

This Volume is for the use of

IN HIS QUALITY OF

of the Municipality of the

of

**so long as he shall hold that office ; to be after-
wards passed to his successors in office.**

The distribution of the Map intended to accompany this volume is deferred until the *chef-lieux* of the County Municipalities have been fixed.

LOWER CANADA
MUNICIPAL & ROAD ACT
OF
1855,
AND CERTAIN ACTS RELATING THERETO, INCLUDING:
2 VICT. CAP. 2; 7 VICT. CAP. 21; 9 VICT. CAP. 23 & 12 VICT. CAP. 126.
THE PARLIAMENTARY
REPRESENTATION ACTS,
(16 VICT. CAP. 152 & 18 VICT. CAP. 76.)
AND
THE SEIGNIORIAL ACTS,
(18 VICT. CAPS. 3 & 103.)
ACCOMPANIED BY A
MAP OF LOWER CANADA,
EXHIBITING
THE MUNICIPAL DIVISIONS THEREOF.



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1855.

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LOWER CANADA MUNICIPAL AND ROAD ACT OF 1855.

18 VICT. CAP. 100.

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ANNO DECIMO-OCTAVO

VICTORIÆ REGINÆ.

CAP. C.

Lower Canada Municipal and Road Act of 1855.

[Assented to 30th May, 1855.]

WHEREAS it is necessary to reform the Municipal and Road system of Lower Canada, and to establish therein County, Parish, Township, Town and Village Municipalities: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted as follows :

I. That this Act shall come into force on the first day of July, one thousand eight hundred and fifty-five, and not before.

Preamble.
Commencement of Act.

II. This Act shall apply to Lower Canada only.

Extent of Act.

III. This Act shall not apply to Roads or Bridges under the control of the Commissioners of Public Works, unless and until the same shall be relinquished to the Municipal Authorities ; nor to Roads in possession of any individual proprietor or Company under any Act or By-law :

Act not to apply to certain works unless ceded to Municipalities ;

2. But whenever any Road or Bridge theretofore under the control of the Commissioners of Public Works, or of any Trustees or other like authority, or of any incorporated Company or individual proprietor, shall cease to be under such control, such Road or Bridge shall thereupon be vested in the local Municipality or Municipalities in which it lies, as a public road, and shall be maintained and dealt with under the provisions of this Act.

But shall apply after such session.

IV. The provisions of this Act shall not extend to that portion of the parish of Montreal which forms the city of Montreal as incorporated by law ; nor to those portions of the parishes of Quebec and St. Roch respectively which form the city of Quebec

Act not to extend to those parts of certain parishes included in cities or towns.

as incorporated by law ; nor to that portion of the parish of St. Hyacinthe the Confessor which forms the town of St. Hyacinthe as incorporated by law ;

Municipalities of parishes of Quebec, Montreal and St. Hyacinthe defined.

2. So that the Municipality of the parish of Montreal shall comprise only that portion of the said parish which is without the limits of the said city of Montreal ; the Municipality of the parish of Quebec shall comprise only that portion of the said parish which is without the limits of the said city of Quebec ; the Municipality of the parish of St. Roch shall comprise only that portion of the said parish which is without the limits of the said city of Quebec ; and the part of the parish of St. Hyacinthe the Confessor which is without the limits of the said town of St. Hyacinthe, shall for the purpose of this Act be deemed to be an extra parochial place, and shall be annexed to the adjoining parish of Notre-Dame de St. Hyacinthe ;

Act to extend to town of Three-Rivers, which shall have the powers vested in the town by 13 & 14 V. c. 104.

3. The provisions of this Act shall extend to the Municipality of the town of Three-Rivers, as it now is, as if the said Municipality had been erected into a Town Municipality according to the formalities prescribed by this Act in such case ; and from and after the commencement of this Act the said Municipality shall be, to all intents and purposes, considered as a new Town Municipality created by this Act, and all the powers, functions and duties vested in, or imposed upon, the Municipal Council of the town by the Act passed in the Session of the Parliament of this Province, which was held in the thirteenth and fourteenth years of Her Majesty's Reign, chaptered one hundred and four, and intituled, *An Act to transfer to the Municipal Council of the Municipality of the Town of Three-Rivers the administration of the Common of the said Town, and for other purposes*, are hereby vested in the said Municipality ;

Municipality of parish of Three-Rivers defined.

4. So that the Municipality of the parish of Three-Rivers shall comprise only that portion of the said parish which is without the limits of the said town of Three-Rivers ; and for the purposes of this Act, the parish of Three-Rivers shall be understood to comprise all that tract of country now being within the ministration of the Ecclesiastical Authorities (*desserte*) of the parish of Three-Rivers, including the several concessions upon the St. Lawrence and in the rear of such concessions, up to the tract comprised within the ministration (*desserte*) of the parish of Pointe-du-Lac, and as far as the fief St. Etienne ;

Act to extend to the town of Sherbrooke. The said town defined.

5. The provisions of this Act shall also extend to the Municipality of the Town of Sherbrooke, as it now is, as if the same had been erected into a Town Municipality under this Act : and the said Municipality of the Town of Sherbrooke and the Townships of Ascot and Orford shall be, for the purposes of this Act, included within the County of Compton ;

6. The provisions of this Act shall also extend to the settlements of *Ste. Anne des Monts*, except in so far as the same may be repugnant to the provisions of the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act detaching the Settlements of Ste. Anne des Monts and Cap-Chat from the Municipality of Gaspé, and to erect the same into a separate Municipality*, which Act shall remain in force, except that the Municipality of *Ste. Anne des Monts* and the Municipal Council thereof shall possess all the powers conferred not only on Parish and Township Corporations and Councils, but also on County Corporations and Councils by this Act; and that the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, intituled, *An Act to make better provision for the establishment of Municipal authorities in Lower Canada*, and all other Acts amending the same, shall be repealed, and shall cease to have any force and effect in respect of the said Municipality of *Ste. Anne des Monts*: Provided always, that the said *Municipality of Ste. Anne des Monts* shall, for the purposes of this Act, form no part of the County of Gaspé;

How this Act shall apply to *Ste. Anne des Monts* and *Cap-Chat*.
12 V. c. 126.

Act 10 & 11 V. c. 7 repealed as to *Ste. Anne, &c.*

Proviso.

7. The provisions of this Act shall also apply to the *Magdalen Islands*, which, for the purposes of this Act, shall form a separate Municipality under the name of the Municipality of the *Magdalen Islands*, and the Municipal Council thereof shall be composed of five members, and shall be presided over by a Mayor, as if the said *Islands* formed only one Parish or Township; but the said Council shall possess all the powers conferred by this Act not only on Parish and Township Corporations and Councils, but also on County Corporations and Councils: Provided always, that the said Municipality of the *Magdalen Islands* shall not, for the purposes of this Act, form part of the County of Gaspé.

How this Act shall apply to the *Magdalen Islands*.

Proviso.

V. The Act of the Legislature of Lower Canada, passed in the thirty-sixth year of the Reign of King George the Third, and intituled, *An Act for making, repairing and altering the Highways and Bridges within this Province, and for other purposes*, and the Act of the said Legislature, passed in the thirtieth year of the same Reign, and intituled, *An Act to amend an Act passed in the thirty-sixth year of His present Majesty's Reign, intituled, An Act for making, repairing and altering the Highways and Bridges within this Province, and for other purposes*, and the Act of the said Legislature, passed in the forty-eighth year of the said Reign, and intituled, *An Act more effectually to provide for the making, altering and repairing the Highways and Bridges within the Inferior District of Gaspé, and to repeal so much of an Act passed in the thirty-sixth year of His Majesty's Reign, and intituled, 'An Act for making, repairing and altering the Highways and Bridges within this Province, and for other purposes,' as regards the Inferior District*, and the Act of the said Legislature, passed in the third year of the

Acts and Ordinances repealed:
L. C. 36 G. 3, c. 9.

L. C. 39 G. 3, c. 5.

L. C. 48 G. 3, c. 25.

- L. C. 3 G. 4, c. 19. the Reign of King George the Fourth, and intituled, *An Act to explain and extend the provisions of an Act passed in the thirty-sixth year of the Reign of His late Majesty, intituled, 'An Act for making, repairing and altering the Highways and Bridges within this Province, and for other purposes,' in so far as respects the townships,* and the Ordinance of the Legislature of Lower Canada, passed in the second year of Her Majesty's Reign, and intituled, *An Ordinance to amend the Act passed in the thirty-sixth year of the Reign of King George the Third, Chapter Nine, commonly called the Road Act,* and the Act of the Legislature of the Province of Canada, passed in the Session thereof held in the tenth and eleventh years of Her Majesty's Reign, intituled, *An Act to make better provision for the establishment of Municipal Authorities in Lower Canada,* and an Act of the Legislature of the said Province of Canada, passed in the session thereof, held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to amend the Municipal Law of Lower Canada,* and another Act passed by the Legislature of the said Province of Canada, in the Session thereof, held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act further to amend the Municipal Laws of Lower Canada,* and so much of another Act passed by the Legislature of the said Province of Canada, in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to remove doubts with respect to the proper Courts of Review for Appeals from By-laws of the Municipal Councils, and to amend the Municipal Laws of Lower Canada,* as relates to the opening or changing of front roads, shall be and are hereby repealed, except in so far as any of the said Acts or the said Ordinance may relate to the City of Quebec, or the City of Montreal, or to any road or street therein, and except in so far as relates to any *Procès-Verbal* or Order lawfully made and in force immediately before the commencement of this Act, which shall remain in force, as aforesaid, until it be otherwise lawfully ordered under this Act, and except as to any penalty or forfeiture incurred or any assessment due under them, or any of them, before the commencement of this Act, which may be recovered as if this Act had not been passed: Provided always, that the Acts and Ordinances, or parts of Acts and Ordinances, repealed by the said Acts or Ordinance, shall remain repealed: And that each Parish, Township, or place which, immediately before the time when this Act shall come into force and effect, shall be a Municipality for the purposes of the Act passed by the Legislature of the said Province of Canada, in the ninth year of Her Majesty's Reign, intituled, *An Act to repeal certain enactments therein mentioned, and to make better provision for Elementary Instruction in Lower Canada,* and of another Act of the said last mentioned Legislature, passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to amend the School Law of Lower Canada,* shall, notwithstanding any thing in this Act, continue to be a Municipality within the meaning of the said last mentioned Acts, and for all the
- Canada. 10 & 11 V. c. 7.
- 13 & 14 V. c. 34.
- 14 & 15 V. c. 98.
- 16 V. c. 211.
- Exceptions.
- Proviso: repealed Acts, &c., to remain repealed: and certain parishes and townships to remain Municipalities for the purposes of the Acts 9 V. c. 27, and 12 V. c. 50.

the purposes thereof. And so much of the twenty-fourth Section of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to make better provision for granting Licenses to Keepers of Taverns and Dealers in Spirituous Liquors in Lower Canada, and for the more effectual repression of Intemperance*, and any and all portions of the said Act which are inconsistent with the provisions of this Act, is and are hereby repealed.

Part of section 24h and other parts of 14 & 15 V. c. 100, inconsistent with this Act, repealed.

VI. In citing this Act in other Acts of Parliament, or in any Instrument, Document or Proceeding, it shall be sufficient to use the expression "The Lower Canada Municipal and Road Act, 1855"; and in any process for enforcing the remedies or penalties given or imposed by this Act, it shall be sufficient, without specifying more particularly the cause of complaint or offense, to refer by number, according to the copies of the Act printed by the Queen's Printer, to the section or sections under which the proceeding is taken.

Short title of this Act and mode of referring to it or any section of it.

VII. The Interpretation Act shall apply to this Act; and for the purposes of this Act, the following terms, whenever they occur, shall respectively have the following significations, that is to say:

Interpretation clause.

The term "Parish" shall not only signify any territory erected into a Parish either by civil or ecclesiastical authority, but shall apply, in like manner, to any part of a Parish incorporated under this Act, and shall also signify and include any extra parochial place or part of a Parish or part of a Township annexed to a Parish under this Act, and the Parish to which such extra parochial place or part of a Parish is or shall be annexed conjointly, and shall also signify and include a Township annexed to a Parish under this Act and the Parish to which such Township is annexed conjointly, unless the context be inconsistent with such interpretation;

Parish.

And the term "Township" shall not only signify any Territory erected into a Township, but shall apply in like manner to any part of a Township incorporated under this Act, and shall also signify and include any part of a Township or Parish annexed to a Township under this Act, and the Township to which such part of a Township or Parish is or shall be annexed conjointly, and shall also apply to two Townships annexed to each other for the purposes of this Act conjointly, unless the context be inconsistent with such interpretation;

Township.

The term "Municipality" shall signify any territory incorporated under this Act;

Municipality.

The term "County Municipality" shall signify a County incorporated under this Act.

County Municipality.

