

CAP. XXXVIII.

An Act to authorize the Council of the City of Montreal to pass by-laws to prohibit proprietors and others from leasing their buildings or causing them to be occupied for purposes of prostitution.

[Assented to 24th December, 1870.]

Preamble.

WHEREAS the corporation of the city of Montreal have, by their petition, represented that it has become necessary, in the interest of the said city, to obtain authority to pass a by-law to more effectually restrain prostitution, and prohibit proprietors and others from knowingly leasing their buildings for purposes of prostitution; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Power to pass by-laws prohibiting the leasing or allowing the use of houses for purposes of prostitution.

1. The council of the said city of Montreal shall have power and authority to pass by-laws to prohibit proprietors, usufructuaries or *grevés de substitution* and all others from knowingly leasing, sub-letting, causing or allowing to be occupied any houses, premises, or buildings whatsoever to or by persons of ill-fame for purposes of prostitution, and by such by-laws to impose a penalty for any violation thereof, not exceeding two hundred dollars currency, or imprisonment in the common gaol in the city of Montreal for a period not exceeding six months, and in default of immediate payment of the penalty, and all costs of prosecution, (if a penalty instead of imprisonment is by the conviction imposed), the offender shall be imprisoned in the said common gaol for a period of six months, unless such penalty and all costs shall be sooner paid.

CAP. XXXIX.

An Act to amend the provisions of the act to incorporate the city of St. Hyacinthe.

[Assented to 24th December, 1870.]

Preamble.

WHEREAS it is expedient to repeal and amend the act passed in the session held in the twenty-seventh year of the reign of Her Majesty, chapter twenty-second, intitled: "An Act to amend the provisions of the act to incorporate the city of St. Hyacinthe; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The act passed in the twenty-seventh year of the reign of Her Majesty, chapter twenty-second, intituled: "An Act to amend the provisions of the act to incorporate the city of St. Hyacinthe, is hereby repealed and the inhabitants of the city of St. Hyacinthe, within the limits hereinafter described, and their successors, shall be and are hereby declared to be a body corporate and politic in fact and in law, by the name of "The Mayor and City Council of St. Hyacinthe," and by that name, they and their successors shall have perpetual succession and shall have power to sue and be sued, implead and be impleaded in all courts and in all causes and suits at law whatsoever, and shall have a common seal, with power to alter and modify the same at pleasure, and shall be in law capable of receiving by donation, acquiring, holding and departing with property, real or movable, for the use of the said city, of becoming parties to any contracts or agreements in the management of the affairs of the said city, and of giving or accepting any notes, bonds, obligations, judgments or other instruments or securities for the payment, or for securing payment of any sum of money loaned, or for the execution, or for guaranteeing the execution of any duty, right or thing whatsoever, and shall have all other collective rights and powers necessary for the performance of the duties imposed upon them.

27 V., c. 22
repeated.

Inhabitants of
St. Hyacinthe
incorporated.

Corporate
powers.

2. This corporation shall be represented by a council to be composed in the manner specially prescribed by this act, and all the rights and powers of the said corporation shall be exercised, and its duties and obligations shall be fulfilled by the said council and its officers.

Corporation to
be represented
by a council.

This council shall be called "The City Council of St. Hyacinthe."

3. The city of St. Hyacinthe shall be bounded as follows, to wit: on the south-west by the line dividing the mill property from that belonging to the estate of Eusebe Cartier from the mill causeway to the centre of Girouard street, thence by the centre of Girouard street as far as the centre of Bourdages street, thence by a line passing through the centre of Bourdages street to the point where it intersects St. Claude street, and thence, continuing along the line water course dividing the *Petit rang* road from the lands of the Fabrique as far as the lands of the *Petit rang*; on the north-west by the separation line between the river lands and the lands of the *Petit rang* from the *Petit rang* road as far as the north-eastern limit of the city; on the north-east by the line which separates the land upon which is built the college of St. Hyacinthe, from that which the corporation of the said college purchased from Antoine Charron dit Cabana, and on the south-east by the centre of the river Yamaska.

Boundaries of
the city.

City divided
into four wards

4. The city shall be divided into four wards, which shall be respectively designated and known as "ward number one," "ward number two," "ward number three," and "ward number four," and bounded as follows, that is to say :

"Ward number one" shall be bounded in front by the river Yamaska, on the north-east and in depth by the limits of the city, and on the south-west by the rear line of the emplacements lying on the north-east side of Ste. Marie street from the river to Girouard street, and thence by the same line prolonged to the limits of the city ;

"Ward number two" shall be bounded in front by the said river, in depth by the limits of the city, on the north-east by ward number one, and on the south-west by a line drawn through the centre of Mondor street, from the said river as far as Girouard street, thence along the middle of Girouard street, as far as the middle of Laframboise street, and thence along the centre of Laframboise street and its continuation as far as the limits of the said city ;

"Ward number three" shall be bounded in front by the said river, in depth by the limits of the city, on the north-east by ward number two, and on the south-west by a line drawn through the centre of St. Anne street from the river and prolonged as far as the limits of the city ;

"Ward number four" shall be bounded in front by the said river, in depth and on the south-west by the limits of the city, and on the north-east by ward number three.

On demand of
proprietors
adjacent pro-
perties may be
included in the
city.

5. It shall be lawful for any proprietor of land immediately adjacent or contiguous to the limits of the city of St. Hyacinthe, upon notice given by such proprietor to the municipal authorities of the said city of St. Hyacinthe, and with the consent of the said authorities, signified by a by-law to be made by them to that effect, in the usual manner, to demand and obtain that the said land shall be included within the limits of the said city, and so on successively, for other proprietors having property so adjacent to properties thus successively included as aforesaid, and upon such property being included as aforesaid by by-law, the said proprietors whose properties shall be included, shall have and possess all the municipal privileges, and be subject to all the obligations, duties and charges imposed upon persons and properties originally included within the limits of the said city, and such property thus included shall form part of the wards of the said city to which it will be contiguous or adjacent, and upon the petition of the majority of the resident proprietors, possessing, by authentic title, lands within the extent of territory comprised between the road commonly called the *Petit rang* road and the division line between Ovide Desilets, esquire, and Pierre Edouard Leclerc, esquire,

or their representatives, and bounded in front by the river Yamaska, and in depth by the line of the lands of the *Petitrang*, it shall be lawful for the said city council to include the said extent of territory within the said city, and when the said extent of territory shall have been included by a by-law of the said city council, upon the petition of a majority of the proprietors as aforesaid, the proprietors whose properties shall have thus been declared included, shall possess all the municipal advantages and be subject to all the obligations, dues and duties imposed upon persons and properties originally included in the city.

6. The mayor and the councillors of the said city at present in office shall remain, and they are hereby continued in office for the whole of the period for which they have been elected, and they shall hold office until the expiration of their term of office in virtue of the twenty-seventh Victoria, chapter twenty-second; and the officers appointed by the said mayor and city council shall remain and they are hereby continued in their respective situations, until their formal revocation by the said council or the natural expiration of their powers; and all by-laws, ordinances, agreements, provisions and engagements whatsoever made and entered into by the said present mayor and council, or their predecessors in office, shall have and continue to have their full and entire effect, until the said by-laws, agreements and engagements shall have been regularly rescinded and abolished; and the said council, as constituted in virtue of this act, shall succeed to and be constituted in all the rights, powers, actions and claims of the city council of St. Hyacinthe, as it was constituted by the twenty-seventh Victoria, chapter twenty-second.

7. There shall be elected, in the manner hereinafter mentioned, a fit and proper person to be and who shall be called "the mayor of St. Hyacinthe," and two fit and proper persons to be councillors for each ward of the said city; but as soon as the extent of territory mentioned in the fifth section shall have been included, as prescribed by the said clause, within the limits of the said city, the said extent of territory shall form a ward by the name of "ward number five," and the municipal electors of the said extent of territory shall elect, in the same manner and at the same time as the other wards of the said city, the mayor and two councillors to serve in the council of the said city.

8. When any one of the wards of the said city shall contain more than two hundred and fifty municipal electors, such ward shall have a right to elect three councillors.

9. No person shall be elected mayor of the city of St. Hyacinthe, without having resided and kept house in the said city during the year immediately preceding such

Present council
and officers
continued in
office.

By-laws,
agreements,
&c., continued.

Mayor and
councillors to
be elected.

Three council-
lers may be
elected in cer-
tain wards.

Qualification of
mayor.

election, or without having and possessing for his own use, immovable property in the said city, of the assessed value of eight hundred dollars.

Qualification of
councillors.

10. The councillors of the said city shall be chosen from among the inhabitants of the said city, who are proprietors of the age of twenty-one years, and having freeholds therein, of the assessed value of four hundred dollars; and no person shall be eligible to or capable of exercising the office of mayor or of councilor of the said city, if he is not actually residing in the said city.

Certain persons
disqualified
from being
elected.

11. No priest or minister of any religious sect whatever shall, nor shall any judge or member of the executive council of this province, nor any person who shall be accountable for the funds of the city, nor any person who shall receive a salary from the said city council for his services, nor any deputy or clerk employed at any election by virtue of this act, while he shall be so employed, nor any tavern-keeper or hotel-keeper, who shall keep or shall have kept a tavern or hotel within the six months preceding the election, be elected mayor or councillor of the said city.

Mayor or coun-
cillors in cer-
tain cases to
become dis-
qualified.

12. Every person holding the office of mayor, or councillor of the said city, who shall be declared bankrupt, or shall become insolvent, or shall apply for the benefit of any law made for the purpose of aiding or protecting insolvent debtors, or who shall cease to hold property to the sufficient assessed value, or who shall enter into holy orders, or shall become a minister of religion in any religious sect, or who shall be appointed judge or a member of the executive council, or who shall become accountable for the revenue of the city, in whole or in part, or who shall receive any pecuniary allowance from the city council for his services, or who shall absent himself from the said city, without authority from the council during the same period of two consecutive months, except on account of sickness, or who shall not attend the sittings of the said council during the same period of two consecutive months, except by reason of sickness or with the permission of the council, shall become, by any one of those circumstances *ipso facto* disqualified, and his seat in the said council shall become vacant, and such vacancy shall be filled according to the provisions of this act.

Qualification of
voters.

13. The persons entitled to vote at the municipal elections of the said city shall be the male inhabitant freeholders of the age of twenty-one years, rated on the assessment roll of the said city, and in the actual possession of real estate in the said city, of the annual value of four dollars, and also the tenants, of the age of twenty-one years, who shall have resided and paid rent in the said city, at the rate of not less than twelve dollars per annum,

for a house or part of a house, during six months immediately preceding such election; and also, the leaseholders, of the age of twenty-one years, who shall have built on the property held on lease by them, houses, which might be *bonâ fide* leased for twelve dollars per annum respectively; provided always, that no person qualified to vote at any municipal election in the said city shall have the right of voting thereat, unless he shall have paid, at least three days before such election, all his accrued municipal assessments; and it shall be lawful for any municipal elector of the said city, to require the production of the receipt of the secretary-treasurer of the said city, for such accrued assessment as aforesaid, or in case the said elector shall have lost his receipt, he shall then produce a certificate from the secretary-treasurer, proving the payment of such taxes within the time above mentioned, and in default of the production of such receipt or certificate, the said elector shall not be entitled to vote at such election.

14. The persons having a right to vote at the municipal elections as aforesaid, shall vote in the particular wards in which the properties which qualify them to vote shall be situated and not elsewhere; and if any one possesses properties which would give him a right to vote in two or more wards, he shall have a right to vote only in the ward in which he shall be domiciled at the time of such election.

In what ward proprietors shall vote.

15. The tenants having a right to vote, shall vote in the ward where they shall be domiciled when the election takes place.

In what ward tenants shall vote.

16. The municipal elections of the said city shall be held on the first Monday of January in each year, or on the following day, if such Monday is a holiday of obligation, at nine of the clock of the forenoon, at the places appointed by the council, and they shall be announced by public notice posted up during the fifteen preceding days in the office of the secretary-treasurer of the said city, or published in a newspaper of the said city during the fifteen days which shall precede such elections, and this notice shall be signed by the mayor or by the secretary-treasurer of the said council, and shall set forth the day, place and hour at which the said elections shall be held, and all such elections shall take place whether previous notice be given or not.

Time of holding elections, and notice thereof.

17. The mayor of the said city shall be elected by the majority of the votes of the electors of the said city qualified as aforesaid.

Mayor to be elected by majority of votes.

18. The mayor so elected shall continue to exercise all the powers vested in him as mayor of the said city until his successor in the said office shall have been elected and sworn in.

