

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 debentures or corporation bonds, issued in virtue of the present act, which said sum of money the secretary-treasurer shall keep separate from all other moneys, to place 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 corporation bonds; 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 and funds, such sum 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 corporation bonds; 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 dispositions 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 placed without delay in public lands of the dominion of Canada, or of this Province, or in shares of such incorporated banks which offer the most ample guaranties and shall be most advantageous for all the parties concerned; provided that it shall be always at the disposal of the secretary-treasurer, when he requires it for the purpose of redeeming, by order of the said council, any of the said debentures or bonds issued as aforesaid.

Penalty.

Duties of the mayor and councillors.

Proviso :

CAP. XLVII.

An Act to incorporate the Town of Fraserville.

[Assented to 28th January, 1874.]

Preamble.

WHEREAS from the increase of the population of the village of Fraserville, the provisions of the municipal

code do not suffice to enable the inhabitants thereof to carry out the improvements which they are desirous of making ; and whereas the council of the said village have, by petition, represented that it is necessary that more ample provisions be made in favor of the village ; and whereas it is desirable that the said village be incorporated as a town under the name of "Fraserville" ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. From and after the passing of this act, the inhabitants of the town of Fraserville as hereinafter described, and their successors, shall be and are hereby declared to be a body politic and corporate, by the name of "The Town of Fraserville," and separated from the county of Temiscouata, for all municipal purposes, and, by that name, they and their successors shall have perpetual succession, and shall have power to sue and be sued, to implead and be impleaded, in all courts, and in all actions, causes and suits at law whatsoever, and shall have a common seal, with power to alter and modify the same at their will and pleasure ; and shall be in law capable of receiving by donation, bequest or any other legal title whatever, acquiring, holding and transferring and alienating any property, real or movable, for the use of the said town, of being party to or accepting any notes, bills of exchange, drafts, bonds, obligations, judgments or other instruments or securities, for the payment of or securing the payment of any sum of money borrowed or loaned, or for the execution, or for securing the execution of any other duty, right or thing whatsoever, and of becoming parties to any contracts or agreements in the management of the affairs of the said town.

2. The boundaries and limits of the said town of Fraserville shall be those of the present village of Fraserville, as defined by proclamation on the twenty-sixth day of June, eighteen hundred and fifty, of His Excellency the Right Honorable James, Earl of Elgin and Kincardine.

3. There shall be elected, from time to time, in the manner hereinafter mentioned, a fit and proper person who shall be and be called the "mayor of the town of Fraserville," and six fit persons, who shall be and be called the councillors of the town of Fraserville, and such mayor and councillors, for the time being, shall form the council of the said town, and shall be designated as such, and shall represent, for all purposes whatsoever, the corporation of the town of Fraserville.

Qualifications
for mayor or
councillor.

4. 1. No person shall be capable of being elected mayor or councillor of the town of Fraserville, unless he shall have been a resident house-holder within the said town, for one year preceeding such election, nor unless he be possessed, as owner, in his own or in his wife's name, of real estate, within the said town, of the value of four hundred dollars ;

Disqualifica-
tions.

2. No person shall be capable of being elected mayor or councillor of the said town of Fraserville, unless he be a natural born or naturalized subject of Her Majesty, and of the full age of twenty-one years ;

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3. No person being in holy orders, nor the ministers of any religious belief whatever, nor the members of the executive council, nor judges, sheriffs, or clerks of any court of justice, nor officers on full pay in Her Majesty's army and navy, nor salaried civil officers, nor any person accountable for the revenues of the said town, or receiving any pecuniary allowance from the town for his services, 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 town, shall be capable of being elected mayor or councillor for the said town ; provided always, that no person shall be held incapable of acting as mayor or councillor for the said town, from the fact of his being a shareholder in any incorporated company, which may have a contract or agreement with the said town ;

Proviso :

Exemptions.

4. The following persons shall not be obliged to accept the office of mayor or councillor of the said town, nor any other office to be filled by the council of the said town : members of the provincial legislature, practising physicians, surgeons or apothecaries, schoolmasters actually engaged in teaching, persons over sixty years, and the members of the council of the said town, at the time of the coming into force of this act, or who shall have been so within the two years next preceeding, and the persons who shall have fulfilled any of the offices under such council, or paid the penalty incurred for refusal to accept such office, shall be exempt from serving in the office, during the two years next after such service or payment.

Who may vote
at elections.

5. The persons entitled to vote at the municipal elections of the said town, shall be the male inhabitant freeholders and householders of the age of twenty-one years, and residing therein, and actual possessors of real property in the said town, of the yearly value of four dollars, and also tenants of the age of twenty-one years, who shall have resided and paid rent in the said town, during the year immediately preceeding the election, on a dwelling house or part of a dwelling house therein, at the rate of not

less than eighteen dollars per annum; provided always, Proviso : that 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 paid, at least one month before such election, his municipal and school taxes due; and it shall be lawful for any candidate at the said election and for the person presiding over the said election, to require the production of the receipts setting forth the payment of such assessments, so due as aforesaid.

6. The mayor and councillors of the municipality, who are at present in office, shall remain in office, until the elections which are to take place by virtue of this act, and all Continuation of present mayor and by-laws, &c. by-laws, ordinances, agreements, dispositions and engagements whatever, passed and entered into by the municipal council of the village of Fraserville, shall continue to have full and entire force as though this act had never been passed, and until such time as the said by-laws, agreements and engagements shall be formally rescinded, abolished or fulfilled, and the said corporation, as constituted by this act, shall succeed and be substituted for all purposes whatsoever, in the obligations, rights and debts of the municipal council of the village of Fraserville, as heretofore existing.

7. The municipal elections for the said town, under this act, shall be held in the month of January every year, and public notice thereof shall be given at least eight days Term of elections and notice thereof. previous to such election in the French language, by notices posted up at the door of the catholic church of the parish of St. Patrick of Rivière-du-Loup, and in the post-office of the said town, and further in any other place which the council may by resolution passed fifteen days before the said election appoint; and the said notice shall be signed for the first election under this act, by the now mayor of Fraserville, and specify the day, place and hour upon which the said election for the said town shall take place, and for all the following elections, the said notice shall be signed by the mayor or the secretray-treasurer of the town, and shall also specify the day, place and hour upon which the said elections are to take place.

8. 1. Before the publication of the notice announcing such election, the present council of Fraserville, for the first Who shall preside at elections: how they shall be conducted. election to take place on such day in the month of May next, as shall be fixed by the said council, and afterwards, the council of the said town, for the following elections, shall appoint one of their number to preside at and to conduct such election, and specify the place where the same shall be held in the said town, such councillor having under

him a deputy, appointed and paid by the council ; such deputy shall have the necessary qualifications to entitle him to vote at such election, and if he thinks fit, it shall be lawful for him to have a poll-clerk whom he shall appoint under his own handwriting ; and the poll shall be open for the reception and registration of votes from nine of the clock in the forenoon until four of the clock in the afternoon of the day appointed for such election, provided the election shall not have taken place by acclamation ; and, at such election, each elector shall be entitled to vote for six councillors, and shall at the same time be entitled to vote for a mayor of the said town ; and at the closing of the poll, the said presiding officer shall declare the six persons who shall have received the largest number of votes, to be duly elected members of the said council, and that of the candidates for the mayoralty, who shall have received the largest number of votes, to be duly elected mayor of the said town of Fraserville ; and in case two or more candidates have received an equal number of votes, the presiding officer shall be entitled to vote, but in this case only ; and he shall thus give his casting vote in favor of the candidate or candidates whom he shall think fit to choose, and he shall have the right to give and shall be obliged to give such casting vote as soon as the votes have been counted ; provided always, that the person presiding at the said election or at any of the following elections, shall not be held to be ineligible to the office of mayor or councillor by the fact that he shall preside at the said election ;

Case when the
poll shall be
adjourned.

