

any person entitled thereto, capital and interest accrued thereon, within three months after a written notification to that effect shall have been given to the said council.

Secs. 56 and 57, repealed.

62. Sections fifty-sixth and fifty-seventh of said act of incorporation are hereby repealed.

§ 2 of s. 58, replaced.

63. The second sub-section of section fifty-eighth of said act is repealed, and the following substituted therefor :

Replacing valuers who fail to do their duty.

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

Recovery of penalties.

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

C A P. L X.

An Act to Consolidate and Amend the Act to Incorporate the Town of Lévis, and the divers Acts amending the same.

[Assented to 24th December, 1872.]

Preamble.

WHEREAS the act of the parliament of Canada, passed in the 24th year of Her Majesty's reign, chap. 70, intituled "An Act to incorporate the Town of Lévis," and the divers acts amending the same, have proved insufficient; and whereas it is expedient to consolidate all the said acts, and also to make new provisions concerning the corporation of the town of Lévis; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

The town of Lévis incorporated.

1. The inhabitants of that part of the parish of Notre-Dame de la Victoire, hereinafter described and determined, and their successors, have been since the eighteenth day of May, one thousand eight hundred and sixty-one, shall be, and they are hereby declared to be, a body politic and corporate, in fact and in law, by the name of "The Corpora-

tion of the Town of Lévis," and by the same name they and their successors shall have perpetual succession, have had and shall have power to sue and be sued, implead and be impleaded, answer and be answered unto, 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 have been, 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 giving or accepting any notes, 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 guaranteeing the execution of any duty, right, or thing whatsoever.

2. The boundaries and limits of the said town of Lévis have been, and shall be as follows, that is to say: In front by the St. Lawrence, at the depth of forty feet at low water, in rear, by the summit of the Cape, in rear of Lambie's mills; thence following the said summit of the Cape, to the south-west line of Widow Olivier Duclos' land, together with such extent of ground as is included by the south line of the properties of James Tibbits, the Quebec Warehousing Company, H. N. Patton, E. Coxworthy, James Reekie, W. Price, W. E. Price, David Ed. Price, John Lambie, and the properties of the domain, as far as the division line between *Notre Dame de la Victoire* and *St. Romuald*, and following the south-west line of the land of Widow Olivier Duclos, and extending south to the public highway on the hill; thence crossing the said road to a distance of six arpents; thence, in a straight line to the south boundary of F. Fortier's property; thence, in a straight line to the north-easterly line of Julien Chabot's property; thence, towards the north, along the said line, to the public road; thence, along the south side of the said public road, to the north-east line of Michel Bégin's property; thence, towards the north, along the said division line, to the summit of the cape; thence, towards the north-east, along the said summit of the cape to the north-easterly line of Isidore Bégin's property; thence, towards the north, to the River St. Lawrence, to the depth of forty feet at low water; and the said town shall be sub-divided into three wards:—

The first, called St. Lawrence ward, shall be comprised within the following limits, that is to say: bounded in front by low-water mark of the River St. Lawrence, beginning at the south-west line of the property of George Couture, running south-west to the line of division of *Notre*

General corporate powers.

Boundaries of the town.

Division into three wards.

Boundaries of first ward.

Dame de la Victoire and *St. Romuald*, at the same depth of water; thence, running south, to the north-west side of the *St. Nicholas* road; thence, north-east, to the south-west line of the domain property; thence south, to the end of its depth; thence, north-east, to the north-east line of said property; thence, north-west, to the property of John Lambie, following the rear, and north-east side line of the said property, to the summit of the hill fronting the *River St. Lawrence*; thence, north-east, following the summit of the said hill, to the south-west line of the property of William, William E., and David E. Price; thence, south, to the end of its depth; thence, north-east, to the north-east line of the said property; thence, north-west, to the property of James Reekie, following the rear and north-east line of said property, to the summit of the hill; thence, north-east, following the said summit of the hill to the south-west line of the property of E. A. Coxworthy; thence, south, to the end of its depth, thence, north-east, to the north-east line of the said property; thence, north-west, to the summit of the said hill, following the said summit to the south-west line of the property of William Chapman; thence, south, following the south-west summit of the hill or road, to the south-west line of the property of E. A. Coxworthy; thence, south, to the end of its depth; thence, north-east, to the south-west line of A. C. Lemieux; thence, north-west, to the summit of the hill, fronting the *River St. Lawrence*; thence, north-east, following the said summit, to the south-west line of the property of James Tibbits; thence, south, to the end of its depth; thence, north-east, to the north-east line of the said property; thence, north-west, to the summit of the said hill; thence, north-east, following the said summit, to the south-west line of the property of George Couture; thence, north-west, to the point of departure; together with all that part of the *River St. Lawrence*, in front of the said tract of ground, covered by forty feet of water, at lowest tides, comprised in the said parish; and the said ward shall be represented in the council hereinafter established, by four councillors.

Boundaries of
second ward.

The second ward, called *Lauzon* ward, shall be limited as follows, that is to say: commencing at the depth of forty feet at low-water mark, in the *River St. Lawrence*, opposite the aforesaid south-east line of *George Couture*, extending south to the summit of the cape, and following the summit of the cape, towards the north-east to the south-west line of the land of *Jean Baptiste Carrier*, extended to the summit of the said cape; thence, towards the south, as far as *Richmond* street; thence, towards the north-east, along the avenue on the north side of *Notre Dame*, to the south-west line of the land of *Thomas Fraser*; thence, running south, along the said line, to the public road from above; thence,

following the south side of the public road, to the north-east line of the land of Michel Bégin ; thence, towards the north, along the said line to the summit of the cape ; thence towards the north-east, along the summit of the said cape, to the north-east line of Isidore Bégin ; and thence, north, to the depth of forty feet at low-water mark ; and thence following a line at the depth of forty feet, to the point of departure ; and the said ward shall be so represented by three councillors.

The third ward, called Notre Dame Ward, shall be comprised within the following limits, that is to say : commencing on the summit of the cape, at the south-west line of the land of Widow Olivier Duclos aforesaid, to a distance of six arpents above the public road ; thence, in a straight line to the southern boundary of the property of F. Fortier, Esquire ; thence, in a straight line to the north-east line of the land of Julien Chabot ; thence, along the said line, towards the north to the public road ; thence, along the south side of the said public road, to the south-west line of the land of Thomas Fraser ; thence, towards the north, along the said line, to the avenue of Notre Dame ; thence, towards the south-west, along the said avenue to Richmond street, at the point where the said street is intersected by the south-west line of the land of Jean Bte. Carrier ; thence, towards the north, to the summit of the cape ; and thence, towards the south-west, along the said summit of the cape to the said south-west line of the land of Widow Olivier Duclos ; and the said ward shall be so represented by three councillors.