Mayor to exercise his office until his successor is sworn in.

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

19. The mayor of the city of St. Hyacinthe shall be *ex-officio* justice of the peace for the district of St. Hyacinthe.

20. The mayor of the city shall have the right of super-
visal and control on all the officers appointed by the council,
and shall see to the fulfilment of the orders and by-laws of
the said council.

Who shall pre-
side at annual
elections.

21. The council of the said city shall name one of its
members who is not going out of office, to preside at, and
conduct the annual election, and shall appoint the places
where it shall be held in each of the wards, such councillor
having under him a deputy named and paid by the coun-
cil for each of the wards of the said city. Such deputy
must be an elector qualified to vote.

Deputy.

Poll clerk.

22. It shall be lawful to each of the said deputies to have
a poll clerk whom he shall appoint by a writing under his
hand.

Holding of
polls.

23. The polls shall be open in each of the wards for
receiving and recording the votes, from nine o'clock in the
forenoon to five o'clock in the afternoon of the day fixed
for such election, in case the said election shall not be made
by acclamation; and at the close of the poll, the said
deputies shall declare the person or persons who shall
have received the greatest number of votes, duly elected.

Declaration at
close of polls.

Deputy to have
casting vote.

24. In case the candidates for office of councillors have
an equal number of votes, the deputy, acting at such poll,
shall give a casting vote in favor of one of them.

Election of
mayor.

25. Whenever it shall be necessary to elect the mayor,
the councillor named to preside the annual election shall
also preside the election of the mayor, and shall have under
him a deputy named and paid by the council, which
deputy shall have the right to have a poll clerk named by
him by a writing under his hand.

Deputy to have
casting vote
for mayor.

26. In case two or several candidates to the mayoralty
should have an equal number of votes, the councillor pre-
siding at the election shall have and give a casting voice in
favor of one of them.

Where election
shall be held.

27. The council shall fix the place where the election of
the mayor shall take place.

Deputies and
clerks to take
an oath.

28. The councillor presiding at any election shall not be
bound to take any oath for the holding of such election,
because he will act under his oath of office; and before
proceeding to hold any election under this act, each deputy
and poll clerk shall take the following oath, which the
councillor so presiding or any other councillor, or justice
of the peace residing in the said city, is hereby authorized
to administer, to wit:

Oath.

" I solemnly swear that I will faithfully and impartially,
to the best of my judgment and ability, discharge the duties
of deputy returning officer or poll clerk at the election
which I am about to hold of a person (or persons) to serve

as mayor (or councillors, for the ward, &c., as the case may be) of the city of St. Hyacinthe.—So help me God.”

29. Each deputy acting at such election shall enter or cause to be entered in a book by him kept for that purpose and in the same order as they shall be given, the votes of the electors, inscribing therein the names, surnames and designation of each of them.

Names, &c., of voters to be registered.

30. In case one candidate only is proposed to the office of mayor, or councillor, each deputy, acting at such election, shall at once declare such candidate duly elected mayor, or councillor, as the case may be.

If only one candidate he shall be declared elected at once.

31. The councillor presiding, and each deputy at any municipal election in the city, shall have the power, and they are hereby required to preserve peace and order at such election, and to this end, during the continuance of the said election, they shall and may cause to be imprisoned in the common gaol of the district of St. Hyacinthe, any person making or causing a disturbance, or rioting and fighting at such election, or using or threatening to use any violence for the purpose of preventing any elector from coming forward to vote, or from retiring after having voted, or from remaining as a peaceable spectator at such election, and they shall and may require and command the assistance of any person present at such election; or of any constable or peace officer in the said city, who are hereby required to give their assistance in arresting and imprisoning any person so causing noise, interruption, trouble or disturbance as aforesaid; provided always, that no such imprisonment shall be for a longer period than one calendar month; and the sheriff and gaoler who may be in charge of the said common gaol, are hereby required to receive any such offender on the warrant or order of the councillor appointed to preside at any such election; and every deputy shall have, in his ward, in the absence of the councillor presiding at the election, the same power as he; every person required by the councillor presiding or the deputy at any election to render assistance at such election, and who shall refuse to do so, shall be liable to a fine of not less than five nor more than ten dollars, or to an imprisonment for a period not exceeding one month.

Powers of presiding councillor and deputies to maintain order.

Proviso:

32. The councillor presiding, or the deputy acting at any election under this act, shall have authority, and is hereby enjoined, whenever thereunto required by any person duly qualified to vote at such election, to examine on oath (or affirmation, in cases in which affirmation is allowed by law), any person offering to vote at any election; and the oath shall be administered by the councillor presiding, or the deputy, in the following form, that is to say:

Voters may be sworn.

“ You swear that you will true answers give to all such questions as I shall put to you in my capacity of councillor

Oath.

presiding (or of deputy returning officer, as the case may be,) touching your qualification to vote at this election. So help you God."

The councillor presiding (or the deputy acting at such election) shall himself put the questions which he shall deem necessary, or which the electors present shall desire to have put to the voter.

Person refusing oath cannot vote.

33. If an elector refuses to take the oath or to answer to the questions put to him as aforesaid, his vote shall be refused.

Mention of oath &c., to be entered.

34. If an elector takes the oath, or refuses to be sworn, or if objection is made to his vote, mention of each of these facts shall be made in the poll book, in the following terms, "sworn," "refused," "objected."

Attestation of poll books.

35. At each election held under this act, the poll book containing the names of the voters and other matters, shall be attested on oath by the deputies who shall have presided at such election before the councillor presiding at such election, or any justice of the peace residing in the said city, which said councillor, or justice of the peace is hereby authorized to administer such oath, and the said oath shall be in the following form, and shall be written wholly or in part on the last page of the said poll book containing the names of the electors :

Oath.

"I, A. B., swear that the poll book kept by me at the municipal election for the ward No. _____ of the city of St. Hyacinthe [or at the election of the Mayor of St. Hyacinthe, as the case may be] is just and correct to the best of my knowledge and belief.—So help me God."

Deposit of poll books and notice to persons elected.

36. The poll books thus sworn to shall be deposited in the office of the secretary-treasurer of the said city, by each of the said deputies within the two days following such election, and within the two days following such deposit, the councillor presiding at the election, shall give in writing, notice of their election, to the persons so elected.

Proceedings in case of contested elections

37. Every contestation of an election, either with reference to the qualification of the members, or with reference to that of voters, or for any other cause whatever, shall be determined by the members whose elections shall not be contested, and the trial of each such contestation shall be commenced, within the fifteen days next following the election, at a regular meeting at which not less than four councillors, or the mayor and three councillors shall be present; and each such contestation shall be notified in writing to the councillor presiding at the election by at least three electors of the city, if it is the election of mayor that is contested, or of the ward in which the contested election shall have taken place, if it is that of a councillor, within the two days following such election, and when any election shall be declared void for any one of the causes

aforesaid, or by reason of riotous or disorderly proceedings at the said election, a new election shall be held within the twenty days next after that on which such contestation shall have been decided; and this election shall be conducted and presided over as is provided by this act for the annual elections.

38. Every witness who, in the case of a contested municipal election, after having been duly summoned by the mayor or any one of the councillors to attend at the trial of such contestation, or at the trial of any complaint whatever, which shall have been regularly brought before the said council for any causes whatever, shall wilfully neglect or refuse so to attend, or shall refuse to answer the questions which may be then and there put to him, shall, on conviction thereof, before one or more of the justices of the peace residing in the said city, be liable to a fine not exceeding twenty dollars, nor less than four dollars currency, and in default of payment thereof, to imprisonment for a term not exceeding eight days.

Penalty against witnesses refusing evidence.

39. The mayor and each member of the said city council, are hereby authorized to summon and to examine upon oath, any witness summoned to appear before the said council, and to administer the oath to such witness.

Power to summon and hear witnesses.

40. Any person who shall have been elected mayor or councillor of the said city shall, before sitting as such, take the oath of office hereinafter mentioned, before the councillor who shall have presided at the election, or before any of the justices of the peace residing in the said city, who are hereby authorized to administer the same, that is to say :

Mayor and councillors to be sworn.

“I, A. B., do solemnly swear that I will faithfully discharge the duties of mayor, (or of councillor, as the case may be) of the city of St. Hyacinthe, to the best of my judgment and ability.—So help me God.”

Oath.

41. The persons who shall be chosen at the annual municipal elections to be mayor or councillors of the said city, shall in all cases be elected for two years, and at each such annual election, one of the councillors for each ward shall go out of office; and it shall always be that one whose election shall have taken place two years before.

Elections to be for two years.

When three councillors represent any of the wards, each of them shall remain in office for two years.

No person shall be councillor for more than one ward at a time.

42. In the event of a vacancy occurring in the office of mayor, either by the death of the person elected to such office, his refusal to accept the same, his absence, or otherwise, such vacancy shall be filled by the election in the manner prescribed by this act, of a person fit and proper, who shall remain in office the remainder of the time for

Vacancies in the office of mayor how filled.

which his predecessor had been elected, and furthermore until the swearing in of his successor, and if a person is elected at the same time mayor of the said city and councillor, or being already elected councillor for one of the said wards of such city is elected mayor, he shall have, within the four days, unless he be by law exempted of the same, to occupy the office of mayor, and in default of accepting the said office of mayor, he shall incur and pay a penalty of forty dollars currency.

Vacancies among councillors how filled.

43. As often as any vacancy shall occur in the office of councillor, by reason of nomination to the office of mayor, of sickness, civil disability, death or removal from the city, or for any other cause, it shall be lawful for the city council, and they are hereby enjoined to summon, by public notice, the electors of the ward in which such vacancy shall have occurred, to fill such vacancy by the election of another councillor; and in this case the mayor, or in his absence the pro-mayor, or one of the councillors, appointed by the council, shall preside at the election, and the secretary-treasurer or any other person appointed by the council shall act as deputy, and the councillor thus elected to fill the vacant seat shall be sworn before the mayor or before the councillor who shall have presided at the election, and he shall remain in office during the whole period during which the member whom he shall replace would himself have remained in office, in the ordinary course of affairs.

Failure of election not to dissolve council.

44. In case it should happen that any annual municipal election should not have taken place, for any cause whatsoever, on the day on which in pursuance of this act it ought to have been held, the said city council shall not, on that account be dissolved; and it shall be lawful for those of the members of the said council, who shall not have gone out of office, to hold a meeting presided over by the mayor, or by the councillor who shall have been appointed to preside at the election, if there be no mayor, for the purpose of fixing as early a day as possible for holding such election; and in this case, the notices and proclamations required by this act shall be posted up and published during eight days only, instead of fifteen.

Proceedings in such case.

Councillors may order arrest of disorderly persons

45. It shall be lawful for each of the members of the city council, individually, to order the immediate arrest of any drunken person, or of any person acting in a disorderly or turbulent manner, whom he shall find disturbing the peace within the limits of the said city, and to cause such person to be confined in the watch-house, or other place of detention, in order that such person may be safely kept until he can be brought before the mayor, or a justice of the peace, to be dealt with according to law.

Council to meet

46. After each annual municipal election, the members

of the said council shall, within eight days next after the election, hold a meeting, presided over by the mayor, or in his absence by the councillor who shall have presided over such election. within 8 days after annual election.

47. The said city council shall meet at least once each month, for the transaction of the affairs of the said city, and shall hold its sittings in such place as it shall please the said council to choose; a bare majority of the members of the said council shall form a quorum for the dispatch of business, and all contested questions shall be decided by the majority of the members present. Council to meet monthly. Quorum.

48. One or several members of the said council who may not be sufficient in number to form a quorum, may adjourn any meeting of the council, which did not take place for want of a quorum. Adjournment for want of quorum.

49. The council shall after each annual municipal election appoint a pro-mayor, who shall take the place of the mayor in case of his absence and shall be invested with all his powers for the whole time fixed by the council for the duration of his term of office. Pro-mayor.

50. In the event of the absence of both the mayor and of the pro-mayor the council may choose one of its members to preside each sitting. Who shall preside in absence of mayor, &c.

51. The mayor of the said city, if he is present, and in his absence the pro-mayor, shall preside at the meetings, and shall maintain order thereat, and shall have a right to express his opinion, but not to vote, on any question which shall be brought before the said council; but when the said councillors, after having voted on any question, shall be found to be equally divided, then, and in that case only, the mayor, and in his absence the pro-mayor, and in the absence of both the councillor presiding, shall decide the question by his vote giving his reasons for it if he thinks proper. Mayor, &c., to preside, but to have only casting vote.