2. If the votes of all the electors present have not been polled by the hour of four in the afternoon of the first day of the said meeting, the presiding officer shall adjourn the proceedings thereof to the hour of ten in the forenoon of the following day, when he shall continue to take down the votes, and he shall be bound to close the election at the hour of four in the afternoon of the said second day, (whether there be more votes to be polled or not,) and then to declare duly elected councillors and mayor, such of the candidates as shall be entitled to be so declared elected ;

Case when the
poll shall be
closed.

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

Proviso :

4. The mayor shall be elected for one year, and shall remain in office until his successor shall have entered office; the councillors elected at any of the municipal elections shall remain in office during two years, except those who were elected at the first election, three of whom shall retire from office at the expiration of the first year; and the councillors who are to retire from office at the end of the first year shall be chosen by lot, in the manner established by the council;

Duration of office of mayor, and councillor.

5. The subsequent annual election of a mayor and six councillors for the said town shall take place in the same manner and within the same delays as the first;

Subsequent elections.

6. Before proceeding to the holding of any election under this act, the deputy or poll-clerk shall take the following oath, which the councillor presiding or any other councillor, or any justice of the peace, residing in the said town, is hereby empowered to administer, to wit:

The deputy and clerk shall be sworn.

“I do solemnly swear that I will, to the best of my judgment and ability, faithfully and impartially perform the duties of deputy-returning officer or of poll clerk at the election which I am about to hold, of a person or persons to serve as mayor of and as councillor for the ward (*as the case may be,*) for the said town of Fraserville: So help me God;”

Oath.

7. The person who shall preside at an election, shall, during such election, be a conservator of the peace, and shall, be invested with the same powers for the preservation of the peace, and the apprehension, imprisonment, holding to bail, trying and convicting violators of the law and breakers of the peace, as are vested in the justices of the peace, and this, whether the said person presiding, do or do not possess the property qualification of a justice of the peace, as required by law; and it shall be lawful for the person so presiding, to appoint special constables in sufficient numbers to preserve peace at the said election, if he shall think it necessary or be required to do so by five electors.

Powers of presiding officer.

9. 1. The person presiding at any such election shall, within two days from the closing of the election, give to the mayor and each of the councillors so elected, special notice of their said election, as well as of the place, the day and the hour appointed by him for the first meeting of the council to take place after the said election;

Duties of presiding officer after election.

The mayor and councillors so elected shall enter respectively into office, as such, at the said first meeting, and shall remain in office until the appointment of their successors;

Entering in office of the mayor, &c.

2. The person so presiding at any such election shall deliver up immediately, to the secretary-treasurer of the town council, if there be such officer, and if not, then as soon as such officer shall be appointed, the poll-books

Poll books to be returned.

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 authentic in any court of justice ;

Mayor and
councillors to
be sworn.

3. The first session of the council, after the first election, shall take place, within eight days immediately following the said election, and at such meeting, the mayor and councillors elected shall take the following oath, before a justice of the peace :

Oath.

"I, A. B., do solemnly swear faithfully to fulfill the duties "of member of the town council of Fraserville, to the "best of my judgment and ability : So help me God ;"

And the members then present, provided they form a majority of the council, shall be authorized to act as the council, and all members absent without just cause shall be deemed to have refused the office, and shall be liable to the fine hereinafter provided for in like cases, unless they be persons who are exempted from serving ;

Subsequent
elections.

4. The mayor and councillors elected at the elections, subsequent to the first, shall enter office on the day of their nomination, and a meeting of the council shall take place within eight days after, in the same manner as after the first election, and the mayor and councillors elected shall take the same oath, and those absent without just cause, shall be deemed to have refused the office, and shall be liable to the penalty hereinafter provided in such cases, unless they be persons who are exempted from serving ; and the mayor of the said town of Fraserville shall be *ex officio* a justice of the peace for the said town, while in office, and he shall not be bound to take any other oath than his oath of office as mayor, to act as such ;

Quorum.

5. Four members of the council shall constitute a quorum ;

Election ex-
penses.

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

Vacancies how
filled.

10. 1. In any case in which one of the persons elected shall refuse to act as mayor or councillor, or in case his election, being contested, shall be declared null, the electors of the town shall proceed to a new election, and elect a person to replace the said councillor, within one month after the said refusal shall have been made known, or that the said election shall have been declared null, and if it is the mayor who refuses to accept, or whose election has been declared null, the electors of the town shall proceed to a new election for such mayor, within the same delay, and the said elections shall be conducted in the same manner as annual elections ;

2. In case of the death of the mayor or a councillor, or in case of his absence from the town, or incapacity of acting as

such, either from infirmity, sickness, or any other cause, during six calendar months, the other councillors, at the first meeting of the council which shall take place after such decease, or at the expiration of the said period of six months, shall appoint, from amongst the inhabitants of the town, another mayor or councillor to replace the mayor or councillor so deceased, absent or rendered incapable as above mentioned, and in case the votes of the said councillors be equally divided, when it shall be necessary to replace the mayor, the election shall be proceeded with in the manner provided by the next preceding section ; provided that, notwithstanding the decease, absence, or inability to act of the said mayor, or the said councillor, the remaining 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, absence or inability to act on the part of the said mayor or councillor taken place ;

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

11. 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 town, is hereby authorized to administer, that is to say : Oath of presiding officer at elections.

“ 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, of a person or persons to serve as members of the town council of Fraserville : So help me God.”

12. The officer presiding at any election under this act, shall have authority, and he is hereby required, at the request of any person qualified to vote at such election, to examine upon oath, (or affirmation, when the party is allowed by law to affirm,) any candidate for the office of member of the said town council, respecting his qualification to be elected to the said office, and shall also have authority, and he is hereby required, upon such request as aforesaid, to examine upon oath (or affirmation) any person tendering his vote at any election, and the oath to be administered by the presiding officer in both cases shall be in the form following : Presiding officer may examine candidate on oath, as to qualification.

“ You swear that you shall true answer make to all questions put to you by me in my capacity of presiding officer at this election, respecting your qualification to be elected a member of the town council (or respecting your qualification to vote at this election, as the case may be) : So help you God ;” Oath.

And the presiding officer himself shall put such questions, as he shall judge necessary.

Penalty for
false swearing.

13. If any person, being examined upon oath, or affirmation, under this act, as to his qualification to be elected, or to vote, shall wilfully forswear himself, he shall incur a penalty of one hundred dollars.

General meet-
ings of council.

