

CAP. LIII.

An Act to incorporate the Corporation of the Town of Lachine.

[Assented to 24th December, 1872.]

Preamble.

WHEREAS the provisions of the municipal code do not meet with the present requirements of the village of Lachine; and, whereas, it has become necessary that more ample provisions be made for the internal government of the said village; and, whereas, the inhabitants of said village are desirous that the same be incorporated as a town; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Town of Lachine incorporated.

1. The inhabitants of the town of Lachine as herein-after described, and their successors, shall be, and are hereby declared to be a body corporate and politic in fact, and in law, by the name of "The Corporation of the town of Lachine," 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, acquiring, holding and departing with any property, real or movable, for the use of the said town; of becoming parties to any contracts or agreements in the management of the affairs of the said town; and of borrowing any sum of money, whereof they may stand in need, and, with such object, of hypothecating the real estate thereof.

Boundaries of town.

2. The said town of Lachine shall comprise the following territory, to wit: on the western side all that tract of land lying from the division line between the property belonging to Alfred Brown, Esquire, and that of André Latour, on the Lake St. Louis, in the parish of Lachine, and going up thence through the division line between the lands of said André Latour and of Doctor Charles Brewster, to the Grand Trunk railway, thence following the said railway in the eastern direction, to the division line between the land of James Park and that of Edward Wilgress, then coming down along the said line to the north-east boundary of the village of Lachine, and moreover, all the territory of the said village of Lachine, as it now exists.

The corporation established by this act shall be liable for the payment of all debts due by the corporation of the village of Lachine, of which they are the successors.

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 Lachine, and six fit persons who shall be and be called the councillors of the town of Lachine, 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 Lachine.

Election of
mayor and
councillors.

4. No person shall be capable of being elected mayor of the town of Lachine, unless he shall have been a resident house-holder within the said town for one year before such election, nor unless he be possessed to his own use, of real estate, within the said town, of the value of one thousand dollars, after payment or deduction of his just debts ;

Qualifications
of mayor and
councillors.

2. No person shall be capable of being elected a councillor of the said town, unless he shall have been a resident of the said town for one year before such election, nor unless he be possessed to his own use, of real estate, within the said town, of the value of four hundred dollars, after deduction of his just debts ;

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

4. 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 any person accountable for the revenues of the said town, nor receiving any pecuniary allowance from the town for his services, nor any officer or person presiding at the election of the mayor or the councillors, while so employed, nor any person who shall have been convicted of treason or felony in any court of law within any of Her Majesty's dominions, nor any person having directly or indirectly 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 ;

Disqualifica-
tions.

5. 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.

Exemptions.

surgeons and 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 have been so within the two years next preceding, 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 same office, during the two years next after such service or payment.

Qualifications
of votes.

5. The persons entitled to vote at the municipal elections of the said town shall be the inhabitant freeholders and householders of the age of twenty-one years, and residing therein, and possessed at the time 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 in the said town, and paid rent during the year immediately preceding 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, 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 at least three days before such election, have paid his municipal and school taxes then 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.

Present council and by-laws to continue provisionally.

6. The mayor and councillors of the said town, 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 by-laws, ordinances, agreements, dispositions and engagements whatever, passed and entered into by the municipal council of the village of Lachine, shall continue to have full and entire force to all intents and purposes as though this act had never been passed, and until such time as the said by-laws, agreements, or engagements shall be formally rescinded, abolished or fulfilled, and the said corporation, as constituted under this act, shall succeed and be constituted for all purposes whatsoever in the engagements, rights and claims of the municipal council of the village of Lachine, as now existing under the municipal code.

Time of elections and notice thereof.

7. The municipal elections for the said town, under this act, shall be held in the month of January in each year, and public notice thereof shall be given at least eight days previous to such election in the French and English languages, by notices posted up at the doors of the churches, and in the markets of the said town, and read at the door of

the Catholic church in the said town, after divine service in the morning of the Sunday preceding the election, and the said notice shall be signed, for the first election under this act, by the now mayor of the village of Lachine, 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 secretary-treasurer of the town, and shall also specify the day, place and hour upon which the said elections are to take place.