52. Neither the mayor nor the councillors shall receive any salary or emoluments from the funds of the city during the time they shall remain in office. Mayor and councillors to receive no remuneration.

53. The mayor, or in his absence the pro-mayor, of the said city, may, as often as he shall think it necessary or useful, call special meetings of the council, and whenever two members shall wish to have a special meeting they may apply to the mayor, or in his absence the pro-mayor, to call it, and if these two last mentioned are absent, or if they refuse to act, the said two members may call it themselves, stating at the same time to the secretary-treasurer of the said city, in writing, the object for which they call such special meeting, and the day on which they are desirous it should be held, and the said secretary-treasurer shall be bound on receipt of such written notice, to communicate it to the other members of the council, Special meetings how called

who shall be bound to be present at such meeting under the pains and penalties which may be prescribed by by-laws passed to that effect by the said council.

Meetings to be public, except, &c.

54. All the meetings of the city council shall be public, except only when the council shall have to try the members of its own body for any cause whatever, and the said council shall have the power to cause order to be kept during its sitting by those persons who may be present, and to punish summarily, by fine or imprisonment or both, any contemptuous act committed by such persons, and such fine shall not exceed the sum of twenty dollars nor be less than one dollar currency, and such imprisonment shall not exceed a period of thirty days.

Power to maintain order and punish contempts.

Power to expel councillors misbehaving.

55. The mayor or councillor 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 at least the three-fourths of the members present, that the mayor or councillor presiding shall exert his authority in the matter, and all such motions shall be considered in order and shall be proposed and decided without debate.

Standing committees may be named.

56. It shall be lawful for the said council to appoint from among its members standing committees for the following objects: finances, markets, roads, fire, police and public health.

Special committee may be named.

57. The council may appoint committees, composed of as many of its members as it shall judge proper to whom it shall delegate its powers, for the examination of a question, the management of a special matter or of a particular kind of business, and the execution of special duties.

Committees to report by a majority.

58. The committee shall report their operations, and their decisions in reports signed by the majority of the members composing said committee, or the chairman, and no report of order of a committee shall take force and effect until its adoption by the council.

Power to appoint assessors.

59. The city council shall have power to appoint, at the commencement of each period of three years, three assessors; and it shall be the duty of the said assessors to value the real property and stock in trade of the said city according to the real value, and within the period which shall be fixed by the said city council.

Triennial valuation of property. Qualification of assessors.

60. The valuation of real property shall be made once in every three years.

61. The assessors shall be owners of real property to the value of at least one thousand dollars.

Assessors to be

62. Every person so appointed assessor shall be bound,

before proceeding to value any property in the said city, to sworn.
take the following oath before any justice of the peace re-
siding in the said city, that is to say :

“ I, _____, having been appointed one of the as- Oath.
sessors for the city of St. Hyacinthe, do solemnly swear,
that I will honestly and diligently discharge the duties of
that office to the best of my judgment and ability.—So help
me God.”

63. The assessors shall, in the course of the month next Valuation roll
after notice shall have been given to them of their appoint- to be made, and
ment, make a valuation of all the real property and stock deposited for
in trade in the said city, and transmit to the secretary- inspection.
treasurer of the said city the valuation roll thereof ; and at
the next meeting of the said council, the said valuation roll
shall be produced and examined by the councillors if they
desire it ; and from the date of that meeting the valuation
roll shall be deposited in the office of the secretary-treasurer,
during the period of one month, reckoning from that meet-
ing ; and during that time it shall remain open for public
inspection to all persons whose properties shall have been
valued, or their representatives ; and during that interval
those persons who feel aggrieved may address themselves,
in writing, to the city council, complaining of any over
valuation ; and such appeal shall be decided by the said
council at the first meeting which shall be held after the
expiration of the month hereinbefore mentioned ; and the
said council may hear the parties and their witnesses on
oath, which oath shall be administered by the mayor, or How it may be
by the presiding councillor, and may sustain or alter contested.
the valuation of which the alteration is demanded, as may seem
to it to be right ; and at the same meeting the said valua-
tion roll shall be declared closed for three years, unless
however the council have been obliged to adjourn in conse-
quence of the number of complaints ; in which case the
said roll shall not be declared closed until after all the com-
plaints shall have been heard and decided.

64. If after the valuation roll shall have been declared Valuation may
closed as aforesaid, any property in the said city shall be be reduced in
considerably diminished in value, either by fire, the pulling certain cases.
down of buildings, accident, or any other cause, the said
council may, on petition from the owner, cause the valua-
tion of such property to be reduced by the assessors to
its actual value ; and if any omission has been made in the Properties may
said assessment roll, or if any new building, tending to in- be added in
crease the value of real property in the said city, shall have certain cases.
been erected subsequent to the closing of the said valuation
roll, the said council may order the assessors to value any
property so omitted or increased in value as aforesaid for
the purpose of adding it to said roll.

65. The said assessors shall be bound to value annually, Certain valua-

tion to be made annually.† by order of the said council, the stocks in trade held in the said city, and, by order of the said council, the rolls of tenants, movable property, of persons and animals liable to taxation shall be made up annually by the person chosen by the said council. The valuation rolls of stock in trade and the rolls of tenants, movable property, persons and animals liable to taxation shall be deposited, examined and revised in the manner set forth in section sixty-three of this act.

Auditors to be appointed and sworn.

66. At the first meeting, after each annual municipal election, the city council shall appoint two persons to be auditors of the accounts of the said council; and such auditors shall take the following oath before a justice of the peace residing in the said city, that is to say :

Oath.

“ I, _____, having been appointed to the office of auditor for the city of St. Hyacinthe, do swear that I will faithfully discharge the duties thereof to the best of my judgment and ability; and I declare that I have not, either directly or indirectly, any share or interest whatever in any contract or employment with or under the city council of St. Hyacinthe.—So help me God.”

Qualification of auditors.

67. The auditors who shall be appointed for the said city, shall be owners of real estate therein, of the value of at least five hundred dollars; and neither the mayor nor the councillors, nor the secretary-treasurer of the said city, nor any person receiving a salary from the said council, either on account of an office held under its authority, or on account of any contract whatever made with it, shall be capable of holding the office of auditor of the said city.

Duties of auditors.

68. It shall be the duty of the auditors to examine in January and whenever requested to do so by the council, all accounts which may appear in the books of the said council or concern it, to report their proceedings to the said council, who within fifteen days after the reception of such report, shall cause to be published a detailed statement of the receipts and expenditure and resources of the said council in a newspaper published in the said city or posted during eight days in the office of the secretary-treasurer for public inspection.

Council may fill vacancies of assessors or auditors.

69. In the event of any vacancy occurring in the office of assessors or in that of auditors for want of assessors or auditors being appointed at the period fixed by law, or by reason of the absence or death, or by the failure, disqualification or inability of the person or persons appointed to those offices, the said council may appoint one person or persons duly qualified to fill and supply such vacancy.

Fine for refusing office.

70. Every person who shall be regularly elected or appointed to any of the offices of mayor, councillor, assessor or auditor of the said city, shall accept such office under the fines hereinafter mentioned, unless such person shall

have ceased to hold office within the last four months of the year preceding such election or appointment to office; in which case he shall be exempt from serving for the same period as he would have served if he had accepted such office.

The fine for a person elected mayor, who shall refuse to accept and to act, shall be forty dollars.

The fine for a person elected councillor, who shall refuse to accept and to act, shall be twenty dollars.

The fine for a person appointed auditor, who shall refuse to accept and to act, shall be ten dollars.

The fine for a person appointed assessor, who shall refuse to accept and to act, shall be fifteen dollars.

No person whose age at the time when he may be elected or appointed to any of the said offices, shall exceed sixty years, shall be bound to accept the same, or liable to pay a fine for refusing to act therein.

71. The city council may, from time to time, as occasion shall require, appoint a fit or proper person, who shall not be a member of the council, to be and to be called "the secretary-treasurer of the city of St. Hyacinthe;" another person to be the chief of police of the said city; one or several persons to be clerk or clerks of the markets of the said city; one or several persons to be inspector or inspectors of roads, streets and bridges; and such number of overseers of roads, streets and bridges as it will think necessary; one or several persons to prepare the roll of tenants, movable property, persons and animals liable to taxation; a keeper or several keepers of public pounds for the said city; one inspector of the said city, and such constables or officers it will deem necessary to execute the powers given to the council by this act; and prescribe and regulate the duties of each of these officers; and dismiss at will each of the said officers and replace them: demand of any person employed by the council for any purpose whatever, such security it will deem sufficient to insure the due execution of his duties; and allow and give to the officers named as aforesaid, such salaries, allowance or other compensation for their services, at it will deem convenient.

72. The secretary-treasurer as soon as appointed, shall name under his signature, with the approval of the council, an assistant secretary-treasurer, who shall exercise, in case of absence or sickness of the secretary-treasurer, all the duties of the secretary-treasurer, with the rights, powers and privileges of the secretary-treasurer himself, and under the same obligations and penalties. The secretary-treasurer and his bail shall be answerable for all the acts and omissions of the said assistant secretary-treasurer.

73. The secretary-treasurer may dismiss such assistant and replace him by another with the authorization of the council.

Secretary-treasurer and certain other officers to be appointed.

Sec.-Treasurer to name an assistant.

Sec.-Treasurer may dismiss assistant.

Sec.-Treasurer to be sworn.

74. The secretary-treasurer shall swear to fulfil faithfully the duties of his office, and all his returns and certificates may be made under that oath of office.

Secretary-treasurer to be keeper of all moneys.

75. The secretary-treasurer shall be the sole collector and keeper of all sums payable and belonging to the said city council.

No payment to be made without written order of mayor or two members of finance committee.

76. The secretary-treasurer shall not make any payment from the funds of the said city, otherwise than upon the order of the said council, or upon an order in writing, signed by the mayor or two members of the finance committee, and the possession by the secretary-treasurer of such order shall be *prima facie* evidence of the amount therein mentioned having been paid.

Duties of Sec.-treasurer.

77. The secretary-treasurer shall assist at all the sittings of the council and shall inscribe all the acts and deliberations of the said council in a book kept for that purpose, which shall be called "the minute book of the city council of St Hyacinthe," and he shall allow inspection of the same during convenient hours, by any person interested.

Secretary-treasurer to have custody of all documents, &c.

78. The secretary-treasurer shall have the custody of all the books, registers, valuation and assessment rolls, reports, *procès-verbaux*, deeds of apportionment, plans, charts, records, documents and papers belonging to the said council.

Copies certified by sec.-treasurer to be authentic.

79. Every copy or extract of said books, registers, valuation or assessment rolls, reports, *procès-verbaux*, deeds of apportionment, plans, charts, records, documents and papers certified by such secretary-treasurer shall be deemed authentic.

Secretary-treasurer to keep books and vouchers.

80. The secretary-treasurer shall keep in due form, books of accounts, in which he shall enter by order of dates, every item of receipts and expenditure, mentioning also the names of the persons who shall have paid the moneys in his hands, or who shall have received some from him and he shall keep in his office all the vouchers of the expenditure.

Books and vouchers to be open to inspection.

81. The secretary-treasurer's books of accounts and his vouchers shall be open for inspection, at all reasonable hours, to the council, and to each of the members thereof, to the municipal officers by them appointed, and also to all persons liable to assessment in the city.

Secretary-treasurer to prepare a yearly statement.

82. The secretary-treasurer shall prepare a statement of the accounts, with the vouchers and papers relating to the same, for the year ending on the thirty-first day of December in each year in order to submit them to examination by the auditors between the first and the twentieth days of January of the following year.

Proceedings if secretary-treasurer fails to render account

83. The secretary-treasurer or any person who shall have filled that office, may be sued in the name of the mayor and city council of St. Hyacinthe, to compel him to render an account by any person duly authorized to do so,

before any court of competent jurisdiction, to compel him to render an account, 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 acknowledges to have in his hands, or of which he shall be declared debtor, together with such other sums as 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 costs of suit.

84. Every such judgment shall carry with it *contrainte par corps* against the secretary-treasurer, according to the laws in force in such cases, if such *contrainte par corps* be demanded in the action to compel the rendering of the account. Secretary-treasurer liable to coercive imprisonment.

85. The secretary-treasurer shall deliver to any person applying for the same, upon payment of such fees as shall be fixed by the council, a copy of any document in his possession or custody, or of record in his office; and every such copy, certified by him as correct, shall be *prima facie* evidence of the contents thereof, and he shall allow all such documents to be inspected at reasonable hours by any person interested. Secretary-treasurer shall deliver copies on being paid.

