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An Act to amend the Act 29th Victoria, Chap. 61, intituled: "An Act to incorporate the Village of Berthier as a Town."

[Assented to 23rd December, 1871.]

WHEREAS the town council of Berthier have, by Preamble petition, represented that the act incorporating the same should be amended so as to grant additional powers to the said council; and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The second sub-section of the second section of the act §2 of sec. 2 of of the province of Canada, passed in the twenty-ninth year of 29 V. c. 61 the reign of Her Majesty Queen Victoria, chapter sixty-first, amended. is hereby amended by striking out the word "three" in the third line, and substituting therefor the word "two."

2. The third section of said act is amended by striking out Sec. 3 of said the word "nine" and substituting the word "six" and act amended. by striking out the word "three" and substituting the word "two" in the second line.

3. The fourth sub-section of the fourth section of said §4 of sec. 4 of act is amended by striking out the words "practising said act physicians, surgeons and apothecaries" in the fourth and amended. fifth lines.

4. The seventh section of said act is amended by strik- Sec. 7 of said ing out the word "*deux*" in the second line, in the French act amended. version.

5. The fourth sub-section of the eighth section of said §4 of sec. 8 of act is amended by adding at the end the following words: said act "Except those who shall be elected at the next election, amended. Retirement of councillors. three of whom, namely one in each ward, shall go out of office at the expiration of the first year, and the councillors who shall go out of office at the end of the first year shall be designated by lot from amongst all the councillors, including the mayor, in the manner provided by the council, in default of what they shall be designated by the president of the then following municipal election or by the lieutenant-governor of the province of Quebec."

6. The fifth sub-section of the eighth section of said act is §5 of sec. 8 of repealed, and the following substituted therefor: said act re- pealed and replaced.

"The subsequent election of three councillors for the said town shall take place in the same manner, at the same time, and within the same delays as the next election."

§4 of sec. 9
amended.

7. The fourth sub-section of the ninth section is amended by adding after the words "elected councillor" in the twelfth line, the following words: "unless to be designated by lot to go out of office at the end of the first year of his election as councillor" and by adding the following words at the end of said sub-section: "And whenever the office of mayor of said town shall become vacant, the council of said town may fill up the vacancy by appointing from amongst its members a mayor for said town."

§5 of said sec.
amended.

8. The fifth sub-section of the ninth section of said act is amended by adding after the word "aforesaid" in the sixth line, the following words "if however the office of mayor be then vacant."

§6 of said sec.
amended.

9. The sixth sub-section of the ninth section of said act is amended by striking out the word "five" and substituting the word "four" in lieu thereof.

Sec. 14 of said
act amended.

10. The fourteenth section of said act is amended by adding in the first line thereof after the word "Council" the following words: "unless it be otherwise provided by a by-law, shall meet and hold a regular and general meeting at least twice in every month, on the first and third Wednesdays of each month, at seven o'clock in the evening, or on the following day, if the first or third Wednesday of the month, happens to be a legal holiday," and by adding also after the word "may" at the end of the sixth line, the following words: "after the expiration of one hour, from the time appointed for the meeting of the council," and by striking out in the first and second lines, the following words: "shall meet at least once in each month."

Meetings of
council.

Sec. 15 of said
act amended.

A by-law.

11. The fifteenth section of said act is amended by adding at the end the following words: "And it shall be lawful for the said council to adjourn any general or special meeting, from time to time, and as often as may be necessary or thought fit by said council, and if there was a quorum of members of said council at said adjourned meeting, notice of such adjourned meeting to members absent shall not be necessary."

Sec. 19 of said
act amended.

12. The nineteenth section of said act is amended by adding after the word "present" in the first line, the following words "or in his absence, the pro-mayor hereafter mentioned, or in the absence of both, the councillor who shall be chosen by a majority of councillors present," and by adding also, after the word "mayor" in the seventh line, the following

words : "or pro-mayor or councillor presiding," and by striking out all the words after the word "office" in the eleventh line of the said nineteenth section.