Boundaries of third ward.

3. The division and boundary lines, such as hereinabove existing, shall remain the same, although some of the proprietors of the lands hereinabove mentioned may have been replaced by other persons.

Change of owners of lands not to affect said boundaries.

4. The mayor, councillors and officers of the said town, now in office, shall continue so to be until such time as they be replaced in virtue of the provisions of this act.

Present mayor, &c., to continue until replaced.

THE COUNCIL.

5. 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 Lévis, and ten fit persons who shall be, and be called the councillors of the town of Lévis ; 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 Lévis.

Mayor and councillors to be elected.

Qualification
of councillors.

6. No person shall be capable of being elected a councillor of the said town unless he is able to sign his name and 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, in his own name, or in the name of his wife, of real estate, within the ward for which he is proposed to be elected, of the value of six hundred dollars, after deduction of his just debts.

Other qualifi-
cations.

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

Disqualifica-
tions.

8. No person being in holy orders, nor any minister of any religious belief whatever, nor any judge of the court of Queen's bench, or of the superior court, nor any person accountable for the revenues of the said town, or receiving any pecuniary allowance from the town for his services, nor the contractors or builders of the said corporation, or the sureties of such contractors or builders, be capable of being elected mayor or councillor for the said town; provided always, that no person shall be held incapable of being elected to those offices, or of administering the same, from the fact of his being a shareholder in any incorporated company which may have with the said town one of those contracts which render a person incapable of holding such office.

Exemptions.

9. 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, viz: members of the provincial legislature, practising physicians, surgeons and apothecaries, school-masters actually engaged in teaching, persons over sixty years, and the members or officers of the said council who shall have fulfilled, within the two years next preceding, any of the said offices, or paid the penalty incurred for refusal to accept such office.

Cases in which
office of mayor
or councillor
becomes
vacant.

10. There is a vacancy in the office of mayor or councillor:

1. When the person holding that office is deceased, declared insolvent or a bankrupt, or 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 whatever, or who shall be appointed a judge, or becomes accountable for a certain portion of the revenue of the town;

2. When the person who holds that office, except in the event of illness or infirmity, shall absent himself from the sittings of the said council during two consecutive months, and that the said council shall have by resolution declared the said seat vacant before such person shall have redeemed it;

3. In the event of annulment of election, of refusal to accept, or of resignation of the office, if such resignation is accepted by resolution of the council, or the absence from the sittings of the council, in the event of illness or infirmity during three consecutive months;

4. When the person holding that office becomes contractor or builder of the corporation, or security for such contractor or builder;

The word "judge," employed in the above sections, shall not apply to a justice of the peace or commissioner of small causes.

11. In the event of a vacancy in the office of mayor or councillor, there shall be held immediately an election of a new mayor or councillor, and such election shall be held in the manner prescribed for the ordinary election of the mayor, or of the councillors, as the case may be.

New election in the case of vacancy.

ELECTIONS.

12. The persons entitled to vote at the municipal elections of the said town, shall be all persons of the age of twenty-one years, possessed at the time as owners, of real property in the town of the value of two hundred dollars, or twelve dollars annual value; and tenants of the age of twenty-one years, who shall have resided in the said town, and paid rent at the rate of not less than twenty dollars per annum; which qualification shall be ascertained by the valuation roll in force at the time of the posting up of the notices of such election; 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 have paid the municipal and school taxes then due at least fifteen days before the voting, and the tenant residing in or upon any property upon which such municipal taxes shall be so due, shall in like manner be incapable of voting at such election, unless such taxes shall have been paid as aforesaid, either by himself, or by the proprietor; and whenever the tenant shall have paid any such taxes, he may deduct amount thereof from any rent due by him to the proprietor.

Who may vote at municipal elections.

Proviso.

13. And any candidate at such election, or the person presiding thereat may require the production of the receipt for taxes may be demanded.

Receipt for taxes may be demanded.

At what poll electors shall vote. receipts establishing the payment of such taxes that have become due as aforesaid ; and every elector shall vote in the ward in which his property is situated, and at the poll for such ward, and for some one or more of the candidates nominated therefor.

When election shall be held. **14.** The municipal elections for the said town shall be held in the month of January, in each year, and public notice thereof shall be given at least fourteen days previous to such election, in the French and English languages, by notices posted up at the doors of the churches, and in the market of the said town ; such notice shall be signed by the mayor, the secretary-treasurer, or the secretary of said council, and shall specify the day, place, and hour upon which the said elections are to take place.

Notice to be given.

Presiding officer and his deputies, and their duties. **15.** The elections of councillors shall be presided over by the mayor in office. He shall appoint as deputies councillors to represent him at every poll. The said deputies shall be bound to make returns to him of the votes given in each of the said wards, as entered in the poll-books, within twenty-four hours after the closing of the said election, if the election is contested, and on the day of election, if there is no contest. The mayor shall swear such deputy or person, and if such deputy or person in any way neglects the duties of his office during, or subsequent to the said election, and does not deliver the said poll-books within the delay above prescribed, he shall incur a fine of one hundred dollars ; in case of sickness, or of his inability to preside at the said election, the mayor may appoint a deputy under his hand and seal, and the said deputy shall have all his rights and privileges, and shall perform the same duties and be bound under the penalties as the said mayor, in case of refusal or neglect to fulfil his duties in relation to the said election.

Mayor or deputy to be sworn. **16.** Before proceeding with the holding of such election, the mayor, or the deputy so appointed, shall take the following oath, before a justice of the peace :

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, for persons who shall act as members of the town council of Lévis : So help me God."

Hours of polling. **17.** The poll shall be open from nine of the clock in the forenoon until five of the clock of the afternoon of the day appointed for the said election ; each elector shall be entitled to vote in each ward in which he is a qualified elector for the election of councillors ; and at the closing of the

poll, the president shall declare the ten persons, who shall have obtained the greatest number of votes, to be duly elected members of the said council; and in case two or more of the candidates have an equal number of votes, he shall give his casting vote in favor of that one or those of the candidates, whom he thinks proper to choose, which said casting vote he shall be entitled to give, whether, or not, he is himself qualified to vote.

Who shall be declared elected.

18. The officer presiding at any 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 or disturbers of the peace; he is hereby required, at the request of any persons duly qualified to vote at such election, to put the following oath, (or affirmation, *when the party is allowed by law to affirm,*) to any candidate for the office of member of the said town council, respecting his qualification to be elected to the said office; he shall also, upon such request, examine him upon the oath (or affirmation) mentioned in the twenty-third section of the act twenty-fourth Victoria, chapter seventy.