8. Before the publication of the notice announcing such election, the present council of the village of Lachine, for the first election to take place in the month of January next, 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 five 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 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 Lachine; 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 the candidates whom he shall think fit to choose, and he shall have the right to give such casting vote, and shall be bound to give it so soon as the votes are counted.

Presiding at
elections and
proceedings
thereat.

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 five in the afternoon of the said second day,

Adjournment
of proceedings.

(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.

Closing of election.

3. If at any time after the votes have commenced to be polled, either on the first or on the second day of the said election, one hour elapses without any vote being polled, it shall be the duty of the person presiding, after the expiration of the said hour, to close the said election and declare duly elected as councillors and mayor, such candidates as 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.

Duration of offices of mayor and councillors.

4. The mayor shall be elected for one year only, 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 shall have been elected at the first election, of whom three shall retire from office at the expiration of the first year, and it shall be declared by lot in the manner established by the council, which of the councillors shall thus retire from office at the end of the first year.

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

Deputy or poll clerk to be sworn.

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

Oath.

"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 councillor and mayor, or councillors or mayor, for the said town of Lachine. So help me God."

Powers of presiding officer to keep the peace.

7. The person who shall preside at an election, shall, during such election, be a guardian 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 it by five electors.

9. The person presiding at any such election shall, ^{Presiding officer to notify persons elected.} 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; 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.

2. The person so presiding at any such election shall ^{And deliver up poll-books.} deliver up immediately, to the secretary-treasurer of the town council, if there be such officer, and if not, then as soon as such said officer shall be appointed, the poll-books kept at such election, together with all other papers and documents relating to the said election, certified by himself, to form part of the records of the said council, and copies of the same, certified by the secretary-treasurer, shall be valid in any court of justice.

3. The first session of the council, after the first election, ^{First session of council.} 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:

“ I, A. B., do solemnly swear faithfully to fulfil the duties of member of the town council of Lachine, 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 held 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.

4. The mayor and councillors elected at the elections, ^{Meetings of council after subsequent 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 held 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.

5. Four members of the council shall constitute a ^{Quorum.} quorum;

6. The expenses of every election shall be defrayed by ^{Election expenses.} the corporation.

10. In any case in which one of the persons elected shall ^{New elections to replace mayor or councillors.} 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 be the mayor who shall refuse to accept, or whose election shall have been declared null, the electors of the town shall proceed to a new election for such mayor, within the same delay, and the said election shall be held 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 two 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 two 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; 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.

Presiding
officer to be
sworn.

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.

"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 Lachine. So help me God."

Presiding
officer may
examine can-
didate under
oath as to
qualification.

12. The officer presiding at any election under this act, shall have authority, and he is hereby required, at the request of any persons 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:

“You shall true answer make to all questions put to you Oath.
 “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.”

And the presiding officer shall himself put such questions as he may deem necessary.

13. The said town council shall meet at least once in Regular meetings of council.
 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 for that purpose, either temporarily or permanently; provided always, that one or several members, not sufficient to form a quorum, may adjourn any meeting of the council which may not have taken place for want of a quorum.

14. It shall be lawful for the mayor of the said town, Special meetings.
 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 such special meetings they shall apply to the mayor to call such meetings, and in the absence of the mayor, or on his refusal to act, they may call such meeting themselves, on stating in writing, to the secretary-treasurer of the said council, their object in calling such special meeting, and the day on which they are desirous that it shall be held; and the said secretary-treasurer shall, upon receipt of such written notification, communicate the same to the other members of the council.

15. If the election of all, or of one or more of the councilors be contested, such contestation shall be decided by Trial of contested elections.
 the superior court for Lower-Canada, sitting in and for the district of Montreal;

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

3. The said contestation shall be brought before the court, by a petition signed by the petitioner or petitioners or by their attorney, setting forth in a clear manner the grounds of contestation;

4. A true copy of the petition, with a notice stating the day on which the said petition will be presented to the court, shall be first duly served upon the mayor, councillor or councilors whose election is contested, at least eight days before the day on which the said petition shall be presented to the court, and a return of the service shall be drawn up and signed in due form, upon the original of the Election petition.

said petition, by the bailiff who shall have made such service; but no such petition, shall be received after the term next following the election thereby contested, unless such election has taken place within the fifteen days next preceding the first day of such term, in which case any such petition may be presented on the first day of the second term, but not later; nor shall any such petition be received, unless security for costs be previously given by the petitioner or petitioners in the presence of a judge of the superior court, of the prothonotary of the superior court, or of the clerk of the circuit court for the district of Montreal, or of his deputy;

Evidence.