18. The nineteenth section of said act is also amended by adding after the word "office" in lieu of the words hereinabove struck out, the five following sub-sections : Sec. 19 of said act further amended.

"1. The mayor or other officer for the time being, presiding at any sitting of the council, shall have the right to enforce his authority for the maintenance of order and decorum, in expelling by force from the room of the council, until the adjournment of the sitting, any member of the council who shall persist in his misconduct after having been declared out of order by the mayor or officer presiding as aforesaid ; provided that, on motion to that effect, it be resolved by the majority of members present, that the mayor or presiding officer shall exert his authority in the matter and any such motion shall be held to be in order, and shall be proposed and decided without any debate ; and the mayor or other presiding officer shall also have the right to enforce his authority for the maintenance of order, in expelling by force from the said room of the council, until the adjournment of the sitting, any person present disturbing order and the peace, after having been declared out of order by the said mayor or presiding officer as aforesaid, or may punish him by fine or imprisonment ; provided always that such fine shall not exceed twenty dollars, payable immediately, and that such imprisonment shall not exceed the period of fifteen days. Power to enforce good order by expulsion.

"2. The said council shall also 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. Power to punish disturbance by fine or imprisonment.

"3. The sheriff and gaoler of the district of Richelieu shall be bound, and they are hereby ordered and required to receive and safely keep, until duly discharged, all persons committed to their charge by the said town council, the mayor of said town or any officer presiding at any sitting of said council as aforesaid. Sheriff and gaoler bound to comply with commitment.

"4. It shall be lawful for the said council to choose and appoint from among its members forming the council, as many committees composed of such number of members which may be thought fit, to facilitate the transaction of all business which may be before the council, and for the execution of such duties which may belong to or be prescribed by said council, subject, nevertheless, in all matters to the approbation, authority and control of said council. Power to name committees.

Appointment
of a pro-mayor.

"5. At the first general meeting of the council after each municipal election or at any other general meeting, the council shall proceed to the election or appointment of one of its members to be pro-mayor and to fulfil the duties of pro-mayor during the absence or illness of the mayor of said town, or in case the office of mayor of said town become vacant, and the member so elected, shall have and shall exercise during such absence and until another be appointed in his place by said council, all powers, authority and privileges legally vested in the mayor of said town."

§2 of sec. 20 of
29 V. c. 61
amended.

14. The second sub-section of the twentieth section of said act is amended by adding at the end the following words: "And all proceedings of said council shall be signed by the mayor of said town, or by any other officer or councillor then presiding the sitting, and shall be countersigned by the said secretary-treasurer or assistant secretary-treasurer of said town."

Sec. 20 of said
act further
amended.

15. The twentieth section of said act, is also amended by adding the following sub-section as sub-section seventeenth:

Appointment
of an assistant
secretary-
treasurer.

"17. The secretary-treasurer of the town of Berthier, may from time to time, with the approbation of the town council, appoint under his signature, an assistant secretary-treasurer who may exercise, but under the responsibility of the secretary-treasurer who shall have appointed the same, all the duties of the said office of secretary-treasurer, together with all the rights, powers, privileges and under the same obligations and penalties as the secretary-treasurer himself except in what relates to the suretyship. In the fulfilment of his duties, he shall act under the responsibility of the secretary-treasurer who shall have appointed him, and under the responsibility of the sureties of the last named officer. In case of vacancy in the office of secretary-treasurer, the assistant secretary-treasurer, shall continue to fulfil the duties of the office, until such vacancy is filled, but he may be dismissed or replaced at pleasure by the secretary-treasurer of said town."

His powers,
duties and re-
sponsibilities.

Sec. 28 of said
act amended.

16. The twenty-eighth section of said act is amended by adding at the end the following words: "without any other qualification and without having to take the oaths required for such office."

Sec. 29 of said
act amended.

17. The twenty-ninth section of said act is amended by adding in the thirteenth line after the word "council" the following words "without having obtained the permission of not assisting."

Sec. 30 of said
act repealed
and replaced.