The

- Local Municipality.** The term "Local Municipality" shall signify any territory incorporated under this Act, except a County, and shall apply equally to Parish, Township, Town and Village Municipalities ;
- County Council.** The term "County Council" shall signify the Municipal Council of a County, incorporated under this Act ;
- Local Council.** The term "Local Council" shall signify the Municipal Council of a Local Municipality ;
- Chief Officer.** The term "Chief Officer" shall apply equally to the Warden of a County and to the Mayor of a Local Municipality ;
- County Councillor.** The term "County Councillor" shall signify a member of a County Council ;
- Local Councillor.** The term "Local Councillor" shall signify a Member of a Local Council ;
- County Superintendent.** The term "County Superintendent" shall signify the Superintendent of Roads and Bridges in a County ;
- Owner.** The term "Owner" shall apply not only to an individual proprietor but also to several co-proprietors and to any Corporation or Association of persons in whom the right of ownership in any real or personal property mentioned in this Act is vested ;
- Road.** The term "Road" shall signify a Public Highway, and shall include all Bridges upon it, and all ditches, fords and other works and things therewith connected, unless it be otherwise expressed or the context be inconsistent with such interpretation ;
- Public Bridge.** The term "Public Bridge" shall signify any bridge of more than eight feet in span ;
- Lot.** The term "Lot" shall apply not only to a lot of land in any Range or Concession in its entirety, but shall also signify any subdivision of such lot, and any parcel of land owned or occupied by any one person or by several persons conjointly, and shall also include all buildings and other improvements thereon, unless the contrary be expressed or the context be inconsistent with such interpretation ;
- Public Notice.** The term "Public Notice" shall signify a notice given, or to be given, to the Inhabitants of the whole, or of any part or parts of any Municipality or of several Municipalities ;
- Special Notice.** The term "Special Notice" shall signify a notice given or to be given to any Member or Officer of any Municipal Council or to any other person under this Act, or in pursuance of any By-law

By-law passed by any such Council, for the purposes of informing him of any appointment or appointments or of any other fact or facts, or of requiring him personally to attend, or be present at any particular place, or for any other object ;

The term " District " shall signify a Judicial District as now District. established by Law ;

And the term " County " shall signify each and every County. County as defined and described in and by " The Parlia- 16 V. c. 152. mentary Representation Act of 1853 " as amended by " The 18 V. c. 76. Parliamentary Representation amendment Act of 1855," except that for the purposes of this Act, the Island of Orleans, in the County of Montmorenci, shall form a separate Municipal County, by the name of the Municipal County of the Island of Orleans ; and all that part of the said County which lies to the North of the River St. Lawrence, shall also form a separate Municipal County, by the name of the Municipal County of Montmorenci.

VIII. Every Public Notice shall be given in the manner following, that is to say :

The person required to give such Notice shall cause the same to be drawn up in the English and French languages, and after signing it, shall publish it by causing a true copy thereof, certified by him, to be posted up on the front door of at least one church or chapel, or other place of public worship, and, whether there be or not any place of public worship, at some other place of public resort in the Local Municipality, or in each of the Local Municipalities, to the inhabitants of which such Notice is addressed. If such Notice be given within the limits of a Parish, the person required to give the same shall cause it to be read at the door of every such church or chapel, at the issue of divine service in the forenoon, on the Sunday next following the day on which the same was published by posting a copy thereof, as aforesaid ; and if such Notice be for the purpose of announcing a Public Meeting, or the future adoption of any proceeding under this Act, the person required to give it shall specify therein the day, hour and place at which such Public Meeting is to be held, and the purpose or purposes for which it is convened, or the day, hour and place at which such proceeding is to be had ; and every such Notice shall be published by posting a copy thereof, as aforesaid, at least seven clear days before the day appointed for such Public Meeting or proceeding.

Mode in which Public Notices shall be given.

If it be to call a Public Meeting.

IX. Every Special Notice shall be given in the manner following, that is to say :

1. The person required to give such Notice shall cause it to be drawn up in the language of the person to whom it is addressed, if

Mode in which special notices

shall be given. if such language be the English or the French language, or if it be any other language, then, in either the English or the French language, and after having signed it, shall serve it on the person to whom it is addressed, by causing a true copy thereof to be delivered to him personally, or left with some grown person at his domicile ; and in every such Special Notice the person required to give the same shall mention distinctly the fact intended to be communicated to the person to whom it is addressed, the time and place at which he is required to attend or be present, or such other object as such Notice is given for ;

Certificate of publication or service. 2. The person required to give any notice, whether it be a public or a special notice, shall cause a Certificate or Certificates of the publication or service of such notice to be annexed to or endorsed upon the original notice, stating distinctly the manner in which, and the time or times, and place or places at which the same was so published or served ;

[Forms B. & D.]

Attestation of such certificate. 3. The truth of the facts stated in every such Certificate shall be attested under oath by the person making the same. And the person required to give such notice shall deliver the original notice with such Certificate or Certificates to the Secretary-Treasurer of the Council to the affairs of which it relates, and the Secretary-Treasurer shall file the same amongst the records of such Council.

[Forms B. & D.]

GENERAL ORGANIZATION.

Inhabitants of each County incorporated. X. And be it enacted, That the inhabitants of every County shall be a Corporation or body politic under the name of "The Corporation of the County of _____" (*here insert the name of the County* :

And those of each parish or township. 2. The inhabitants of every Parish and Township shall be a Corporation, or body politic, under the name of "The Corporation of the Parish (*or Township or Townships, or of the part of the Parish or Township, as the case may be*) of _____" (*here insert the name of the Parish or Township*);

And those of certain towns and villages. 3. The inhabitants of every Town and Village, being a body corporate at the time of the commencement of this Act, or being declared such by this Act, or for the incorporation of which the formalities hereinafter prescribed shall have been observed, shall be a Corporation or body politic under the name of the Corporation of the Town (*or Village, as the case may be*) of _____ (*here insert the name of the Town or Village*).

PROVISIONS

PROVISIONS APPLICABLE TO MUNICIPAL COUNCILS
GENERALLY.

CORPORATE POWER AND NAME.

XI. Every such Corporation shall have perpetual succession ; General corporate powers.
may have a common seal ; may sue and be sued under its corporate name in all Courts of Justice ; may acquire by purchase, donation, devise or otherwise, any real or personal property, and may hold or enjoy, or alienate the same ; Further general powers. may enter into all contracts necessary to or connected with the exercise of its functions, power and authority ; and shall have all other collective rights and powers necessary for the performance of the duties imposed upon, and for the exercise of the authority vested in it :

2. Every such Corporation shall be represented by a Council, Corporation to act by a Council. to be composed as hereinafter provided with special reference to County Councils and Local Councils respectively ; and all the powers, authorities, duties and obligations of every such Corporation shall be exercised and performed by such Council and its Officers ;

3. The Council of a County Municipality shall be called Names of Councils of Counties. " The Municipal Council of the County of " *(here insert the name of the County) ;*

4. The Council of a local Municipality shall be called " The Of parishes, townships, towns or villages. Municipal Council of the Parish *(or Township or Townships, or of the part of the Parish or Township, or Town or Village, as the case may be)* of " *(here insert the name of the Parish, Township, Town or Village) ;*

5. Every County Council shall be composed of the Mayors Composition of County Councils. of the several Local Municipalities of such County in which Mayors have been elected or appointed ;

6. Every Local Council shall be composed of seven Council- Of Local Councils. lers, to be elected or appointed in the manner hereinafter provided ;

7. No Councillor shall in any case receive or be entitled to any wages, allowance, profit or emolument whatever, for his services as such Councillor ; nor shall any Councillor hold any subordinate office under any Municipal Council, or become surety for the performance of the duties of any such Officer ; Councillors not to be paid as such ; Nor hold office under Council.

8. Each Member of a Council shall, immediately after his election or appointment, take an oath well and faithfully to perform the duties of his office. Oath of office to be taken by Councillors. [Form N.]

SESSIONS

SESSIONS OF MUNICIPAL COUNCILS.

- Quarterly Ses-
sion of County
Councils. XII. A General Quarterly Session of each County Council shall be held on the second Wednesday in each of the months of March, June, September and December, at the place which shall be determined upon by the Council, except the first General Session, the time and place of holding which shall be appointed in the manner hereinafter provided :
- Monthly Ses-
sions of Local
Councils. 2. A General Monthly Session of each Local Council shall be held on the first Monday in each month, at the place which shall be determined upon by the Council, except the first General Session, the time and place of holding which shall be appointed in the manner hereinafter provided ;
- Holidays. 3. But if any of the days so fixed be the Queen's Birthday or a Holiday (*Fête d'Obligation*), such General Session shall commence and be held on the day next following ;
- Special Ses-
sions of any
Council. 4. Special Sessions of any Council may also be convened by the Chief Officer, or any two Members of such Council, after special notice, given to all the other Members, by the person or persons requiring such Session. And every Session, whether General or Special, shall commence at the hour of ten in the forenoon, unless otherwise determined by By-law, notice or adjournment ;
- Hour of Meet-
ing.
[Form L.] 5. The Chief Officer of the Council, or in his absence such one of the Councillors as shall be chosen by a majority of votes of the Councillors present, or, upon an equal division of votes, the Senior in age of such Councillors, shall preside ;
- Who shall
preside at
Meetings. 6. All disputed questions shall be decided by a majority of the votes of the Members present, not including the Chairman ; and when the votes are equally divided, the Chairman shall give the casting vote ;
- Questions how
decided. 7. The Sessions shall be held with open doors ;
- Open doors. 8. Every Council, and any two of its Members when there is not a quorum present, may adjourn any General or Special Session to a subsequent day, but no such adjournment shall be made until after the expiration of one hour from the failure of the quorum ;
- Adjourn-
ments. 9. And no adjournment of the Session of a County Council shall be made to any time less than seven clear days subsequent to the day on which such adjournment is made ; and no adjournment of the Session of a Local Council shall be made to any time less than two clear days subsequent to such day, unless in either case a *quorum* of the Council were present when such adjournment was made ; and special notice of
- Further limi-
tation as to
adjournments.
[Form M.]
Notice of
adjournment.

of every such adjournment shall be given by the Clerk to all the Members of the Council who were not present at the time it was made, if there was not a *quorum* present at that time;

10. No Council shall be dissolved by the fact of any Session thereof not having taken place ;

Failure of Session not to dissolve Council.

11. Every Chief Officer of a Municipal Council shall be *ex officio* a Justice of the Peace within the limits of the Municipality wherein he has been elected or appointed, so long as he shall continue to act as such Chief Officer.

Chief Officer to be *ex officio* a Justice of the Peace.

APPOINTMENT OF OFFICERS.

THEIR DUTIES, &c.

XIII. Every Council shall at its first General Session, or at a Special Session which shall be held within fifteen days from the first day of such first General Session, appoint an Officer who shall be called the "Secretary-Treasurer" of the "Municipal Council of the County (*or Parish or Township or Townships, or of the part of the Parish or Township or Town, or Village, as the case may be,*) of *" (here insert the name of the Municipality) :*

Secretary-Treasurer.

2. The Secretary-Treasurer of every Council shall be the Custodian of all the Books, Registers, Valuation Rolls, Collection Rolls, Reports, *Procès-verbaux*, Plans, Maps, Records, Documents and Papers kept or filed in the Office of the Council. He shall attend all Sessions, and shall enter in a Register to be kept for that purpose all the proceedings of the Council ; and he shall allow persons interested therein to inspect the same at all reasonable hours. And every copy or extract of or from any such Book, Register, Valuation Roll, Collection Roll, Report, *Procès-verbal*, Plan, Map, Record, Document or Paper, certified by such Secretary-Treasurer shall be deemed authentic ;

Duties of Secretary-Treasurer.

Copies certified by him to be authentic.

3. Every person appointed Secretary-Treasurer to a Council, shall, before acting as such, give the security hereinafter mentioned ;

Secretary-Treasurer to give security.

4. He shall furnish two sureties, whose names shall be approved by a resolution of the Council, before they shall be admitted as such ; all such sureties shall be jointly and severally bound together with the Secretary-Treasurer, and their obligation shall extend to the payment of all sums of money for which the Secretary-Treasurer may at any time be accountable to the Corporation, including principal, interest and costs, as well as all penalties and damages to which he shall become liable in the exercise of his office ;

How such security shall be given.

Two sureties required.

Form of securityship; deposit of Bond, &c.

[Form O.]

Registration of Bond.

Duties of Secretary-Treasurer; receipts and payments.

Accounts and Books.

Rendering accounts.

Accounts to be open to Members of Council, &c.

Mode of compelling Secretary-Treasurer to render

5. Every such security may be given by a Bond executed before Notaries, or before a Notary and two witnesses, and accepted by the Chief Officer of the Council, or by Bond under private signature in duplicate; the Secretary-Treasurer shall deliver a duplicate of such Bond, if executed under private signature, or a copy thereof if executed before Notaries or before a Notary and two witnesses, to the Chief Officer who shall be the Custodian thereof; and another copy, or the other duplicate, shall be filed by such Secretary-Treasurer among the records of the Council;

6. Every such Security-Bond, when duly registered in the Registry Office for the County or Registration Division in which the Secretary-Treasurer resides, shall carry with it a hypothec (*hypothèque*) only on such immoveable property as shall have been therein designated. And it shall be the duty of the Chief Officer of the Council to cause it to be enregistered immediately on receipt thereof;

7. The Secretary-Treasurer of every Council shall receive all moneys due or payable to the Municipality, and he shall pay out of such moneys all drafts or orders drawn upon him by any person thereunto authorized by this Act for the payment of any sum to be expended or due by the Municipality whenever thereunto authorized by the Council; but no such draft or order shall be lawfully paid by the said Secretary-Treasurer, unless the same shall shew sufficiently the use to be made of the sum mentioned in such draft or order, or the nature of the debt to be paid thereby;

8. The Secretary-Treasurer shall keep in due form Books of Account, in which he shall respectively enter each item of receipt and expenditure, according to dates, mentioning at the same time the names of the persons who have paid any moneys into his hands, or to whom he has made any payment respectively; and he shall keep all Vouchers for expenditure;

9. The Secretary-Treasurer shall render to the Council, every six months, that is to say, on the thirtieth day of June and on the thirty-first day of December in each year, or oftener if required by such Council, a detailed account of his receipt and expenditure attested by him under oath;

10. The Secretary-Treasurer's Books of Account and 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 Municipality;

11. The Secretary-Treasurer, or any other person who shall have filled the said office, may be sued by the Chief Officer of the Council or by the County Superintendent in the

the name of the Municipality 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 render an account, he shall be condemned to pay such balance as he shall acknowledge or declare to have in his hands, together with such other sums as he ought to have debited himself with, or as the Court shall think he ought to be held accountable for ; and every judgment pronounced in any such suit, shall include interest at twelve per cent on the amount thereof, by way of damages, together with costs of suit ;

accounts and
pay, &c.