5. If the court be of opinion that the grounds set forth in the petition are sufficient in law to void the said election, it shall order proof to be adduced, if proof be necessary, and the parties interested to be heard, on the nearest day which it shall deem expedient, and shall proceed in a summary manner to hear and decide the said contestation; and the evidence may be taken down in writing or given orally in whole or in part, as the court shall order; and if the trial of such contestation be not concluded at the close of the term of the court during which it began, the judge shall continue the same in vacation, and shall adjourn from day to day, until he shall have pronounced his final judgment upon the merits of the same; and every such judgment so pronounced, and all proceedings had in any such case in vacation, shall have the same effect as if the same had been pronounced or had in term;

Judgment.

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

Objections to form.

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

Proceedings in case of failure of election.

16. In case it shall at any time happen that an annual municipal election shall not be held, for any reason whatever, on the day when, in pursuance of this act, it ought to have been held, the said town council shall not, for that cause, be deemed to be dissolved, and it shall be lawful for such members of the said council as shall not have re-

tired from office, to meet again, for the purpose of fixing as early as possible, a day for the holding of such annual municipal election; and in such case, the notices and publications required by this act, shall be published and posted up not less than one clear day before the election; and if, within fifteen days after the day on which such election ought to have been held, the members of the said council shall have neglected to appoint a day for such election, they shall be liable to a fine of twenty dollars each.

17. The said council shall have power to punish by imprisonment, not exceeding fifteen days, or by a fine which shall not exceed, but may be less than forty dollars currency, any councillor who may be guilty of serious disturbance or violence during its sittings, either by action, by word, or in any other manner whatsoever.

Punishment
of disorderly
councillors.

18. All meetings of the said council shall be public, excepting only when the said council shall enquire into the conduct of any members of their own body, for any causes whatsoever, in which case it shall be lawful for the said council to sit with closed doors, and the said council shall determine the mode of their proceedings, and shall have power to cause order to be observed by persons present during their sittings, and to punish by fine and imprisonment, or by one of the two, any act of contempt committed by any such persons present; provided always, that no such fine shall exceed the sum of twenty dollars currency, and that no such imprisonment exceed the period of fifteen days.

Meetings to be
public.

Power to main-
tain order.

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

Sheriff and
gaoler to re-
ceive and
keep persons
committed by
council.

20. The mayor of the said town, if he is present, shall 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 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

Who shall
preside.

Casting vote.

Proviso.

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.

Secretary-treasurer.

21. The council, at its first general session, or at a special 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 Lachine;"

His duties.

2. The secretary-treasurer shall be the custodian of all the 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 proceedings of the council, and he shall allow persons interested therein to inspect the same at all reasonable hours; and every copy or extract of or from any such book, register, valuation roll, collection roll, report, *procès-verbal*, plan, map, record, document or paper, certified by such secretary-treasurer, shall be deemed authentic;

He shall give security.

3. Every person appointed secretary-treasurer shall, before acting as such, give such security as shall be defined and determined by the council;

He shall receive and pay moneys.

4. The secretary-treasurer of the council shall receive all moneys due and payable to the corporation, and he shall upon being authorized thereto by the council, 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 secretary-treasurer, unless the same shall shew sufficiently the use to be made of the sum mentioned in such draft or order, or the nature of the debt to be paid thereby;

He shall keep books.

5. 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 semi-annual accounts.

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

His books shall be open to inspection.