14. The said town council shall meet at least once in each month, for the transaction of the business of the said town, and shall hold their sittings in the town hall, or in any other place in the said town, which shall have been set apart 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 have taken place, for want of a quorum, and such members, though not forming a quorum, are hereby authorized to compel the attendance of absent members, at the regular or adjourned meetings as aforesaid, and to impose such penalties upon such absent members, for a repetition of the offence, as may be provided by any by-law of the said town council for that purpose; and the said council shall appoint, after each municipal election, a pro-mayor, who shall replace the mayor, in case of absence, and the same shall be vested with all the powers of the mayor, during his term of office as determined by the council; and in the absence of both, the council may choose one of their number to replace the mayor during the sitting and to preside thereat.

Pro-mayor

Special meet-
ings.

15. It shall be lawful for the mayor, or, in his absence, the pro-mayor of the said town, whenever he shall deem it necessary or useful, to call special meetings of the said council, and whenever two members shall be desirous of obtaining a special meeting, they shall apply to the mayor, or, in his absence, to the pro-mayor, to call such meeting, and in the absence of the mayor and the pro-mayor, or on his or their refusing 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, communicate the same to the other members of the council, who shall be bound to attend the said meeting, under the penalties which shall be inflicted under any by-law made by the said council in that behalf.

Minutes of pro-
ceedings to be
kept.

16. The proceedings, at each of the regular or special meetings of the said town council, shall be correctly entered

and recorded in a book which shall be kept for that purpose, and which shall be called "the minute book of the town council of Fraserville," and the said book shall be open to inspection or search by any person qualified to vote at the municipal elections of the said town, on payment of the sum of twenty cents to the secretary-treasurer, who shall have the custody of the said book; and all extracts from the said minute book, or from any records or papers of the said council, shall be delivered by the secretary-treasurer, who shall be entitled to receive, for such extracts, the sum of ten cents for every hundred words, and they shall be *prima facie* evidence of the facts contained therein.

17. The mayor of the said town, or, in his absence, the pro-mayor, if he be present, shall ^{Who shall preside.} preside at the meetings of the council, shall maintain order thereat, and shall have a right to express his opinion, but not to vote, on all questions which shall be brought before the said council; provided always, that when the said councillors, after having voted on any question, shall be found to be equally divided, then, and in that case only, the mayor, or, in his absence, ^{Casting vote.} the pro-mayor, shall decide the question by his vote, giving his reasons for it if he thinks proper; and neither the mayor nor the councillors shall receive any salary or emoluments from the funds of the town, during the time they shall remain in office; provided also, that whenever the mayor, or in his absence, the pro-mayor, shall not be present at any regular or special meeting of the said town council, the councillors present shall choose one of their number to fill the place of the mayor during the sitting.

18. 1. The council, at its first general session, or at a special ^{Secretary-treasurer.} session, held within the fifteen days which shall follow the first day of such general session, shall appoint an officer who shall be called "the secretary-treasurer of the town of Fraserville";

2. The secretary-treasurer shall be the custodian of all ^{His duties.} books, registers, valuation rolls, collection rolls, reports, *procès-verbaux*, plans, maps, records, documents and papers kept or filed in the office or archives of the council; he shall attend all sessions, and shall enter in a register kept for the purpose, all the acts and proceedings of the council, and he shall allow persons interested 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;

3. Every person appointed secretary-treasurer shall, before acting as such, give the security hereinafter required; ^{He shall security.}

Nature of security.

4. He shall furnish two sureties, whose names shall be approved by a resolution of the council, before the security be received. All such 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 ;

Notarial copy of security bond to be given.

5. Every such security bond shall be made by an act before a notary and accepted by the mayor ; it shall be the duty of the secretary-treasurer to transmit to the mayor a copy of the same ;

He shall receive and pay moneys.

6. The secretary-treasurer of the council 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 thereto authorized by this act, for the payment of any sum to be expended or due by the municipality, whenever thereunto authorized by the council ; but no such draft or order shall be lawfully paid by the said secretary-treasurer, unless the same 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 ;

He shall keep account books and vouchers.

7. 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 ;

He shall render an annual account.

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

His books shall be open to inspection.

9. The secretary-treasurer's books of account and vouchers shall, at all reasonable hours of the day, be open for inspection, as well to the council, and to each of the municipal officers, by them appointed, as to any rate-payer in the town and to the valuers ;

He may be compelled to render account.

10. The secretary-treasurer, or any other person who shall have filled the said office, may be sued, to render an account, by the mayor in the name of the corporation, before any tribunal of competent jurisdiction, and in any such action he may be condemned to pay damages and interest for having failed to render such account ; and if he renders an account, he shall be condemned to pay such balance as shall have been found or declared to be in his hands, 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 on the amount thereof, by way of damages, together with the costs of suit ;

11. Every such judgment shall carry *contrainte par corps* against the said secretary-treasurer, according to the laws in force in like cases in the province of Quebec, if such *contrainte* be demanded in the action to compel the rendering of the said account ;

Under pain of imprisonment.

12. 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 and to require from all persons employed by them such securities as to them shall seem sufficient to ensure the due fulfilment of their duties ;

Council may name other officers.

13. 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 within eight days after the election or appointment of such successor, all moneys, keys, books, papers, and insignia belonging to such office ;

Duty of officers going out of office.

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

Liability of heirs, &c., to deliver up books, &c.

15. And in every such case the successor of every such officer shall, besides all other legal remedies, have a right of action before any court of justice, either by *saisie-revocation*, or otherwise, to recover from such officer or from his legal representatives, or any other person in possession of the same, all such moneys, keys, books, or insignia, together with costs and damages, in favor of the corporation. And every judgment rendered in every such action may be enforced by *contrainte par corps* against the person condemned, according to the laws in force in the province of Quebec, each time the said *contrainte* is demanded by the declaration ;

Rights of successors in office to obtain books.

16. The secretary-treasurer may, from time to time, appoint under his hand, an under-secretary-treasurer, who under the responsibility of the secretary-treasurer may exercise all the duties and works of that officer, with the same rights, powers and privileges, and under the same obligations and penalties as the secretary-treasurer himself, except as regards security, and the said assistant may be removed and replaced at will by the said secretary-treasurer ; and, in the case of a vacancy in the office of secretary-treasurer, the said assistant shall continue to exercise his functions, until such vacancy be filled ;

Secretary-treasurer may appoint an assistant.

How the oath shall be administered.

17. All oaths required by this act may be taken either before the mayor or secretary-treasurer of the said town.

Assessors.

19. The said town council shall have power, whenever they may deem advisable, to appoint three assessors or valuers of property, and it shall be the duty of the said valuers to estimate the rateable property in the said town according to its real value, and in the manner and within the period which shall be fixed by the said town council.

Assessors to be sworn.

20. Every person, so appointed valuator, shall be bound, before proceeding to the valuation of any property in the said town, to take the following oath before the mayor of the said town, or, in his absence, before a councillor, to wit :

Oath.

“ I, _____, having been appointed one of the valuers of the town of Fraserville, 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

21. The valuers, who shall be appointed for the said town, shall be proprietors of real estate in the said town of the value of at least six hundred dollars currency of this province.

Assessment roll and deposit, contestation, correction and closing thereof.