86. The secretary-treasurer of the said city and all the other officers and servants of the said council, shall respectively, during their continuance in office, or in the course of a month after their going out of office, and in such way as the council shall direct, render to the said council, or to any person authorized by it, an exact account in writing of all matters entrusted to their charge or keeping, in virtue of this act, and also of all moneys which shall have been received by them respectively, for the purposes of this act, and of the amount of all moneys which shall have been paid or disbursed by them for the benefit and under the control of the said council, and for what objects. All officers retiring from office shall render an account.

87. From and after the passing of this act, the said city council alone shall have the right of granting and delivering certificates for tavern licenses, and for licenses to keep houses of public entertainment and retail spirituous liquors, within the limits of the said city, and such certificates shall be signed by the mayor or the secretary-treasurer of the said city, and sealed with the seal of the corporation. Power to grant certificates for tavern licenses

88. The council shall have power to license temperance houses for an annual license of three pounds at the most. Power to license temperance houses.

89. It shall be lawful for the city council to borrow, on the credit of the said city, such sum or sums of money as the said city council shall think proper to borrow for the purpose of effecting improvements in the said city, or of erecting public buildings, or of draining the streets, or of Power to borrow money for certain purposes.

causing the said city to be supplied with water and gas, or for any other purposes which the said council may deem useful or necessary; but the whole amount so borrowed and remaining due, shall not at any time exceed fifteen per cent on the whole valuation of the assessed real property in the said city; and all public moneys now due and payable, or which may hereafter become due and payable to the city council, shall be pledged for the payment of the current expenses of the said city, and the sums so borrowed by the said city council, and generally to the payment of all debts which have been or may be lawfully contracted; and the said council may, if it borrows sums of money on the credit of the consolidated municipal loan fund for Lower Canada, apply the said sums to the different objects mentioned in this clause, and it shall be sufficient for the said council, in order to obtain the said sums from the consolidated municipal loan fund, to observe the formalities prescribed by this act.

Power to raise money by debentures.

90. It shall be lawful, for the city council to contract loans by issuing debentures or *bons* signed by the mayor and countersigned by the secretary-treasurer of the said city, and sealed with the seal of the corporation, such loans or *bons* being made payable to the bearer at such periods as the said council shall think proper to fix; and such *bons* or debentures shall bear interest payable semi-annually on the first days of May and November in each year, and at a rate not exceeding six per cent, per annum, and coupons for the amount of the semi-annual interest thereon may be attached to all such debentures, which coupons being signed by the mayor, and countersigned by the secretary-treasurer, shall be payable respectively to the bearer thereof, then and as soon as the semi-annual interest therein mentioned shall accrue, and upon payment thereof shall be delivered to the said secretary-treasurer; and the possession of any such coupon shall be *prima facie* evidence that the semi-annual interest therein mentioned has been paid according to the tenor of such debenture or *bon*, and all such debentures or *bons* and the interest, together with the principal thereof, shall be secured upon the general funds of the said city.

No loan to be effected without approval of majority of electors.

91. The city council shall not, in any case, contract any loan without having obtained the approbation of the majority in number and in value of assessed real property of the electors of the said city; such approbation to be expressed at the public meeting presided over by the mayor, the secretary-treasurer acting as secretary and duly called by notices published and posted up during fifteen days before such meeting; and six qualified municipal electors present at the said meeting may demand a poll to establish such majority; and a poll shall be granted by the mayor, on

being so demanded, and shall be held within four days next after such meeting, the secretary-treasurer of the city acting as poll clerk under the direction of the mayor; each elector shall then present himself in turn and shall give his vote by *yea* or *nay*, the word *yea* signifying that he approves of the proposed loan, and the word *nay* signifying that he disapproves of the proposed loan; but no person's vote shall be received unless it appears by the valuation roll that he is duly qualified to vote as municipal elector, and unless he has paid all his municipal taxes at least three days previous to the time of such voting; and such poll shall be held on two consecutive days, not being Sundays or holidays, from ten o'clock in the morning until five o'clock in the afternoon, and at the close of the poll the mayor shall count the yeas and the nays, and within four days thereafter he shall lay before the city council a statement showing the value of the real property of each of the voters according to the valuation roll then in force, and shall certify, for the information of the city council, whether the majority in number and in value of assessed real property of the electors of the city approve or disapprove of the said loan; and this certificate shall be countersigned by the secretary-treasurer of the city, and preserved by him with the poll-list, and the aforesaid statement among the archives of his office, and if the said loan is approved of as aforesaid, the said city council may contract it.

Proceedings for submitting the matter to such approval, and establishing the decision of the electors.

92. Every contract or document in which the said city council shall be a contracting party, shall be executed and signed by the mayor, countersigned by the secretary-treasurer, and sealed with the seal of the corporation, and whenever it shall be necessary to serve any protest or any rule of court or summons, or other thing whatever in any action or prosecution, upon the said mayor and city council, such service shall be made at the office of the secretary-treasurer.

How contracts shall be executed.

93. In order to raise the necessary funds to meet the expenses of the city council, and to effect the several necessary public improvements in the said city, the said city council shall have power to levy annually upon persons and upon movable and immovable property in the said city, the taxes hereinafter set forth, that is to say:

Power to levy moneys by means of following taxes.

1. On every piece of land, town lot, or part of town lot, whether there be or be not buildings, a rate not exceeding one penny in the pound on their full actual value, as entered in the valuation roll of the said city; but no land under cultivation or leased as a farm within the limits of the said city shall be taxed by virtue of this act except the lot on which the buildings shall be erected, which shall be assessed together with such buildings; and the said city council shall have power to cause to be added

Certain real property.

to the valuation roll at any time any part of such land under cultivation which shall have been detached from it as a town lot, and shall thus have become liable to assessment after the closing of the valuation roll, and to exact the tax as on the other pieces of land entered in the said roll ;

Certain movable property.

2. On every proprietor or possessor of the following movable property a similar sum of one penny in the pound, according to the value hereinafter specified :

Every stallion shall be rated at one hundred pounds ;

Every horse kept for hire, at fifteen pounds ;

Every horse above the age of three years, and kept for ordinary domestic purposes, ten pounds ;

Every head of horned cattle, of the age of two years and upwards, at two pounds ;

Every covered carriage with four wheels and two seats, at fifty pounds ;

Every open carriage with four wheels and two seats, at twenty pounds ;

Every gig or light wagon with one seat, at ten pounds ;

Every two-horse sleigh, at twenty pounds ;

Every one-horse sleigh, at ten pounds ;

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

Stocks in trade.

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

Tenants.

4. On each tenant paying rent in the said city, an annual sum equivalent to six pence for every twenty shillings on the amount of his rent ;

Certain other persons.

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

Dogs.

6. On every person, having or keeping a dog or dogs in the said city, an annual sum of five shillings for each dog ;

Bitches.

7. On every person having or keeping a bitch or bitches in the said city, ten shillings yearly for each bitch ;

Certain businesses.

8. It shall be lawful for the said city council to impose and levy certain annual duties or taxes on the proprietors or occupants of houses of public entertainment, taverns, coffee-houses and eating houses, on every retailer of spirituous liquors ; on every pedlar and itinerant trader selling in the said city articles of commerce of any kind whatsoever ; on every proprietor, possessor, agent, mana-

ger, and keeper of theatre, circuse, billiard-room, nine-pin alley, or other place for games or amusements of any kind whatsoever; on every auctioneer, grocer, baker, butcher, hawker, huckster, carter, livery-stable keeper, brewer and distiller; on every trader, merchant and manufacturer, or their agents, on every proprietor or keeper of wood-yards or coal yards, and of slaughterhouses in the said city; on every money-changer or exchange-broker, pawnbroker, or their agents, and on every banker, bank, and every agent of bankers and banks; on every insurance company or their agents; and generally on every commerce, manufacture, calling, art, trade, profession which may be exercised in or introduced into the said city.

94. The workmen of all mechanical arts and trades exercised in the said city shall be divided into two classes; Two classes of mechanics as regards taxation. the first shall comprise all the shop masters, contractors and undertakers, and the second all other workmen. Those of the first class, shall be taxed annually at five shillings, and those of the second at one shilling and three pence.

95. Any person keeping an office in the said city and practising as an advocate, or doctor, or land surveyor, or notary, or dentist, or surgeon, or an oculist, or any other liberal profession, shall be taxed at the sum of fifteen shillings annually. Tax on professions.

96. The following properties shall be exempt from taxation in the city of Saint Hyacinthe: Exemptions from taxation.

Every land and property belonging to Her Majesty, her heirs or successors, held by any public body or department, or by any person for the use of Her Majesty, her heirs or successors; Proviso.

Every provincial property and buildings;

Every place set apart for public worship, parsonage house and every cemetery;

The bishop's palace and land on which it is built;

Every public school-house and the lot on which it is built;

Every educational establishment and the lot on which it is built;

Every building, land and property occupied for hospitals or other charitable establishments;

Every court house or district gaol with the grounds attached thereto;

But this exemption shall not extend to the lots or to the buildings erected on lots leased or occupied by tenants under the government or the war department in the said city; and such lands belonging to the government or to the war department as shall be occupied by tenants, shall be valued and assessed in the same manner as other immovable property in the said city, and the taxes thereon

shall be paid by the said tenants or occupants, and the said lands shall not be liable for these taxes.

Power to commute assessments on certain properties or to exempt them from taxation.

97. The council may, at any time, by agreement with any person carrying on, or proposing to undertake any manufacturing business or operations, commute all assessments on all property held by such person for any such purpose, as well as on the business itself for a fixed sum payable annually during a period of not more than ten years, and may also, in view of the encouragement of such business or operations, wholly exempt all such properties and business from assessment during a period not exceeding ten years.

Power to remit taxes to poor persons in certain cases.

98. The council shall have power to remit to poor persons, in the said city, who shall have been taxed by virtue of this act, all or part of their assessments in certain cases of loss by fire, long illness, or any other cause which the said council shall deem reasonable and sufficient.

Collection roll to be prepared annually.

99. The secretary-treasurer shall every year, when requested to do so by the council, make out the general collection roll and set down there in the name of each person assessed the value of the real property of each person as specified in the valuation roll, and the amount of personal property for which such person is assessable, and he shall also calculate and set down the various taxes and assessments payable by such person either under any by-law or otherwise, and the total amount with which each person is chargeable.

Special collection roll whenever special rate is imposed.

100. Whenever any special rate is imposed either before or after the confection of the general collection roll, the secretary-treasurer shall make out a special collection roll in the manner above prescribed.

Secretary-treasurer before collecting taxes to give 20 days public notice.

101. The secretary-treasurer, after completing his collection roll shall proceed to collect the taxes or assessments therein mentioned, and for that purpose shall give or cause to be given public notice during fifteen days that the collection roll is completed and deposited in his office, and that all persons therein mentioned liable to the payment of taxes and assessments, are required to pay the amount thereof at his office, within the twenty days following the publication of such notice.

After said 20 days taxes to be demanded by special notice.

102. If at the expiration of twenty days any arrears of taxes or assessments remain unpaid, the secretary-treasurer shall leave or cause to be left at the usual place of residence or domicile, of each such person in arrear, or with him personally a detailed statement of the various sums and the total amount of taxes or assessments due by such person, and shall at the same time, and by a notice annexed to such statement, demand payment of the taxes or assessments therein mentioned, together with the cost of the service of such notice, according to the tariff established by the council.

103. The provisions of the preceding clause shall not apply to persons residing without the limits of the municipality; the said persons shall be bound to pay their taxes or assessments within the twenty days following the public notice above mentioned without it being necessary that any demand should be made upon them either personally or at their domicile.

No special notice to persons residing outside the city

104. If any person, residing in the city, neglects to pay the amount of taxes or assessments imposed upon him for the space of fifteen days after such demand made as aforesaid, the secretary-treasurer shall levy their taxes or assessments with costs, by warrant under the hand of the mayor of the said city, authorizing the seizure and sale of the goods and chattels of the person bound to pay them, or of any goods or chattels in his possession, wherever the same can be found within the said city; and the mayor shall incur personally no liability by signing any such warrant, but the corporation of the said city alone shall be responsible; and no claim of property or privilege thereon or thereto, shall be available to prevent the sale, nor the payment of the taxes or assessments and costs out of the proceeds thereof.

After 15 days default after demand warrant of distress may be issued.

105. If the goods and cattels seized are sold for more than the amount of taxes or assessments levied for, and the costs attending the seizure and sale, the surplus shall be returned to the person in possession of such goods and chattels when the seizure was made, but if any claim for such surplus is previously made by any other person, alleging a right of property or privilege upon such surplus, and if the person on whom the seizure was made admits such claims, such surplus shall be paid to such claimant; and if such claim be contested the surplus money shall be retained by the secretary-treasurer until the respective rights of the parties be determined by a competent tribunal.