7. The secretary-treasurer's books of account and vouchers shall, at all reasonable hours of the day, be opened for

inspection, as well to the council as to each of the members thereof, and the municipal officers thereof, by them appointed, as to any person liable to assessment in the town ;

8. The secretary-treasurer, or any other person who shall have filled the said office, may be sued in an action of 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 he shall acknowledge or declare to have 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 centum on the amount thereof, by way of damages, together with the costs of suit ;

He may be sued to account.

9. 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 ;

Judgment to account shall carry *contrainte*.

10. 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 ;

Power to name officers.

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

Retiring officers to deliver up books &c.

12. 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 ;

Obligation of heirs, &c., in that respect.

13. And in every such case, the successor in office of every such officer shall, besides all other legal remedies, have a right of action before any court of justice, either by *saisie-revendication*, or otherwise, to recover from such 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 such cases in the province of Quebec, each time the said *contrainte* is demanded by the declaration.

Rights of successor in office to obtain books, &c.

Power to appoint assessors and valuers.

22. The said town council shall have power, whenever they may deem advisable, to appoint three valuers of property, and it shall be the duty of the said valuers to estimate the taxable and untaxable property in the said town, distinguishing each category, according to its real value, and in the manner and within the periods which shall be fixed by the said town council.

Assessors to be sworn.

23. Every person so appointed a 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, before a councillor, to wit :

Oath.

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

24. 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.

Deposit, examination, contestation, correction and closing of assessment roll.

25. When the valuers shall have made a valuation of all the property taxable and untaxable 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 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 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 assessment roll shall not be declared closed until all the appeals shall have been heard and determined ; provided always, that if, after the said assessment 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 valutors 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 valutors to value any property so omitted, in order to its being added to the roll ; and provided also that the said valutors shall, when directed by the said council, make a yearly valuation of the stocks in trade held in the said town.

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

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

27. It shall be the duty of the auditors to examine, ap- Duty of
 prove, or disapprove of and report upon all accounts which auditors.
 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 unsettled, and to report thereon to the said town council at least eight days before the annual municipal elections.

28. The auditors who shall be appointed for the said Qualification
 town shall be proprietors of real estate therein of the value of auditors.
 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.

Mayor to be
ex officio jus-
tice of the
peace.

Proviso.

29. The mayor of the said town shall, during the period of his office, be a justice of the peace for the said town; provided always, that he shall not be bound to take any other oath than the official one to act as such, any law to the contrary notwithstanding.

Replacing of
councillors
becoming dis-
qualified.

30. 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 two consecutive months, or who shall not be present at the meetings of the said council for a like period of two 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.

Power to make
by-laws.

31. 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 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 or occupied lots, for the prevention or suppression of all nuisances whatsoever, for the maintenance and preservation of the public health, and generally for all purposes connected with, or affecting the internal management or government of the said town.

Power to
name, &c.
constables,
&c.

32. It shall be lawful for the said town council to appoint, remove and replace, 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.

Power to levy
taxes on per-
sons and pro-
perty as fol-
lows:

33. In order to raise the necessary funds to meet the expenses of the said town council, and to provide for the several necessary public improvements in 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 there be buildings erected thereon or not, with all buildings and erections thereon, a sum not exceeding one cent and a half in the dollar on their whole value, as entered on the assessment roll of the said town ;

2. On all stocks in trade or goods kept by merchants or traders, and exposed for sale on shelves in shops, or kept in storehouses, a tax of one-half per cent on the estimated average value of such stock in trade ;

3. On each tenant paying rent in the said town, an annual sum equivalent to three cents in the dollar on the amount of his rent ;

4. On each male inhabitant of the age of twenty-one 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 ;

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

6. And it shall be lawful for the said town council to fix, by a by-law or by-laws, and to impose and levy certain annual duties or taxes on the proprietors or occupants of houses of public entertainment, 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, hawkers, hucksters, carters and livery-stable keepers, hirers of horses for the towage of boats, barges, cribs, rafts, or for drawing or conveying them from one place to another, 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 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 introduced into or exercised in the said town, whether the same be or be not mentioned herein ; and every person in the said town, practising the profession of an advocate, physician, land-surveyor, or of a notary or any other liberal profession, within the limits of the said corporation shall be assessed at the sum of three 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.