Judgment.
Interest.

12. And every such judgment shall carry *contrainte par corps* against the said Secretary-Treasurer, according to the laws in force in such cases in Lower Canada, if such *contrainte* be demanded in the action to compel the rendering of the said account ;

*Contrainte par
corps*, to en-
force judg-
ment.

13. Every Council shall have power and authority to appoint such other Officers as may be necessary for carrying into effect the provisions of this Act or of any By-laws or Regulations of such Council ;

Council may
appoint other
Officers.

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

Delivery of
moneys, &c.,
by an Officer
to his succes-
sor.

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

His represen-
tative to deli-
ver the same
in case of his
death, &c.

16. And in every such case the successor in office of every such officer shall, besides all other legal remedies, have a right of action before any Circuit Court, either by *saisie revendication* or otherwise, to recover from such officer or from his legal representatives, or any other person in possession of the same, all such moneys, keys, books or *insignia*, together with costs and damages for the benefit of the Municipality, and every judgment rendered in every such action may be enforced by *contrainte par corps* against the person condemned, according to the laws in force, in such cases in Lower Canada, if by the declaration such *contrainte* is demanded.

Successor may
recover the
same if not
delivered.

*Contrainte par
corps*.

XIV. Every appointment of an Officer by a Municipal Council shall be made by a resolution of such Council, and the Secretary-Treasurer

Mode of
appointing
Officer.

Notice. Secretary-Treasurer shall without delay give special notice thereof to the person appointed :
[Form P.]

Term of office. 2. Every Officer so appointed, except Secretary-Treasurers, and County Superintendents, shall remain in office for a period of two years from the date of his appointment, and no longer, unless re-appointed ;

Officer may be removed, on certain conditions. 3. Every such Council may remove any Officer appointed by it, and may also remove any Officer appointed by the Governor and not being a Member of such Council, provided that another person be appointed in his stead by the same resolution proposing to remove such Officer, but not otherwise.

POWERS COMMON TO ALL MUNICIPAL COUNCILS.

All Municipal Councils may make By-laws concerning— [Forms I & J.] XV. Every Council shall have power and authority to make and from time to time amend or repeal a By-law or By-laws for all or any of the following purposes, that is to say :

Order, &c., at Sessions. 1. For the maintenance of order and decorum during Sessions thereof, and for compelling the members to attend such Sessions and to perform their duties ;

Acquiring and disposing of property. 2. For the purchase and acquirement of moveable or immoveable property for the use of the Municipality, and for the sale and disposal of the same when no longer required ;

Constructing or leasing, &c. building. 3. For the construction, acquirement, leasing, or repairing of any building required by the Municipality, either for the sessions of the Council or for other Municipal purposes within the scope of its functions ;

Construction &c.,—of fences, ditches, &c. 4. For the erection, construction, widening, altering or repairing of such fences, ditches, drains or watercourses as the interests of the inhabitants shall require to be so erected, constructed, widened, altered or repaired, at the expence of the Municipality ;

Regulating ferries. 5. For regulating any ferry under its control,—for fixing the tolls to be charged for crossing the same,—for authorizing any officer to grant a license to keep such ferry, and for fixing the sum to be paid for such license, and the other conditions on which such license shall be granted, and for imposing penalties on any ferryman or other person contravening such By-laws ;

Licenses for ferries. but no such license shall be granted for more than one year, and it shall not be lawful by any such By-law to make the tolls payable by any of the inhabitants of any Local Municipality, or of any part of a Local Municipality on any Ferry, less than those payable by other persons, or to give any undue advantage to any such inhabitants with respect to such tolls

Limitation as to period of licenses, &c.

6. For the acquirement from the Government, gratuitously or for consideration, of any public road or public bridge made or erected at the expence of the Province, or of the late Province of Lower Canada, within the limits of the Municipality, or of such portion of any such road or bridge as may be within, or partly within and partly beyond the said limits, together with the lands and dependencies required for the use or management of the same ;

Acquiring roads or bridges from Government.

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

Raising and levying money by rates equally imposed.

8. For raising and levying moneys in aid of the construction, maintenance or repair of any Road leading to the Municipality, or of any Bridge or other public work beyond the limits of the Municipality, whereby the inhabitants thereof may, in the opinion of the Council, be sufficiently benefitted to warrant the granting of such aid ;

Aiding in construction of roads, benefiting the Municipality, though not in it.

9. For borrowing any sum of money (the principal and interest of which may be payable either in this Province or elsewhere, and either in the currency of this Province or of the country where the same may be payable,) necessary for any of the purposes within the scope of the functions of the Council, or for giving assistance to the construction of any railroad under the provisions of the eighteenth section of the "Railway Clauses Consolidation Act," or for taking stock in, or lending money to, any incorporated Railway, Road or Bridge Company in whose Railway, Road or Bridge the inhabitants of the Municipality shall, in the opinion of the Council thereof, be sufficiently interested to warrant them in taking such stock or lending such money for the advancement of such work ; or for issuing Debentures or Bonds for any of the purposes mentioned in this section, every such Debenture or Bond being issued for a sum not less than twenty-five pounds currency of this Province, and being payable in not less than five and not more than thirty years ; or for the management of any Sinking Fund provided by any such By-law ; but no By-law made under the provisions of this section shall have any force or effect unless it be made for a sum not exceeding twenty per cent on the aggregate valuation of the property thereby affected according to the Valuation-Rolls then existing, nor unless it impose a yearly rate sufficient, according to such Valuation-Rolls, to pay the interest on the sum to be borrowed, and two per cent. over as a Sinking Fund ; nor unless it shall have been approved in the manner hereinafter provided.

Borrowing money, and issuing Bonds or Debentures, &c. for

Assisting in construction of Railways.

[Form M. M.]

Managing Sinking Fund. Total amount limited.

Rate for interest and Sinking Fund.

No such By-law shall be repealed or altered until the whole sum borrowed and the interest thereon shall be paid off, except by

By-law not to be repealed,

except, &c. by some other By-law approved by the Governor in Council, the repeal or alteration of which shall be subject to the like conditions.

Money borrowed by a County for Railway purposes as aforesaid, to be paid by Local Municipalities within it. By-law must be approved under 16 V. c. 22, and 18 V. c. 13.

Whenever any such By-law is passed by a County Council, the principal and interest of the Loan shall be payable by all the Local Municipalities in the County, and the Secretary-Treasurer of the County Council shall in each year apportion the amount to be paid by each according to the assessment rolls then in force in such Local Municipalities respectively; and every such By-law shall be approved in the manner provided by the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to establish a Consolidated Municipal Loan Fund for Upper Canada*, as amended by the Act passed in the eighteenth year of Her Majesty's Reign, intituled, *An Act to extend and amend the Act to establish a Consolidated Municipal Loan Fund for Upper Canada by applying the same to Lower Canada, and for other purposes*, and all the provisions of the said Acts shall apply to every such By-law except in so far as they may be inconsistent with any of the provisions contained in this section.

Depositing money.

10. For depositing the funds of the Municipality or investing the same at interest, in any chartered Bank or public security of the Province;

Paying damages done by Rioters.

11. For indemnifying persons who shall have lost buildings or other property destroyed either wholly or in part by rioters within the Municipality;

Paying Officers.

12. For the remuneration of their Officers, in addition to any fees, penalties or per centage which they may be entitled to under the authority of this Act or of any other;

Defining duties of Officers and enforcing performance thereof.

13. For defining the duties of all the Officers appointed by the Council or by the Governor, and imposing penalties upon the said Officers for neglect of duty in cases in which such duties have not been sufficiently defined, or such penalties have not been determined by law; but no such fine or penalty shall in any case exceed the sum of five pounds currency for any one offence;

Taking security from Officers, Contractors, &c.

14. For requiring sufficient security whenever the same shall not have been specially regulated by law, from all persons accountable for the moneys of the Municipality, and from all Contractors with the Council or its Officers, in such manner, and to such amount as the Council shall think proper to determine;

Imposing and collecting penalties.

15. For imposing and collecting, by seizure and sale of the goods and chattels of the offender, any reasonable penalty not exceeding in any case five pounds currency, and for imposing

imposing reasonable punishment by imprisonment, not exceeding thirty days, for the breach of any of the By-laws or Regulations of the Council ; Imposing imprisonment.

16. For making such other local Regulations, not contrary to Law, as the good of the inhabitants of the Municipality may require. Other Local Regulations.

PUBLICATION OF BY-LAWS.

XVI. Every Municipal Council shall publish all By-Laws made by them, by causing a copy thereof written in the English and French languages, and certified by the Secretary-Treasurer of the Council, to be posted up, within fifteen days from the date thereof, on the front door of at least one Church or Chapel, or other place of Public Worship, and whether there be or not any place of Public Worship, at some other place of public resort, in each of the Parishes, Townships or parts of Parishes or Townships, Towns and Villages, the inhabitants, or any portion of the inhabitants of which, may be interested in such By-Laws. In Parishes the Council shall also cause all By-laws to be published, by causing them to be read at the door of the Church of the Parish to which they relate, immediately after Divine Service in the forenoon, on each of the two Sundays next after the passing of such By-laws. And every such Council may also cause all or any of such By-Laws to be published in any Newspaper printed in the district, or in any adjoining district. Publication by posting up copies of By-laws. And by insertion in Newspapers.

PERSONS DISQUALIFIED OR EXEMPT FROM ACCEPTING OFFICE AS MEMBERS OR OFFICERS OF MUNICIPAL COUNCILS.

XVII. No person being in holy orders, or a Minister of any religious denomination, nor any Member of the Executive Council, nor any Judge, or Sheriff or Clerk of any Court of Justice, (except Clerks of Commissioners' Courts for the trial of small causes, any one of whom may, with his own consent, be appointed Secretary-Treasurer,) nor any Officer of Her Majesty's Army or Navy on full pay, shall be elected or appointed as a Municipal Councillor, nor appointed to any office under any Municipal Council, and no person receiving any pecuniary allowance from the Municipality for his services, nor any person having directly or indirectly, by himself or his partner, any contract, or any share or interest in any contract, with or on behalf of the Municipality, shall be qualified to be elected or appointed or to act as, a Councillor of such Local Municipality: Provided always, firstly, that no person shall be disqualified from acting as Municipal Councillor, by reason of his being a proprietor or shareholder in any incorporated Company, which shall or may have any contract or agreement with any Local Council as aforesaid ; And provided always, secondly, Persons disqualified as Members. Provide as to Contractors with the Council. Provide : that

What shall be a "Contract" under this section.

that the word "contract" in this section shall not extend to any lease, sale or purchase of any lands, tenements or hereditaments, or to any contract for such lease, sale or purchase, or for the loan of money, or to any agreement for the loan of money only, but any Municipal Councillor having any interest in any such matter, as in this second proviso mentioned, shall not vote at any meeting of the Municipal Council, or of any Committee thereof, of which he is such Councillor as aforesaid, upon any question arising upon the matter in which he is so interested as aforesaid :

Persons exempted from serving except by their own consent.

2. No Member of the Provincial Legislature, no person holding any civil appointment under the Imperial or Provincial Government, or under either House of the Legislature, no Practising Physician, Surgeon or Apothecary, no School Master actually engaged in teaching, no Branch Pilot, no Miller, being the only one employed in a mill, no person over sixty years of age, shall be bound to accept the office of Municipal Councillor or any office under any Municipal Council; and every person being at the time of the commencement of this Act, or having been within the two years next preceding, a Member of a Municipal Council, or an Officer under any such Council, and any person who shall have paid a penalty for refusal or neglect to accept of any such office, shall be exempt from serving in the same office during the two years next after such service or payment ;

Appointment in place of Councillor elected and disqualified or claiming exemption.

3. If any person disqualified, or exempt, and claiming exemption from serving as such Councillor be elected, it shall be the duty of the Warden or Registrar, immediately on his becoming aware of the fact, to notify the same, through the Provincial Secretary, to the Governor, who shall appoint without delay another Councillor in the stead of such person so elected.

COUNTY COUNCILS.

SPECIAL POWERS.

County Councils to have certain powers under 12 V. c. 56.

XVIII. All the powers vested by the Act of the Legislature of Canada passed in the twelfth year of Her Majesty's Reign, chaptered fifty-six, and intituled, *An Act to authorize the formation of Joint Stock Companies in Lower Canada, for the construction of Macadamized Roads, and of Bridges and other works of like nature*, in the Municipality and Municipal Councils therein mentioned, shall be transferred to and vested in the County Councils created by this Act.

They may make By-laws concerning—
[Form I.]