Surplus after sale to be paid to person proceeded against or to claimant in certain cases.

106. The person intrusted with the execution of the warrant of seizure shall give, at least eight days before the sale, public notice by posting it and reading it loudly and intelligibly at the door of the parish church at the issue of divine service in the forenoon, on the Sunday following the seizure, of the place, day and hour at which the goods and chattels by him seized shall be sold.

Public notice to be given before sale.

107. On or before the fifteenth day of November in each year, the secretary-treasurer of the school municipality of the city of St. Hyacinthe, shall, if he is ordered to do so by the school commissioners, prepare a statement of all the assessments remaining due on all the collection rolls for the taxes of the current year and arrears due to the school municipality by the inhabitants owners of land or lots of land within the city, or incurred under any act concerning the common schools, and a designation of the lots or parcels

Secretary-treasurer of school com. may transmit statement of arrears due by inhabitants of the city, &c.

of land in respect of which their taxes or assessments or other debts shall be due, and he shall transmit to the secretary-treasurer of the city of St. Hyacinthe a duly certified copy of such statement.

Secretary-treasurer may prepare and publish a list of lands on which assessments are due, and give notice that they will be sold.

108. And on or before the first day of December in each year, the secretary-treasurer of the said city shall prepare, if he is ordered to do so by the council, a list of all the lands, town lots or parcels of lots or other immovables in the said city and liable to taxation, upon which any assessments or other dues remain unpaid, stating opposite the lots or parcels of land respectively the amount due, and shall cause to be inserted at least three times during the said month of December, in English and in French in the *Quebec Official Gazette*, and in French in a newspaper published in the district of St. Hyacinthe or in an adjoining district, if there be none published therein, a notice containing a list of all the said immovables respectively, on which such assessments or dues shall remain unpaid, showing opposite or after their numbers or designations the amount to be raised for the discharge of these taxes or assessments or other dues, including all costs and expenses and announcing that the immovables will be sold on the first Monday of the month of February then next following, or on the following day if that first Monday be not a judicial day, at the place where the sittings of the council are then held, for the payment of the taxes or assessments or other dues, and he shall moreover give public notice of such sale for fifteen days, specifying the place, day and hour at which such sale will commence.

Said list shall include all lands owing school taxes according to statement transmitted under s. 108.

109. The secretary-treasurer of the city of St. Hyacinthe shall include in the list above mentioned all the lots of land on which the school commissioners for the municipality of the city of St. Hyacinthe, shall claim school taxes or assessments or arrears according to the list which shall have been transmitted to him as above mentioned by the secretary-treasurer of the said school commissioners.

School dues may be joined with city taxes when they are claimed at same time.

110. Whenever dues shall be claimed at the same time by the said school municipality and the city council, it will be sufficient to add the claim of the said school commissioners to that of the council in the said list and in the said notice.

Sales of chattels for taxes to be by auction.

111. All goods and chattels, to be sold under the authority of this act for the payment of taxes or assessments or other dues, shall be offered to public competition; but such goods or chattels so publicly sold, shall be exempt from auction duty, and need not be sold by a licensed auctioneer.

Sale to highest bidder.

112. At the time appointed for the sale, the secretary-treasurer of the city of St. Hyacinthe, or some other person acting for him, sells to the highest bidder, those lands described in the list upon which taxes are still

due, after making known the amount to be raised on each of such lands, including therein a part of the costs incurred for the sale, proportionate to the amount of the debt.

113. Any person offering then and there to pay the amount of the moneys to be raised together with the costs, for the smallest portion of such lands, becomes the purchaser thereof, and such portion of the land must be at once adjudged to him by the secretary-treasurer who sells such portion of the property as appears to him best for the interest of the debtor.

Offer to pay taxes and costs for smallest portion of land to be accepted.

114. The purchaser of any land or portion of land must pay the amount of his purchase money immediately upon the adjudication thereof. In default of immediate payment the secretary-treasurer either at once puts up the land for sale or adjourns the sale to the following or any other day, not more than eight days distant, by giving all persons present notice of such adjournment in an audible and intelligible voice.

Sales to be for immediate payment. In default thereof lands to be resold.

115. If at the time of the sale no bid is made or if all the lands put up cannot be sold on the first Monday in February the sale must be adjourned to the following or any other day within eight days, in the manner set forth in the last provision of the preceding article.

Adjournment if sales be not effected.

116. On payment by the purchaser of the amount of his purchase money, the secretary-treasurer shall give a certificate under his signature to such purchaser, specifying the particulars of such sale, and the purchaser may forthwith enter upon and take possession of such lot or parcel of land.

Certificate to be given to purchaser.

117. No such purchaser of any lot of land or part thereof shall deteriorate it in any way nor carry away the buildings and fences erected on such property or part of it, and it shall be the duty of the former proprietor, before he can recover possession of his lot of land or part of it so sold, in addition to what he is bound to pay, to repay to the said purchaser all the taxes and the value of all public or vicinal work which he has paid or performed during the time the land was in his possession.

Purchaser not to deteriorate land.

How former owner may recover back.

118. If within two years from the day of such sale, the original owner of the lot, or any one on his behalf pays to the secretary-treasurer the amount levied, together with twenty per cent in addition to the same, then he shall be entitled to recover possession of the lot or parcel of land so sold, and the secretary-treasurer shall on demand pay to the purchaser thereof, his heirs, assigns or representatives, the amount so received by him, after deducting therefrom two and a half per cent, as his own fees; and thereupon (subject to the condition contained in the next following section) the right acquired by the purchase in the land shall thenceforth wholly cease and will become void.

Right of redemption of original owner.

Any one may redeem in the name of the owner.

119. Any person may redeem any such lot or parcel of land so sold, whether thereto authorized or not by the original proprietor, but for and in the name of such proprietor only.

Unauthorized person redeeming to be named in the receipt.

120. Whenever any such redemption is effected by a person not specially authorized, the secretary-treasurer shall mention in the receipt given by him for the redemption money, the name and designation of the person paying the same.

Receipt to be in duplicate.

121. Every such receipt shall be made in duplicate; one duplicate shall be delivered to the person paying the redemption money and the other shall remain of record in the office of the secretary-treasurer.

Receipt when registered to give a privilege.

122. Every such receipt or a copy thereof, certified by the secretary-treasurer, shall be proof of the payment mentioned therein, and when registered in the registry office of the county of St. Hyacinthe, shall secure to the person therein mentioned, his heirs or assigns a privilege and hypothec (*hypothèque*) over and prior to all other claims upon the lot or parcel of land so sold, for the reimbursement of the sum therein mentioned, with interest at the rate of eight per centum per annum, to be reckoned from the date of such receipt; except the *cens et rentes* or *rentes constituées* representing *cens et rentes* as provided by the seigniorial act, 1854, and the acts amending the same.

Two years after adjudication purchaser may obtain a deed of sale.

123. If at the expiration of two years from the time of such adjudication, the land so adjudged is not redeemed as aforesaid, then the secretary-treasurer, on demand by the purchaser, his heirs, assigns or representatives, and upon proof of the payment of the arrears of any other assessment which, in the meantime, have become due thereon, shall execute a deed of sale in due form, conveying, in the name of the mayor and city council of St. Hyacinthe, the property so adjudged to such purchaser, his heirs, assigns or legal representatives.

Effect of such deed.

124. Such deed of sale shall be a legal conveyance of the said land, and shall not only transfer to the purchaser all rights of property which the original holder had therein, but shall also purge and disencumber such land from all privileges and hypothecs due thereon except the right to *cens et rentes* or *rentes constituées* representing *cens et rentes*, as provided by seigniorial act of 1854, and the other acts amending the same.

Mayor and council not liable for irregularities of school commissioners.

125. The mayor and city council of St. Hyacinthe, shall not be responsible for the irregularities which would annul the sales of lots of land within the limits of the said city when these irregularities shall be the act of the said school commissioners, their agents or servants, but the said school commissioners for the municipality of the city of St. Hyacinthe alone shall answer for the same.

126. The chapter forty-ninth of the twenty-ninth Victoria is by the present repealed, and the secretary-treasurer of the city of St. Hyacinthe shall alone have the right in future to sell lots of land in the city of St. Hyacinthe for the recovery of municipal or school taxes and assessments as above mentioned.

29 V., c. 49 repealed—sec.-treasurer alone to have right to sell lands for taxes.

127. Whenever the secretary-treasurer of the said school commissioners shall transmit to the secretary-treasurer of the city of St. Hyacinthe a list or statement showing the lots on which the said school commissioners claim school taxes or assessments, or arrears, and the names of the proprietors of the said lots and other particulars required with an order from the said school commissioners to advertise these lots for sale, for the collection of the said taxes, or assessments or arrears, the said secretary-treasurer of the city of St. Hyacinthe shall advertise them for sale and shall collect the said school taxes or assessments by the sale of the said lots of land in the manner above mentioned for the collection of municipal taxes, whether he be ordered to do so by the council or not.

Secretary-treasurer to sell lands for school taxes when duly notified, &c.

128. Every action to annul a sale made in virtue of this act for taxes or assessments by order of the mayor and city council of St. Hyacinthe or of the school commissioners for the municipality of the city of St. Hyacinthe, shall be taken within the two years following the adjudication of the property sold, and no action to annul a sale made as aforesaid or to recover damages either against the mayor and city council of St. Hyacinthe or the said school commissioners shall be maintained unless it is taken within the two years of the said adjudication.

Action to annul sales or for damages prescribed by two years.

129. The denial of such action enacted by the preceding section shall extend to any exception or plea whatever setting forth the nullity of every such sale or claiming damages and interest.

Denial of action shall extend to exception.

130. Every tax or assessment imposed by virtue of this act on any property or house of the said city, may be recovered either from the owner or from the tenant or occupant of such property or house; and if such tenant or occupant be not bound by lease or other arrangement to pay such tax or assessment, such tenant or occupant may and shall have a right to deduct the sum so paid by him from the rent which he shall be obliged to pay for the occupation of such property or may recover the amount of such taxes from the proprietor with costs.

Taxes may be recovered either from owner or tenant

131. All debts now due to the said city council in virtue of any act hereby repealed, or which may be due in future for any taxes or assessments imposed by virtue of this act, shall be privileged debts, and shall be paid in preference to all other debts, and shall be allowed to the said mayor, and to the council in all cases of distribution of moneys, in pre-

Debt due the council to be privileged without registration.

ference to all other creditors, and this privilege shall be applied only to the taxes of the three last years, and shall have its full and entire effect without its being necessary to have recourse to registration.

Ten per cent
per annum on
arrears of
taxes.

132. In all cases of non-payment of taxes imposed on any immovable property in the said city, an augmentation of ten per cent on the amount of the assessments in arrear shall be added each year to such amount, and that as long as such assessments shall not be paid; and it shall not be necessary for the city council to make a by-law to that effect.

Power to make
by-laws for
following pur-
poses:

133. The city council shall have full power and authority to make, amend, alter and repeal, and to enforce and put into execution one or several by-laws for the following purposes, to wit:

Order and
attendance of
members.

For the maintenance of order and decorum during the session of the council and for compelling the members thereof to attend such sessions;

General police.

For the maintenance of peace and good order,—the improvement, cleansing and draining of streets, public places, and lots, whether vacant or occupied,—for the prevention and suppression of any nuisance whatever,—for the maintenance and preservation of the public health, and generally for all that relates to or concerns the interior economy and the government of the said city;

Gambling, &c.

For restraining and prohibiting every kind of gambling in the said city, and preventing the keeping of gambling houses, or houses for debauchery of any description in the said city;

Games in pub-
lic houses.

For preventing and restraining all games with cards, games of chance, playing with dice with or without betting, in any licensed or unlicensed hotel, eating-house, tavern or shop in the said city;

Preventing
riots and
entering
houses.

For preventing and prohibiting any riot or tumult, disturbance or disorderly assembly, and punishing the authors thereof; and for giving power or authority to enter into all houses of a doubtful character, shops, taverns, hotels, and other houses or places of public entertainment, licensed or not licensed in the said city, or in any private house;

Arresting per-
sons gambling,
&c.

For arresting on the spot and punishing such persons as shall be found playing either at cards, dice or other games of hazard, or engaged in cock-fights or dog-fights in any place whatever within the limits of the said city;

Giving power
to inspect
houses, lands,
&c.