- By-laws for: **34.** The said council shall also have power to make by-laws:
- Opening streets. 1. For the opening new streets in the said town, to such extent as may, from time to time, be required;
- Market places. 2. For establishing one or more new market places; and for extending the market places now existing or which may be hereafter established;
- Market regulations. 3. For determining and regulating the duties of the clerks of the markets in the said town, and 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 all produce whatsoever sold or offered for sale on the said markets;
- Amending, &c., by-laws. 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;
- Vehicles in markets. 5. For regulating and placing all vehicles in which any articles shall be exposed for sale on the said markets;
- Trees. 6. For compelling proprietors to cause trees to be planted in front of their properties;
- Sales elsewhere than on markets. 7. 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, or for making all other by-laws which they shall judge requisite, to regulate the sale of the said articles.
- Weighing and measuring, &c. 8. For the establishment of public weigh-houses.
- Obstructions. 9. For preventing obstructions of any nature whatsoever in the streets;
- Sales in streets. 10. For preventing the sale on the public highway of any wares or merchandize whatsoever;
- Restraining sale of liquor. 11. For restraining, regulating or prohibiting the sale of any spirituous, alcoholic or intoxicating liquor;
- Sum payable for licenses. 12. For fixing the sum payable for every such license, provided that in any case, it shall not be less than the sum which is now payable therefor by virtue of the laws at present in force;
- Regulating taverns, &c. 13. For regulating and governing shop-keepers, tavern-keepers, and other persons selling such liquors by retail, and in whatever places such liquors may be sold, in such manner as they may deem expedient to prevent drunkenness;
- Preventing sale of liquor to children, &c. 14. For preventing the sale of any intoxicating beverage to any child, apprentice or servant;

15. 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, or the barbarous or inhuman treatment of horses or other beasts, such as beating them excessively in order to oblige them to draw burthens of too great a weight; Fast driving.

16. 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.

17. 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 and journeymen; Masters and servants.

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

19. 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; Public pounds.

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

21. For fixing and regulating the places in which interments may take place within the said town; for compelling the taking up of any body interred within the said limits contrary to this provision; provided always, that this sub-section shall not extend to prevent interments in the churches in the said town; Interments and disinterments. Proviso.

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; Fencing in lands.

23. To compel the proprietors or occupants of lots of land in the said town, having stagnant or filthy water upon them, to drain or raise such lands, so that the neighbours may not be incommoded, nor 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 occupiers 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;

Removal of
obstructions.

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 ;

Removing 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
levelling
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 ;

Assessing
localities for
drainage.

27. For assessing the proprietors of real property situate 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 ; provided always, that the said council shall not be authorized so to assess the proprietors in any street, for making such common sewers, unless the majority of the proprietors in such street shall have prayed for such undertaking or called for such assessment ;

Proviso.

Assessing
localities for
local purposes.

28. For assessing, at the request of the majority of the 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 ;

Assessing to
meet compen-
sation for
damages
caused by
rioters.

29. To assess, over and above all other rates especially 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 established by arbitrators, if one of the parties shall so desire, then the said council shall be liable to be sued for such damage in one of the courts of justice of this province;

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

31. For establishing a board of health, and investing Board of health. 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.

35. For the better protection of the lives and property By-laws for protection against fire. 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 :

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

2. For defraying out of the funds of the said town any Fire engines. expenses that the council shall deem necessary to incur for the purchase of fire-engines or apparatus of any kind to be used at fires, or for taking such means as shall appear to them most effective for preventing accidents by fire, or arresting the progress of fires ;

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

4. For establishing or authorizing and requiring to be Investigations as to cause of fires. established after each fire in the said town, an enquiry into the cause and origin of such fire, for which purpose the said council or any committee thereof, authorized 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 ; and the said council or committee may also deliver over to be imprisoned in the common gaol of the district any person against whom well grounded cause of suspicion may be found of his having maliciously originated the said fire ;

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 numbers of chimney-sweeps as the said council shall think proper to employ, and for obliging all proprietors, tenants or occupants of houses in the said town to allow their chimneys to be swept by such licensed chimney-sweeps; and for imposing a penalty of not less than one dollar nor more than five dollars on all persons who shall refuse to allow their chimneys to be swept as aforesaid, and all persons whose chimneys may have caught fire after any refusal to allow them to be swept, such penalty to be recovered before any justice of the peace; and whenever any chimney which shall have caught fire as aforesaid, shall be common to several houses, or be used by several families in the same house, the said justice of the peace shall have power to impose the above penalty in full on each house or family, or to divide the same among them in proportion to the degree of negligence shewn on proof before him;

Ashes and
quick-lime.