Powers of presiding officer at elections.

19. It shall be lawful for the officer 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 so to do by two electors.

Power to appoint special constables.

20. The votes of electors shall be taken by inscribing in the poll-book the names and occupation of each of them.

How votes shall be taken.

21. Each page of the poll-book shall be numbered in words, and countersigned by the presiding officer of the election.

Authentication of poll-books.

22. If an elector takes the oath required, or if he refuses to take such oath, or if objection is made to his vote, mention of each of those facts shall be made in the poll-book in the following terms:—"Sworn," "rejected," "objected to," as the case may be.

Entry of refusal to swear, or of objections to votes.

23. At the close of the election the presiding officer certifies each of the poll-books, by stating the total number of votes registered, and those registered for each of the candidates.

Closing of poll-books.

24. He shall deliver up immediately to the secretary-treasurer of the town council, the poll-books kept at such election, together with all the other papers and documents

Poll-books, &c., to be returned to sec-treas.

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.

Persons elected to be notified.

25. Within two days from the closing of the election, he shall give to each of the councillors so elected, special notice of their said election. The new councillors so elected shall enter respectively into office at the first meeting of the council, to take place after such notice; they will first take before the secretary-treasurer the following oath:

They shall be sworn.

Oath.

"I, A. B., do solemnly swear to fulfil the duties of a member of the council of the town of Lévis, to the best of my judgment and ability: So help me God."

Duration of office.

26. Councillors are elected for three years, and remain in office until their successors are appointed.

Order of retiring from office.

27. The system of rotation now established for the retirement of councillors from office, shall remain in force.

Expenses of election.

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

Quorum.

29. Five members of the council shall constitute a quorum.

By and from amongst whom mayor shall be elected.

30. The mayor shall be elected by the councillors from among themselves, at their first, if not, at the subsequent meeting of the council, immediately following the notices of election given to the newly appointed councillors. He shall be elected for one year, but shall remain in office until his successor shall have been appointed.

Duration of office of persons filling vacancies.

31. Every member or councillor 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.

Proceedings in the event of the failure to hold an election.

32. And 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 council shall not, for that cause, be deemed to be dissolved, but it shall not have the power, before the election has taken place, to transact business,—and it shall be the duty of 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 annual municipal 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, and such election will then be held by the registrar, who shall have the same powers as the ordinary president, and will proceed in the manner above prescribed.

CONTESTED ELECTIONS.

33. Every election of councillor may be contested by one of the candidates, or at least ten of the electors of the ward for which such councillor shall have been elected, and such election may be declared null and void on account of violence, corruption, fraud, incapacity to hold the office, or of non-fulfilment of the required formalities.

Who may contest an election.

34. The nomination of the mayor may also be contested by a member of the council, and rendered null and void for the same reasons.

Nomination of mayor may also be contested.

35. Every such contestation is made, brought to judgment, and decided, in the manner and form prescribed by articles 348 to 358 inclusively, of the Municipal Code, and article 360 of the same Code, which shall be considered as part and portion of the present act.

Mode of trial of contested elections.

36. No defects, irregularities or informalities shall be admitted as objections to the petition contesting the election of the mayor or of a councillor, unless such defects, irregularities, or informalities, have materially affected the election.

Insufficiency of formal objections to petitions.

MEETINGS OF THE COUNCIL AND SITTINGS THEREOF.

37. 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 for the purpose, either temporarily or permanently; provided always, that one or several members, not sufficient to form a quorum, may adjourn any meeting of the council which may not have taken place for want of a quorum; and such absent members shall incur such penalty as may be provided by any by-law of the said town council for that purpose.

Time and place of meetings of council.

Proviso.

38. It shall be lawful for the mayor, whenever he shall deem it necessary or useful, to call special meetings of the said council. He shall call a meeting whenever required by two members of the council or by ten tax-payers by written notification.

Special meetings of council

Notice of special meetings.

39. Notice in writing of every special meeting shall be given to each councillor at least twenty-four hours before the meeting.

Meetings to be public.

40. 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, or of any of their officers.

Who shall preside at meetings.

41. The mayor shall preside at the meetings of the council, and if absent, the councillors shall choose one of their number to fill his place. Such president shall, for all the purposes of such meeting, have the same powers as the mayor.

Powers of person presiding.

42. The mayor shall maintain order during such sittings, and shall have the right to expel from the hall every person who shall break the peace.

Mayor may vote.

43. He shall have the right to express his opinion, and to vote as a councillor, on all questions which shall be brought before the said council; in case of an equally divided vote, he shall decide the question by a second vote, giving his reason for it, if he thinks proper.

Casting vote.

By-laws to regulate sittings.

44. The council shall have the power to make by-laws :

1. To determine the rules of its proceedings, and its internal management ;
2. To punish by a fine which shall not exceed forty dollars, or by imprisonment not exceeding fifteen days, any councillor or any person present at such sittings of the council, who may be guilty of disorder, contempt or violence.

Mayor and councillors to not gratuitously.

45. The offices of mayor and of councillor are gratuitous, and no member of the council shall receive any indemnity out of the funds of the town for any duty or labour whatsoever.

They shall be justices *ex-officio*.

46. The mayor and councillors are *ex-officio* justices of the peace, during the period of their office, within the limits of the town. They shall not be bound to take any other oath than their oath of office.

SECRETARY-TREASURER.

Secretary-treasurer.

47. The council shall appoint an officer who shall be called the secretary-treasurer of the town of Lévis.

His duties.

48. 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, during office hours, allow all councillors, officers of the council, or persons interested, to take communication of such papers or documents; and every copy or extract of, or from any such work, register, valuation roll, collection roll, report, *procès-verbaux*, plan, map, record, document or paper, certified by such secretary-treasurer, under the seal of the corporation, shall be deemed authentic.

49. No person appointed secretary-treasurer shall be deemed to have been appointed as such until he has given and caused to be registered the security hereinafter mentioned.

He shall give security.

50. He shall furnish two sureties, whose names shall be approved by a resolution of the council, before they shall be admitted as such; 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.

Nature of security.

51. Every such security-bond shall be made by an act before a notary, and accepted by the mayor; it shall carry with it a hypothec (hypothèque) to the amount of \$2,000, upon immovable property situated in the said town, sufficient to guarantee the payment of such amount.

Bond shall be notarial and carry hypothec.

52. In lieu of such security-bond the corporation may, if they think fit, accept a policy of insurance.

Insurance policy may suffice.

53. The secretary-treasurer shall receive all moneys due and payable to the corporation, and shall pay upon order of the council all sums due by the municipality.