For giving power and authority to visit and examine at reasonable hours, the exterior or the interior of any house, land or building of any kind in the said city, for the purpose of ascertaining whether the by-laws passed by the said council are regularly observed; and for obliging all proprietors or occupants of houses, lands or buildings in the said city to admit any person authorized as aforesaid, for the purpose hereinbefore expressed;

For repressing and punishing vagabonds, beggars, prostitutes and disorderly persons; Disorderly persons.

For licensing, regulating or prohibiting shows and exhibitions of any natural or artificial curiosities, caravans, circuses, menageries and theatrical representations and exhibitions of any kind; Shows and exhibitions.

For prohibiting cock-fights and dog-fights, and all other cruel amusements in the said city; and also, for preventing the driving of vehicles at immoderate speed in the said city, and the infliction of barbarous or inhuman treatment upon horses or other animals; Cock-fights, &c.—cruelty to animals.

For prohibiting and punishing the flying of kites, and any other sport, practice or amusement in the streets or elsewhere, which may have the effect of frightening horses, or of annoying or disturbing persons passing in or along the streets of the said city, or of endangering property; Dangerous amusements in the streets.

For obliging every person to remove the snow, ice or filth from the side-walks and from the roofs of the buildings possessed or occupied by him, and for punishing him for failing to do so; Removal of snow.

For preventing the throwing into any streets or public places of any sweepings, filth, dirt, rubbish or ordures, and for enforcing the removal thereof; Cleanliness of streets, &c.

For preventing and forbidding the obstruction of the streets, squares or sidewalks, by carriages, carts, sleighs, wheelbarrows, boxes, wood, or any nuisance or material whatsoever; Obstructions in streets.

For prohibiting or for licensing or regulating the selling or hawking of fruits, cakes, refreshments, jewellery, and merchandize of all kinds in or along the streets, public places and sidewalks of the said city; Selling in the streets.

For obliging the proprietor or occupant of every grocery, cellar, candle or soap factory, tannery, stable, barn, privy, drain, garden, field, yard, passage or vacant lot, or any place that may be unwholesome or fetid, to cleanse and purify it, or even to remove or to cause to disappear from it, all noxious matter as far as may be necessary for the health, comfort and convenience of the inhabitants in the said city; Cleansing of unhealthy places.

For compelling the proprietors or occupants of houses to clean all stables, out-houses, privies and yards connected therewith, at such term and in such manner as the council may deem expedient; Cleansing of stables, &c.

For compelling all owners or occupants of lots in the said city, on which there shall be stagnant water, to drain or raise such lots, so that the neighbors may not be incommodated, nor the public health compromised; Drainage of stagnant water.

For preventing any person from bringing into or depositing or leaving within the limits of the said city any dead body or carcass, and for causing the same, together with Removal of dead animals.

any matter or thing on the point of becoming unwholesome, to be removed by the proprietor or occupant of any place where they may be found ;

Burials within the city.

For preventing burial within the limits of the said city, or for fixing the places where they may take place ; for compelling the disinterment of bodies buried in contravention of this provision ; but this clause shall not be construed to extend to prevent the interment of the bodies of priests or nuns or protestant clergymen in the churches of the city ;

Cemeteries.

For preventing the profanation of burying grounds, tombs, sepulchres, monuments or vaults, where dead bodies are buried ;

Noxious manufactories.

For prohibiting, or for regulating the erection, use or employment in the said city of steam engines and manufactories of any kind which may be calculated to vitiate the air and incommode the neighborhood, of which the said council shall be the judges, or of shambles, manufactories or establishments, where works, operations or process are carried on which endanger or tend to jeopardize the public health or the public safety ; and the said city council shall also have the power to permit the erection, use or employment thereof, subject to such restrictions, limitations and conditions as the said city council may deem necessary ;

Stray animals.

For restraining and regulating the custody and abandonment of animals of all kinds, and to authorize the detention thereof in public pounds, and the sale thereof for the penalty incurred, and the costs of prosecution, as well as the expenses of detention ;

Agricultural abuses.

For preventing or removing all abuses prejudicial to agriculture and not specially provided against by law ;

Public pounds.

For establishing public pounds for the safe-keeping of animals and poultry, found astray or doing damage on the public ways and bridges or on the lands of others than the owners of such animals and poultry, to determine the fees to be paid to such keepers of such pounds, the damages payable by owners of such impounded animal and poultry, and the manner in which such animal or poultry shall be sold, in the event of their not being claimed within a reasonable time, or in case the damages, penalties, fines and expenses shall not have been paid according to law, or to any by-laws made for the said purpose ;

Fines to pound-keepers.

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

Dogs.

For regulating and preventing the allowing of dogs to go at large in the said city, and for authorizing the destruction of all dogs wandering at large in contravention of any by-laws in the said city ;

For authorizing the seizure and confiscation of all grain, meat, fish, flour, butter, potatoes, and all vegetables, fruits, articles and effects brought into the said city, for sale or otherwise, on account of deficiency in measure, weight or quality, or for any other good and sufficient reason, and for regulating the weighing and measuring of all cordwood, coal, salt, grain, lime and hay brought into or sold in the said city by strangers or by persons residing therein; for determining in what manner and at what place these articles or any others shall be sold and delivered either by the quantity, or by bulk or by weight; and for compelling all persons to conform in these matters to the regulations which the said council may deem it advantageous to establish in future;

Weighing and measuring.

For establishing a market-place or market-places, or for enlarging the market-places that now exist, or those which shall be established in future;

Markets.

For determining and regulating the duties of the clerks of the markets of the said city, or of the chief of police, policemen, constables, or of all other persons whom the said council may think it right to employ to superintend the said markets; for letting the stalls or places of sale in and around the said markets, determining and fixing the dues which shall be received for all persons who shall come to sell their goods or produce of any kind there; regulating the conduct of all such persons in the sale of their effects; regulating the weighing and measuring, as the case may be, at the request of any party concerned, by the officers appointed for that purpose by the said city council, on payment of all fees which the said council shall have thought fit to prescribe for so doing, of all produce whatsoever that may be offered for sale on the said markets;

Market regulations.

For imposing duties upon wagons, carts, sleighs, boats, canoes and vehicles of every description, in which articles shall be exposed for sale upon any such market or in any street, or upon any beach within the city and for regulating the manner in which such vehicles shall be placed when used for any such purposes;

Duties on boats, vehicles.

For regulating and imposing dues upon all vehicles in which articles shall be exposed for sale, or which may take up places in the said markets, establishing the manner in which the said dues shall be levied;

Market duties.

For preventing persons bringing goods of any kind, wood or materials, into the said city, from selling or exposing them elsewhere than on the markets;

Selling on streets.

For restricting and regulating the commerce of hucksters and persons buying articles brought into the said city, for the purpose of selling the same again, and for imposing dues and taxes upon them in the prosecution of their traffic;

Hucksters.

- Bakers.** For making by-laws concerning the bakers in the said city, and the persons in their service ;
- Ovens and furnaces.** For preventing any baker, potter, blacksmith, brewer, manufacturer of pot-ashes or pearl-ashes or other manufacturer or person from building, making or having any oven or furnace, unless such oven or furnace communicates with and opens into a chimney of stone or brick, rising at least three feet higher than the top of the building in which, or in connection with which such oven or furnace is placed ;
- Sale of bread.** For regulating the sale and the weight of bread that may be sold or offered for sale in the said city, and for providing for the inspecting and weighing of all bread offered for sale, and for the seizure, forfeiture and confiscation, and also for the mode of disposing, after confiscation, of all such bread so offered for sale in contravention of the said regulations, or bread that may be unwholesome or too light ; and to this end to authorize officers or persons to enter into baker's shops or other places, and to stop vehicles carrying bread, for the purpose of inspecting and weighing such bread, and to do any other act or thing that may be necessary, or that may be deemed advantageous to the public interest and safety for the attainment of such object or for causing such to be enforced ;
- Marking of bread.** For compelling bakers to mark, with the initials of their respective names, the bread made by them ;
- Carters.** For authorizing the granting of licenses to carters, and to the owners and drivers of public vehicles kept for hire in and for the said city, and also for the better guidance of the owners and drivers of such vehicles, and for the establishment of rules and regulations respecting public carts, chaises, calashes, carriages, or other vehicles kept for hire in the said city, as well as for establishing a tariff of prices for the same ;
- Penalties on carters.** For imposing a fine and penalty on any carter refusing to act as such ;
- Penalties for failure to pay carters.** For imposing a fine and penalty on any person who shall hire, engage, or employ carters in the said city, and who shall neglect or refuse to pay them for their services at the rate fixed in the said tariff ;
- Streets and watercourses.** For regulating, cleaning, repairing, mending, altering, opening, widening, narrowing, straightening or discontinuing the streets, squares, lanes, highways, bridges, sidewalks, crossings, drains and sewers, and all natural water courses in the said city ; and for preventing their being incumbered in any way, and protecting them from encroachment and injury, and also for settling the direction of all natural water courses running through private property in the said city ; and for regulating every thing on this subject, whether the said water courses be or be not covered ; to regulate the mode of planting, rearing and

preserving ornamental trees in the streets and public places of the said city ;

For establishing how and by whom the streets, squares, lanes, highways, bridges, sidewalks, crossings, drains and sewers and all natural water courses in the said city shall be made, cleaned, repaired, maintained, mended, altered, opened, widened, narrowed, or straightened ;

For assessing the proprietors of lands situate on any of the streets of the said city for as much as the two-thirds of such sums as shall be deemed necessary for making or repairing of any public sewer or canal in any street of the said city, and immediately in front of such land respectively, and for regulating the mode of collecting and receiving such assessments ;

For compelling the proprietors of all lands, in the said city, or their agents or representatives, to enclose such lands, and for prescribing the height and strength of the materials that shall be employed in so doing ;

For assessing, over and above all the taxes specially established by this act, the citizens of the said city, for the purpose of defraying the expense of indemnities which the said council may be bound to pay to persons, whose houses or other buildings shall have been destroyed or damaged by a riot or by tumultuous assemblies ;

For compelling all owners of houses in the said city to remove from the streets all encroachments or projections of any kind, such as galleries, porches, posts, fences or any other obstacles whatever ;

For regulating the width of the streets that shall be opened in future in the said city ; for regulating and altering the height or the levels of any streets, or of any sidewalks in the said city ; provided that if any person suffer actual damage by the widening, prolongation or alteration of level of any of the streets of the said city, such damage shall be paid for to such person at a valuation by experts, if either of the parties require it ;

For preventing inundations by the rising of the waters of the river Yamaska, opposite the said city ;

For regulating the number and dimensions of the pillars to be erected in the construction of bridges across the said river ;

For assessing at the request of the majority of the proprietors residing in any of the streets or public places of the said city, all the proprietors residing in such streets or public places at such sums as may be necessary to provide for the expense to be incurred for sweeping, watering and keeping clean such street or public place, and that according to the assessed value of their properties ;

For the establishment, construction and maintenance of water-works for the purpose of providing wholesome

water for the inhabitants of the said city; for taking possession of any lands necessary for the purposes of such water-works for the passage of the canals through which the water is to flow, whether such land be situate within or without the limits of the city, and whether or not the proprietors consent to such taking of possession; and for imposing and raising by tax whatever amount the council deems requisite to ensure the construction and maintenance of such water-works, and the amount of any indemnification for expropriation and for any damages caused by the construction or maintenance of any such water-works, shall be determined in the manner provided for similar cases by this act;

Gas. For providing, out of the funds of the said city, for a supply of water, and for lighting of the said city with gas, or in any other way; and for obliging the owners of immovable property in the said city, to allow the necessary works for these purposes to be done upon their respective properties; and for compelling all proprietors to allow the necessary pipes, lamps or posts to be attached to their houses; provided always that the expense of such pipes, lamps and other necessary works shall be borne by the said council; and provided also, that the solidity of the buildings on or near which they shall be, shall be in no way affected thereby;

Horses. For regulating the way in which horses shall be left at rest, or be tied in the streets or in open sheds in the said city;

Bathing in the river. For preventing or regulating bathing and swimming in the river, within the limits of the said city;

Firing of guns, &c. For regulating and preventing the firing of guns, pistols and other fire arms, and preventing the making of bonfires and the firing off of rockets and crackers;

Division fences. For regulating the mode of making fences between the lands of adjacent proprietors;

Coupe-feux. For regulating and making obligatory the construction of *coupe-feux* in masonry;

Chimneys. For regulating the construction, the dimensions and the form of chimneys and their height above the roofs or even in certain cases above the surrounding houses and buildings; and by whom the cost of the elevation of such chimneys shall be borne, and within what time such chimneys shall be raised or repaired;

Chimney sweeping. For regulating the manner in which chimneys shall be swept, and at what periods in the year; for compelling all owners, tenants or occupants of houses in the said city to allow their chimneys to be swept; and for fixing the rates to be paid, for such sweeping; and for imposing a fine, on all persons whose chimneys shall have taken fire after their refusal to allow such chimneys to be swept; and whenever a chimney which shall have so taken fire as aforesaid, shall

be common to several houses or to several households in the same house, the aforesaid fine may be recovered wholly from each owner, tenant or occupant of such house or divided between them at discretion ;

For regulating the mode in which ashes and quick lime shall be kept in the said city, and for preventing all inhabitants of the said city from carrying fire in the streets without the necessary precautions ; from making a fire in a street ; from going from their houses to their out-houses and entering therein with lighted candles not enclosed in lanterns ; and for regulating the mode of keeping and of transporting gunpowder or any inflammable or dangerous substances ; and for regulating or preventing the keeping of smoke-houses and dangerous manufactures as being likely to cause or facilitate fires ; and finally, for making all the regulations deemed necessary for guarding against or diminishing dangers from fire ; and for compelling the proprietors or occupants of barns, lofts or other buildings containing combustible or inflammable materials, to keep the doors thereof closed when not necessarily required to be opened ;

Quick-lime,
fire and gun-
powder.