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 lighted candles not enclosed in lanterns; and generally for making such regulations as they may deem necessary for preventing or diminishing accidents by fire;

Persons present
at fires.

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;

Assisting per-
sons injured at
fires—or their
families.

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;

Demolishing
buildings to
arrest fires.

9. For vesting in such members of the council, or in the fire inspectors, or either of them, to be designated in such by-laws, the power of ordering to be demolished during any fire, any houses, buildings, out-houses or fences, which might serve as fuel to the fire and endanger the other pro-

perty of the inhabitants of the said town, saving the obligation of paying to the proprietors of the buildings so demolished, the damage to which they may be entitled.

10. For appointing all such officers as the said council Fire officials. 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;

11. For authorizing such officers as the council shall Fire inspectors think fit to appoint for that purpose, to visit and examine at suitable times and hours, that is to say, between nine o'clock in the morning and four o'clock in the afternoon, either the inside or 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 all officers of the corporation for the purposes aforesaid.

36. The secretary-treasurer, when he shall have completed his collection roll, shall proceed to collect the rates Collection of 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, at the doors of not less than two churches, one Catholic and the other Protestant, within the limits of the said town, which notice shall be read in a loud and audible voice at the door of the said Catholic church, and shall be posted on the doors of each of the said churches, that the collection roll is completed and deposited in his office, and that all persons therein mentioned, liable to the payment of assessments, are required by him to pay the amount thereof at his office, within the twenty days which follow the publication of the said notice; Notice.

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; 20 days after notice demand to be served.

3. If any person neglect to pay the amount of assessments imposed upon him for a period of fifteen days, after 15 days after demand amount may

be levied under
warrant. he shall have been requested to do so 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 person bound to pay the same, or of all the goods and chattels in his possession, wherever they shall be found within the limits of the said town, addressed to one of the sworn bailiffs for the district of Montreal, 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 recover-
able either
from proprietor
or from tenant. **37.** Every tax or assessment imposed under this act, upon any property or house in the said town, shall be recovered either from the proprietor, tenant or occupier of such property or building.

Collection of
rates from
absent proprie-
tors. **38.** 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 district of Montreal, or the superior court for Lower Canada, as the case may be, to sell and dispose of such property by public sale, according to law, or so much thereof as shall be judged sufficient for the payment of the sum due, with costs, and interest falling due of each assessment, and the sheriff of the district of Montreal is authorized, and he is hereby required to advertise such sale in the Quebec Official Gazette, and in a French newspaper, and in an English newspaper published in the city of Montreal; provided always, that all owners of property sold under the authority of this section, shall be allowed to resume possession of the same, within the space of two years next after the date of such sale, on paying to the purchaser the full amount of the purchase money, with legal interest thereon, and any necessary outlay which may have been made on the said property by order of the said council under this act, on condition, however, that the said purchaser shall have kept the said property, in the same state and condition in which it was at the time of the purchase, and shall not have damaged it or allowed it to deteriorate; together with the costs attendant upon such sale, with an additional five per centum over and above the interest on the purchase

Proviso.

money and outlay as aforesaid ; and provided also, that if ^{Proviso.} after such sale of property belonging to persons residing out of the town, any surplus shall remain over and above the sum due to the said council, for assessment and costs, the said sheriff shall pay over into the hands of the provincial treasurer such surplus to whatever sum the same may amount, and the said surplus shall remain so deposited until called for and claimed by the party to whom it shall belong, to whom the same shall be paid, according to law.