XIX. Every County Council shall also have power and authority to make, and from time to time amend or repeal, a By-law or By-laws for all or any of the following purposes, that is to say :

1. For appointing the place at which all Sessions of the County Council after the first Session shall be held; and every place so appointed shall thereafter be the County Town (*chef lieu du comté*); Provided always that if the first session of such Council shall have been held at a place which at the time of the passing of this Act, was the *place of holding the meeting of the Municipal Council* of a County or Division of a County, the concurrence of two thirds of the members for the time being of such Council, shall be necessary for the making of a By-law appointing any other places for holding the subsequent sessions of such Council; Place of sitting.
Proviso.
If the first Meeting be held at a place where a County Council now meets.
2. For the acquirement or construction and maintenance of a Court House and Gaol, in such place as may be hereafter lawfully appointed for that purpose, and for providing means in aid of the acquirement, construction or maintenance of any such buildings; Construction, &c., of a Court House and Gaol.
3. For the acquirement or construction and maintenance of an Office for the Registration of Deeds, either apart from or forming part of any Court House situate within the County, and for the construction and maintenance therein of a Fire-proof Vault for the preservation of such Deeds; and for providing means for the acquirement or construction and maintenance of such Office, and also for the transcription of any Deeds which it may be deemed expedient to transfer and deposit in such Office, for the convenience of the inhabitants of the County; Maintenance of an Office for registration of Deeds, &c.
4. For placing toll-bars, and for levying tolls on persons, animals and vehicles passing over any roads or bridges within the limits of the County; Provided that it shall not be lawful, by any such By-law, to make the Tolls payable by any of the inhabitants of any Local Municipality or of any part of a Local Municipality, less than those payable by other persons for the use of the road or bridge therein mentioned, or to give any undue advantage to any such inhabitants with respect to such tolls; Turnpikes.
Limitation.
Tolls to be equal on all.
5. For determining the periods of the year during which fire may be applied to logs, bush and other wood for the purpose of clearing land within the limits of the County, and for compelling persons so applying fire to adopt such precautions as may be deemed requisite to prevent such fire from extending to adjoining forests, crops and other property; Fire in the woods, &c.
6. For regulating the fees to be paid for the services rendered by the County Superintendent, or by the Secretary-Treasurer, either in making Reports or *Procès-Verbaux*, or in furnishing copies of documents at the request of any person or number of persons, whenever the County Council, or any local Council within the County, deem it just that such fees should not be made a charge upon any Municipality in the County, but should be paid by the person or persons requiring such services; Regulating fees to County Superintendent or Secretary-Treasurer.

Regulating fisheries.

7. For regulating fisheries carried on, either upon the seashore or upon any waters adjacent to, or passing through the County.

SESSIONS OF COUNTY COUNCIL, ELECTION OR APPOINTMENT OF WARDEN, &c.

First Session.

XX. The first general session of every County Council shall be held at the time and place to be fixed for that purpose by the Registrar, who shall give notice thereof to each Member of the Council, and every subsequent session shall be held at the place appointed for that purpose by the County Council, as provided in the next preceding section :

Quorum of County Councils.

2. Five Members of the County Council in every County comprising seven or more Local Municipalities, and three members of such Council in every County comprising any number of Local Municipalities less than seven, shall form a *quorum* ;

Who shall preside at first Meeting.

3. The Registrar, or in his absence, such one of the Members of the Council present, as shall be chosen for that purpose by a majority of votes, or if the votes be equally divided, the senior in age of the Members present shall preside at the first general session ;

Election of Warden.

4. The Members of the County Council shall, at the said first session, choose from amongst themselves some fit and proper person, to be the Warden of the County ; and if there be an equal number of votes, the person presiding at the said session, whether such person be a Member of the Council or the Registrar, shall give the casting vote ; and the Registrar shall cease to have the right to preside, so soon as the Warden so chosen shall have taken the oath of office ;

Warden to preside when chosen.

Governor to appoint Warden if none be elected.

5. If no election of a Warden take place in the manner above prescribed, at the said first session of the Council, then the Governor, upon the fact being notified to him by the Registrar, shall appoint without delay one of the Members of the Council to be Warden of the County ;

Term of office of Warden ;

Removal of Warden by Council.

His place how to be filled.

6. The Warden so elected or appointed shall hold his office until the next general election of Councillors, and thereafter until another person shall be appointed in his stead ; unless such Warden, if elected by the County Council, be removed before that time by a vote of two thirds of the Members of the Council, or unless such Warden, if appointed by the Governor, be removed by the Governor. If the Warden be removed by a two third vote of the County Council, the said Council shall appoint another at the same session, otherwise the Governor shall appoint one, on being notified of the fact by the Registrar or by the Secretary-Treasurer of the County Council. If the Warden be removed by the Governor, another shall be appointed by the Governor.

APPOINTMENT

APPOINTMENT OF COUNTY SUPERINTENDENT.

XXI. In addition to the Officers which all Municipal Councils are required or authorized to appoint under this Act, every County Council shall, at its first General Session after each General Election of Councillors, or at a Special Session, which shall be held within fifteen days from the first day of such first General Session, appoint a Superintendent of Roads and Bridges for the County :

To be appointed by County Council.

2. Every County Superintendent shall, while he holds office as such, reside within the County for which he is appointed and shall be disqualified to accept any other office under any Municipal Council ;

Must reside in the County. Not to hold any other office.

3. Every County Superintendent may, under a Resolution of the Council, appoint one or more Deputies, for the payment of whose services, when appointed, provision shall be made by the County Council. But the County Superintendent shall be responsible for all the acts and omissions of every Deputy so appointed ;

May appoint Deputies.

Responsibility for his acts.

4. Every appointment of a Deputy by the County Superintendent shall be made by a letter under his hand, addressed to the person so appointed. And the Superintendent shall, without delay, give special notice of every such appointment, not only to the person appointed but also to the Secretary-Treasurer of the Council of the Municipality for which such Deputy has been appointed ;

Appointment of Deputy.

[Form G.]

Noticethereof.

[Form H.]

5. In the absence of the County Superintendent and of his Deputies, the Secretary-Treasurer of the County Council shall do every thing which the County Superintendent ought to do under the provisions of this Act ;

Secretary-Treasurer to act for him in certain cases.

6. The County Superintendent shall keep a Repertory in which he shall refer in a summary manner, and as near as may be in the order of their dates, to all Registers, Reports, *Procès-Verbaux*, Valuation Rolls, Collection Rolls, Judgments, Resolutions, Maps, Plans, Returns, Notices, Letters and Papers whatsoever which may come into his possession in the exercise of his functions ;

To keep a Repertory.

7. He shall deliver to any person who shall apply for the same, a copy of any document which shall be in his possession or custody, or of record in his office as such County Superintendent, upon payment of such fees as shall be fixed by the County Council ; 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 all persons interested therein ;

And deliver copies of documents.

Copies to be evidence, &c.

8. And the County Superintendent shall perform all such other duties as are specially imposed upon him by this Act.

Special duties may be assigned to him.

COUNTY

COUNTY DELEGATES.

There shall be three Delegates for each County.

XXII. In every County there shall be three Delegates to represent the interests of the County at every Meeting of Delegates held under the provisions of this Act, and to exercise and perform, in conjunction with Delegates sent from another, or several other Counties, as the case may be, the powers, authority and duties hereinafter mentioned :

Warden to be one—other two how appointed.

2. The Warden shall be *ex officio* one of the said Delegates ; the two other Delegates shall be such two Members of the County Council as shall be appointed for that purpose at the first session held after the General Election of local Councillors, or at a Special Session held within fifteen days from the first day of such General Session ; and the said Delegates shall hold their office as such during their tenure of office as County Councillors, and no longer ;

Term of office.

Vacancies how filled up.

3. And whenever any one of such Delegates dies, or is absent or incapacitated to attend to his duties from sickness or any other cause, the County Council shall appoint another Delegate or other Delegates in the stead of the Delegate or Delegates deceased, absent or incapacitated.

LOCAL COUNCILS.

POWERS COMMON TO ALL LOCAL COUNCILS.

Local Councils may make By-laws concerning—

XXIII. The powers and authority of each Local Council (in addition to the powers hereinbefore conferred upon all Municipal Councils) shall extend to the following objects :

Opening, making and repairing roads, bridges, &c.

1. To the opening, constructing, making, levelling, pitching, raising, planting, improving, preserving and maintaining of any new or existing highway, road, street, side-walk, crossing, alley, lane, bridge, ford or other communication within the Municipality ; the stopping up, pulling down, widening, altering, changing, diverting or cleaning of any such highway, road, street, side-walk, crossing, alley, lane, bridge, ford or other public communication within such Municipality, in conformity with the provisions of this Act relative to all such matters ; the taking possession of any land or real property required for any such purposes, and the making provision for the indemnity to be paid to the owners of such land or real property ; but it shall not be lawful for any Town or Village Council to levy any assessments from persons not residing or holding assessable property within the limits of such Town or Village, or to require from any such persons the performance of any labor, towards the construction or maintenance of Public Roads beyond the limits of such Town or Village, any *procès-verbal*, rules or By-laws to the contrary notwithstanding ;

Proviso : rate not to be levied for certain purposes or on certain persons.

2. To the opening, enclosing and maintaining, at the expense of the Municipality, such squares, parks or public places, as may be conducive to the health or convenience of the inhabitants; to ornamenting the same by planting trees therein or otherwise, and causing trees to be planted along any sidewalk or footpath, at the expense of the Municipality;

Opening and
adorning public
squares,
&c.

3. To the prevention or removal of abuses prejudicial to agriculture and not specially provided for by law; the establishment of Public Pounds for the safe keeping of animals and poultry, found astray or doing damage on the public roads or bridges, or on the lands of others than the owners of such animals or poultry; the determination of the periods of the year when such animals and poultry either may be allowed to run or should be prevented from running at large; the fees to be taken by the Keepers of such Pounds; the damages payable by the owners of such impounded animals or poultry, the manner in which such animals or poultry shall be sold, in the event of their not being claimed within a reasonable time, or in case the damages, penalties and expenses shall not have been paid according to law, or to any By-laws made for the said purpose;

Prevention of
abuse prejudicial to
agriculture;
Pounds, &c.

Animals running
at large.

Fees to pound
keepers.

Damages by
animals.

4. To the making of Regulations as to pits, precipices and deep waters, or other places dangerous to travellers;

Pits and precipices.

5. To the imposition of a tax on the owners or harbourers of dogs; the making of regulations, whenever the public peace and safety may require it, to keep dogs tied up and to prohibit them being at large, and for killing all dogs found at large contrary to such regulations;

Dogs, and tax
on dogs.

6. To the regulating and governing of all Shopkeepers and Storekeepers and others selling wine, brandy or other spirituous liquors, ale or beer, by retail, in places other than houses of public entertainment, and the determining under what restrictions and in what manner any such person shall take out a license from the Revenue Inspector of the District within which he resides, before it shall be lawful for him to sell any wine, brandy or other spirituous liquors, ale or beer, as aforesaid, within such Municipality, and for fixing the sum which shall be payable for each such license, and the time during which it shall be in force, or for limiting the number of persons to whom and the houses or places for which such licenses shall be granted within the Municipality, or the preventing absolutely of the sale of wine or brandy, or other spirituous liquors, ale or beer, or any of them, by retail, within the Municipality, and the making of such further enactments as may be deemed necessary for giving full effect to any such By-law, and for imposing penalties for the contravention thereof: Provided always, that the selling of any wine, brandy or other spirituous liquors, ale or beer, in the original packages in which the same were received

Regulating
persons retailing
liquors, or
keeping places
of public
entertainment;
or prohibiting
sale of liquors.

Proviso.

from

Proviso as to price of license, &c. from the importer or manufacturer, and not containing respectively less than five gallons or one dozen bottles, shall not be held to be a selling by retail within the meaning of this Act : Provided, however, that no Municipal Council shall have power to fix any sum below that now payable for any such license ; and any license granted by any Revenue Inspector to any person to sell by retail spirituous liquors, ale or beer, in any place within any Local Municipality after the Corporation of such Municipality shall have enacted a By-law either regulating the mode of the granting of such license or absolutely prohibiting such license, otherwise than in conformity with the By-law of such Local Council, shall be null and void in law ;

Carters. 7. To the licensing of carters and common carriers ;

Public exhibitions. 8. To the regulation of the manner in which any theatrical performance or other public exhibition shall be held, and the imposition of a tax or duty not exceeding five pounds currency upon every such performance or exhibition, which tax or duty, 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, under a Warrant of distress signed by the Mayor of the Municipality ; and to the prohibition of any such performance or exhibition tending to endanger public safety or morality ;

Levying fines.

[Form W.]

Maps, plans and surveys of the Municipality. 9. To the making or procuring of maps, plans or surveys of the municipality, whenever the Council may deem it expedient to make or procure the same ; but no such map or plan shall be procured, at the expense of the municipality, unless it be drawn by a Provincial Surveyor upon a scale of at least four inches to the mile ;

Dividing the Municipality for road purposes. 10. To the dividing of the Municipality into Inspectors' divisions, and subdividing any such division into Overseers' sections.

SPECIAL POWERS OF TOWN AND VILLAGE COUNCILS.

Town and village Councils may make By-laws concerning— XXIV. In addition to the powers and authority hereinbefore conferred upon all local Councils, the Municipal Council of every town and village Municipality shall have power and authority to make By-laws for all or any of the following purposes, that is to say :

Markets. 1. For establishing markets or market places ; for abolishing any market, or market place, existing at the date of the commencement of this Act, or which shall thereafter exist, within any such Municipality, or for appropriating the whole or any part

part of the site of any market or market place for any other public use whatsoever; reserving nevertheless to any person aggrieved by any act of the said Council respecting any such market or market place, any recourse which any such person may lawfully have against any such Municipality for any damage suffered by any such person by reason of such act ;

Proviso.