22. When the valuers shall have made a valuation of all the rateable property of the said town, they shall deposit the assessment roll with the secretary-treasurer of the said town, and notice of such deposit shall be given by the secretary-treasurer in the same manner as notice of an election of councillors. And at the next ensuing meeting of the said council, the said assessment roll shall be produced, and if they desire it, examined by the councillors ; and dating from such assembly, the assessment 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 the inspection of all persons whose property shall have been estimated or their representatives, and within that period, persons considering themselves aggrieved may give notice in writing to the secretary-treasurer, of their intention to appeal to the said town council, complaining of any excessive valuation ; and such appeal 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, pro-mayor or presiding councillor, shall confirm or alter the valuation, the change whereof shall have been prayed for, so as to them shall seem just ; and at the same meeting the

said assessment roll shall be declared closed for three years ; unless, however, from the number of appeals, the council shall be compelled to adjourn, in which case the said roll shall not be declared closed until all the appeals shall have been heard and determined ; provided always, that if, after the said assesment roll shall have been declared closed as aforesaid, any property in the said town should suffer any considerable diminution in value, either through fire, demolition, accident, or any other reasonable cause, it shall be lawful for the said council, upon the petition of the proprietor, to instruct the valuator 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 assessment roll, the said council may order the valuator to value any property so omitted, in order to its being added to the roll ; and provided also, that the said valuator shall, when directed by the said council, make a yearly valuation of the stocks of merchandize held in the said town.

Any elector may, in the same manner, complain to the council that a property is valued at too low a rate ; and this complaint shall be tried and decided in the same manner and by the same authority as hereinabove prescribed.

23. At the first meeting, after each annual municipal election, two persons shall be appointed 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 town, that is to say :

“ I, _____, having been appointed to the office of auditor of the town of Fraserville, do hereby swear, that I will faithfully perform the duties thereof, according to the best of my judgment and ability, and I 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 town council of the said town of Fraserville : So help me God.”

24. 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 them, and which may relate to any matter or thing under the control of, or within the jurisdiction of the said town council, and may then remain unliquidated, and to report thereon to the said town council, at least eight days before the election.

25. The auditors, who shall be appointed for the said town, shall be proprietors of real estate therein of the value _____

of at least four hundred dollars currency ; provided always, that neither the mayor, councillors, secretary-treasurer of the said town, 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 town ; and provided also, that the said council may, in certain cases, appoint auditors without requiring from them the qualification hereinabove mentioned.

Proviso :

Replacing of
councillors
becoming dis-
qualified.

26. Every person, holding the office of councillor of the said town, 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 or clerk of any court of justice, or a member of the executive council, or who shall become responsible for the revenues of the town, in whole or in part, or who shall absent himself from the said town without the permission of the said council for more than six consecutive months, or who shall not be present at the meetings of the said council for a like period of six consecutive months, shall, by virtue of any of these causes become disqualified, and his seat in the said council shall become vacant, and such person shall be replaced in accordance with the provisions of this act ; provided always, that the word " judge " employed in any part of this act, shall not apply to a justice of the peace.

Poll books to
be attested
under oath.

27. At all the elections held under this act, the poll-books containing the names of the voters and other matters, shall be certified on oath by each of the deputies who shall have presided at such election in the respective wards of the said town, each of the said deputies certifying his own, before the president of the said election, or any justice of the peace residing within the said town, which oath the said president or the said justice of peace is hereby authorized to administer, and the said oath shall be in the form following, and shall be written, in whole or in part, on the last page of the said poll-book, containing the names of the electors :

Oath.

" I, A. B., do swear that the poll-book kept by me at the " municipal election for the town of Fraserville, is just " and correct, to the best of my knowledge and belief : So " help me God."

Poll-books to
be deposited.

And the said poll-books, so sworn to, shall be deposited in the office of the secretary-treasurer of the said town, by each of said deputies within the three days following such election.

28. Every contestation of an election, either with reference to the qualification of the members, or with reference to that of the voters, or for any other cause whatever, shall be determined by the members whose election shall not be contested, and each such contestation shall be tried by the town council at one of their regular meetings, within the fifteen days next following the election, at which not less than four councillors, or the mayor and three councillors shall be present, and each such contestation shall be notified in writing to the president of the said election, by at least three electors of the said town, if it is the election of the mayor that is contested within three days after the election; or if it is that of a councillor, on the day on which such election, shall have taken place, or in the forenoon of the following day; and, when any election shall be declared void for any of the causes aforesaid, or by reason of riotous or disorderly proceedings at the said election, a new election shall be held within the twenty days next after that on which such contestation shall have been adjudged upon, and this election shall be announced, conducted, and presided over as is provided by this act for the annual elections.

Trial of contested elections.

29. Every witness, who, in the case of a contested municipal election, after having been duly summoned by the mayor or any of the councillors, to attend at the trial of such contestation, or at the trial of any complaint whatever which shall have been brought before the said council, for any cause whatever, shall wilfully neglect or refuse so to attend, or shall refuse to answer the questions which may be then and there regularly put to him, shall, on conviction thereof, before one or more justices of the peace residing in the said town, or the district magistrate of Kamouraska, be liable to a fine not exceeding twenty dollars, nor less than two dollars, and in default of immediate payment thereof, to imprisonment for a term not exceeding eight days, according to the decision of the said justices of the peace, or district magistrate, and if any witness, in such trial or proceeding, knowingly forswear himself, he shall incur a penalty of one hundred dollars.

Summoning and examining of witnesses in contested elections.

30. The mayor, or, in his absence, the pro-mayor, or any member of the said town council are hereby authorized to summon and examine upon oath all witnesses summoned to appear before the said council, and to administer the oath to such witnesses.

By whom they may be summoned and examined.

31. In case it shall at any time happen that a municipal election shall not be held, for any reason whatever, on the day when, in pursuance of this act, it ought to have been

Proceedings when election has not taken place on day fixed.

held, the said town council shall not, for that cause, be deemed to be dissolved, and it shall be the duty for such members of the said council as shall not have retired from office, to meet again for the purpose of fixing, as early as possible, a day for the holding of such municipal election, and in such case, the notices and proclamations required by this act, shall be published and posted up during eight days only, instead of fifteen.

Duration of powers of mayor.

32. The mayor so elected shall exercise all the powers of mayor of the said town until his successor in office be elected and sworn in.

Punishment of disorderly councillors.

33. The said council may, by a resolution to that effect passed by a majority of its members, expel all and each of their members who may be convicted of a felony, and may fill his place in the manner provided for vacancies in the office of mayor or councillor.

Appointment of committees.

34. It shall be lawful for the said council to name from among its members, so many committees, composed of a greater or less number of persons, as they shall think proper, to facilitate the despatch of the business before the said council, and for the discharge of all the duties within their competence, and which can be prescribed by the said council, but subject in all respects to the approbation, authority and control of the said council.

Power to make by-laws.

35. It shall be lawful for the said town council, from time to time, to make such by-laws as may seem to them necessary or expedient for the maintenance of good order during its sittings, for the internal government of the town, 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 and occupied lots; for the prevention or suppression of all nuisance whatsoever, for the maintenance and preservation of the public health, and generally for all purposes connected with, or affecting the internal management and the government of the said town.

Appointment and removal of officers.

36. It shall be lawful for the said town council to appoint, remove, and replace and remunerate, 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 quality whatsoever, such security, as to them shall seem meet to ensure the due execution of their duties.

