, above and over the damages result-
 ing therefrom."

55. The said council may, at any time, by mutual con- Exemption of
 sent, agree with any person or company having establish- taxes, &c., for
 ment, the manufac-
 tories.

ed, or intending to establish, any industrial or manufacturing establishment, for the payment of a certain annual sum, during a period not exceeding twenty years, as a commutation for any assessment on all the properties occupied for the use of such industrial or manufacturing establishment, as well as on the said industry or manufacture, and may also, with a view of encouraging such industrial or manufacturing establishment, dispense the same or such property from paying any assessments during a period not exceeding twenty years, and moreover, may offer to such person or company, as prime of encouragement, any sum that may be deemed necessary by the said council ; provided that such by-law be submitted for the approval of the electors being proprietors in the said town, conformably to the rules prescribed in section 57 of the present act.

Proviso :

Power to contract loans.

Bonds.

Coupons.

Security of payment.

Proviso :

By-laws to this effect.

General meeting of the proprietors.

56. It shall be lawful for the said town council to contract loans, by issuing bonds or debentures signed by the mayor, countersigned by the secretary, and sealed with the seal of the town council ; such loans made payable to the bearer thereof at such periods as the said council may think proper to fix, and such bonds or debentures shall bear interest, payable semi-annually on the first days of July and January in each year, and at a rate not exceeding the legal rate of interest in this province ; and coupons for the amount of the semi-annual interest thereon may be annexed to all such bonds or debentures, which coupons, being signed by the mayor, and countersigned by the secretary-treasurer, shall be payable respectively to the holder thereof when and immediately after the semi-annual interest therein mentioned shall become due, and upon payment of the same, shall be delivered to the said secretary-treasurer ; and the possession of any such coupon shall be *prima facie* evidence that the semi-annual interest therein mentioned has been paid according to the tenor of such debenture or bond ; and all such debentures and bonds, together with the principal and interest thereon, shall be secured upon the general funds of the said town, provided that the by-laws authorizing such loans be also submitted for the approval of the electors being proprietors in the said town, in conformity with the rules prescribed in section 57 of this act.

57. No by-law passed in virtue of the two preceding sections shall have any force or effect until it shall have been approved by the majority in number and by the value of the assessed real property of the electors being proprietors in the said town, within the thirty days after the passing of such by-law. This approbation shall be expressed in a public meeting presided over by the mayor, or, in his absence, by the senior councillor

of the said town, the secretary-treasurer acting as secretary, and duly called by notices signed by the mayor or by the secretary-treasurer, published and posted up in the manner prescribed for the publication and posting up of the public notice required by the provisions of this act, for the publication of by-laws; provided always, that six qualified municipal electors present at the said meeting, may demand a poll to establish such majority; and a poll shall be granted by the mayor, or, in his absence, by the presiding councillor, on being so demanded, and shall be held within four days next after such meeting, the secretary-treasurer acting as poll clerk under the direction of the mayor or of the presiding councillor, as the case may be, each elector shall then present himself in turn and shall give his vote by "yea" or "nay"; the word "nay" signifying that he disapproves of the by-law authorizing the loan; but no person's vote shall be received unless the name of such person be inscribed on the municipal voters' list then in force, if such list exist, and if there be no such list, no person shall be entitled to vote unless it appears, by the valuation roll then in force in the said town, that he is duly qualified to vote as municipal elector, and unless he has paid all his municipal taxes, at least three clear days before the day of such voting; provided always, that such poll shall be held during one day, being a juridical day, from ten o'clock in the morning until four o'clock in the afternoon. At the close of the poll, the mayor, or the presiding councillor, as the case may be, shall count the "yeas" and the "nays," and within four days thereafter, he shall lay before the town council, a statement showing the value of the real property of each of the voters, according to the valuation roll then in force, and shall certify, for the information of the town council, whether the majority in number and value of assessed real property of the electors of the town approve or disapprove of the said loan. This certificate shall be countersigned by the secretary-treasurer of the town, and preserved by him with the poll list and the aforesaid statement among the archives of his office, and if the said by-law is approved of as aforesaid, the said town council may contract the loan.

Poll.

Mode of voting.

Duration of the poll.

Summing up of the votes.

Statement of the property.

Certificate.

58. Every tax or assessment imposed under the said act of incorporation, or under this act, upon any property or house in the town, shall be recovered either from the proprietor, tenant or occupant of such property or house.

Recovery of taxes from occupant.

59. Section thirty-five of said act is repealed.

Section 35, repealed.

60. Any vacant lot or other real property in the said town, the owner of which shall not reside within the said town or

Sale of properties for taxes arrears.

shall be unknown, and upon which municipal taxes shall be due, shall be sold for the payment of the same in the manner and according to the provisions contained in the municipal code of the province of Quebec, for the sale of lands affected by municipal taxes; and for coming to the sale of such real property or vacant lot, as aforesaid, it shall be the duty of the secretary-treasurer of the town, to fulfill all the duties imposed upon the secretary-treasurer of any county council with regard to the sale of such lands, by the said municipal code; but the public notice announcing such sale shall also announce that the same shall take place where the said town council holds its sessions, in the said town.

Proceedings to that effect.

Sub-sec. 2, sec. 54, repealed.

61. Sub-section two of section fifty-four is repealed, and the following is substituted therefor:

Evaluators neglecting their duties.

"2. Any valuator who shall refuse or neglect to discharge the duties of his office, within the delays and in the manner prescribed by the said council, shall incur a penalty of twenty dollars, and it shall be lawful for the said council, irrespectively of said penalty, to appoint one or more persons in the room of such valuator or valutors refusing or neglecting to discharge such duties as aforesaid, with the same rights, privileges and obligations as if they had been first appointed by said council."

Penalty.

St. Louis bridge.

62. All *procès-verbaux*, by-laws, deeds of agreement, ordinances and municipal council resolutions respecting the building and re-building of St. Louis bridge, near the old seigniorial manor, within the limits of the said town, shall retain their full force and effect.

Payment of penalties.

63. All penalties imposed by this act or by any by-law made by the said council under this act, shall be recovered in the manner prescribed by the fifty-fifth section of the said act of incorporation.

Provisions inconsistent.

64. All provisions contained in the said act of incorporation, inconsistent with any provision of this act are repealed.

Coming into force of this act.

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

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

An Act to amend the Act 36 Vict., Chap. 53, intituled: "An Act to incorporate the Corporation of the Town of Lachine."

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS it is expedient to amend the act incorporating the corporation of the town of Lachine, 36