2. For regulating and defining the duties and powers of the Clerks of the markets within the Municipality, and of all other Officers employed on the said markets; and for leasing stalls and stands for the sale, and offering for sale, of every description of articles or goods whatsoever upon the said markets; and for imposing duties or taxes on all persons vending upon such markets any provisions, vegetables, butcher's meat, grain, fowls, hay, straw, coal, salt, cord-wood, shingles, or any thing else whatsoever; for prohibiting the sale, or exposure for sale, by any person not resident within the municipality, of any such provision or other things elsewhere than upon such markets and in such other places as may be appointed for that purpose by any such By-law; and for regulating the conduct of all persons vending or purchasing upon the said markets;

Appointment, &c., of Clerks of markets and other market Officers; stalls, duties, sale of certain articles, &c.

3. For imposing duties upon waggons, carts, sleighs, boats, canoes and vehicles of all descriptions, in which articles shall be exposed for sale upon any such market, or in any street, or upon any beach, within the Municipality, and for regulating the manner in which such vehicles shall be placed when used for any such purposes;

Duties on vehicles in which articles are brought to market.

4. For regulating the weighing or measuring of cord-wood, lumber, shingles, coal, salt, hay, straw and grain, brought within the Municipality for sale; for regulating and determining whether any other articles purchased or sold within the Municipality shall be weighed or measured, or both; and 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;

Weighing and measuring certain articles.

Fees.

5. For regulating, fixing and determining the weight of bread sold or offered for sale within the Municipality, and for compelling bakers to mark with the initials of their respective names the bread made by them, and for confiscating Bread of insufficient weight or unwholesome quality;

Weight of bread.

Marking bakers' names, &c.

6. For increasing the personal commutation to be paid in each year by each person subject to perform statute labour on the roads and streets within the Municipality, to an amount not exceeding five shillings currency for each person; and for obliging

Commutation of statute labour.

obliging every such person to pay the amount of such personal commutation so determined upon, without allowing any such person to offer his personal labour in lieu of such commutation, and for exempting from the payment of such commutation persons or any class of persons whom the Council shall deem it expedient to exempt by reason of their want of means ;

- Assessing for making sewers. 7. For assessing the proprietors of real property for such sums as may at any time be necessary to defray the expenses of making or repairing any common sewer under any public street or road within the Municipality, and immediately in front of such property, and for regulating the manner in which such assessments shall be collected and paid ;
- Fencing real property. 8. For obliging the proprietors of real property situate within the limits of the Municipality to fence in and enclose such real property ;
- Removing encroachments on streets, &c. 9. For directing and requiring, at any time, the removal of any door-steps, stairs, porches, railing or other projections into, or obstructions in, any public street or road within the Municipality, by and at the expense of the proprietors of the real property in or connected with which such projection or obstruction shall be found ;
- Altering level of side-paths, &c. 10. For establishing or altering the level of the foot-paths or side-walks in any street or road within the Municipality in such manner as the Council shall deem conducive to the convenience, safety and interest of the inhabitants ; Provided always, that the Council may make compensation, out of the funds of the Municipality, to any person whose property shall be injuriously affected by any such alteration of the level of any foot-path in front thereof ;
- Proviso. Compensation in certain cases. 10. For establishing or altering the level of the foot-paths or side-walks in any street or road within the Municipality in such manner as the Council shall deem conducive to the convenience, safety and interest of the inhabitants ; Provided always, that the Council may make compensation, out of the funds of the Municipality, to any person whose property shall be injuriously affected by any such alteration of the level of any foot-path in front thereof ;
- Pulling down decayed buildings. 11. For pulling down and removing, so often as shall be deemed necessary, all old walls, chimnies or buildings in a state of dilapidation or decay ; and for fixing at what time, by what means, and at whose expense, the same shall be so pulled down and removed ;
- Preventing accidents by fire, and arrangements for extinguishing fires. 12. For preventing accidents from fires and for regulating the conduct of persons present at any fire within the Municipality, and (among other By-laws for the same purpose) for regulating the mode of placing stoves, or stove-pipes, flues, furnaces or ovens, or the mode of keeping ashes ; for obliging proprietors or occupiers of houses to provide themselves with proper fire-buckets, and to have ladders from the ground to the roofs of their houses, and from such roofs to the tops of the chimnies ; for preventing any person from entering any stable, barn, shed or out-house

out-house with a light not enclosed in a lantern, or from entering any such building with a lighted cigar or pipe, or from carrying into the same any fire not properly secured ; for preventing any person from lighting or having any fire in any wooden shed or out-house or other wooden building, unless such fire be placed in a chimney or in a stove of iron or metal, or from carrying fire in or through any street or public place, garden or yard, unless such fire be confined in some metal vessel ; 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 open ;

13. 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 communicate with, and open into, a chimney of stone or brick, which shall rise at least three feet higher than the top of the house or building in or in connexion with which such oven or furnace shall be placed ;

Obliging certain trades to construct furnaces in a certain manner.

14. 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 sun-set ;

Keeping and sale of gunpowder.

15. For preventing the erection of furnaces for making charcoal, and for regulating the manner in which quick lime may be kept or deposited ;

Furnaces for lime and charcoal.

16. For preventing persons from throwing up Fire Works, firing off Crackers (*pétards*), discharging Fire Arms, or lighting Fire in the open air, in any of the streets, or roads, or in the neighborhood of any buildings, groves, hedges or fences within the Municipality ;

Discharging Fireworks.

17. For defraying, out of the funds of the Municipality, all such expenses as the Council may deem it just to incur, for the purchase of engines, or any other kind of apparatus, or any article whatsoever that may be necessary for the prevention of accidents by fire, and for facilitating the means of arresting the progress of fires ;

Purchasing fire-engines, &c.

18. For preventing thefts and depredations at fires, and for punishing any person who shall resist, oppose or ill-treat any Member or Officer of the Council while in the execution of the duty assigned to him, or in the exercise of any power or authority with which he may be invested in virtue of any By-law made under the authority of this section ;

Preventing thefts, &c., at fires.

- Compensating persons wounded or performing services at fires, or the families of persons killed. 19. For defraying out of the funds of the Municipality any expense which may be incurred by the Council for assisting any person employed by such Council, who shall have received any wound or contracted any sickness or disease while attending at any fire, or for assisting or for providing for the wants of the family of any person who shall lose his life at any fire while so employed ; and for granting rewards in money, medals or otherwise, to persons who shall have performed any meritorious action at any fire, or in saving persons from drowning or from other serious accidents ;
- Authorizing the destruction of houses to stop fires, &c. 20. For investing the Members of the Council and such Officers as shall be designated in such By-laws, with the power to cause to be blown up, pulled down, or otherwise destroyed, any building or fence which any such Member, or any such Officer, shall deem it necessary to direct to be pulled down or destroyed for the purpose of arresting the progress of any fire, and for providing and paying an indemnity, when justly due, to the owners of any building or fence so blown up, pulled down or destroyed, or to any person sustaining any damage or injury from any such acts ;
- Compensation. 21. For regulating the conduct of apprentices, servants, labourers and hired persons, and for the conduct of masters and mistresses towards their said apprentices, servants, labourers or hired persons in the Municipality ;
- Regulating masters, servants, &c. 22. For preventing gambling and the keeping of gambling houses in the Municipality ;
- Preventing gambling. 23. For establishing a Board or Boards of Health in the Municipality, and for appointing the Members of such Board or Boards, and for securing the inhabitants of the Municipality from contagious and pestilential diseases, or for diminishing the danger resulting from the existence of such diseases ;
- Preserving public health. 24. For compelling the proprietors or occupants of houses to clean all stables, outhouses, privies and yards connected therewith, at such times and in such manner as the Council may deem expedient ;
- Compelling cleanliness in yards, &c. 25 For preventing the throwing, into any public street or road, of any sweepings, filth, dirt, rubbish or ordure, and for enforcing the removal thereof ; also for preventing and removing all encroachments and nuisances in or upon any street or road ;
- Preventing the deposit of filth in streets, &c. 26. For authorizing such Officers as shall be appointed by the Council for that purpose, to visit and examine at suitable times and hours to be fixed in and by such By-laws, as well the inside as the outside of all houses, buildings and real property of any description in the Municipality, for the purpose of ascertaining whether the By-laws, to be made as aforesaid, have

have been duly observed, and for obliging all proprietors, possessors or occupants of such houses, buildings or real property, to admit such officers and persons into and upon the same at the times and hours, and for the purposes aforesaid ;

27. For preventing persons from passing along the public streets or roads in any vehicle or on horseback at any faster pace than an ordinary trot ;

Preventing violent driving or riding.

28. For providing within the Municipality if there be no District Gaol therein, a lock-up-house or other place for the safe keeping of persons sentenced to any term of imprisonment not exceeding thirty days under any of the provisions of this Act, or of the ordinance mentioned in the next following paragraph.

Providing lock-up house in default of Gaol.

CLAUSES OF QUEBEC AND MONTREAL POLICE ORDINANCE,
RELATING TO DISORDERLY PERSONS EXTENDED TO TOWN
AND VILLAGE MUNICIPALITIES.

XXV. And be it enacted, That the eighth, ninth, tenth and eleventh clauses of the Ordinance of the Legislature of Lower Canada, passed in the second year of the Reign of Her Majesty, intituled, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, as amended by an Act passed in the seventh year of Her Majesty's Reign, intituled, *An Act to alter and amend certain provisions of the Ordinance of the Governor and Council of Lower Canada of the second year of Her Majesty's Reign*, intituled, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, and by an Act passed in the ninth year of Her Majesty's Reign, intituled, *An Act to amend the Act amending certain provisions of the Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, shall extend to and have force of law in every Town and Village Municipality hereafter erected or existing under the provisions of this Act ; and that in every case where under any of the provisions contained in the said clauses of the said Ordinance so as aforesaid amended a Justice of the Peace may commit any person brought before him, in either of the cities mentioned in the said Ordinance, to the Common Gaol or House of Correction, it shall be lawful for any Justice of the Peace to commit any person brought before him in any such Municipality to imprisonment for any term not exceeding thirty days, either in the Common Gaol of the District, or in any lock-up-house or other place provided by the Municipal Council for that purpose.

Certain section of Ord. of L. C. 2 V. c. 2, as amended by 7 V. c. 21, and 9 V. c. 23. extended to towns and villages.

To what place offenders may be committed.

PERSONS QUALIFIED TO VOTE FOR MEMBERS OF LOCAL
COUNCILS.

XXVI. No person shall be entitled to vote at any election of Members of any Local Council, unless he be of the male sex,

Qualification of voters at
of

Municipal Elections : as to property. of the full age of twenty-one, and a natural born or naturalized subject of Her Majesty, nor unless at the time of giving his vote at such election, he be possessed as proprietor, either in his own right or in the right of his wife, and for his own proper use and benefit, or for the use and benefit of his wife, of a real estate in the Local Municipality in which the election is held, in *fief*, in *censive*, in *franc-aleu*, or in free and common soccage, of the yearly value of at least forty shillings currency, or shall hold, as a tenant or lessee, in such Local Municipality, an estate of the yearly value of at least five pounds currency, or shall be otherwise liable to assessment under this Act ; nor unless, in either case, he shall have resided in such Local Municipality during at least the year next preceding the day of the opening of such election ; nor at any election after the first, unless he shall have paid all rates or local taxes due by him at any time before the election, whether the same were imposed for Municipal or Educational purposes.

Residence.

Not being in arrear for taxes.

ELECTION OF COUNCILLORS.

Meeting of qualified electors every second year. XXVII. A public meeting of the inhabitants qualified to vote shall be held in each Local Municipality, in the month of July, in the year one thousand eight hundred and fifty-five, in the month of January, one thousand eight hundred and fifty-eight, and in the month of January in every second year thereafter, for the general election of Local Councillors. Public notice of the meeting to be held in each Local Municipality for such General Election in the month of July, one thousand eight hundred and fifty-five, shall be given by the Registrar of Deeds for the County, or if part of the County be in one Registration Division and part in another, then by the Registrar for the Registration Division in which the greater part of the County lies, or if there be in the County two or more Registration Districts or Divisions, then by the Registrar of the first Registration District or Division, or the Registration District or Division Number one in the County, or, in his default, by his Deputy Registrar, and the term " Registrar " in any of the following provisions shall include the Deputy Registrar.

Notice of Meeting, and by whom given in first instance ;

[Form A.] Public notice of every such subsequent meeting shall be given by the Warden of the County, or in his absence or default by the Registrar ; and the said Councillors shall be chosen from among the inhabitants of the Local Municipality, or if the same be a Parish or Township Municipality from among the inhabitants of any Town or Village Municipality, within the limits of such Parish or Township, whether they be or be not qualified to vote at such election ; but no person shall be so elected unless at the time of such election he be possessed as proprietor, either in his own right or in the right of his wife, of a real estate held in *fief* in *censive* in *franc-aleu*, or in free and common soccage, in the Municipality of the value of one hundred and fifty pounds currency :

And afterwards.

Who may be elected.

Proviso :
Qualification of Councillor.

2. The Registrar or the Warden, as the case may be, shall appoint a fit and proper person to preside at each of such meetings, and shall give to such person special notice of his appointment, and of the time and place at which the first session of the Councillors, elected at the meeting to be presided over by him, shall be held ;

Appointment of a person to preside at such Meetings.

[Form C.]

3. If on the day appointed for the general election of Local Councillors, the person named by the Registrar or Warden to preside at the meeting, be absent therefrom, then the senior Justice of the Peace there present, or in the absence of a Justice of the Peace, any person chosen from amongst themselves by a majority of the persons constituting such meeting, shall preside thereat, and perform, in so far as regards the said election and the proceedings consequent thereupon, the same duties as are required to be performed by the person appointed by the Registrar or Warden as aforesaid ;

Who shall preside in default of the person so appointed.