37. In order to raise the necessary funds to meet the ex- Power to im- pose certain taxes
penses of the said town council, and to provide for the
several necessary public improvements of the said town,
the said town council shall be authorized to levy annually
on persons and on movable and immovable property in the
said town, the taxes hereinafter designated, that is to say :

1. On all lands, town lots and parts of town lots, whether Real property tax.
there be buildings erected thereon or not, with all build-
ings and erections thereon, a sum not exceeding one cent
in the dollar on their whole real value, as entered on the
assessment roll of the said town ;

2. On the following movable property, a sum not ex- Personal prop- erty tax.
ceeding one-half cent in the dollar, according to the values
hereinafter specified :

Every horse kept for hire, at fifty dollars ;

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

Every covered carriage with four wheels, at one hun-
dred dollars ;

Every open carriage with four wheels and two seats, at
fifty dollars ;

Every gig or light waggon, with one seat, at thirty
dollars ;

Every two horse sleigh, at sixty dollars ;

Every one horse sleigh, at thirty dollars ;

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

3. On all stocks in trade or goods kept by merchants or Tax on mer- chandise.
traders, and exposed for sale on shelves in shops, or kept
in vaults or store-houses, a tax not exceeding one-half per
cent on the estimated average value of such stock in trade ;

4. On each tenant paying rent in the said town, an an- Tenant's tax
nual sum not exceeding ten cents in the dollar on the
amount of his rent ;

5. On each male inhabitant of the age of twenty-one Personal tax
years, who shall have resided in the said town for six
months, and not being a proprietor or tenant, nor an
apprentice, nor a domestic servant, an annual sum of one
dollar ;

6. On every dog kept by persons residing in the said Dog tax
town, an annual sum of one dollar ;

7. And it shall be lawful for the said town council to Tax on tavern- keepers, ped- lars, auc- tioneers, traders, &c.
impose and levy an annual tax not exceeding fifty dollars,
but the amount of which may be fixed by the council in a
different manner for the class of persons hereinafter subject-
ed thereto, on the proprietors or occupants of houses of public
entertainment, temperance hotels, taverns, coffee-houses, and

eating-houses, and on all retailers of spirituous liquors; and on all pedlars and itinerant traders selling in the said town, articles of commerce of any kind whatsoever; and on all proprietors, possessors, agents, managers and keepers of theatres, circuses, billiard rooms, ten-pin alleys, or other places for games or amusements of any kind whatsoever; and on all auctioneers, grocers, bakers, butchers, hawkers, hucksters, carters and livery-stable keepers; and on all traders and manufacturers, and their agents; and on all proprietors or keepers of wood-yards, or coal-yards, and slaughter-houses in the said town; and on all money changers or exchange brokers, pawn-brokers and their agents; and on all bankers and banks, and all agents of bankers and banks; and on all insurance companies or their agents; and generally on all commerce, manufactures, callings, arts, trades and professions, which have been or which may be exercised in or introduced into the said town, whether the same be or be not mentioned therein; and every person in the said town, practicing the profession of an advocate, physician, land-surveyor, or of a notary or any other liberal profession, shall be assessed at the sum of five dollars annually; and the said town council may name a person or persons to make the roll of the persons and movable property mentioned in the different parts of this section;

Power to invest balance of funds.

8. And, by a resolution, the said council may provide for the advantageously placing or depositing either in a savings bank or in public securities, or otherwise, of any balance of moneys which they may have at any time with a view of forming revenues for the said town.

Power to make by-laws as follows:

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

To grant lots and open out streets.

1. For opening new streets in the said town, 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; provided always, that the damages and value of the properties be provisionally estimated in the manner hereinafter specified, and the amount of such damages and value be previously paid to the owners of such lands;

Markets.

2. For establishing one or more new market places;

To regulate markets.

3. For determining and regulating the duties of the clerks of the markets in the said town, or all other persons they may deem proper to employ to superintend the said markets; and for letting the stalls and other places for selling upon and about the said market places; and for fixing and determining the duties to be paid by any persons selling, on any of the said markets, any provisions or produce whatever; 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 thing or things sold or offered for sale on the said markets;

4. For amending, modifying or repealing all by-laws made by the municipal councils who have had the management of the internal affairs of the said town ; To amend or repeal previous by-laws.

5. For regulating and placing all vehicles in which any articles shall be exposed for sale on the said markets ; Vehicles on markets.

6. For preventing persons bringing articles of any kind into the said town, from selling or exposing them for sale in any other place than the markets of the said town ; Sale of produce elsewhere than on markets.

7. For determining in what manner the said articles and all others shall be sold and delivered, whether by quantity, measure or weight ; and for obliging all persons to observe in the above matters, the by-laws which the said council shall hereinafter deem useful to establish ; Manner of selling.

8. To compel proprietors to plant trees in front of their properties ; To plant trees.

9. To establish public weigh-houses ; Weigh-houses.

10. For preventing obstructions of any nature whatsoever in the streets, and sliding therein, in winter ; Free passage on streets.

11. For preventing the sale on the public highway of any wares or merchandize whatsoever ; Selling on public streets.

12. For granting, refusing or limiting the issue of licenses, to persons applying for the same, to keep houses of public entertainment in the said town ; Licenses to hotel-keepers.

13. For preventing the sale of any intoxicating beverage to any child, apprentice or servant ; Preventing sale of liquor to any child, &c.

14. For determining under what restrictions and conditions, the collector of inland revenue shall grant licenses to merchants, traders, shop-keepers, tavern-keepers and other persons to sell such liquors ; Regulation, conditions of tavern licenses.

15. For regulating and governing shop-keepers, tavern-keepers, and other persons selling such liquors by retail, whenever such liquors may be sold, in such manner as they may deem expedient to prevent drunkenness ; Regulating sale of liquor.

16. For preventing the driving of vehicles at an immoderate pace in the said town, or riding on horseback on the sidewalks of the said town ; Fast driving.

17. For regulating, fixing and determining the weight and quality of bread sold or offered for sale, within the limits of the said town ; Sale of bread.

18. For regulating the conduct and certain duties of apprentices, domestics, hired servants and journeymen in the said town, and also certain duties and obligations of masters and mistresses towards such servants, apprentices, domestics, and journeymen ; Masters and servants.

Prevention of gaming and immoral houses

19. To prevent the keeping of gaming-houses, places for gambling, or any description of houses of ill-fame in the said town ;

Public pounds.

20. To establish as many public pounds as the said council shall deem expedient to open, for the impounding of animals of any species which may be running at large in the said town ;

Police force.

21. For regulating, arming, lodging, clothing and paying a police force in the said town, and for determining their duties ;

Fencing in property.

22. To compel the proprietors of all land and real property, within the said town, their agents or representatives, to enclose the same, and to regulate the height, description and material of every such enclosure ;

Drainage.

23. To compel the proprietors or occupants of lots of land, in the said town, upon which there are stagnant or filthy water, to drain or raise such lands, so that the neighbours may not be incommoded, or the public health endangered thereby ; and, in the event of the proprietors of such lands being unknown, or having no representative or agent in the said town, 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 occupants of such lands are too poor to drain, raise or fence in 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 land, and have privilege over all other debts whatsoever, without it being necessary to register the same ;

Encroachments, &c., on streets.

24. To oblige all proprietors or occupants of houses in the said town, to remove from the streets all encroachments or obstructions of any sort, such as steps, galleries, porches, posts, or other obstacles whatsoever ;

Removal of old walls, &c.