18. The thirtieth section of said act is hereby repealed, and the following section is substituted therefor:

“ It shall be lawful for the said town council of Berthier ^{Power to make by-laws for certain purposes.} at a general or special meeting of said council, at which there shall be a quorum, to make by-laws binding on all persons for the following purposes, to wit: for the good order, peace, welfare, improvement, cleanliness, health, interior economy and local government of said town, and for preventing and restraining all nuisances, and all acts and doings in said town, opposed, contrary or prejudicial to good order, peace, welfare, improvement, cleanliness, health, interior economy and local government of the said town; to levy, impose taxes and employ all funds required for the execution of the powers now or to be hereafter vested in the said council, either by the imposition of dues and tolls which shall be paid for certain public works in said town, or by apportionment or annual assessment which shall be yearly levied and assessed, on all movable or immovable properties, or on both within said town, or on the proprietors or occupants of the same in relation to said properties; ^{Proviso.} provided that the assessment shall not in any year exceed one cent in the dollar of the whole real value as entered in the valuation or assessment roll of said town, of all ground, lots or portion of lots situate within said town, whether buildings are erected on the same or not, nor exceed one half cent in the dollar on the real value, as entered on the valuation or assessment roll of said town, or as specified in the said act, of all movables within said town.”

19. The thirty-first section of said act is hereby repealed, ^{Sec. 31 of said act repealed and replaced.} and the following is substituted therefor :

“ It shall be lawful for the said town council of Berthier ^{Power to appoint officers for the execution of by-laws;} to appoint, dismiss and replace, when they shall see fit, all officers and servants, who may be deemed necessary, for the due execution of all their by-laws made or to be made hereafter, and they may require from each of them such security as may be deemed sufficient to insure the due execution of their duties; to establish and regulate a police force for said town, and for that purpose, to appoint from time to time, as occasion shall require, either from among the policemen now under the control of said council or among other persons, a sufficient number of proper men who shall be sworn before the mayor of said town of Berthier, or before any justice of the peace within the said district of Richelieu, to act as constables, to preserve peace ^{Constables.} during the day and at night and to prevent larcenies and other felonies, and to arrest all disturbers of the peace, and the men so sworn shall have, not only within the limits of the said town of Berthier, but also within the whole district of Richelieu, all such powers and privileges and shall be subject to all and such duties and responsibilities which may or shall have and to which may or shall be subject, under

Officers to
direct constabulary force.

the provisions of law now in force, or which may hereafter become in force within the province of Quebec, any constable or peace officer within the limits of the place for which he is or shall be appointed; and it shall also be lawful for the said council to appoint all officers which said council may deem necessary, to superintend and direct the said constabulary force, and to give to such officers so appointed any name, and assign to them any duty deemed advisable by said council; and said officers and men who shall thus be appointed shall obey all legitimate orders and commands which they shall receive at any time from the said council, from the mayor or from any justice of the peace within said town, and during the fulfilment of their duties in their respective offices, and all and every officer so appointed shall enjoy when in office, not only all powers and privileges vested in a constable appointed under this act, but also all and every power deemed necessary for the legal execution of all and every duty legally imposed upon them by said council; and the said council, or all and every member of said council authorized to that effect by said council, may at any time, suspend or dismiss any officer or constable appointed under this act, whom they shall deem neglectful in the execution of his duties or otherwise unable to fulfil the same, and appoint others in his stead; and the officers of said constabulary force shall enjoy, as regards the government control, dismissal or suspension of any constable who shall so be appointed, all powers which said council shall see fit to grant, by by-law to that effect, to said officers respectively. It shall be lawful for any constable of said town of Berthier, to arrest on view and without a warrant, all idle and disorderly persons whom he shall find disturbing public peace, or whom he shall have just reason to suspect of any bad intent, or whom he shall find lying, lounging or strolling either during night or in day time, in any field, road, street, yard or other place, and any prostitutes or persons strolling during night or day time, or found lying, lounging or strolling, putting up or sleeping in any barn, building, out-house or other unoccupied building, or in open air, or under a tent, cart, wagon or other vehicle, and not giving a satisfactory account of themselves, and all persons drunk or causing some tumult in the streets or public roads, by shouting, cursing or otherwise, and to deliver such persons so arrested into the custody of the officer or constable appointed under this act or the amendments thereto now made, who shall be on duty at the guard-house or police station established in said town by said council, and the nearest, so that said persons be safely kept until they may be brought, within twenty-four hours after their apprehension, before the mayor or any other justice of the peace of said town, to answer the

Powers of
constables.