39. 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, forfeit the sum specified in any such order, rule or regulation, with the costs to be allowed by the justices 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, and to be levied on the goods and chattels of the offender, and the offender shall be liable to be committed to the common gaol of the district, for a term not exceeding one month, but which may be less in the discretion of the court ; and no person shall be deemed an incompetent witness upon any information under this act, by reason of his being a resident of the said town of Lachine ; provided always, ^{Proviso.} that the information and 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 not be less than one dollar nor more than twenty dollars, over and above costs, and that no imprisonment for any such offence shall, in any case, be more than one calendar month ; and the said council shall also have power to punish by forfeiture of their goods, articles and provisions, all persons exposing them for sale on the markets, in the streets of the said town, and infringing at the same time the by-laws of the said council as regards the weight and quality of such goods, articles and provisions.

40. 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, shall, under this act, be privileged debts, according to law ; 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. ^{Claims of council for taxes to be privileged. Proviso.}

41. All the fines and penalties recovered under the provisions of this act, shall be paid into the hands of the treasurer. ^{Appropriation of penalties, &c.}

surer of the said town council, and the proceeds of all licenses granted under this act, shall form part of the public funds of the said town, any law to the contrary notwithstanding.

By-laws to be published in both languages

42. 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 door of the Roman Catholic church of the parish of Lachine, on the two Sundays following the passing of such by-law, and by posting copies thereof in two of the more public places of the said town, that is to say, by posting at the door of the said Catholic church and also on the doors of the Protestant churches of the said town.

Power to borrow money.

43. 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, 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, provided that such sums do not exceed twenty-five thousand dollars.

Interest and sinking fund to be provided for.

44. 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 put aside an annual 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 consist of a deposit made annually into the hands of the provincial treasurer, of a sum equivalent to a proportion of at least two per centum on the capital to be paid off; and the sum arising annually from the sinking fund shall remain so deposited, with the interest which may accrue thereon, until it shall be equal to the total amount of the capital to be paid off;

Provide.

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, 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

Provide.

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 treasury, 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 paid on account of interest, and what amount shall have been paid into the sinking fund.

45. It shall be lawful for any constable, while he is on his duty, to apprehend and arrest all persons whom he shall find disturbing the public peace within the limits of the said town, and also every person who shall be found lying in any public street or other public place, or shall be found loitering and idling in any such place and shall not give a satisfactory account of himself, and every such constable shall take such person before the mayor or any other magistrate, to be dealt with according to law.

Duty of constables to arrest disorderly persons.

46. Every person who shall assault, beat, or forcibly resist any constable or peace officer appointed under this act, and engaged in the execution of his duty, or who shall aid or excite any other person to assault, beat, or forcibly resist such officer or constable, every such offender shall, upon conviction thereof, before the mayor or a justice of the peace, be liable to a fine of from one to twenty dollars currency, or in default of payment to imprisonment not exceeding two calendar months, notwithstanding any provisions of this act to the contrary.

Punishment of persons resisting, &c., constable, &c.

47. The following property shall be exempt from taxation in the town of Lachine :

Certain property exempt from taxation.

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 and the ground on which the same is constructed ;

6. All buildings, grounds and property occupied or possessed by hospitals or other charitable institutions.

48. It shall be lawful for the said town council to order the inspector of the said town to notify any parties who

Removal of encroachments, obstructions, &c.

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 notice; and if such persons shall not have removed such encroachments or obstructions within the delay specified, the said corporation shall provide therefor according to the law in this respect.

Penalty of false statement of amount of rental.

49. 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 the rent paid by such tenant, in order to procure a diminution or abatement of his assessment, 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, to a penalty of twenty dollars currency or less, or in default of payment to imprisonment during one calendar month or less, according to the judgment of such mayor or justice of the peace.

Power to purchase property projecting over line of street.

50. 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; 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 respective pretensions of the parties, and after visiting the place in question, shall decide upon the amount of indemnity to be granted to such proprietor; and the said arbitrators shall be authorized to decide which of the parties shall pay the costs of arbitration.

Power to purchase property for public purposes.

51. 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 public building, or generally for any object of public utility of whatsoever nature.