Power to receive and pay moneys.

54. He shall keep in due form, books of account, in which he shall 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.

Sec.-treas. shall keep accounts and vouchers.

55. He 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

He shall render account of receipts and expenditure.

account of his receipts and expenditure, attested by him under oath.

Sec.-treas., or
ex-sec.-treas.,
may be sued
to account.

56. The secretary-treasurer, or any 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 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 cent, on the amount thereof by way of damages, together with the costs of suit.

OTHER OFFICERS.

General power
of council to
appoint
officers.

57. The council shall have authority to appoint one or more assessors, inspectors, and 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 fix
salaries of
officers.

58. The council shall have the power to determine, raise or reduce the salary of each of the said officers, who shall in such case be paid out of the general funds of the said town.

Ex-officers to
deliver books,
&c., to their
successors.

59. 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, or to the secretary-treasurer, or within eight days after the election or appointment of such successor, all moneys, keys, books, papers, and insignia belonging to such office.

Recourse to
compel de-
livery of such
books, &c.

60. If any such officer die or absent himself from the town 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, or to the secretary-treasurer within one month from his death, or from his departure from the town;

And in every such case the corporation 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 favour of the corporation; and every judgment

rendered in every such action may be enforced by *contrainte par corps*, against the person condemned, whenever the said *contrainte* is demanded by the declaration.

ROLLS.

61. The assessors or the majority of them shall, within Valuation roll, the delays, and in the manner determined by the council, make the valuation and list of rateable property and effects of the said town according to its real value.

62. They shall be bound, before proceeding to the valuation, to take the following oath before the mayor of the Assessors to be sworn. said town, or, in his absence, before a councillor, to wit :

“I, _____, having been appointed one of the assessors Oath. of the town of Lévis, 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 ”

63. The assessors shall be proprietors of real estate in Qualification of assessors. the said town, of the value of at least six hundred dollars.

64. In the roll, the assessors shall specify the names, surnames and occupations of all proprietors, tenants or occupants of real estate or other taxable property, and the rent or annual value of every tenement, house, immovable or part of an immovable occupied by any tenant. They shall describe immovable properties the proprietors of which are unknown to them, by the name of the street and the number, and if there is neither street or number, by the properties adjoining, and they shall enter in lieu of the name of the proprietor the word “unknown.” What shall be entered upon the roll.

65. Every proprietor, tenant or occupant of a taxable property or thing shall be bound to answer correctly the questions put to him by the assessors on this subject, and to give all necessary and requisite information. And in the case of the said occupant or proprietor refusing to answer questions thus put to him, or if the answers which he gives are false or incorrect, he shall be liable to a penalty which shall not exceed twenty dollars, and which shall not be less than eight dollars, and to an imprisonment not to exceed one calendar month, and not to be less than fifteen days ; every proprietor or agent who shall voluntarily grant a certificate or receipt for a sum less than the rent actually paid for the property therein mentioned or to which allusion is made, and every tenant who shall show to the assessors of the said town any such certificate or receipt falsely representing the value of the rent paid by such tenant, with the view of diminishing the amount of his assessment, Power of assessors to demand information, &c. ; penalty for refusal to give it. Penalty for false representation of amount of rent.

or who shall directly or indirectly deceive such assessors respecting the amount of such rent, shall be subject, on conviction thereof, before the mayor or any justice of the peace, to a penalty of twenty dollars currency, or less, according to the judgment of such mayor or justice of the peace.

Deposit, examination, contestation and amendment of roll.

66. In the course of the month of June in each year, the assessors shall deliver to the secretary of the town the roll by them made and attested; notice of such deposit shall be given by the secretary-treasurer in the same manner as that for the elections of councillors, and at the subsequent meeting of the said council, the roll shall be produced and examined by the councillors if they so wish; and the same shall, counting from such meeting, remain lodged in the office of the secretary-treasurer for a period of one month, from the date of such meeting, and during such time it shall be open to the inspection of any interested party, and during such interval, those who deem themselves injured by any entry or omission in the said roll shall give notice thereof to the secretary-treasurer. Such complaint shall be heard by the council at the first meeting thereof following the expiration of the month of deposit, and the council, after having heard under oath (administered by the person presiding,) the assessors and the witnesses who may be produced on either side, shall maintain or change the entry, or shall rectify the omission made by the assessors.

Omissions may be supplied before closing roll.

67. If any omission shall have been made in the roll, the council may order the assessors to rectify the same, and the entries necessary for such purpose shall be made before the closing of the roll.

Council may amend the roll.

68. If the council is of opinion that the valuation of any taxable real estate or thing has been made below its true value, so as to injure other rate-payers, it may amend the roll by establishing itself, at such sum as it shall deem just and reasonable, the value of such taxable real estate or thing.

Adjournments.

69. The council may adjourn from time to time, until all complaints are decided.

Closing of roll.

70. When all complaints shall have been decided, the roll shall be closed, and shall remain in force until the closing of the succeeding roll.

AUDITORS.

Auditors to be appointed and sworn.

71. During the month immediately following each annual municipal election, two persons shall be appointed

by the said town council to be auditors of the accounts of the said town 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 ^{Oath.} auditor of the town of Lévis, 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 council of the said town of Lévis;—So help me God.”

72. It shall be the duty of the auditors to examine and ^{Duty of audi-} 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 to publish a detailed statement of the receipts and expenditure and revenues of the said city, in a newspaper published in the said town or in the city of Quebec, at least fifteen days before the annual municipal elections.

73. Neither the mayor, councillors, secretary-treasurer of ^{Who may not} the said town, nor any person receiving any salary from ^{be auditors.} 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

74. It shall be lawful for the said town council, from ^{Power to make} time to time, to make such by-laws as may seem to them ^{by-laws for} necessary or expedient, for the internal government of the ^{certain pur-} town, for the improvement of the place, for the maintenance of peace and good order, and for the good repair, cleaning, draining, paving or macadamizing of the streets, public squares and vacant or unoccupied 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.

CONSTABLES.

75. It shall be lawful for the said town council to ap- ^{Power to} point, remove and replace, when they shall think proper, ^{name all} all such officers, constables and policemen, as they shall ^{necessary con-} deem necessary for the due execution of the by-laws then ^{stable, &c.} in force or to be by them enacted thereafter, 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.

Constables,
&c., to be
under control
of mayor.

76. The constables and other officers shall be under the control of the mayor.

Constables,
&c., to be
sworn.

77. Before entering into the duties of their office they shall make oath to well and faithfully fulfil the duties of their charge.

General powers
of constables.

78. They shall have all the rights and privileges vested by law in constables, and they shall be subject to all their responsibilities.