4. No person shall be disqualified for election as a Councillor because he presides at the Election ;

Person presiding not disqualified.

5. The person presiding shall, during the election, be a conservator of the peace, and shall be invested with the same powers for the preservation of the peace and the apprehension, imprisonment, holding to bail, trying or convicting violators of the law, as are vested in the Justices of the Peace, whether he do or do not possess the legal property qualification of a Justice of the Peace ;

Powers of person presiding for preserving the peace.

6. In order to maintain the peace and preserve order at every such election, the person presiding thereat may command the assistance of all Justices of the Peace, Constables and other persons residing in the County, and may also swear in as many Special Constables as he shall deem necessary ; he may also commit to the charge and custody of any Constable or other person, on view, for any period not exceeding forty-eight hours, any person whom he shall find breaking the peace or disturbing public order at any such election, or he may, by a Warrant under his hand, commit the offender to the common gaol of the district in which the Municipality is situate, or to any Lock-up-House or other place established for the safe keeping of prisoners in any Municipality within the County, for any period not exceeding ten days ;

Such person may command assistance, swear in special constables, &c.

[Form U.]

[Form V.]

7. If there be more than seven Candidates at any election, the person presiding shall take down, or cause to be taken down, the votes of the electors present, in a Poll Book kept for that purpose, and shall declare such seven Candidates as have the largest number of votes in their favor, to be duly elected Councillors ; and if an equal number of votes be polled for any two or more of the Candidates, the person presiding shall be entitled to vote, but in such case only ; and he shall give his casting vote in favor of such Candidate or Candidates as he shall think fit ; and he shall be entitled to give such casting vote, whether

Poll Book to be kept if more than seven candidates.

Casting vote.

whether he be otherwise qualified to vote or not; and whenever the election is not opposed by more than three persons qualified to vote thereat, the person presiding shall declare the Candidates duly elected;

Poll may be continued to second day if all votes not polled on first.

8. If the votes of all the electors present have not been polled by the hour of five in the afternoon of the first day of the said meeting, the person presiding shall adjourn the proceedings thereof to the hour of ten in the forenoon of the following day, when he shall continue to take down the votes; and he shall close the election at the hour of five in the afternoon of the said second day (whether any more votes remain to be polled or not) and shall then declare duly elected Councillors such of the Candidates as shall be entitled to be so declared elected;

To be closed if no vote be offered for an hour;

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

Provided persons have not been prevented from voting, by violence.

Voter may be required to take an oath.

10. Every person tendering his vote shall, before voting, if required by the person presiding, or by any one of the Candidates at the said election, or by any person representing any such Candidate, or by any inhabitant qualified to vote at the said election, take the following oath before the person presiding:

Oath.

“ I swear (*or affirm*) that I am entitled to take part in the proceedings of this meeting, that I am twenty-one years of age, that I am duly qualified to vote at this election, that I have paid all local rates or taxes due by me, and that I have not already voted at this election. So help me God.”

Notice to be given to Councillors elected.

XXVIII. The person presiding at any such election shall, within two days from the close of the election, give special notice of his election to each of the Councillors so elected, and of the place, day and hour determined upon by the Registrar or Warden, and at which such Councillor will be required to attend, for the holding of the first session of the Council after such election. The Councillors so elected shall enter upon the duties of their office, as such, respectively on the day of their election, and remain in office until the day of the next general election, and thereafter until their successors are elected or appointed:

Entry into office.

[Form E.]

Notice to Warden or Registrar.

2. The person presiding at every such meeting shall, within eight days after the day appointed for such meeting by a letter under his hand, inform the Warden, or, if there be no such officer, the

the Registrar, of the result of such meeting, and (if an election took place,) of the names, occupation and residence of each of the Councillors elected thereat; and shall deliver up the Poll Book kept at such election, and certified by him, to the Warden or Registrar. And the Warden or Registrar, as the case may be, shall deliver to the Secretary-Treasurer of the County Council, without delay, if there be any such Officer, and, if not, immediately after his appointment, all such letters and Poll Books, together with a Certificate or Certificates of the public notice of all such meetings held in the County having been duly given.

[Form F.]

Delivering of
Poll Books,
&c.

XXIX. If any such meeting do not take place at the time appointed in the public notice, or if it take place and no election of Councillors be made, or less than five Councillors be elected thereat, the Registrar or Warden, so soon as the fact comes to his knowledge, shall notify the same to the Provincial Secretary, for the information of the Governor, who, if no election has taken place at such meeting, shall select and appoint seven Councillors duly qualified as aforesaid, and who, if any number less than five Councillors have been elected at such meeting, shall appoint a sufficient number of Councillors to complete the required number; and the Councillor or Councillors so appointed, shall have the same powers, perform the same duties, and be subject to the same penalties as if they had been elected:

Appointment
of Councillors
by the Gov-
ernor if they
are not elected.

Their powers.

2. The Councillors so appointed shall enter upon the duties of their office as such, respectively, on the day on which special notice of their appointment is given to them by the Registrar or Warden, and remain in office until the day of the next general election, and thereafter until their successors are elected or appointed;

Entry into
office.

Term of office.

3. The Registrar or Warden, in giving such special notice, shall also notify the Councillors so appointed of the place, day and hour at which the first session of the Council after such appointment is to be held; and the said day shall be some day between the first and second Sundays after such notice.

Place and time
of first session
to be notified
to them.

SESSIONS OF LOCAL COUNCILS, ELECTION OR APPOINTMENT OF MAYOR, &c.

XXX. The seven Councillors elected or appointed in the manner by this Act prescribed, shall meet at the place, on the day, and at the hour determined upon by the Registrar or Warden for holding the first session of the Council after their election or appointment: and at all other subsequent sessions of the Council:

First Meet-
ing, &c.

2. Four Members of the Council shall form a *quorum*; Quorum.

3. On the first day of every such first session of the Council, the Councillors then present, after having appointed a Secretary-Treasurer, shall elect one of their number to be the Mayor of the

Appointment
of Secretary-
Treasurer and
Mayor.

the Local Municipality; and every such officer shall be designated as "The Mayor of the Parish (or Township or Townships, or of the part of the Parish or Township, or Town or Village, as the case may be) of" (here insert the name of the Local Municipality);

Who shall be Mayor if no election is made on first day of Session.

4. If no election of a Mayor take place as aforesaid on the first day of the said session of the Council, then the person who was elected Councillor by the greatest number of votes, or the senior in age of any two of such Councillors who may have been elected by an equal number of votes (such number being greater than the number recorded in favor of any other of such Councillors,) shall be the Mayor; and if any one or more of such Councillors have been elected, and the others appointed by the Governor, that one of the persons so elected by the greatest number of votes shall be the Mayor; and if all the said Councillors have been appointed by the Governor, then the Councillor first named in the letter making their appointment known, shall be the Mayor;

If all the Councillors are appointed by the Governor.

Notice of election signified to Warden &c.

[Form Q.]

5. The Secretary-Treasurer of the Local Council shall, immediately after the Election or appointment of the Mayor, signify such Election or appointment to the Warden of the County or to the Registrar, if there be no Warden at the time of such Election or appointment.

VACANCIES.

Vacancies in the Council, how filled up.

Proviso:

Vacancy not to affect acts of others.

XXXI. Whenever any Councillor dies, or has been absent from the Local Municipality, or has been incapable to act as such through infirmity, illness or otherwise, for three calendar months, the remaining Councillors, shall at the next Meeting of the Council after such decease or after the expiration of the said three months choose from among the inhabitants of the Municipality another Councillor in the stead of the Councillor so deceased, absent or incapacitated: Provided always, that notwithstanding the decease, absence or incapacity to act of any such Councillors the remaining Councillors shall continue to exercise the same powers and perform the same duties as they would have been required to exercise or perform, if the decease, absence or incapacity to act of such Councillor, had not occurred:

If the person occasioning the vacancy be the Mayor.

2. If the Councillor in whose stead another has been elected as aforesaid, be the Mayor, then the Members of the Council shall, on the first day of the first session of the Council next after the election of his successor to the office of Councillor, elect another Mayor in the manner above prescribed;

Term of office of new Councillor.

3. Every Councillor so elected or appointed in the stead of another, shall remain in office for the remainder of the period for which his predecessor had been elected or appointed, and no longer.

APPOINTMENT

APPOINTMENT OF CERTAIN OFFICERS.

XXXII. In addition to the Officers which every Municipal Council is hereinbefore required to appoint, every Local Council, at its first General Session, or at a Special Session to be held within fifteen days from the first day of such General Session, shall also appoint :

Certain other Officers to be appointed.

Three Valuators ; each of whom shall be possessed of a property qualification equal to that required of Municipal Councilors by this Act : The appointment of any person not so qualified shall be null and void, and each Valuator shall immediately after his appointment take an oath well and faithfully to fulfil the duties of his office ;

Valuators : their qualification and oath. of office.

And as many Inspectors and Overseers of roads and bridges, Inspectors of fences and ditches and Pound Keepers as such Council shall deem expedient.

Road Officers, Fence Viewers and Pound Keepers.

ANNEXATION OF PARTS OF PARISHES AND TOWNSHIPS AND OF EXTRA PAROCHIAL PLACES.

XXXIII. For the purposes of this Act, subject to the exceptions hereinafter mentioned, the following territorial arrangements shall be made : Every extra-parochial place shall be annexed to one of the adjoining parishes in such county ; and such extra-parochial place shall thenceforth, for all the purposes of this Act, form part of the said parish : every parish shall of itself form a separate Municipality, unless such parish be comprised and included in a tract of land erected into a township, in which case it shall not of itself form a separate Municipality, but shall form a part of the Municipality of such township :

Extra-parochial places.

Parishes in townships.

2. Whenever a parish, or a township is situated partly in one County and partly in another, each part shall be annexed to some adjoining parish or township in the County within which it lies, unless there be, at least three hundred souls therein, in which case the said part of such parish or township shall of itself form a Municipality, under the name of "The Corporation of the "North," "South," "East" or "West" part (*as the case may be*) of the Parish or Township of " (here insert the name of the parish or township) ;

Parishes, &c., partly in one County and partly in another.

3. Every territory erected into a township beyond the limits of lands comprised and included in fiefs and seigniories, and wholly situate in one and the same county, (whether such township be or be not wholly or in part erected into a parish) shall, except in the cases hereinafter provided for, form a Municipality under the name of the " Corporation of the township of " (*insert here the name of the township*) ;

Every township to be a Municipality. Exception.

Exception as to a township having less than 300 souls, which shall be annexed to another Municipality.

4. When the population of a township does not amount to three hundred souls, such township shall not of itself form a Municipality, but shall in such case be annexed to some adjoining parish or township in the same county, and thenceforth it shall be and form part of the township, or parish to which it shall be thus annexed ;

Parishes including town, village or townships.

5. When a parish wholly situated in one and the same county shall include any town, village or township, no Councillors shall be elected in that part which shall be beyond the limits of such town, village or township, but such part of such Parish shall be annexed to some adjoining Parish or Township, except when there is in such part a population of, at least, three hundred souls, in which case, the said part of the said parish shall form by itself a Municipality, under the name of "The Corporation of the "North" "South," "East" or " West " " Part of the parish of " (here insert the name of the parish) ;

Exception if it has less than 300 souls.

Annexation of extra-parochial places, &c., how effected.

[Form K.]

6. Every such annexation of an extra-parochial place, or of a parish or township, or part of a Parish or Township, to another Parish or Township, shall be made by a resolution of the County Council ; and the Secretary-Treasurer of the Council shall, immediately after the passing of every such Resolution, give public notice of such annexation, not only by publishing a copy of such Resolution in the manner provided by this Act, with respect to public notices generally, but also by causing the same to be inserted in the English and French languages in at least one newspaper published in the District or in an adjoining District, if there be no newspaper published in the District where such annexation has taken place ;

Separation when such place contains more than 300 souls.

7. But whenever it shall appear by a general census, or by a special enumeration of the inhabitants, that the locality so annexed contains a population exceeding three hundred souls, the County Council shall by another Resolution declare that the Resolution under which such locality was so annexed, shall be revoked from the first day of January then next ; and from and after the day so appointed for the revocation of the former Resolution, the locality therein mentioned shall cease to be so annexed, and shall thenceforward form a separate Municipality ;

Enumeration to be made in certain cases.

8. And the County Council may at any time, and shall, whenever required by any two or more persons resident in any locality so annexed, cause a special enumeration of the inhabitants thereof to be made by the County Superintendent or by some other Municipal Officer ;

Costs of enumeration, how paid.

9. But if it appear from such enumeration that the locality so annexed does not contain a population of three hundred souls, the

the persons requiring such enumeration shall reimburse to the Council the costs thereof, for the payment of which costs the County Council shall require security from such persons before causing the enumeration to be made ;

10. None of the provisions contained in the preceding paragraphs of this Section shall apply to the first General Election of Councillors ; but every parish, township, or part or parts of a parish or township, the inhabitants whereof are now entitled to elect two members of the County Council, shall, for the purposes of the said election, be considered as a Local Municipality, and shall elect seven Councillors, to compose the Local Council of such parish or township ; and notwithstanding any change which may be subsequently made in the limits of such parish or township, the Councillors so elected shall continue to act as such until the second general election of Councillors ;

Preceding paragraphs not to apply to first Election ; but each parish or township now electing Councillors to be a Municipality until second Election.