25. 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 state of ruin, and to cause to be removed from the streets all sheds, stables, and other buildings erected on the level of any street, 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 ;

Widening and lengthening streets.

26. For regulating the width of streets to be opened hereafter in the said town ; for regulating and altering the height or level of any street or side-walk in the said town ; provided, that if any person shall suffer real damage by the widening, lengthening or altering the level of any street in the said town, such damage shall be paid to such person, after having been assessed by arbitrators, if any of the parties shall require it ;

Proviso :

27. For providing out of the funds of the said town, for a ^{Water and} supply of water for the citizens of the said town, and for ^{Gas.} the lighting of the said town with gas, or in any other way ; and for obliging the owners of immovable property, within and without the said town, to allow the necessary works for these purposes to be done upon their respective properties ; and for compelling all proprietors in the said town to allow the necessary pipes, lamps, or posts to be attached to their houses ; provided always, that in all these Proviso : 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 ;

28. For assessing the proprietors of real property situate Taxing for repairs of drains. on any of the streets of the said town for such sum as shall be deemed necessary for making or repairing any common sewer in any of the streets of the said town, 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 ;

29. For assessing, at the request of the majority of the Taxing localities. citizens residing in any of the streets or public squares of the said town, all the citizens residing in such street or public square, 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 being in proportion to the assessed value of their property ;

30. For raising all sums necessary for aiding in the Contribution to roads outside the towns, railroads and lines of communication. construction, maintenance and repair of roads leading to the said town, and of bridges and other public works, outside the limits of the said town ; and for taking stock in any railway or navigation companies from which the inhabitants of the said town are, in the opinion of the said council, likely to reap sufficient benefit ; and for appropriating, to such purposes, the moneys of the said town, and any sums they may have out of the municipal loan fund, for whatsoever purpose they may be destined ;

31. To assess, over and above all other rates especially Compensation for damages caused by riots. established by this act, all the citizens of the said town, to meet the expenses of any indemnity, which the said council might be obliged to pay to persons in the said town, 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 damages caused to any property in the said town, to pay a reasonable indemnity, to be esta-

blished 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 ;

Site for manuf-
factories.

32. To fix the place for the erection of any manufactories or machinery worked by steam, in the said town ;

Board of
health.

33. For establishing a board of health, and investing them with all the privileges, power 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 town from any contagious diseases, or for diminishing the effects or the danger thereof ;

Roads and
bridges.

34. To undertake the making and maintenance of highways, roads and bridges, ditches and water-courses, situate within the limits of the said town.

Protection of
life and pro-
perty from
fire.

39. For the better protection of the lives and property of the inhabitants of the said town, and for more effectually preventing accidents by fire, the said council may make by-laws for the following purposes, to wit :

Chimneys.

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

Fire engines.

2. For defraying, out of the funds of the said town, any expenses that the council shall deem necessary to incur for the purchase and maintenance 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 ;

Preventing
thefts at fires.

3. For preventing thefts and depredations which may be committed at any fire in the said town ;

Investigation
into causes
of fire.

4. For making or authorizing and requiring to be made after each fire in the said town, a judicial enquiry into the cause and origin of such fire, for which purposes the said council or any committee authorized by them to the effect aforesaid, 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 ;

Chimney
sweeping.

5. For regulating the manner in which and the periods of the year when chimneys shall be swept ; and for granting licenses to such number 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 town to allow their chimneys to be swept by such licensed chimney-sweeps, and fixing the rates for chimney-sweeping which shall be paid to the council or to such licensed

chimney-sweeps ; and for imposing a penalty of not less than one dollar nor more than five dollars on all persons refusing to allow their chimneys to be swept as aforesaid, and 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 shown, on proof before him ;

6. For regulating the manner in which ashes or quick lime shall be kept in the said town ; and for preventing the inhabitants of the said town from carrying fire in the streets without necessary precaution ; from making a fire in any street ; from going from their houses to their yards and out-buildings, and entering therein with lights not enclosed in lanterns ; and generally for making such regulations as they may deem necessary for preventing or diminishing accidents by fire ;

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

8. For defraying, out of the funds of the said town, 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 severe disease at any fire in the said town ; or in assisting or providing for the family of any person in their employ who shall perish at any fire, or in bestowing rewards in money or otherwise upon persons who shall have been particularly useful or zealous at any fire in the said town ;

9. For vesting in such members of the council, or in the fire inspectors, or in such of them as may 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 the other property of the inhabitants of the said town ;

10. 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 town ;

Fire inspectors.

11. 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 town, for the purpose of ascertaining whether the rules and regulations 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 town, to admit such officers for the purposes aforesaid.

Secretary-treasurer to give notice of completion of collection roll.

40. 1. The secretary-treasurer, when he shall have completed his collection roll, shall proceed to collect the rates therein mentioned, and for that purpose shall give or cause public notice to be given on the following Sunday, or on any subsequent Sunday, 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 to pay to him the amount thereof at his office within the twenty days which follow the publication of the said notice ;

Twenty days thereafter demand of taxes shall be made.

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 on each person in arrears, personally, a statement of the total amount of assessments due by such person in arrears, and at the same time, and by a notice annexed to the said statement, he shall demand the payment of the assessments therein mentioned, together with the expenses of the service of the notice, according to such tariff as the council shall have decided upon ;

Thirty days after demand amount may be levied by warrant.

3. If any person neglect to pay the amount of assessments imposed upon him for a period of thirty days, after he shall have been requested so to do as aforesaid, the secretary-treasurer shall levy the said assessments, with costs, by a warrant under the hand of the mayor, authorizing the seizure and sale of the goods and chattels of the debtor, or of all goods and chattels in his possession, wherever they shall be found within the limits of the said town, addressed to one of the sworn bailiffs for the district of Kamouraska, of the superior court of Lower Canada, 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 the sale or the payment of the assessments and expenses out of the proceeds of such sale.

Taxes recoverable either from proprietor or tenant.

41. 1. Every tax or assessment imposed under this act, upon any property or house in the said town, 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 and 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 possession of such property ;

2. Whenever the town council shall have passed any by-law or by-laws directing work to be done within the said municipality or in any part thereof, and any proprietor shall be unable from absence, poverty, or any other cause, to perform the said work, ordered by such by-law, it shall be lawful for the said council, to cause the work which such proprietor may be bound under such by-laws to perform, to be done, and, in all cases, the sum expended by the council shall remain a lien upon the property, as a special privilege and hypothec, in preference to all other debts whatsoever, and shall be recoverable in the same manner as the taxes due to the said council, with interest at the rate of six per cent per annum.

42. In all cases where the persons who shall be rated in respect of any vacant ground or other real property within the town, shall not reside within the said town, and the rates and assessments payable in respect of such vacant ground or property, shall remain due and unpaid for the space of three years, then it shall be lawful for the said town council, after having obtained a judgment before the circuit court for the county of Temiscouata, or the district of Kamouraska, or any other court of competent civil jurisdiction, to sell and dispose of such property by public sale, or so much thereof as shall be judged sufficient for the payment of the sum due with costs, and with interest from the time each assessment became due ; and the sheriff of the district of Kamouraska is authorized and, by the present act, is required to advertise such sale in the *Quebec Official Gazette*, and in a French and English newspaper published in the city of Quebec, if there are none in the town of Fraserville ; provided, always, that all proprietors of real estate, sold under the authority of the present section, shall have the right of resuming possession of such real estate within two years from the date of such sale, on paying to the purchaser the whole purchase price, with legal interest thereon, and the costs of the necessary expenses made on the said real estate by order of the said council, in virtue of the present act ; on condition however that such purchaser shall have maintained such property in the same state and condition as it was when purchased, and has neither wasted nor caused it to deteriorate, and in addition, the costs incurred in making such sale, and five per cent in addition to the interest, as well on the amount of the purchase, as on the amount of the said expenses ; and provided also, that

On neglect of proprietors council may perform certain works, and costs thereof shall be paid by the proprietor.