Their duties.

79. They shall see to the preservation of order, of the public peace, and to the observance of the laws, by-laws, rules and orders in force in the said town.

Territorial
limits of their
power.

80. Their powers shall not extend beyond the limits of the town, excepting for the conveyance of prisoners from or to the common gaol of the district.

They may
arrest on view.

81. They shall, in addition to the general duties of constables, arrest on view any person in the act of committing an infringement of the laws or by-laws in force of the said town, and every such constable shall deliver such person to the keeper of the gaol, or of any other place of detention, to be there kept in safety until he shall be brought before the mayor, or any other magistrate, to be dealt with according to law.

TAXES.

Power to levy
taxes on :

82. In order to raise the necessary funds for the execution of the powers now vested or hereafter to be vested in the said council, and to provide for the several necessary public improvements, the said town council shall be authorized to impose and levy annually on persons, and on movable and immovable property in the said town, the taxes hereinafter designated, that is to say :

Lands and
buildings ;

83. 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-fourth of a cent in the dollar on their whole value, as entered on the assessment roll of the said town.

Tenants.

84. On all tenants paying rent in the said town an annual sum equivalent to two cents in the dollar on the annual value of the tenement, house, immovable or part of immovable occupied by such tenant.

Power to im-
pose specific
duties.

85. The said council shall also have the power to impose and levy annually specific duties upon cattle, upon

goods, trades, industries, commerce, trade, manufactories, upon factories, professions, upon companies incorporated or not incorporated, of every denomination, making lucre their object, upon the partners of the said companies, in a word upon all means of gain and livelihood whatever, their agents or agencies, and their places of operations.

86. In the event of taxes imposed upon the partner of a company or mercantile firm as aforesaid, such taxes may be recovered and prosecuted for in the manner prescribed for the recovering of assessments, taxes or duties imposed by the said council, either upon such partner, or upon the company or firm whereof he shall be one of the partners.

Recovery of taxes imposed on members of commercial firms.

87. In all cases wherein the said council is authorized by law to impose a tax or taxes upon the agency or the agent of any person, company or firm whatsoever, incorporated or not, carrying on or following any trade or commerce whatsoever, or any bank or commercial transaction, in the said town, such tax or taxes may be levied and sued for in the manner above mentioned, against the agency or the agent of such person, company or society, in the said town.

Recovery of taxes from either agency or agent.

88. The council may substitute to the specific rights mentioned in article 85, licenses and permits ;

Specific duties may be replaced by license fees.

89. They may punish, by a fine not exceeding fifty dollars, or by imprisonment during one calendar month, unless the said fine be not sooner paid, all infractions of the by-laws which shall be made in virtue of the preceding provisions.

Punishment for infraction of by-laws.

90. The said council shall also have the power to levy a special tax upon the said town for the construction, maintenance and repairs of the hills, streets and foot-paths of the said town.

Special tax for roads, &c.

91. The council shall be bound, upon the petition of a majority of the proprietors of any ward, as well as of any portion of a ward, the extent to be fixed by the council, and the electors whereof appear upon the assessment roll, praying for any amelioration or work within the said ward or part of said ward, to impose a tax, not exceeding one cent in the dollar in each year, on the annual assessed value of real property in such ward or such part of ward, to be determined by a by-law of the council for such amelioration or work, which tax may be levied and collected in the manner as the other taxes of the said town, and shall form a special fund in the hands of the treasurer, to be applied for the said amelioration or work.

Local taxes for local improvements.

How taxes shall be imposed and when payable.

92. Taxes imposed by the council shall be so imposed in virtue of by-laws made and published in the manner hereafter stated, and all such taxes shall be payable annually at the time appointed by such by-law.

BY-LAWS.

Council may also make by-laws for :

93. The council shall also have the power to make by-laws.

Market regulations.

94. 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, in, 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 on that behalf, on any produce whatever sold or offered for sale on the said markets.

Placing of vehicles on markets.

95. For regulating and fixing the placing of vehicles in which any articles shall be exposed for sale on the said markets.

Regulating sales in streets, &c.

96. For regulating in what manner and under what conditions, effects, produce or merchandise may be sold in the streets and in public places, elsewhere than on the markets, and for prohibiting such sales elsewhere than on the said market.

Amendment, &c., of by-laws.

97. For amending, modifying or repealing all by-laws made by the municipal councillors who have had the management of the territory comprised in the said town.

Ferry regulations.

98. And the said council of the town of Lévis shall also have power to make such by-laws as they may deem expedient in relation to the ferry between the said town of Lévis and the city of Quebec, and to impose penalties upon all persons or ferry-men refusing or neglecting to conform to such by-laws, and such penalties shall belong to the said town of Lévis; provided always, that the corporation of the city of Quebec only shall have the right to grant licenses to keep such ferry, between the towns of Quebec and Lévis, which licenses shall not exceed a period of ten years, and the revenue from which licenses shall be equally divided between both corporations.

Proviso.

99. For determining and regulating the manner in which lots shall be divided off and new streets opened, and those now existing changed and straightened; and for prescribing in the said streets the planting of trees of the quality and in the manner appointed by the by-law.

Opening of
new streets,
and planting
of trees.

100. For establishing one or more market-places, of such extent and in such manner as they may think proper, and for obliging all persons to observe in the above matters the by-laws which the said council shall hereafter deem useful to establish.

Establishing
market places.

101. For preventing obstructions of any nature whatsoever in streets.

Preventing
obstructions in
streets.

102. 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 burdens of too great a weight.

Fast driving
or cruelty to
animals.

103. 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.

104. For regulating the conduct and duties of apprentices, domestics, hired servants, journeymen and labourers in the said town, and also the duties and obligations of masters and mistresses towards such hired servants, apprentices, journeymen, labourers or domestics.

Apprentices,
masters and
servants.

105. For regulating or prohibiting in every or any part of the said town, gaming houses, places for gambling, houses of ill-fame, or any description of immoral houses.

Gaming and
immoral
houses.

106. Every constable or police officer may enter and visit all such houses at all hours of the day or night, and bring at once before a justice of the peace for the district, all persons found in or keeping such houses, and contravening the law or the by-laws of the said town, and cause the summary condemnation, without further proceeding of such persons, to a fine of not more than twenty dollars, payable at once and without delay, and in default of payment, to a term of imprisonment not exceeding one calendar month.

Power of con-
stables to enter
such houses
and bring
offenders to
trial.

Every constable or police officer may also, at all hours of the day and night, enter and visit every tavern or place of public entertainment, in order to make sure that no infraction to any of the by-laws of the said town do not take place.