11. And notwithstanding any of the foregoing provisions the following places, that is to say : the parishes of *St. Anicet*, *St. Julienne de Rawdon* and *St. Alphonse de Liguori*, in the District of Montreal, the parishes of *St. Norbert d'Arthabaska* and *St. Christophe d'Arthabaska*, in the District of Three-Rivers, all that portion of the Township of Shipton, in the District of St. Francis, comprising the first eight ranges thereof, to be designated hereafter as the Township of Shipton, and all the remaining ranges of the same Township to be designated hereafter as the Township of Cleveland, and the place known as *Mont Carmel*, and forming part of the parish of *La Rivière Ouelle*, in the District of Kamouraska, shall each form a separate municipality ; all that part of Upton which comprises the eighth, ninth, tenth, eleventh, twelfth and thirteenth ranges of Upton shall, for the purposes of this Act, be annexed to and form part of the Parish of St. Hugues, and all the ranges of the said Township which now constitute the Parish of St. Ephrêm d'Upton, shall form a separate Municipality.

Certain parishes and parts of townships or parishes to be Municipalities, &c.

ERECTION OF TOWNS AND VILLAGES.

XXXIV. The erection of any tract of land into a town or village Municipality, shall take place in the manner hereinafter provided, that is to say :

Erection of town and village, how effected.

1. Whenever a Petition is presented to any County Council by forty or more inhabitants qualified to vote at the election of Local Councillors, praying for the erection into a Town or Village Municipality of any tract of land lying within the limits of the Local Municipality in which the petitioners reside, and clearly defined in such Petition, the County Council shall refer such Petition to the County Superintendent, with an order to visit the said tract of land and to report on the said Petition ;

Petition by forty electors.

[Form R.]

Reference to County Superintendent.

- His report. 2. The County Superintendent shall give public notice of the day and hour at which he shall visit such tract of land and commence his examination thereof, and shall hear all parties ;
- [Form S.]
- If the number of houses be too few. 3. If there be not at least sixty inhabited houses erected upon some part of such tract, within a space not exceeding thirty superficial arpents, the County Superintendent shall report the fact to the County Council, whose duty it will be in such case to reject the Petition ;
- And if the number be sufficient. 4. But if the said number of inhabited houses be erected on such tract within the said space of thirty superficial arpents, the County Superintendent shall define in his Report and describe in a Plan accompanying the same, the limits which, in his opinion, should be assigned to the said tract of land when erected into a separate Municipality ; and if the limits so defined and described by the County Superintendent are different from the limits mentioned in the said Petition, the County Superintendent shall specify in his Report the motives of such deviation ;
- Limits to be assigned.
- Deposit of report, &c., 5. After having made and signed such Report, the County Superintendent shall deposit a copy thereof and of the plan accompanying the same in the office of the County Council ;
- Homologation or amendment of report by County Council. 6. The County Council may homologate every such Report, with or without amendment, after having caused public notice to be given to the inhabitants of the Local Municipality from which it is proposed to detach such tract of land of the day and hour at which they shall proceed to the examination thereof, and after having heard the County Superintendent and the parties interested, (if required to do so), upon the merits thereof ;
- [Form T.]
- Presumed homologation if no amendment. 7. If after the lapse of two months from the day of the deposit of a copy thereof in the office of the County Council, no amendment have been made to the said Report, it shall be considered as having been homologated by the County Council ;
- If amendment be made. 8. But if before the expiration of that time the said Report be amended by the County Council, the County Superintendent shall enter upon the original or on a paper annexed thereto all such amendments as the County Council may have made upon or annexed to the copy thereof ;
- Copy to Provincial Secretary. 9. In either case the County Superintendent shall after the expiration of the said period of two months transmit to the Provincial Secretary a true copy of the said Report and of any amendments which may have been made thereto, and of all plans and other documents connected therewith ;
- Governor in Council may 10. It shall thereupon be lawful for the Governor of this Province by an Order in Council, to approve or reject the said Report,

Report, whether the same be amended or not by the said Municipal Council, or to modify or amend the same in such manner as shall be deemed expedient ; approve, reject or amend.

11. If, by the said Order in Council, the said Report be approved, with or without amendments, then it shall be lawful for the Governor to issue a Proclamation under his hand and seal, declaring the name to be given and defining the limits to be ascribed to such tract of land as a separate Municipality ; Proclamation, if approved with or without amendments.

12. From and after the first day of the month of January next after the expiration of the two months immediately following the date of the said Proclamation, every such tract of land the limits whereof shall have been so defined, shall be considered as detached from the Local Municipality whereof it shall have theretofore formed part, and its inhabitants shall be a corporation or body politic, to all intents and purposes whatsoever, by the name of "The Corporation of the Town or Village of (*as the case may be*)" (*here insert the name of the Town or Village*) ; Effect of Proclamation, and when it shall take effect.

13. The said Proclamation shall be published in the *Canada Gazette*, and at least two copies of such Proclamation duly certified by the Provincial Secretary, shall be by him sent to the County Superintendent, whose duty it shall be to give public notice thereof ; Publication of Proclamation.

14. The Municipal Council of any Parish or Township within the limits of such Parish or Township after the erection of such Town or Village into a separate Municipality, as well as before ; Council of the parish, &c., may still be held in town or village.

15. But the inhabitants of every Town, Borough or Village, now erected into a separate Municipality shall, notwithstanding the preceding provisions of this section, at the first general election of Councillors, elect seven Councillors to compose the Local Council of such Municipality, which shall continue to exist as a separate Municipality within its present limits until the same shall be changed under the foregoing provisions ; and the Councillors so elected shall continue to act as such until the second general election, whether in the meantime the limits of the Municipality be or be not changed : Provided always, that upon a Petition presented by at least two thirds of the assessable inhabitants of any Town, Borough or Village, now being or hereafter to be erected into a separate Municipality, the Governor may issue a Proclamation uniting such Town, Borough or Village to some adjoining Local Municipality, if satisfied that such union will promote the interests of such Town, Borough or Village. Towns and villages being now Municipalities, to continue such, and elect Councillors. Proviso ; for union with another Municipality if necessary.

CONTESTED

CONTESTED ELECTIONS.

- Circuit Court
to decide them. XXXV. If the election of all, or of one or more, of the Councillors of any Local Municipality be contested, such contestation shall be decided by the Circuit Court sitting in the Circuit within the limits of which the place of election is situate :
- Who may contest. 2. Every such election may be so contested by one or more of the Candidates or at least ten of the inhabitants qualified to vote at such election ;
- To be brought
before Court
by petition. 3. The said contestation shall be brought before the Court, by a petition signed by the petitioner or petitioners, or by an Attorney duly authorized, setting forth in a clear manner the grounds of such contestations ;
- Service of
copy of petition. 4. A true copy of the petition, with a notice stating the day on which the said petition will be presented to the Court, shall be first duly served upon the Councillor or Councillors whose election is contested, at least eight days before the day on which the said petition shall be presented to the Court ; and a return of the service shall be drawn up and signed in due form upon the original of the said petition by the person who shall have made such service ; but no such petition shall be received after the term next following the election thereby contested, unless such election took place within the fifteen days next preceding the first day of such term, in which case any such petition may be presented on the first day of the second term, but not later ; nor shall any such petition be received unless security for costs be given by the petitioners ;
- Time within
which petition
must be presented. 5. If the Court be of opinion that the grounds set forth in the petition are sufficient in law to void the election, it shall order proof to be adduced, and the parties interested to be heard on the nearest day which it shall deem expedient ; and shall proceed in a summary manner to hear and try the said contestation ; the evidence may be taken down in writing or given orally in whole or in part, as the Court shall order ; and if the trial of such contestation be not concluded at the close of the term of the Court during which it began, the Judge shall continue the same in vacation, and shall adjourn from day to day until he shall have pronounced his final judgment upon the merits of the same ; and every such judgment so pronounced and all proceedings had in any such case in vacation, shall have the same effect as if the same had been pronounced or had in term ;
- Adduction of
evidence and
hearing. 6. The Court may on such contestation confirm the Election, or declare the same to be null and void, or to declare another person to have been duly elected, and may in either case award costs to or against either party, which costs shall be taxed and recovered in the same manner, and by the same
- Trial may be
continued in
vacation, and
judgment
given. means,
- What may be
ordered and
regulated by
judgment.

means, as costs are taxed and recovered in actions of the first class brought in such Circuit Court; and the Court may order its judgment to be served upon the Warden, or if there be no such Officer upon the Registrar of the County, by such person as it shall appoint for that purpose, at the expense of the party condemned to payment of costs as aforesaid;

Service of judgment on Warden.

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

Irregularities in Election, how to be considered.

8. If such Election be declared void, the Warden, or if there be no such Officer, the Registrar, as soon as he hath cognizance thereof, shall call a meeting of the inhabitants of the Local Municipality, and shall proceed to the Election of another Councillor or Councillors in the stead of the Councillor or Councillors whose Election shall have been so declared null and void, and the same formalities shall be observed at such Election as are required to be observed at every General Election of Councillors;

Proceedings if the Election be declared void.

New Election.

[Form A 2.]

9. The Election of the Mayor of any Local Municipality or of the Warden of any County, may also be objected to and contested, and such contestation may be proceeded upon and decided in the same manner, and by the same means, as the contestation of the Election of a Councillor or Councillors; but no such Election of a Mayor or Warden shall be so objected to or contested by any other than a Member of the Council who shall have elected him;

Election of Mayor or Warden may be contested.

Proviso.

10. If by the judgment of the Court the Election of a Mayor or of a Warden be declared null and void, then it shall be the duty of the Council to proceed to the Election of a person to serve in his stead as such Mayor or Warden, within one month from the date of such judgment.

If Election of Mayor be declared void.

APPOINTMENTS BY THE GOVERNOR.

XXXVI. Whenever a calendar month has elapsed after the time when any Chief Officer of a Municipal Council, or any Municipal Councillor or Councillors should have been elected either by the inhabitants of a Municipality, or by a Municipal Council, or when any Officer should have been appointed by any Municipal Council, under any of the provisions of this Act, which precede this section, the Chief Officer of such Municipal Council, or in his absence, or upon his default, the Registrar of the County, shall, by letter under his hand, addressed to the Provincial Secretary, inform the Governor of the fact, and the Governor shall thereupon appoint such Councillor or Officer; and every such appointment shall be made known by a letter under

Governor to be informed by Chief Officers or Registrar of failure to elect or appoint any Councillor or Officer, and to appoint to the vacant office.

Appointment, how made. [Form X.] under the hand of the Provincial Secretary addressed to such Chief Officer or Registrar, who upon receipt thereof shall give special notice of such appointment to the person so appointed, and also to the Secretary-Treasurer of the Council of the Municipality for which such person is appointed :

How information may be given if Chief Officer or Registrar fail to give it. 2. After the expiration of forty-five clear days from the time when such Election or appointment should have taken place under any of the provisions of this Act which precede this section, the Chief Officer of the Council (if there be any such Officer) and the Registrar shall be held to be in default of giving such information if neither of them has in the interval addressed and transmitted to the Provincial Secretary the letter required by the last paragraph ; And in such case the Governor shall make such appointment upon being informed of the vacancy required to be filled up by any two persons qualified to vote in the Municipality.

Appointment by Governor.

**MONEYS, DEBTS AND PROPERTY OF MUNICIPALITIES HEREBY
ABOLISHED.**

Moneys to be paid over to Secretary-Treasurer of new County Council and how applied. XXXVII. All moneys which at the time this Act shall come into force, shall be or ought to be in the hands of the Secretary-Treasurer of any Municipality, and which shall belong to any such Municipality which will then cease to exist, shall be paid into the hands of the Secretary-Treasurer of the County in which the place where the sittings of the Council of such Municipality were held is situate, and shall be at the disposal of the Council of the said County, to be applied first to the discharge of the debts and expenses of the Municipality so ceasing to exist, and afterwards to the discharge of those which the said County Council may have itself contracted, saving the recourse of any other County of which any part may have been within the Municipality so ceasing to exist, for a share of such moneys proportionate to the population of such part as compared with that of the whole Municipality so ceasing to exist :

Recourse of any other County saved.

Recovery of such money if not paid over. 2. The County Council shall have a right of action, for the recovery and payment of all such moneys as aforesaid ; and the said moneys shall be afterwards employed or paid by the Secretary-Treasurer according to the order which he may receive from the said County Council, in pursuance of the provisions aforesaid ;

Assessments, &c., due when this Act comes into force. 3. All assessments or rates of any kind whatsoever, which at the time this Act shall come into force, shall be due to any such Municipality ceasing to exist, shall belong respectively and shall be paid to the Local Municipality within the limits of which they shall have been imposed, in the same manner as if the said assessments or rates had been imposed in the said Local Municipality by and in virtue of this Act ;

4. From and after the day when this Act shall come into force, all the property, moveable as well as immoveable, which shall then belong to any County Municipality ceasing to exist, shall belong to the County Municipality created by and in virtue of this Act within which the place where the sittings of the Council of the Municipality ceasing to exist were held is situate, in the same manner as if the said property had been acquired by the said last County Municipality; saving the recourse of any other County of which any part may have been within the Municipality so ceasing to exist for a share of the value of such property proportionate to the population of such part as compared with that of the whole Municipality so ceasing to exist;

Transfer of property of old Municipalities to those under this Act.

Recourse of other municipalities saved.