Trial of
offenders.

complaint then made and preferred against them, and be dealt with according to law, or give bail to such officer or constable for their appearance on the day appointed, before said mayor or justice of the peace aforesaid, if such officer or constable thinks proper to accept such bail in the ordinary manner prescribed by law, before said mayor or any justice of the peace having jurisdiction within said town; and moreover, it shall be lawful for the said mayor, or for such other justice of the peace by whom any disorderly person shall have been found guilty of any hereinabove cited offence, on confession or on the testimony of one or more credible witnesses, to sentence such person to pay a fine not exceeding twenty dollars, either immediately or at any such time deemed expedient, and to be imprisoned in the common gaol in and for the district of Richelieu for a period not exceeding two calendar months, or to sentence such person to pay a fine not exceeding twenty dollars, either immediately or within the time which he shall deem advisable to fix, and in default of such payment, immediately or at any time fixed as aforesaid, such person be imprisoned in the said common gaol for a period not exceeding two calendar months; such imprisonment shall nevertheless cease on payment of the fine imposed. And in addition to the powers and authority conferred by the preceding section of this act unto the said constabulary force, it shall and may be lawful for any officer or constable belonging to said force, during the night or in day time, to arrest on view, and without a warrant, any person offending against any by-law of the said town of Berthier, or the council thereof, the violation of which is punishable by imprisonment, and it may and shall be lawful for any such officer or constable to arrest any such offender against any such by-law, immediately after the committing of the offence on good and satisfactory information being given as to the nature of the offence and as to the persons committing the same; and any such persons thus summarily arrested shall be immediately arraigned in the city-hall, or the office of the corporation of the said town council of Berthier, or in the court-house, in the said town, before the mayor of said town, or before any other justice of the peace of said town, to answer the complaint then to be made or preferred against them, and be tried before said mayor or such other justice of the peace, within twenty-four hours after their apprehension, and in case such trial could not be had within such delay, they may give bail or recognizance to be taken and received by said mayor or such other justice of the peace of said town, or by the secretary-treasurer of said town, that the said parties shall appear on the day fixed before said mayor or such other justice of the peace aforesaid, to answer the charge or com-

Punishment of offenders.

Power to arrest persons offending against by-laws.

Trial of offender.

plaint then to be preferred against them, and for which they were arrested as aforesaid; and any recognizance so taken, shall be equally binding upon the parties who shall make it, and shall be subject to the same proceedings for the forfeiture of the same, as well before the said mayor as before such other justice of the peace aforesaid, as any recognizance taken before a justice of the peace, and forfeited before the general or quarter sessions of the peace, for the district of Montreal; provided that nothing herein contained, shall prevent persons so summarily arrested as aforesaid, from being examined and being tried at once, when they are arraigned in such place before the mayor or before such other justice of the peace of said town, if the offence for which said parties were arrested as aforesaid, may legally be brought before said mayor, or such other justice of the peace of said town. And be it enacted, that if one of the officers or constables who shall be appointed as aforesaid, be guilty of any neglect in his duty or of disobedience to any legal order, any such offender shall, on conviction thereof, before said mayor or such other justice of the peace of the said town, be, for any such offence, liable to be imprisoned for a period of time not exceeding thirty days, or to pay a fine not exceeding ten dollars currency, or to be dismissed from office, or may be subject to two or to all of the said punishments, according as the said mayor or such other justice of the peace of said town may, in his discretion, deem expedient."

Proviso.

Punishment of officers and constables guilty of neglect, &c.