Collection of taxes from absent proprietors.

Proviso as to redemption.

if, after such sale of property belonging to persons outside the said town, any surplus money remains over the sum due to the said council for taxes and costs, the said sheriff shall deposit in the hands of the treasurer of the province such surplus, whatever it may amount to, and this money shall remain so deposited, until it shall be demanded and claimed by those to whom it may belong, to whom this money shall be paid, according to law.

Remission of taxes in certain cases.

43. The said council shall have power to remit a portion or even the whole of the amount due for assessments to indigent parties, assessed under this act, in certain cases of fire, long illness, or in any other case which the said council shall deem reasonable and sufficient.

Punishment for infraction of by-laws.

44. If any person shall transgress any order or regulation made by the said town council under the authority of this act, such person shall, for every such offence, be liable to the penalty specified in any such order, rule or regulation, with the costs to be allowed by the justice of the peace who shall try such offences, in accordance with the tariff then in force for the fees of the officers of the said justices of the peace, the amount of the fine and costs aforesaid may be levied on the goods and chattels of the offenders; and no person shall be deemed an incompetent witness upon any information under this act, by reason of his being a resident of the said town of Fraserville; provided always, that the information or complaint for any breach of any order or regulation of the said town council, shall be made within one month next after the committing of the offence; and provided that no fine or penalty shall be inflicted for any such offence, which shall be less than one dollar, nor more than twenty dollars over and above costs; and the said council may also by its by-law authorize the forfeiture of the goods, articles or provisions, of all persons who, by exposing them for sale on the markets, or in the streets of the said town, infringe at the same time the by-laws of the said council as regards the weight and quality of such goods, articles or provisions.

Proviso :

Debts due council to be privileged claims.

45. All the debts hereafter due to the said town council for all taxes or assessments, imposed upon movable or immovable property in the said town, under this act, shall be privileged debts, and shall be paid in preference to all other debts, and the said town council shall, in all cases of distribution of moneys, be collocated in preference to all other creditors; provided always, that this privilege shall only apply to assessments 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.

Proviso :

Proviso :

46. Before any by-law of the said town council shall have force or be binding, such by-law shall be published in the English and French languages, by reading the same at the Roman Catholic church door of the said town, on the two Sundays following the passing of such by-law, and by posting copies thereof in two of the most public places of the said town, chosen by the council.

By-laws to be published in both languages.

47. It shall be lawful for the said town council, from time to time, to borrow divers sums of money for effecting improvements in the said town; or for the purpose of building one or more market houses, or for draining the streets, or for supplying the said town with water, and generally for such purposes as the said council shall deem useful or necessary.

Power to borrow money.

48. It shall be lawful for the said town council to contract the said loans, by issuing bonds or debentures signed by the mayor, and countersigned by the secretary-treasurer of the said town, and sealed with the seal of the said 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 May and November 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 bond or debenture; and all such bonds or debentures, together with the principal and interest thereon, shall be secured upon the general funds of the said town.

Power to issue debentures.

49. Whenever the said council shall contract loans upon the credit of the said town, they shall be bound and they are hereby required to provide immediately for the payment of the annual interest upon such loans, which annual interest shall not in any case exceed the legal rate of interest in this province; and the said council shall set aside a portion of their revenues for the payment of such interest; and the said council shall also, whenever they shall contract a loan, provide out of their revenue for the establishment of a sinking fund, which sinking fund shall con-

Duty to provide for payment of interests and creation of a sinking fund.

sist of a deposit made in the hands of the treasurer of the province, annually, at the periods when the interests on the said loan shall be paid, of a sum equivalent to a proportion of at least two per cent on the capital to be paid off; and the sum arising annually from the sinking fund shall remain deposited in the hands of the said treasurer of the province, with the interest which may accrue thereon, until it shall be equal to the total amount of the capital to be paid off; provided always, that when the interest and sinking fund united shall absorb one-half of the annual revenues of the said council, then, and in such case, it shall not be lawful for the said council to contract new loans, without having obtained the approbation of the electors in the manner hereinafter mentioned, it being hereby intended that the said council shall not be entitled to devote to the interest and sinking fund of their loans, any sum exceeding half of their revenues; and provided also, that it shall be lawful for the said town council, if the lender consent or require it, to deposit in the hands of such lenders instead of in the hands of the said treasurer of the province, the annual sums which shall have been agreed upon to form the sinking fund, in which case the receipts given to the said council shall be so drawn up as to define what amount shall have been given for interest, and what other amount shall have been paid into the sinking fund.

Proviso :

Proviso .

Certain properties exempt from taxation.

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

1. All lands and property belonging to Her Majesty, her heirs and successors, held by any public body, office or person in trust for the service of Her Majesty, her heirs and successors ;
2. All provincial property and buildings ;
3. Every place of public worship, presbytery and appurtenances, and every burying-ground ;
4. Every public school house, and the ground on which the same is constructed ;
5. Every educational establishment or building, as well as the lot of land on which it is built ;
6. All buildings, ground and property occupied or possessed by hospitals or other charitable institutions ;
7. Every court house and 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 in the said town ; but such lands belonging to the government or to the ordinance department, occupied by tenants, shall be valued and assessed in like manner as other real property in the said town, and such rates or assessments shall be paid by the said tenants or occupiers thereof.

51. When the said town council wishes to contract a loan for a sum, the annual interest thereon and sinking fund as aforesaid shall absorb more than one-half of their annual revenues, it must first obtain the approbation of the majority in number and in value of assessed real property of the electors of the said town, such approbation to be expressed in a general meeting presided over by the mayor, or in his absence, by the pro-mayor, the secretary-treasurer acting as secretary, and duly called by notices published and posted up during fifteen days before such meeting; 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 pro-mayor, on being so demanded, and shall be held immediately, the secretary-treasurer of the town acting as poll-clerk, under the direction of the mayor; 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 proposed loan; but no person's vote shall be received unless it appear by the assessment roll, that he is duly qualified to vote as a municipal elector, and unless he has paid all his municipal taxes, at least one month before the time of such voting; provided always, that such poll shall be held from the granting thereof until five o'clock in the afternoon, of the same day, and shall continue on the first following juridical day from ten o'clock in the morning until five o'clock in the afternoon, and at the close of the poll the mayor shall count the "yeas" and the "nays," and within four days thereafter, he shall lay before the town council, a statement shewing the value of the real property of each of the voters according to the assessment roll then in force, and shall certify, for the information of the town council, whether the majority in number and in value of assessed real property of the electors of the town approve or disapprove of the said loan, and 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 loan is approved as aforesaid, then the said town council may contract it.