Constables
may enter
taverns to
discover in-
fractions of
by-laws.

- Public pounds. **107.** To establish as many public pounds as the said council shall deem expedient to open for the impounding of animals, which may be running at large in the said town.
- Stray animals. **108.** To prevent from straying in the streets, markets, or public places any pig, horse, cow, ox, or any other animal.
- Police force. **109.** For regulating, arming, lodging, clothing and paying a police force in the said town, and for determining their duties.
- Burials. **110.** For regulating and fixing the places in which burials shall be allowed within the said town, or to prevent them entirely within the limits thereof. The present section shall not however be deemed to extend to interments within the churches.
- Fences. **111.** 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.
- Sidewalks. **112.** To regulate and determine by what persons, or when, and in what manner, size and quality, shall be made and placed sidewalks in the streets of the said town.
- Repairing streets. **113.** To regulate the manner in which proprietors or occupants of lots of land shall make, maintain or repair the roads or streets in front of the immovable property in the said town, and what portion of the said roads or streets shall be made, maintained or repaired by each of them.
- Drainage of lands. **114.** To compel the proprietors or occupants of lands in the said town to drain or raise such lands, so as to prevent the existence of stagnant waters; 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, subject to registration. •
- Removal of obstructions, &c., in streets. **115.** To cause to be removed from the streets all encroachments or obstructions of any sort, such as steps, galleries, porches, posts, or other obstacles whatever, and to compel the proprietors or occupants of lots of land, in front of

which shall be found such encroachments or obstructions, to remove them.

116. 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 person 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 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 having competent jurisdiction, from any person making such encroachment or obstruction.

Mode of proceeding to compel removal of obstructions, &c., in streets.

117. 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 re-building on the site occupied by the demolished house, and it shall be lawful for the said 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, which shall be determined in the manner established by ordinary expropriations in the said town.

Power to prevent rebuilding of houses encroaching on streets, and to purchase part of lots in such cases.

118. 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, at such distance as may be determined by the by-law, all sheds, stables and other outbuildings, 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.

Demolishing dilapidated walls, &c.

119. For regulating the width of the streets to be opened hereafter in the said town; for regulating and altering the height or the level of any street, or sidewalk in said town, for the opening, making, maintenance at all seasons of the year, straightening of streets, roads, by-lanes, bridges, dams, ditches, wharves, and generally of all public works whatsoever, under his control, within the precincts of the said town.

Regulating width, height, &c., of streets, bridges, wharves, &c.

Streets to belong to municipality.

120. The land of the different streets, roads and by-roads shall belong to the municipality.

Lighting town with gas or otherwise.

121. For defraying out of the funds the expenses of furnishing the citizens with water, and of lighting the town with gas, or in any other manner, and for obliging the proprietors of real property in the said town to allow the necessary works to be performed for such objects on their respective properties, and for obliging all proprietors to allow the necessary pipes, lamps and posts to be fixed upon their houses; provided always, that the solidity of the buildings upon or near which they shall be fixed shall in no way be affected, and that all damages that may be caused shall be paid by the said council.

Making and repairing sewers and taxing for that purpose.

122. To order the making, or repairing any common sewer in any of the streets of the said town, and to impose and levy upon assessed property such sum as shall be deemed necessary for making or repairing such sewers 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.

Local taxation for sweeping watering, &c., of streets.

123. 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.

Special taxation to meet damages caused by riots.

124. 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.

Creating board of health and making health regulations.

125. 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.

126. 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, in addition to their general powers, that is to say:

1. For regulating the construction, dimensions, height and elevation of chimneys above the roofs, or even in certain cases above the neighboring houses and buildings.

2. For defraying out of the funds of the said town any 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.

127. For preventing thefts and depredations which may be 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.

128. For establishing and requiring to be established after each fire in the said town, a judicial 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.

129. For regulating the manner in which, and the periods of the year when chimneys may 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 fixing the rates to be paid for sweeping chimneys either to the council or 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 them to be swept; and whenever any chimney shall be common to several houses, or used by several families in the same house, the above penalty shall be paid by the proprietor or occupant of each house or part of house.

130. For regulating and determining in what sheds, buildings, or vaults, petroleum or other oils, or other inflammable substances, shall be kept, stored or exposed

for sale, and to prohibit the keeping for sale or the storage thereof, in any shed, building or vault, where the precautions prescribed or to be prescribed shall not have been complied with.

Keeping of
gunpowder,
ashes, &c.,—
use of candles
in outbuild-
ings.

131. For regulating the manner in which gunpowder and 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 the necessary precautions; from making a fire in any street; from going from their houses to their yards and outbuildings 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.

Conduct of
persons pre-
sent at fires.

132. For regulating the conduct of all persons present at any fire in the said town; and for obliging all the inhabitants of the said town to keep at all times upon and in their houses, ladders, in order the more easily to arrest the progress of fires.

Assisting per-
sons wounded
at fires, &c.

133. For defraying, out of the funds of the said town, any expenses 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.

Demolition of
houses to
arrest progress
of fires.

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

Appointing
officers to carry
out fire regu-
lations.

135. 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.

Inspectors of
houses to see
to observance
of regulations.

136. 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 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, possessors or occupants of houses in the said town, to admit such officers for the purposes aforesaid.

137. The council of the said town shall have power to make by-laws in relation to the carters of the said town, and the system of granting them licenses and numbers, and to fix the rates and prices to be paid to them, and to be paid by them for their licenses and numbers, and to regulate the manner in which they shall be stationed and placed on the stands designated by the said council, in such different places in the said town as the said council shall think fit.

Granting licenses to carters.

138. For preventing any person or persons within the limits fixed by the fifth paragraph of the forty-second section of chapter twenty-four of the consolidated statutes for Lower Canada, from breaking, cracking, or in any manner injuring any ice-bridge, when formed, or ice when arrested, along the river St. Lawrence, between the eastern shore or bank of the Chaudière river as far as and including the eastern boundary of the ship-yard commonly called Gilmour's ship-yard, near the place known by the name of Indian Cove; and to impose, by such by-law, a penalty not exceeding eight hundred dollars for every infraction of such regulations (or by-laws), which penalty shall or may be sued for and recovered in the name of the said corporation by summary process before one or more justices of the peace, residing within the district of Quebec, and such justice or justices of the peace shall determine the costs in each such process, which penalty and costs shall belong to the said corporation of the said town of Lévis, and in default of payment of the penalty so adjudged, and of the costs of such process, the party so offending shall be imprisoned in the common gaol of the district for a period not exceeding three months, unless such penalty and costs shall have been previously paid.

Imposing penalty for injury to ice-bridge.

Recovery of penalty.