§3 of sec. 32 of said act amended.

20. The third sub-section of the thirty-second section of said act of incorporation is amended by striking out the word "of" in the third line, and substituting therefor the following words: "not exceeding."

§6 of said sec. 32 amended.

21. The sixth sub-section of the said thirty-second section of said act of incorporation is amended by striking out the word "of" in the second line, and substituting therefor, the following words: "not exceeding."

§7 of said sec. 32 amended.

22. The seventh sub-section of the same section of said act is amended by adding after the words "spirituous liquors" in the fifth line, the following words: "or to impose on them a duty or assessment on their respective certificates of electors when it is approved by said town council of Berthier for obtaining their license" and by adding after the word "agents" in the eighteenth line of the same sub-section, the following words: "intermediate agents, commission agents or employees of any telegraph companies, and their agents or operators within said town; on all gas companies, and places by them occupied within said town, on all ginger, spruce or root beer manufacturers and their agents or agencies of any of them; on all brick

manufacturers, lumber dealers and proprietors, or persons in possession of mills moved by water or steam power; on tanneries, within said town; on all inspectors of potash, pearl-ash, beef, pork, flour, butter and other produce, articles or things whatsoever within said town, on all bailiffs residing within said town;” and by adding after the word “herein” in the twenty-first line of said sub-section, the following words: “and on all persons by whom they may be exercised or put in operation within said town, either on their own account or as agents for others, and on the places in or on which they are or may be made, exercised or put in operation within said town;” and by striking out, after the word “assessed” in the twenty-fifth line, the following words: “at one dollar per annum for those of the first-class, and at twenty-five cents for those of the second class;” and by substituting therefor the following words: “at a sum not exceeding one dollar per annum.”

23. The said thirty-second section of said act of incorporation is also amended by adding to it a tenth sub-section, as follows: Said sec. 32 further amended.

“Any by-law made by the town council of Berthier, aforesaid, imposing personal or professional taxes and assessments, or imposing them on movable properties within said town with a view of providing for the annual expenses or the payment of debts of the corporation, shall be valid, legal and executory against all persons and their properties within said town, even if said council have not pointed out precisely or given the details of the object or of the appropriation of such taxes and assessments.” Certain by-laws to be valid notwithstanding the absence of certain details.

24. The fifteenth sub-section of thirty-third section of said act is amended by striking out, in the second line thereof, after the word “town” the following words, “or riding on horseback,” and substituting the following words therefor: “for preventing and punishing horse-racing, and any person driving a horse too fast in the streets, roads and public squares within said town, and to prevent riding on horse-back and driving.” §15 of sec. 33 of said act amended.

25. The sixteenth sub-section of the thirty-third section of said act of incorporation is amended by adding after the word “regulating” in the first line thereof, the following words “fixing and determining” and by adding at the end the following words: “and for forcing bakers to stamp the bread by them made with the initials of their respective names, and for confiscating bread not being of the required weight, or being of unwholesome quality.” §16 of said sec. 33 amended. Bakers.

26 The nineteenth sub-section of the said thirty-third section is amended by adding at the end, the following §19 of said sec. 33 amended.

Stray animals. words : " And the said council may impose any fine on all proprietors or possessors of all and such animals running at large in the streets, or public squares, within the said town, and without it being necessary for that purpose, to have the same taken and impounded in a public pound."

§20 of said sec.
33 amended. **27.** The twentieth sub-section of said thirty-third section is amended by adding at the end thereof, the following words : " And for establishing and determining as many

Police stations. police stations as the council may see fit, in order to safely detain all persons arrested, by any constable until they may be tried, as aforesaid."

§22 of said sec.
33 amended. **28.** The twenty-second sub-section of said thirty-third

Footways.

section is amended by striking out in the fourth line the following words " and to make footways," and by substituting therefor the following words " and to cause footways to be made, repaired, maintained and renewed if necessary, with such materials and according to such mode as prescribed by said council, on or along any part of such ground bounding or running along any part of a street or public square within said town."

§23 of said sec.
33 amended.