Restriction of
power to bor-
row.

52. Every contract or document, in which the said town council shall be a contracting party, shall be executed and signed by the mayor, or, in his absence, by the pro-mayor, countersigned by the secretary-treasurer, and sealed with the seal of the said council; and whenever it shall be necessary to serve any protest, suit, action, rule of court or summons, or other thing whatever in any action or prosecution, upon the said mayor and council, such service shall

How docu-
ments shall be
signed: ser-
vices made
and notices
given.

be made upon the secretary-treasurer, at his office ; and every notice for the putting in execution of any new by-law shall be made by a notice posted up in the council hall, and published in a newspaper published in the town, if there be one, during fifteen days preceding the day on which such new by-law shall be put in force.

Adjoining proprietors may be admitted within the limits of the town.

53. It shall and may be lawful for any proprietor of land, immediately adjacent or contiguous to the limits of the said town of Fraserville, notice to be given by such proprietor to the municipal authorities of the said town, and with the consent of the said authorities, signified by a by-law to be made by them to that effect, in the usual manner, to demand and obtain that the said land shall be included within the limits of the said town, and so on successively, for other proprietors having property so adjacent to properties thus successively included in the limits as aforesaid, and upon such inclusion being declared by by-law as aforesaid, the said proprietors, whose properties shall be included, shall have and possess all the municipal privileges, and be subject to all the obligations, duties and charges imposed upon persons and properties originally included within the limits of the said town.

Power to make by-laws.

54. The said town council shall also have full power and authority to make by-laws :

Concerning carters.

1. For authorizing the granting of licenses to carters, and to the owners and drivers of public vehicles, kept for hire in and for the said town, and also for the better guidance of the owners and drivers of such vehicles, and for the establishment of rules and regulations respecting public carts, cabs, *calèches*, carriages or other vehicles, kept for hire in and for the said town, as well as for establishing a tariff of prices for the same ; and for imposing a fine and penalty on any person who shall hire, engage or employ carters in the said town, and who shall neglect or refuse to pay them for their services at the rates fixed by the said tariff ;

Light, &c., bread.

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

*Water-courses.

3. For regulating and settling the direction of water-courses, running from neighbouring municipalities through the

said town, and for compelling interested parties, without the limits of the municipality, to work at the clearing of said water-courses, and to contribute to the cost of the necessary bridges to cover the same.

In relation to the powers conferred upon the said corporation, as to water-courses coming from another municipality, the provisions contained in the Lower Canada consolidated municipal act and the acts amending the same, respecting the works to be performed by two distinct municipalities, shall be incorporated with this act as forming part thereof ;

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

55. If any suit or action be brought against any person in consequence of any matter or thing done in consequence or in the execution of this act, such suit or action shall be brought within four calendar months after the occurrence, and no later. Limitation of actions.

56. It shall be lawful for the said town council to order the inspector of the said town to notify any parties who shall have made or shall hereafter make encroachments upon the streets or public squares of the said town, 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 the purpose, which delay shall be specified by the said town inspector in giving his notices ; 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 the said inspector his reasonable expenses, and recover the same before any court of competent jurisdiction, from any person making such encroachment or obstruction, provided the corporation shall have previously paid any damages which such owners may have suffered, according to the report of experts. Removal of obstructions in streets.

57. 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 or payable for the premises therein mentioned or referred to, and every tenant, who shall present to the assessors of the said town such a receipt or certificate, falsely representing the value of rent paid by such tenant, in order to procure a diminution or abatement of his assessments, or who shall directly or indirectly deceive the said assessors, as to the amount of such rent, shall be liable, on conviction thereof, before the mayor, or a justice of the peace, or district ma- Punishment for under-stating amount of rent.

gistrate, to a penalty of twenty dollars currency or less, or to imprisonment during one calendar month or less, according to the judgment of such mayor, justice of the peace, or magistrate.

Power to acquire properties interfering with line of street.

58. It shall be lawful for the said council, whenever any house shall encroach upon any of the streets or public squares of the said town, 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 of such land, to dispossess himself thereof, in consideration of an 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, or by a judge of the superior court, if such party refuses to appoint his arbitrator; and the said arbitrators, in case of difference of opinion, shall appoint a third; 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 have the right to decide which of the parties shall pay the costs of arbitration.

Power to acquire property for public purposes.

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

Expropriation; proceedings.

60. When the proprietor of a lot which the said council shall be desirous of purchasing, for any object of public municipal utility, 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 miners, issue unborn, lunatics, idiots or *femes covert*, the said council may apply to the superior court of the district of Kamouraska, 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, it shall be lawful for the said council to 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 acting in the district of Kamouraska, for the use of the persons entitled thereto ; and if no person entitled to such indemnity shall appear within six months, after such amount shall have 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 deposited by him with the moneys of the said town, and such sum shall bear interest at the rate of six per cent, 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 months after a formal notification to the mayor and to the secretary-treasurer of the said town to pay the same.

61. 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 any portion of the period for which he shall have been so elected or appointed, shall incur the penalty mentioned in such list opposite the name or designation of such office, that is to say :

Penalty for refusal to accept office.

The office of mayor, thirty dollars ;

Mayor.

The office of councillor, twenty dollars ;

Councillor.

2. 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 to the secretary-treasurer of the council, within two months from the date of their appointment, every such valuator shall incur a penalty of two dollars currency for each day, which shall intervene between the expiration 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 shall be appointed ;

For neglecting to make assessment roll.

3. Every member of the council, every officer appointed by such council, every justice of the peace, or every other person who shall refuse or neglect to do any act, or perform any duty required of, or imposed upon him by this act, shall incur a penalty not exceeding twenty dollars, and not less than four dollars ;

For non-performance of any duty imposed by this act.

4. Every person who shall vote at any election of mayor or councillors without having, at the time of giving his vote at such election, the qualification by law required to entitle him to vote at such election, shall thereby incur a penalty not exceeding twenty dollars ;

For illegal voting.

5. Every inspector of roads or road officer, 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,

For non-performance of duties by road officers.

incur a penalty of one dollar, unless some other and heavier penalty be by law imposed on him for such offence ;

For in posing officers in execution of duty.

6. Every person who shall molest, hinder or prevent, or attempt to molest, 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 not exceeding twenty dollars for every such offence, over and above any damage which he may be liable to pay ;

For injuring or defacing notices.

7. 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 not exceeding twenty dollars for every such offence.

Recovery of penalties.

62. 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 Kamouraska, or for the county of Temiscouata, or before any justice of the peace residing in the said town, or before the district magistrate of the district of Kamouraska ; 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 ; and such penalties or fines imposed by any by-law of the council shall form part of the funds of the said town.

Municipal code and amendments to apply.

63. All the powers conferred by the municipal code of the province of Quebec and the amendments thereto, on any municipal council, the councillors and officers of such council, not incompatible with the present act of incorporation, shall apply to the corporation of the town of Fraser-ville, to the municipal council, to the councillors and officers of the said corporation.

When this act shall come into force.

64. The present act shall come into force from the day of its sanction.

CAP. XLVIII.

An Act to incorporate the Town "Salaberry of Valleyfield."

[Assented to 28th January, 1874.]

Preamble.

WHEREAS the provisions of the municipal code do not meet with the present requirements of the village of Sainte Cécile, and that it has become necessary that