52. When the proprietor of a lot which the said council shall be desirous of purchasing, for any object of public utility whatsoever, shall refuse to sell the same by private agreement, or in case such proprietor shall be absent from the province, or in case such lot of land shall belong to infants, issue unborn, lunatics, idiots or *femes covert*, the said council may apply to any judge of the superior court for Lower Canada, in and for the district of Montreal, after having given notice of such application to the party interested, an absentee in such case being notified by a notice for such object, published during one month (two insertions each week) in two newspapers, one published in the English language and the other in the French language, in the city of Montreal, for the appointment of an arbitrator by the said judge, 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, without being bound in the case of such appointment to notify the parties, and when the said arbitrators or two of them 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 in the district of Montreal, for the use of the person entitled thereto;

Mode of acquiring property for public purpose.

Provided always, that in all matters of expropriation it shall be the duty of the said arbitrators, in making their valuation, to declare if the residue of the said land, part whereof has been detached, is benefitted by the expropriation, and if such be the case, such value so given to the residue of the land shall be by them taken into consideration on making the estimate of the indemnity, and shall be deducted therefrom; and the decision of the said arbitrators or of the majority of them shall be final.

53. 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 certain offices.

The office of mayor, thirty dollars currency;

- The office of councillor, twenty dollars currency ;
- For neglecting to make valuation.** 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 containing such valuation 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 elapse, 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 neglect to perform anything required by this act.** 3. Every member of the council, every officer appointed by such council, 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 one dollar ;
- For illegal voting.** 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 currency ;
- For neglect of inspector of roads.** 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, incur a penalty of one dollar currency, unless some other and heavier penalty be by law imposed on him for such offence ;
- For hindering performance of duties imposed by this act.** 6. Every person who shall hinder or prevent, or attempt to hinder or prevent, any officer of the council in the exercise of any of the powers, or in the performance of any of the duties conferred or imposed upon him by this act, or by any by-law or order of the said council, shall incur a penalty not exceeding twenty dollars currency for every such offence ;
- For tearing or defacing notices.** 7. Every person who shall wilfully tear down, injure or deface any advertisement, notice, or other document, required by this act, 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.** 54. All the penalties imposed by this act, or by any by-law made by the council, may be recovered before the circuit court of the district of Montreal, or before any justice of the peace residing in the said town of Lachine ; all penalties and fines incurred by the same person may be included in the same action, and in any such action, the party failing may be condemned in costs of suit, in accordance with the tariff of such court.

55. All the powers conferred by the municipal code of the province of Quebec, and the amendments thereto, upon any municipal council, and upon the councillors and officers of such council, and not inconsistent with this act of incorporation, shall apply to the corporation of the town of Lachine, to the municipal council, and to the councillors and officers of the said corporation.

Certain provisions of M. Code to apply.

56. This act shall come into force from and after the day of its sanction.

Commencement of this act.

C A P . L I V .

An Act to amend the Acts in relation to the Corporation of the City of Montreal.

(Assented to 24th December, 1872.)

WHEREAS the corporation of the city of Montreal have, by their petition, represented that it has become necessary in the interest of the public to make certain alterations to its acts of incorporation; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Preamble.

REGISTRATION OF VOTERS.

1. To give effect to sub-section four, of the fourth section of the act passed in the twenty-third year of Her Majesty's reign, chapter seventy-two, which disqualifies as voters, all persons indebted to the said corporation for taxes, assessments, duties or imposts due before the first January preceding the date of any election; it is enacted that on the second day of January, every year, the city clerk shall transmit the "list of voters," to the city treasurer, whose duty it shall be to closely examine the said list and to check such of the electors on the said list, as shall have failed to pay all or any portion of the taxes, assessments, duties or imposts, by them due before the first day of January then current, by writing at the end of their names, in the column of remarks in the said list, the word "disqualified," followed by letters A., P. T., W. R., S. L., the said letters signifying, that is to say: A., *assessment*, P. T., *personal tax*, W. R. *water rate*, S. L., *statute labor*, according as the electors may, on the said first January, have been indebted for assessment, personal tax, water rate or statute labor.

On the 2nd January, the city clerk transmits the voters' list to the city treasurer for the purpose of checking those who have not paid their taxes, &c.

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