29. The twenty-third sub-section of said thirty-third section is amended by striking out the words " or" and " water" in the second line of the English version, and adding after the word " filthy" in the same line, the following words

Putrid waters. " and putrid waters, or which may be in any way injurious to or dangerous for public health."

§24 of said sec.
33 amended.

Fences.

30. The twenty-fourth sub-section of said thirty-third section is also amended by adding at the end thereof, the following words : " as well as all fences exceeding five feet in height, erected or projecting upon the street, and overreaching the front of any house so as to injure the view of any neighbours or inhabitants on said street."

§26 of said sec.
33 amended.

Liability of proprietors as to keeping streets in repair.

31 The twenty-sixth sub-section of said thirty-third section is amended by adding at the end thereof, the following words : " if, however, such widening, lengthening or altering the level is not caused by his neglect, or bad keeping in repair of such street or sidewalk, to which he is bound, and in case such want of width, length or level of such street be caused by the neglect or bad keeping in repair by such proprietor or occupant thereto bound, he shall be obliged to make all necessary works, either of earth or of wood, to repair and maintain the width, length and level of said street, prescribed by law or by by-laws of the municipal council of the late village of Berthier, or by any by-law made under said act incorporating said village as a town, and in default by him of so doing

within the time prescribed, the council of said town may cause the same to be made as mentioned in the forty-fifth sub-section of the said thirty-third section," as amended.

32. The fortieth sub-section of said thirty-third section is amended by adding at the end the following words: "and for obliging every proprietor or occupant of any ground on which is erected an inhabited house, to make and maintain thereon suitable water-closets or privies with the necessary cesspools, by fixing the distance at which may be erected such water-closets, as well as any pig-sty from the adjacent grounds." §40 of said sec. 33 amended. Privies.

33. The forty-first sub-section of said thirty-third section is amended by adding after the word "carcass" in the fourth line the following words "to be removed or buried," and after the word "substance" in the same line the words "to be removed," and by adding after the word "proprietor" in the sixth line the following words "of such dead animal or carcass, or of such deleterious substance, either by the proprietor." §41 of said sec. 33 amended. Dead animals.

34. The forty-fifth sub-section of said thirty-third section is amended by adding at the end thereof the following words: "and in case the proprietor or occupant of any ground should neglect to make and perform any work whatever ordered by said town council to be made under this section, or under any by-law made by the municipal council of the late village of Berthier, within the time prescribed for the making of the same, said council may cause the said work to be made at the expense of the corporation of said town of Berthier, and recover the cost thereof immediately from said proprietor or occupant, with interest, by action for debt before any court having jurisdiction; such claim of said corporation, for capital, interest and costs conferring a privilege on said land without any registration." §45 of sec. 33 amended. Proceedings when proprietor fails to do a work ordered by the council.

35. The forty-seventh sub-section of said thirty-third section is repealed and the following is substituted therefor: "For permitting, regulating and prohibiting bathing and swimming in the river Bayonne, or in that part of the river St. Lawrence forming the front boundary of said town." §47 of said sec. 33 amended. Bathing.

36. The third sub-section of the thirty-seventh section of said act is amended by striking out, after the word "river" in the sixth line, the following words: "forming the front boundary of the said town, or upon one-half of," and substituting therefor the words: "Bayonne, or of." §3 of sec. 37 amended.

37. The thirty-ninth section of said act is repealed, and the following is substituted therefor: Sec. 39 of said act repealed and replaced.

Power to fine and imprison offenders against by-laws.

“The said town council of Berthier may levy, on any person violating, or transgressing or offending against any provision of its by-laws made in virtue of the said act, or the amendments now made thereto, and recover, by way of attachment and sale of the goods and chattels of the offender, a fine not exceeding twenty dollars for every infraction, or impose an imprisonment not exceeding thirty days, or impose both punishments at the same time, at the discretion of said council; provided always that the cost of conveyance for so imprisoning such parties, either in the common gaol, in and for the district of Richelieu, or in any other gaol within said district, be paid by said town council; and said council may also punish, by confiscating their goods, produce and provisions, any person who shall, by exposing the same for sale in the markets or in the streets of said town, violate any by-law made by said council, as regards the weight and quality of such goods, produce and provisions, and no person shall be held to be incompetent to give evidence in any information, complaint, arrest or suit, under said act or the amendments made thereto, by reason of such person being a proprietor of land in, or inhabitant of said town.”