For providing that gunpowder be safely kept in boxes of copper, tin or lead, for regulating the quantity which may be kept in each house or building not being a powder magazine, and for prohibiting the sale thereof after sunset ;

Keeping of
gunpowder.

For preventing thefts and depredations at fires, and for punishing any person who resists, opposes or illtreats any member or officer of the council, while in the execution of the duty assigned to him or in the exercise of any power with which he is invested in virtue of any by-law made to prevent the dangers of fire ;

Thefts, &c., at
fires.

For regulating the conduct of all persons present at any fire in the said city ; for compelling the idle lookers-on to help to extinguish the fire or save the effects in danger ;

Conduct of
persons at fires

And for compelling all the inhabitants of the said city to keep constantly on hand, on, and in their houses, fire-buckets, fire-poles and fire-hooks, in order the more easily to arrest the progress of fire ;

Fire-buckets,
&c.

For giving to such members of the council and the officers of the fire department who shall be designated in such by-laws, powers to cause to be demolished, thrown down or blown up during a fire, any houses, buildings, out-houses or fences that may furnish fuel to the fire and endanger the other properties of the inhabitants of the city ;

Demolishing
houses in cases
of fire.

For nominating and appointing all the officers the said council may deem to be required for causing the by-laws it may make in relation to dangers by fire to be put in execution ; determining their duties and privileges, and remunerating them, if it think proper, out of the funds of

Fire compa-
nies, &c.

the said city ; and for regulating and establishing one or more companies of firemen and sappers ; and for authorizing the officers whom it shall think proper to name for this purpose to visit and inspect, at seasonable hours, the interior or exterior of every house or building of any kind in the said city, for the purpose of ascertaining if the by-laws passed by the said council, under the authority of this section, are regularly observed ; and for obliging all owners or occupants of houses in the said city to admit such officers for the purpose hereinbefore set forth ;

Penalties on firemen.

For imposing penalties upon the members of fire companies who shall fail to do their duty ;

Assessments for any of its purposes.

For raising and levying any sums of money necessary for any purpose within the scope of the functions of such council ; such sum to be raised by rates equally assessed upon all the persons liable thereto in proportion to the value of their assessable property ;

Special taxes in certain cases.

For imposing and levying upon the parties interested in any works undertaken either before, or after the passing of this act, for the benefit of the city, or of any part of the inhabitants of the said city, a special tax to provide for the payment of such work, although the performance thereof has not been preceded or followed by formalities required by-law ;

Sale of liquor to children.

For preventing the sale of any intoxicating drinks to any child, apprentice or domestic servant ;

Prohibiting sale of liquors.

For prohibiting and preventing the sale of all spirituous, vinous, alcoholic and intoxicating liquors, or to permit such sale subject to such limitation as the council shall consider expedient ;

Collection of inland revenue

For determining under what restrictions and conditions, and in what manner the collector of inland revenue of the district of St. Hyacinthe shall grant licenses to shop-keepers, tavern-keepers, or others to sell liquors ;

Transfers of tavern licenses.

For preventing any transfer of a tavern license, or for determining under what restrictions and conditions and in what manner such transfer shall be accepted by the collector of revenue ;

Prevention of drunkenness.

For the ordering and governing of all shop-keepers, tavern-keepers, or other retailers of liquors, in such manner as the council deems proper for the prevention of drunkenness ;

Masters and servants.

For regulating the conduct and certain duties of apprentices, domestic servants, and hired servants and journeymen in the said city ; and also certain duties and obligations of masters and mistresses towards such apprentices, domestics, servants and journeymen ;

Horse-racing.

For preventing and suppressing, on Sunday or holydays of obligation, all races with horses or other animals, on any race course, or other places specially set apart for horse racing or in any other place whatever ;

For regulating the measuring of all lumber and shingles, brought within the said city for sale; for regulating and determining whether any other articles purchased or sold within the city shall be weighed or measured, or both; for appointing persons to weigh and measure any or all such things, and for fixing and determining the remuneration to be paid to such officers, and the duties to be performed by them;

Sale by weight or measurement.

For regulating the manner in which any theatrical performance or other public exhibition shall be held and for the imposition of a tax upon every such performance or exhibition, which tax, if not paid on demand, may be levied out of the goods and chattels of all or any of the persons connected with such performance or exhibition, in virtue of a warrant of distress signed by the mayor of the said city, and for prohibiting any performance or exhibition tending to endanger public safety or morality;

Theatres and exhibitions.

For preventing the felling, damaging or destruction of trees planted or kept for shade or ornamentation, either on the public streets or on private property;

Trees.

For the dividing of the said city into inspector's divisions; for imposing for each and every violation of a by-law of the said council, made in virtue of this act penalties by a fine not exceeding twenty dollars or by an imprisonment for a period not exceeding two months, or by both;

Inspection divisions. Penalties for infraction by-laws.

For preventing the posting, making or writing of posters, paintings, drawings, indecent words or writings on the houses, walls or fences, or in the streets or public places,

Bill posting, &c.

For repressing profane or blasphematory swearing in the streets, on public squares, or in the vicinity;

Profane swearing.

For preventing and repressing mock-serenades, *charivaris*, and other disorders troubling the public peace;

Charivaris, &c.

For numbering the houses and land lots situate along the streets of the said city;

Numbering houses, &c.

For preventing the obstruction of the streets by the cars, or trains of cars, locomotives or other engines of the Grand Trunk Railway Company, and determining what precaution the conductors, engine drivers or stokers of such trains, cars or engines shall take when crossing the streets in the said city, and imposing either on the said servants of the railway company or on the company itself a fine for each infraction of the by-laws passed for that purpose;

Obstruction of streets by railway cars, &c.

For defining the duties of all the officers named by the council, and imposing on these officers penalties or fines for neglect of their duties in all cases where such penalties or fines are not determined by law;

Controlling of officers of council.

For prohibiting the sale without license on samples, cards or marks of articles, merchandize or goods either produced or manufactured in the province, and to fix the amount to be paid for such license;

Licensing sales by sample.

- By-laws generally. For making in the interest of the inhabitants of the said city all other local by-laws which shall not be contrary to law.
- Further powers. **134.** The powers of the said city council of St. Hyacinthe shall further extend to the following objects:
- Police force. To the appointing, arming, lodging, clothing and paying of a police force in the said city;
- City gaol. To the founding, establishing and regulating a city gaol or place of detention in which to confine persons violating the by-laws of the said council, or guilty of vagrancy or other offences;
- Bridge pillars. To the demolishing of any bridge pillars erected in contravention of the by-laws of the said corporation;
- Board of health. To the establishing of a board of health, and conferring upon it all the privileges, powers and authority required to enable it to discharge the duties which shall be assigned to it, or to acquire all useful information as to the course of the general effects of contagious and epidemic diseases; and to make regulations as such board of health may deem necessary for preserving the citizens of the said city from the inroads of any contagious or epidemic disease, or for diminishing the effects or the danger thereof;
- Fire engines and fires. To the paying out of the funds of the said city, of all such outlay as the said council may deem necessary for the purchase of fire engines or any other apparatus designed for the same use, or for adopting such means as shall seem to it most effectual for preventing such accidents by fire, or for stopping the progress of fire;
- Investigation of fires. To the making, authorizing or causing to be made after every fire in the said city, an inquiry in relation to the origin and causes of such fire, and to this end the said council or any committee authorized by it to that effect, may summon witnesses and compel them to appear, and may examine them on oath, which oath shall be administered by any member of the council or of such committee; and may also deliver over to be imprisoned in the common gaol of the district, any person against whom well-grounded causes of suspicion may be found of its having maliciously originated such fire; and the coroner shall make such enquiries only after the refusal of the city council to do so;
- Indemnifying persons employed at fires. To the defraying out of the funds of the said city of any expenditure which the said council may deem it right to make in aiding or assisting any person employed by it, who shall have received any wound or contracted any serious illness at a fire in the said city, or in aiding or assisting the families of any of the persons so employed who shall have lost his life at a fire, or in giving or distributing rewards in money or otherwise to those who shall have been particularly useful or zealous at any fire in the said city;

To the purchasing or renting of property either move-
 able or immovable for the use of the city, and to the sell-
 ing and disposing of them ;

Buying, leas-
 ing, and sell-
 ing property
 for city use.

To the constructing or repairing of every building which
 the said city shall require within the limits of the power of
 the said council ;

Building and
 repairing
 buildings re-
 quired.

To the depositing of the moneys belonging to the mayor
 and city council, or the investing of the same at interest in
 an incorporated bank or in the public funds of the pro-
 vince ;

Depositing
 and investing
 city moneys.

To the remunerating of its officers over and above the
 fees, penalties and commission they may have the right to
 collect in virtue of this act ;

Remuneration
 of its officers.

To the requiring in all cases not specially provided for by
 law security from all persons accountable for money due to
 the mayor and city council and from any persons who may
 contract with the council or its officers, in such manner and
 for such an amount as the council shall judge proper ;

Requiring
 security from
 certain
 persons.

To the obliging of any person who has in his possession
 any maps, plans, titles, writings or other documents relative
 to any road, street, lane, public place or other property
 in the said city, to give communication thereof to the said
 council, or to any of its officers, and to permit such officer,
 or other person appointed for that purpose by the council
 of the said city, to take a copy thereof ;

Requiring
 communication
 of certain do-
 cuments.

To the maintaining or assisting of the infirm, aged, poor,
 destitute and persons unable to earn their living ;

Aiding the
 poor.

To the macadamizing, gravelling or planking of any
 street or part of a street ;

Macadamizing
 &c.

To the opening, enclosing and maintaining at the ex-
 pense of the city, such squares, parks or public places, as
 may be conducive to the health or convenience of the in-
 habitants ;

Public squares,
 &c.

To the ornamenting of the same by planting trees there-
 in or otherwise, and causing trees to be planted along any
 sidewalk or foot-path, at the expense of the city ;

Planting trees.

To the making of the annual examination and revision
 of the assessment roll ;

Revision of
 rolls.

To the abolishing of any market or market place within
 the city, or for appropriating the whole or any part of the
 site of any market or market place for any other public
 use whatsoever.

Abolishing site
 of market
 places.

To contribute, out of the yearly revenue of the said
 city, to the establishing of manufactures within the limits
 of the said city.

Aiding manu-
 factures.

135. The said city council may, by a resolution passed
 to that effect, cause to be pulled down, demolished and
 removed, when judged necessary, all old or dilapidated
 walls, chimneys and buildings of any description that may
 be in a state of ruin, and may determine the time and

Pulling down
 old walls, &c.

manner in which the same shall be pulled down, demolished and removed, and by whom the expense thereof shall be incurred, and in the event of the person bound to pull down, demolish or remove any such old or dilapidated walls, chimneys or other buildings, which the council shall have so ordered to be demolished, neglecting to comply with such order within the delay specified in the said resolution of the council, the latter may cause it to be done, and sue for and recover the expense thereof as a debt, before any court of competent jurisdiction.

Resignation of mayor or councillors.

136. It shall be lawful for the said city council to accept at any time the resignation of the mayor or any councillor, and it shall then proceed with the election of another mayor or councillor as the case may be, in the manner provided for by this act.

Proceedings for removal of obstructions, &c.