139. The said corporation of the Ville de Lévis shall also be empowered to make regulations or by-laws, imposing a similar penalty with a similar mode of recovery and imprisonment, against any person or persons who shall make or establish any road or roads, or part of any such road on the ice, ice-bridge, or beaches within the limits of the said town of Lévis, other than the roads fixed by the said corporation of Lévis.

Imposing penalty for making roads on ice-bridge.

COLLECTION OF TAXES.

Notice of com-
pletion roll
being com-
pleted.

140. 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 or a 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 by him to pay the amount thereof at his office, within the twenty days which follow the publication of the said notice.

20 days after
notice, demand
to be served
on persons in
arrears.

141. 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 persons 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 serving of the notice, according to such tariff as the council shall have decided upon.

15 days after
demand
amount may be
levied by sei-
zure and sale
under warrant.

142. If any person neglect to pay the amount of assessments imposed upon him for a period of fifteen days, after 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 Quebec, of the superior court for 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 may
also be sued
for before
civil courts.

143. The said corporation shall also be empowered, without the special notice above mentioned, to sue for the recovery of all taxes or assessments owing to them before any civil court having jurisdiction for the amount due.

Annual sale of
immovable
property on
which two
years taxes are
due.

144. On the first juridical day of March, in each year, the secretary-treasurer shall sell by auction, in his office, immovable properties, on which more than two years taxes are due.

Notice of such sale shall be given by advertisements published twice in the preceding month of January, in the Quebec Official Gazette and in a newspaper of the district.

Such notice shall contain :

1. The name of the last proprietor or occupant ;
2. The description of the immovables to be sold ;
3. Mention of the sum claimed for arrears of taxes ;
4. Mention of the place, day and hour at which the sale is to take place.

In default of immediate payment of the price of sale, the secretary-treasurer forthwith either puts up the immovable for sale, or adjourns the sale to another day, within eight days, by notifying the persons present thereof, in a loud and intelligible voice.

If no bid is made, the sale is also adjourned in a similar manner, to another day, within eight days.

Upon payment of the price, the secretary-treasurer establishes the particulars of the sale, by a certificate in duplicate, one part whereof is delivered to the purchaser.

If the proceeds of the sale are more than sufficient to pay the taxes and costs, the secretary-treasurer forthwith deposits the same in the hands of the prothonotary of the superior court, sitting at Quebec, to be by the latter distributed according to law, and the registrar's certificate which he shall to that end obtain.

For the two years next after the sale, the purchaser cannot remove the timber, buildings or edifices, which are upon the immovable adjudged to him, nor in any manner deteriorate the same.

The proprietor may, within the same delay of two years, redeem the immovable sold by paying to the secretary-treasurer the price of adjudication with interest at ten per cent per annum. Every fraction of a year is computed as an entire year.

The purchaser has all the rights specified in article 1025 of the municipal code.

If the redemption is not made within the two years, the secretary-treasurer delivers to the purchaser a deed of sale of the immovable, which is registered at the instance of the corporation and the expense of the purchaser.

The sale so made is final ; it has the same effect and confers the same rights as ordinary judicial sales.

The action to have the same annulled is prescribed and extinguished by the lapse of two years from the date of the adjudication.

The rank and the duration of the privilege upon movables and immovables for the payment of taxes, are regulated by the civil code.

Punishment
for infraction
of by-laws.

145. Every infraction of the by-laws of the said town, excepting those specially provided for, shall be punished by imprisonment not exceeding one calendar month in the common gaol of the district of Quebec, or by a penalty not exceeding twenty dollars, or by both at the same time.

Convictions to
carry costs.

146. The offender shall moreover be condemned to the costs of suit, which shall be made in the manner and form prescribed for summary convictions.

Forfeiture of
goods, &c.,
offered for sale
in contraven-
tion of by-laws.

147. The council shall also have the power to punish by forfeiture of their goods, articles and provisions or merchandize all persons, who, by exposing them for sale on the markets or in the streets, or in the public places of the said town, shall infringe some by-law, either as regards the weight or quality of such goods, articles, merchandize or provisions.

Sale of forfeit-
ed goods.

148. The articles so forfeited shall be sold at auction, and the proceeds shall be paid into the hands of the secretary-treasurer, to form part of the public funds of the said town.

Toll-gates
and collection
of tolls.

149. To continue and regulate toll-gates or preventive bars, now placed in the said town, collect the tolls, change from time to time the location of the said toll-gates, or to establish new ones.

Fines and pro-
ceeds
of licenses to
form part of
town funds

150. All the fines and penalties recovered under the provisions of this act, shall be paid into the hands of the treasurer of the said town council, and the proceeds of all licenses for the sale of spirituous liquors, and of all other 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, and
copies of news-
paper to be
evidence
thereof.

151. Before any by-law of the said town shall have force and be binding, such by-law shall be published in English and in French in a newspaper published in the said town or in the district of Quebec, and copies of such newspaper containing any such by-laws shall be *prima facie* evidence of such publication to all intents and purposes whatsoever.

Power to bor-
row money for
certain purpo-
ses.

152. 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 furnishing the said town with water, for lighting the streets, markets or public places, either by gas or otherwise, and generally for such purposes as the said council shall

deem useful or necessary; provided always such loans shall exceed in the whole twenty per cent of the estimated value of the taxable property of the said city. Proviso.

153. The necessary moneys shall be levied by the means of debentures for a term not exceeding thirty years, and which shall not bear interest at more than seven per cent. Debentures to be issued for that purpose.

154. No loan shall however be effected, and no debenture shall be issued, unless there be at the same time imposed a tax sufficient to pay the interest and create a sinking fund wherewith to pay the said debentures at their maturity, which said tax the said council is authorized to impose and levy. No loan to be effected without taxation to meet interest and a sinking fund.

155. The following property shall be exempt from taxation in the town of Lévis: Certain property exempt from taxation.

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

2. All provincial property or buildings;

3. Every place of public worship, presbytery and its dependencies, 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 by hospitals or charitable or educational establishments;

7. Every court house and district gaol, and the grounds attached thereto; provided that this exemption shall not extend to lots or to other buildings built upon lots leased or occupied by tenants of the government; but such lands belonging to the government or to the ordnance department occupied by tenants, shall be valued and assessed in like manner as other real property in the said town; and such rates or assessment shall be paid by the said tenants or occupiers thereof; provided always, that such exceptions to the works of repair, opening and maintenance of streets or front roads opposite edifices exempt from taxation, which will be made, maintained and repaired at the cost of owners or tenants of said buildings.