Proviso.

Power to confiscate in certain cases.

Sec. 41 of said act amended.

38. The forty-first section of said act is amended by adding in the second line thereof, after the word “act” the following words, “and the amendments made thereto, and also under any by-law made by the town council of Berthier aforesaid.”

Sec. 42 of said act amended.

39. The forty-second section of said act is amended by adding at the end the following words: “Within two weeks after the passing thereof, or such by-law shall be published by said council causing to be posted at the places aforesaid, within said town, within two weeks after the passing of such by-law, a public notice certified by the secretary-treasurer of said town, in which mention shall be made of the date and object of such by-law, as well as of the place within said town, where the same may be examined.”

Publication of by-laws.

Two certain by-laws declared valid.

And whereas the publishing by posted notice, and by public reading as required by law, was duly made in proper time, of two by-laws of the late municipal council of the village of Berthier, one of which dated the seventeenth of June, one thousand eight hundred and fifty-six, intituled: “By-law ordering the making of ditches on both sides of the streets, and the rounding of their surfaces,” and the other, dated the third day of August one thousand eight hundred and fifty-seven, intituled: “By-law ordering the widening and raising of certain parts of Edouard street, in said village of Berthier,” but that the certificates

attesting said publication were not made in a legal form, and that the person who read said by-laws died before having corrected said certificates, the said two by-laws herein mentioned, shall have and shall be held to have had from their passing and publication the same force and effect as if their publication had been duly authenticated by a certificate duly made."

40. The fifty-sixth section of the said act is repealed and the following is substituted therefor :

Sec. 56 of said act repealed and replaced. Recovery of penalties.

"56. All penalties and fines imposed by any by-law made and passed by said town council of Berthier, or by any provision of said act or of the amendments made there-to shall be recoverable before any district magistrate sitting within said town, or before the circuit court in and for the county of Berthier, or before the mayor of the town of Berthier aforesaid, or before any justice of the peace residing within said town, on the prosecution, complaint or information by any councillor of said town, or by the inspector of the said town, or by any officer by the council of said town appointed, in his own private name or in that of the corporation of said town, or on the prosecution or complaint by any person, being of age, in his own personal or private name ; and all penalties and fines incurred by the same person may be included in the same suit and in any such action the losing party shall be condemned to the costs and expenses in such suit incurred.

1. Any action to recover such fines must be commenced within four months from the day on which they were incurred, under pain of forfeiture, and such action may be decided on the oath of a credible witness.

Limitation of actions. One witness sufficient.

2. In default of paying immediately or within the delay fixed by the court presided by said district magistrate, or said mayor or other justice of the peace of said town, the fine imposed and all costs awarded by said court, the person condemned may be imprisoned for a period not exceeding thirty days, but such imprisonment shall, nevertheless, cease on payment of the amount due for the fine and costs of said action; the plaintiff or complainant whose demand was dismissed with costs shall be bound to pay his costs under pain of being imprisoned in the manner and within the delay already fixed in this sub-section.

Imprisonment in default of payment.

3. The prosecutions instituted or complaints or informations made before the said mayor, or said district magistrate, or any other justice of the peace of said town, shall be heard and decided by them or any of them according to the ordinary rules of practice prescribed relative to summary orders and convictions before justices of the peace, except in so far as they are inconsistent with the provisions of this section or with those hereinabove men-

Procedure in such actions.

tioned, with regard to all arrests, made on view or without a warrant; in such last case the complaints and informations may be made and preferred against the offender, either verbally or in writing, when he shall be arraigned before said mayor, or any other justice of the peace of said town, either to be tried or to give security for his appearance on the day appointed.