137. It shall be lawful for the city council to order the inspector of the said city to notify those who may have made, or who shall hereafter make encroachments on the streets or public places of the said city, by houses, fences, buildings or obstructions of any kind, to remove such encroachments or obstructions, allowing a reasonable delay, which shall be specified by the said city inspector on giving his notice; and if such persons have not removed such encroachments, or obstructions in the time specified, the council may order the said inspector to remove such encroachments or obstructions, taking with him sufficient assistance; and the said council may allow the said inspector his reasonable outlay, and recover the same from such persons who shall have made such encroachments or obstructions.

Special tax for maintaining streets, &c.

138. The city council shall have the right to impose a special tax on all proprietors of lands, to meet the expenses of the maintenance of streets and side-walks of the said city, if it deems proper to take charge of the same, such tax being apportioned according to the valuation roll of the immovable property, then in force.

Drainage of lands of unknown owners.

139. In case the owners of lots of land in the city on which there shall be stagnant water should be unknown and have no agent or representatives in the city, it shall be lawful for the said city council to order the said lots to be drained or raised, or to cause them to be fenced in and enclosed at the expense of the said city council, if they are not so; and the said city council shall have the same power if such owners or occupants of such lots are too poor to drain, raise or fence them; and in all these cases the sum expended by the said city council, shall remain charged upon such lots by special hypothec, and by privilege in preference to any other debt whatever, and shall be recoverable in the same manner as the taxes due to the said council.

140. The council shall have the right of causing to be removed from the limits of the said city, any dead body or carcass and matter or thing on the point or liable to become unwholesome, by the proprietors or occupants of any land where they may be found, and in default thereof to authorize the removal or destruction of the same by some officer of the city, and to recover the expense of such removal or destruction from the persons refusing or neglecting to remove or destroy them.

Removal of
dead bodies.

141. The said city council shall have power, whenever a house shall be found within the line of a street or public place in the said city, to prevent the owner of such house from re-building it on the lot occupied by the demolished house; and it shall be lawful for the said council to purchase such part of such lot as shall encroach on a street, or to compel the owner of such lot to part with it for a sufficient indemnity; and such indemnity shall be fixed by arbitrators, named respectively by the said council and the owner whom it shall be sought to disposes, if either of the parties desires it; and the said arbitrators shall name a third in case of difference of opinion, and after having been sworn by a justice of the peace, shall take cognizance of the contestation, shall visit the said premises, and shall settle the amount of the indemnity to be granted to such owner; and the said arbitrators shall have the right to decide which of the parties shall pay the costs of the arbitration.

Preventing re-
building of
houses en-
croaching on
streets.

142. The said city council shall have full and entire power to purchase and acquire, with the funds of the said city, any land and immovable property whatever in the said city, which it shall deem necessary for the opening or widening of any street, public place or market place, or for the erection of a public building, or for any object of public utility of what kind soever it may be.

Purchase of
land for public
use.

143. The said city council shall have full power and authority to purchase real property in the said city, and also out of and beyond the limits thereof, if it think proper so to do, for any purpose of public utility, and especially in order to establish a cemetery or cemeteries in or near the said city, for the use and benefit of its inhabitants or of the majority of its inhabitants.

Purchase of
land for ceme-
teries, &c.

144. Whenever the majority of the proprietors of real estate in a street or part of a street in the city shall, by a petition addressed to the city council, require the making of a common sewer, the macadamizing, planking or making of any other improvements whatsoever, to such street or part of a street, the said council, may order such improvements to be made, and may regulate the manner of levying and collecting a sufficient assessment to defray the cost thereof, on the persons who may be interested in such im-

Ordering
streets im-
provements
and assessing
cost thereof.

provement or on all proprietors of lands, opposite to which such improvements may be made; when any real property shall be situated on two or more streets, or on one or two streets and a public square, the said council in passing such by-law shall decide what proportion or part of the said property is benefited by the special improvement made in such street or public square, and shall, in consequence, apportion the special tax or assessment to be levied on the said property to defray the cost of such improvement.

Mode of expropriating lands required.

145. When the proprietor of a piece of land, situate within the limits of the said city, which the said city council shall wish to purchase for any useful purpose, shall refuse to consent amicably to such sale, or when such proprietor shall be absent from the province, or when such pieces of land shall belong to minors, children yet unborn, idiots, lunatics, or married women, the said council may apply to the superior or circuit court for the district of St. Hyacinthe, for the appointment by the said court, of an arbitrator, to make, in conjunction with the arbitrator of the said council, a valuation of the said piece of land, with powers to the said arbitrators to name a third in case of difference of opinion; and when the said arbitrators shall have made their report to the said council at a regular sitting, it shall be lawful for the said council to take possession of the said piece of land on depositing the price at which it shall have been valued by the said arbitrators, in the hands of the prothonotary of the superior court, or the clerk of the circuit court at St. Hyacinthe, for the use of the person entitled to it; and if any such person entitled to such indemnity do not present himself within six months after the making of the deposit in the hands of such prothonotary or clerk, so to claim the sum deposited, then the said prothonotary or clerk shall return such sum to the secretary-treasurer of the said city, to be by him placed with the moneys of the said city, which shall be payable by the said council to any person entitled thereto within three months after a formal notification to pay such sum shall have been given to the secretary-treasurer of the said city.

Certain persons may be arrested on view, tried, convicted and fined or imprisoned.

146. It shall be lawful for any police officer or constable of the said city, to apprehend on view every loose, idle and disorderly person, that is any person whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of any evil designs, or whom he shall find lying, loitering or wandering, either by night or by day, in any field, highway, yard, or other place, and every prostitute or person wandering by night or by day, or found lying down, loitering, lodging or sleeping in any barn, shed, outhouse or other building unoccupied, or in the open air, or under any tent, cart, wagon or other vehicle, not giving a satisfactory account of himself or her-

self, and every person causing a disturbance in the streets or highways, by shouting or otherwise, and to deliver any person so apprehended into the custody of the officer or constable appointed under this act, who shall be in attendance at the nearest police station or watch house, in order that such person may be so secured until he or she can be brought before any one or more justices of the peace residing in the said city to be dealt with according to law and the provisions of this act; and it shall further be lawful for the said justice or justices, by whom any such loose, idle or disorderly person shall be convicted of any of the said recited offences, on confession or on the evidence under oath of one or more credible witnesses, to adjudge that such person shall pay a fine not exceeding twenty dollars, either immediately or within such period as may be thought fit; and that in default of such payment, either immediately or within the time appointed as aforesaid, such person may be imprisoned in the said common gaol or house of correction, at hard labor any time not exceeding two calendar months, the imprisonment, however, to cease upon payment of the fine imposed.

147. It shall be lawful for any constable, by day or night, to arrest, on view any person contravening any of the by-laws of the said council, and said constable may also arrest any such offender, immediately after the commission of the offence, upon good and sufficient information given as to the nature of the offence and the persons of the offenders; and every person so summarily arrested shall be safely kept until he or she can be brought before one or more justices of the peace, to be dealt with according to law and the by-laws in force.

Persons contravening by-laws may be arrested, &c.

148. Every person who designedly shall tear, damage or deface an advertisement, notice or other document which is ordered by this act or shall be ordered by any by-laws or order of the council to be posted in a public place, shall incur a penalty not exceeding eight dollars for each offence.

Penalty for defacing notices, &c., of council.

149. Every tenant who shall falsely represent the value of the rent paid by him, in order to diminish the amount of his assessment shall be liable, on conviction thereof, before the mayor or a justice of the peace, to a fine not exceeding twenty dollars, or to an imprisonment not exceeding one calendar month.

Penalty for falsely stating amount of rent.

150. Whosoever shall refuse to open the door of a house to the person entrusted with the seizure or the sale of the goods and chattels therein, shall be guilty of *rebellion à justice*, and may in consequence, be condemned by the mayor or any justice of the peace to an imprisonment not exceeding thirty days.

Punishment of persons resisting seizures, &c.

151. Every person entrusted with a warrant of seizure and sale may be authorized by a special order signed by

Officer seizing may be empowered to open doors.

the mayor or by any justice of the peace, to open the doors of the houses or buildings which he has found closed, or of which the entrance has been refused to him, and may also by virtue of the same order, require the assistance of any other person, as he may judge proper, and the costs incurred in such proceeding shall be levied by virtue of the same warrant.

Penalty against certain officers for neglect of duty.

152. Any returning officer, deputy returning officer, poll clerk, secretary-treasurer, assistant secretary-treasurer, chief of police, constable and police officer, or market clerk, who shall neglect or refuse to execute any duty to him assigned by this act, or to obey any lawful order of the city council, shall, for each offence, incur a penalty not exceeding five dollars.

Punishment of persons contravening by-laws

153. Any person who shall transgress any by-law made by the said city council under the authority of this act or of all other acts by the present repealed, shall, for such offence, be liable to the fine or imprisonment specified in the said by-law, with the costs to be allowed by the justice or justices of the peace who shall try such offence.

Who may bring actions under this act.

154. Every person aged twenty-one years residing in the city, shall have the right to take any action authorized by this act or any of the by-laws of the city council of St. Hyacinthe; all such actions may also be taken by the mayor and city council of St. Hyacinthe.

Recovery of penalties.

155. All fines and penalties imposed by this act or by any by-law made by the city council, shall be recovered before any justice of the peace sitting in the said city.

Application of penalties.

156. All the fines and penalties imposed in virtue of this act, or any by-law made by the city council of St. Hyacinthe, shall be recovered for the use of the said city council, and shall form part of its funds, and it shall be lawful for the said council and for the mayor of the city of St. Hyacinthe, to remit any fine or penalty which he shall think proper to remit, and the secretary-treasurer is hereby authorized to accept the payment of all such fines and penalties and to fix the amount thereof, which shall not exceed the half of the *maximum* of such penalty imposed either by this act or by by-laws of the said council and all the costs without awaiting the decision of the court, or even without having been sued.

Complaints to be brought within three months.

157. Any information or complaint for infraction of any by-laws of the said city council shall be made or brought within the thirty days following the commission of the offence.

Sheriff and gaoler bound to receive persons committed under this act.

158. The sheriff and the gaoler of the district of St. Hyacinthe shall be bound, and they are hereby enjoined and empowered to receive and safely to keep, until they shall be duly discharged, all persons condemned to imprisonment, in virtue of this act or of any by-law passed by the city council, and also all persons committed to the custody

of the said sheriff, or gaoler, by the said city council, or by any of its members or officers under its authority, or by any returning officer or deputy returning officer at any municipal election in the said city.

159. The by-laws which have been printed by order of the city council of St. Hyacinthe in the year one thousand eight hundred and fifty-six, and passed the twenty-fifth of April and the twenty-second of August of the said year, and all those passed since by the said city council, shall remain in force until they shall have been regularly recalled and annulled, by virtue of this act. Certain former by-laws to continue in force.

160. Every notice for the putting in execution of any by-law, shall be posted in the office of the secretary-treasurer and inserted in a newspaper published in the said city, during fifteen days before the day when such by-law shall become binding. The posting of such notice during the same time in a public place of the said city, chosen for that purpose by the city council, shall have the same effect to all purposes, as the publication of such notice in a newspaper. Posting of notices.

161. Every public notice required by this act, unless otherwise provided for, shall be posted in the office of the secretary-treasurer and inserted in a newspaper published in the said city, during fifteen days. Same subject.

The posting up of such notice during the same space of time in a public place in the said city, selected for that purpose by the city council, shall take the place of the publication of such notice in a newspaper.

162. The inhabitants of the said city shall be competent witnesses in any case in which the said city council shall be a party, and shall not be held to be interested because they reside or are rate-payers therein. Rate-payers to be competent witnesses.

163. All suits, actions or prosecutions which might, before the passing of this act, be brought or commenced in the name of the collector of revenue in virtue of the sixth chapter of the consolidated statutes for Lower Canada, and any acts which may have been or may hereafter be passed to amend the same, may be brought and commenced before one or more justices of the peace, residing in the said city, in the name of the mayor and city council of St. Hyacinthe, provided they are brought for offences committed within the limits of the said city; and all and every the provisions of the said last cited act in regard to the said offences, and the mode of prosecuting and punishing therefor, and all the proceedings, orders and convictions authorized and commanded to be made in and by the said act and those amending it are incorporated with this act, with such modifications as are necessary for their application. Certain suits may be brought in the name of the council.

164. All the provisions of any law inconsistent with the provisions of this act, shall be and the same are hereby repealed. Repeal of inconsistent enactments.

165. This act shall be deemed a public act.

Public act.