156. The said town council shall alone be authorized to grant and deliver certificates for obtaining tavern licenses, any law, usage or custom to the contrary notwithstanding; and such certificates shall be signed by the mayor and the secretary-treasurer of the said council. Certificates for tavern licenses.

Power to purchase land for streets, &c.

157. The said council has, and has had full 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 the erection of any public building, or generally for any object of public utility of a municipal nature, which they have considered or will consider advantageous to the said town.

Valuation of such land.

158. The value of such ground may be determined by experts.

Proceedings for expropriation of such land if necessary.

159. When the proprietor shall refuse to appoint an arbitrator to value the same, 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 or idiots, the said council may apply to a judge of the superior court for Lower Canada, or the circuit court sitting in and for the district of Quebec, after giving notice of such application to the party interested, absent parties being in such case notified by a publication to that effect twice-a-week during one month in two newspapers, one English and the other French, one of which in Levis and the other in Quebec, or both in Quebec, if there should be none in Levis, or to any other court, 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 obliged, for such last appointment, to give notice to 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 lots on depositing the price at which it shall have been valued by the said arbitrators, or a majority of them, in the hands of the prothonotary of the superior court, in and for the district of Quebec, for the use of the person entitled thereto; provided always, that in all cases of expropriation it shall be the duty of the arbitrators, in making the valuation, to declare whether the remainder of the land, of which a portion has been taken, has been increased in value by the expropriation, and in such case the additional value thus given to such remainder shall be taken into account by them in making their estimate of the indemnity and deduct therefrom.

PENALTIES FOR REFUSAL TO ACCEPT OFFICE.

Penalty for refusal to accept office.

160. Every person who, being elected or appointed to any of the offices mentioned in the following list, shall re-

fuse or neglect to accept such office or perform some of the duties of such office, shall incur the penalty mentioned in such list opposite the name or designation of such office, that is to say :

1. The office of mayor, thirty dollars currency ;
2. The office of councillor, twenty dollars currency.

161. 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. Penalty on valuator neglecting their duty.

162. Every officer appointed by such council, every justice of the peace and 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 currency. Penalty on officers generally for neglect of duty.

163. Every person who shall vote at any election of 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 of not less than twenty dollars. Penalty for illegal voting.

164. 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. Penalty on road officers for neglect of duty.

165 Every person who shall hinder or prevent, or attempt to hinder or prevent any officer in the exercise of any of the powers, or in the performance of any of the duties conferred or imposed upon him by this act, or by any by-law or order of the said council, shall incur a penalty of twenty dollars currency for every such offence, over and above any damages which he may be liable to pay ; Penalty for hindering, &c., officers in the execution of their duties.

Every person who shall 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, shall incur a penalty of eight dollars for every Penalty for defacing, &c., advertisements, notices, &c.

such offence, unless there be a special provision therefor in the present act.

Recovery of penalties.

166. 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 Quebec, or before any justice of the peace; all penalties and fines incurred by the same person may be included in the same action, and the party failing shall be condemned with costs of suit, in accordance with the tariff of such court.

Limitation of suits for penalties.

167. All suits for fines or penalties shall be brought within six months after the commission of the offence.

Moneys, &c., of county of Levis, and parish of Notre Dame to belong to town of Levis as regards property in said town.

168. All moneys, debts, privileges, actions, assessments, rights and claims which shall belong either to the county council of the county of Levis, or to the municipal council of the parish of Notre Dame de la Victoire, are, and shall be the moneys, debts, privileges, actions, assessments, rights and claims of the corporation of the town of Levis, in so far as they shall affect the property included within the limits of the said town.

Corporation of Levis may sue for such moneys.

169. The said corporation of the said town of Levis shall have a right of action before any court of competent jurisdiction in the district of Quebec for the recovery of the moneys, debts, privileges, actions, assessments of whatsoever nature they may be, and of all rights and claims above mentioned.

Town may be divided into inspectors' wards.

170. The council at any one of its sittings, shall divide the area of the said town into inspectors' wards, and shall appoint such number of inspectors as they may think proper in each ward.

Duties of such inspectors.

Besides the duties that may be imposed on them by the council, the inspectors shall be bound, each one in his own ward, to superintend at all seasons of the year, the works in and about the roads, bridges, causeways, fences and ditches, under the control of the said council, whether the said works are being executed for the first time or being repaired only.

Their powers and duties as regards nuisances, &c.

171. Every inspector, in his district, shall have power and it shall be his duty to cause to be removed every description of public nuisance, existing either in the roads or elsewhere.

Penalty on persons neglecting repairs of roads, &c.

172. Any person who is bound, either in virtue of a *procès-verbal*, or in virtue of this act, or of any by-law of the council, to the maintenance, repairing or construction of

any roads, bridges, ditches or fences, within the limits of the said town, who, after having been required by the inspector of the ward, shall refuse or neglect to perform labor on and about the said roads, bridges, ditches and fences, and to do any other work that may be required of him as aforesaid, shall be subject to a fine of two dollars for each offence, and the said fine shall be recoverable before any justice of the peace, in accordance with the usage and ordinary practice in such proceedings, or before the circuit court for the district of Quebec.

173. Whenever works which ought to have been done, or materials which ought to have been furnished on or for any road, bridge or street, on account of any lot, or by any person whomsoever, have not been done or furnished, after the proprietors of the lot or the said person have been notified to that effect by the inspector, the inspector may himself do the work, or furnish the materials, and recover the value of the said work done or materials furnished by an action in the circuit court for the district of Quebec, together with the sum of two dollars as a penalty and costs.

Neglected work may be done by inspector and cost recovered from party in default.

174. If there be no valid *procès-verbal*, by-law or order to the contrary, the front road of each lot shall be made, repaired and maintained by the proprietor, tenant or occupant, or by the wardens or elders of every religious denomination having the care of such property.

By whom certain roads shall be maintained.

175. Any *procès-verbal*, by-law or order relating to any road, bridge, street or ditch, in force, at the time of the passing of the act of the late Parliament of Canada, twenty-fourth Victoria, chapter seventy, shall continue in force until amended, repealed, modified, changed or replaced in any manner by the said council by a *procès-verbal* or by-law which the said council has been authorized to make, since the passing of the said act twenty-fourth Victoria, chapter seventy, or is hereby authorized to make; observing the enactments and formalities which the said council shall deem it expedient to make and prescribe.

Previous by-laws, &c., to continue until repealed or changed.

176. All acts or laws anterior to the present, and containing provisions contrary to or inconsistent with the provisions of the present act are hereby repealed in so far as the same may be contrary to or inconsistent with this act.

Repeal of inconsistent enactments.

177. This act shall come into force from and after the first day of January next, 1873.

Commencement of this act.