Complaints
need not be on
oath.
Proviso.

4. No deposition or preliminary information under oath shall be required from the plaintiff or complainant in such suits; provided, nevertheless, that the cause of complaint or demand be set forth in a sufficient manner in the writ or declaration annexed to the writ; and the delay for summoning shall be at least one juridical day between that of the service of the summons and that of the return of the same.

By whom case
shall be tried.

5. On the day of the return of the summons or warrant, it shall be lawful for the mayor or justice of the peace who shall have signed the summons or warrant to sit alone to hear and decide the case; but he may, nevertheless, require the assistance of any other justice of the peace residing within said town; the returns of service made by a bailiff shall be made under his oath of office.

Notes of
evidence.
Clerk.

6. The mayor or such other justice of the peace of said town sitting, or the clerk, shall take notes of the important parts of the evidence. Such notes signed by the sitting judge shall be of record.

Advocate's
fees.

7. In any prosecution, complaint or information aforesaid, the secretary-treasurer of said town, or in his default or refusal to act, the assistant secretary may act as clerk of said sitting mayor, or such other justice of the peace of said town, and collect all fees awarded by the court; nevertheless said mayor, or such other justice of the peace may appoint and select any other person to be his clerk, and the sitting judge as aforesaid in such cases, may award all costs, expenses and fees he may deem reasonable to award; provided always that no fee to an advocate shall exceed two dollars currency, and that the clerk's fees shall not exceed those fixed by a tariff made at Montreal by the justices of the peace in general or quarter sessions and published on or about the fourth day of May, one thousand eight hundred and fifty-three.

Clerk's fees.

Maintenance
of order in
court.

8. Any district magistrate, or mayor or other justice of the peace of said town, sitting within said town, in said prosecutions, complaints, informations, arrests on view with or without a warrant, as aforesaid, shall enjoy the same power and authority to maintain good order in court during a sitting, and may use the same means to do it as are now granted by law in the same case and for the same purpose, to any law court in the province of Quebec, so that any of them shall have the power and authority to

punish by imprisonment not exceeding thirty days, or by a fine not exceeding forty dollars, or by their expulsion from the court until the close of the sitting, all persons being guilty of contempt of court, either by not obeying the order of the sitting judge as regards decorum and good order during the sitting or in any other manner.

9. Any summons, order or warrant issued and signed by the mayor of said town of Berthier against any person, for any offence or violation of any by-law or of any provision of said act or amendments made thereto, may be legally executed against such person and his goods and chattels, within the whole extent of the district of Richelieu, as if such summons, order or warrant had been issued and signed by any justice of the peace within and for the district of Richelieu.”

Services, &c. may be made within the district of Richelieu.

41. The said act of incorporation is also amended by adding thereto a fifty-eighth and a fifty-ninth section, as follows :

Two sections added to said act.

“58. The said town council of Berthier shall have the power to make all by-laws they shall see fit to cause to be opened, or excavated, or cleansed, or widened or properly maintained any boundary or common ditches or any water-course common to several lots which they shall deem necessary for the draining of any ground situate within said town, by declaring how, when, and by what persons these works shall be made, and in what manner the whole shall be made and executed, and they may also order and regulate the cleansing, widening or maintaining of any boundary or common ditch and of any water-course common to several lots, as aforesaid, already opened.

Ditches and water-courses.

“59. All powers conferred by the Lower Canada municipal act of one thousand eight hundred and sixty and its amendments on any municipal council, on the councillors and officers of such council, and in nowise inconsistent with the said act of incorporation of said town and the amendments now made thereto, shall apply to the corporation of the town of Berthier, to the municipal council, to the councillors, and to the officers of the said corporation.”

Certain powers vested in the council and officers of the corporation.

C A P. X X X V I .

An Act to Incorporate the Montreal Credit Company.

[Assented to 23rd December, 1871.]

WHEREAS the persons hereinafter named, interested in the property known as the Brewster property, have petitioned for an Act of Incorporation for the purposes here-

Preamble.