5. The debts, contracts and agreements of any Municipality which shall cease to exist by virtue of the coming into force of this Act, shall thereafter be the debts, contracts and agreements of and shall be recoverable or enforceable by or from the County in which the place where the sittings of the Council of the Municipality so ceasing to exist were held is situate, in the same manner as if the said debts had been contracted by and the said contracts and agreements had been entered into by the latter Municipality, saving the recourse of such County to recover from any other County within the limits of which any part of the Municipality ceasing to exist was situate, a share of any sum paid in discharge of any such debt, proportionate to the population of such part of such Municipality as compared with the whole population thereof; and it shall be lawful for any County Council to cause a rate or rates to be levied on the assessable properties in any locality within such County forming a separate Municipality, or part of a Municipality, or parts of several Municipalities, for the payment of any debt or debts contracted or work or works done for the advantage of any such locality by any County or Parish Municipality heretofore existing, or upon the whole County if such debt or debts was or were contracted or such work or works for the benefit of the whole County; and every such rate may be levied for the satisfaction of any equitable claim, whether such debts were contracted or such works performed according to the formalities required by law or not;

Debts, contracts &c of municipalities ceasing under this Act, by what municipality to be paid or enforced.

Recourse against other Municipalities saved.

Rates to be levied for discharging such debts.

6. The population referred to in this section shall be that established by the now last census.

Population how determined.

DELIVERY OF PAPERS, &c.

XXXVIII. Every person who shall have held the office of *Grand Voyer*, or any Municipal Officer under any Act or law relating to the Municipal or Road system, and the heirs, testamentary executors or curators of any such officer who may be dead or absent from Lower Canada, shall deliver to the Secretary-Treasurer of the Municipal Council of the County

Papers relative to Road laws to be delivered, and to whom.

County to which they relate, within fifteen days after the time when this Act shall come into force, or if such Secretary-Treasurer be not then appointed, within eight days of his appointment, all books, registers, *procès-verbaux*, assessment rolls, resolutions, copies of judgment, maps, plans, returns and other documents and papers in his or their possession, or under his or their control, relating to such office, to remain deposited and of record in the office of the Council and in the custody of the Secretary-Treasurer :

Action to compel such delivery.

Enforcing judgment in such action.

2. The Secretary-Treasurer of each County Council shall have a right to take possession of all and every such books, papers and other things wherever he may find the same, in the event of their not being delivered to him by the proper officer or person within the delay hereinbefore allowed, and shall also have a right of action to recover the same with damages, as indemnity to the County Council and costs, before any Circuit Court, by *saisie revendication* or otherwise from such officer or from his heirs, executors or curators, or from any other person having possession thereof. And judgment in every such action by which delivery or the payment of damages or both shall be ordered, may be enforced by *contrainte par corps* against the person condemned, according to the laws in force in such cases in Lower Canada, if by the declaration such *contrainte* is demanded.

ROADS, BRIDGES AND OTHER PUBLIC WORKS.

CLASSIFICATION AND GENERAL PROVISIONS APPLICABLE TO THEM.

Roads, &c., to be classified as

Provincial works.

County works.

Local works.

Roads classified.

Front roads.

XXXIX. Roads, Bridges and other Public Works shall, for the purposes of this Act, be divided into three classes :

1. Provincial Works comprising all Roads, Bridges and other Public Works made and held by the Provincial Government ;

2. County Works comprising all Roads, Bridges and other Public Works made or maintained at the expense of a County or of several Counties, or of the Inhabitants or any number of the Inhabitants of more than one Local Municipality in a County ; and

3. Local Works comprising all Roads, Bridges and other Public Works made or maintained at the expense of any one Local Municipality, or of the Inhabitants of any portion thereof.

XI. Roads are further distinguished as Front Roads and By-Roads :

1. Front Roads are those whose general course is across the lots in any Range or Concession, and which do not lead from one Range or Concession to another in front or in rear thereof ;

2.

2. By-roads (*routes*) are those whose general course is lengthwise of the lots in any Range or Concession, or which lead from one Range or Concession to another in front or rear thereof, or to a Banal Mill, or to a Bridge or Ferry not on the line of a front road ; and all other roads not being front roads ; but any Council may, by Resolution, declare any other road to be a By-Road ;

By-roads or
Routes.

3. A front road passing between two Ranges or Concessions is the front road of both, unless one of them only has another front road, in which case it is the front road of the Range or Concession not having another front road ; but any Council may, by Resolution, declare any other road to be a front road ;

Roads bet-
ween two con-
cessions.

4. That part of the front road of any Range or Concession, which is upon, or in front of, any Lot, is the Front Road of such Lot.

Front road of
any lot.

XLI. No front road hereafter to be opened shall be less than thirty-six feet French measure, in width :

Width of front
roads.

2. No By-road and no road leading to a Banal Mill hereafter to be opened, shall be less than twenty-six feet French measure, in width ;

Of By-roads.

3. Nothing herein contained shall be construed to prevent any road from being made wider than is above provided, if it be so ordered by *Procès-Verbal*, or By-law ;

Different
width made by
order, By-
law, &c.

4. Except where it shall be otherwise provided by some *Procès-Verbal* or By-law, there shall be on each side of every road a ditch three feet in width, properly constructed and having sufficient fall in the direction of its length, to carry off the water ; and there shall be small drains across the road at all places where the same may be necessary for the free passage of the water from one ditch to the other ; these ditches and drains shall be held to be part of the road ;

Ditches in or-
dinary cases.

5. Ditches may be dispensed with or may be made of less width than is above provided, if the nature of the ground render it advisable, and if it be so ordered by any *Procès-Verbal* or By-laws ;

May be dis-
pensed with.

6. If, in order to convey the water from off any road, it be deemed necessary to make any water course upon or through the lands of any person, such necessity shall be declared by the *Procès-Verbal* or By-law which shall regulate the making and maintaining such water course as part of the work belonging to the Road : and if any *Procès-Verbal* or By-law touching any such water course, be in force at the commencement of this Act, it shall remain in force until annulled or altered by a *Procès-Verbal* or By-law under this Act ;

Water courses
conveying
water from
roads through
lands of any
person.

Water course allowed to be made : compensation.

7. Every person upon whose lands such water course shall have been directed to be made, shall be bound to allow the same, and to allow free access thereto for the purpose of making and maintaining it ; being first compensated (if he has not before received compensation) in the manner hereinafter provided ;

Certain ways declared roads under this Act.

8. Every road declared a Public Highway by any *Procès-Verbal*, By-law or Order of any Grand Voyer, Warden, Commissioner or Municipal Council, legally made, and in force when this Act shall commence, shall be held to be a Road within the meaning of this Act, until it be otherwise ordered by competent authority ;

Roads used as such for a certain time.

9. And any road left open to and used as such by the public, without contestation of their right, during a period of ten years or upwards, shall be held to have been legally declared a Public Highway by some competent authority as aforesaid, and to be a Road within the meaning of this Act ;

Ground occupied by road in whom vested. And if the road be discontinued.

10. The ground occupied by any road shall be vested in the Local Municipality in which it lies, and such road may be discontinued, or its position in any part may be altered by *Procès-Verbal*, but shall not otherwise be alienated ; and whenever a road is discontinued, if the land on each side belong to the same person, the said ground shall *pleno jure* become the property of such person,—or if the land on each side belong to two different owners, then half the breadth of the road shall become the property of each of them, unless one of them shall have furnished land for a road in the place of that so discontinued, in which case the whole shall become his property ;

Punishment for certain offences touching roads.

11. It shall not be lawful for any person to drive at any pace faster than a walk over any bridge exceeding twenty feet in length, unless such bridge be wholly of brick or stone,—or to cut, deface or injure any part of any bridge, rail or post, or any mile stone or mile post, or any inscription thereon, or any work or thing forming part of or serving to the use of any road, or any trees lawfully planted on any side-walk, or in any way to obstruct or render inconvenient or dangerous the use of any road ; and for every such offence the offender shall incur a penalty not exceeding twenty shillings, nor less than five shillings currency.

FERRIES.

Where both sides are in one locality.

XLII. Ferries in cases where both sides of the river or water to be crossed lie within the same local Municipality, shall be under the control of the Municipal Council thereof .

2. Ferries, in cases where both sides of the river or water to be crossed lie within the same county, but not within the same local municipality, shall be under the control of the County Council ;

In the same County but not in the same locality.

3. The moneys arising from any license for a ferry shall, if the ferry be under the control of a local municipality, belong to such municipality, and if it be under the control of the County Council, they shall belong one moiety to each of the local municipalities between which the ferry lies ; and such moneys shall be applied to road purposes ;

Money arising from ferries, to whom to belong.

4. Ferries, in cases where both sides of the river or water to be crossed shall not lie within the same county, shall continue to be regulated and governed as they now are ;

Waters between two Counties.

5. Nothing herein contained shall be construed to enable any Municipal Council to authorize any person to keep a ferry within the limits for which an exclusive privilege has been granted by law to the proprietor of any toll-bridge ;

Exclusive privileges saved.

6. Any person acting as a ferryman at any such ferry under the control of any Municipal Council without a license from such Council or beyond the limits assigned to him by such license, shall incur a penalty of twenty shillings currency for each person or thing so ferried over by him.

Penalty for acting without license.

FORDS OVER RIVERS.

XLIII. Fords over Rivers shall be kept free from loose stones, and impediments, and the bottom kept as smooth and even as practicable, and such fords shall be properly marked out with poles or *balises*.

To be kept even at bottom.

WINTER ROADS.

XLIV. From the first day of December, in each year, until the first day of April, in the next following year, all fences by the sides of Roads and all line fences, or fences making an angle with a road, to the distance of at least twenty-five feet from it, shall be taken down to within twenty-four inches from the ground, leaving only the upright posts or pickets standing above that height, except only within the limits of Villages, and in places where the fences stand at least twenty-five feet from the side of the Highway, or where in consequence of hedges, or fences not removeable without great expense having been erected, the County Superintendent shall permit them to remain, on such conditions as he may think proper :

Fences to be taken down at certain seasons.

Exception ; Villages, hedges, &c.

- Site of road. 2. Winter roads upon the snow shall be made in such places as the Inspectors shall from time to time determine ;
- Through what property to be carried. 3. They may be carried upon or through any field or inclosed ground, except such as may be used as orchards, gardens or yards, or as may be fenced with quick hedges or with fences which cannot without great difficulty or expense be removed or replaced, through which they shall not be carried without the consent of the occupant ;
- By whom to be kept up. 4. They shall be kept in order by the persons who are bound to keep the same roads (or the roads for which they are substituted) in repair in summer, including the Municipality when so bound ;
- Jurisdiction on rivers, &c., between two Municipalities. 5. For the purpose of making and maintaining Winter Roads on the frozen surface of rivers, lakes and other waters flowing or lying between two or more Municipalities, the powers, duties and authority of the Councils of the several Municipalities lying on each shore and of their Officers respectively, shall extend beyond the ordinary limits of such Municipalities, as far as the centre of every such River, Lake or other Water ;
- By what Municipalities to be kept up. 6. Every such Road shall be maintained by the Local Municipality through whose limits as defined by this Section, it passes, unless it has been substituted for a summer Road, in which case, if parties other than the Municipality were bound to keep the summer Road in repair, the same parties shall maintain the winter Road ;
- Joint expense in certain cases. 7. Every such Road leading from one Local Municipality to another (such Local Municipalities not being situate or fronting on the River St. Lawrence) shall be traced out and maintained at the joint expense of both Municipalities, and under the joint direction of the Inspectors of both Municipalities ;
- Roads across the St. Lawrence. 8. Every such Road across the St. Lawrence shall be traced out and maintained at the joint expense of the two County Municipalities immediately connected by such Road, and under the joint direction of the County Superintendents of both Counties ; Provided always, that when either end of such road across the St. Lawrence shall terminate at an Incorporated City or Town, or within two miles of the limits thereof, such City or Town Municipality shall bear one half, and the County Municipality on the opposite side shall bear the other half of the expense of the making and maintenance of such road ; And provided also, that the County Municipalities on the North Shore of the St. Lawrence having roads leading to the Island of Montreal, shall be exempt from contributing towards the tracing out or maintaining of any such Road leading to the Island of Montreal ; but all such Roads, except those terminating at, or within two miles from, the City of Montreal, shall be traced out and maintained by the County Municipalities respectively on the South Shore
- Proviso :
When the road leads to a city, &c.
- Proviso : as to Municipality on the North Shore of the St. Lawrence having roads leading to the Island of Montreal.

Shore of the said River from which they lead ; and the winter roads leading to the Island of Montreal from the County of L'Assomption, shall be traced out and maintained by that County ;

9. The County Superintendent may, under a Resolution of any Council, order that any winter road may be made double, having a row of *balises* in the middle, and a track on one side thereof for vehicles going in one direction, and on the other for those going in the opposite direction ; and the said Superintendent may, from time to time, make such other general or special orders concerning the mode of keeping the said Roads as he may deem expedient, and such orders shall be binding on the Road Officer acting under him and on all parties concerned ;

10. All Winter Roads shall be marked by *balises* of spruce, cedar, hemlock, pine or other wood, of at least eight feet in length, which shall be fixed at a distance of not more than thirty-six feet one from the other, on each side of the road, if the road be single, and in the middle of the road, if it be double.

BY WHOM ROADS ARE TO BE MADE AND MAINTAINED IN THE ABSENCE OF ANY BY-LAW OR *PROCES-VERBAL* REGULATING THE MAKING AND MAINTENANCE THEREOF.

XLV. If there be no valid *Procès-Verbal*, By-law or Order, providing otherwise, then—

1. The Front Road of each Lot is to be made and kept in repair by the owner or occupant thereof ; and if there be two or more owners or occupants, then by them jointly and severally, saving their recourse against each other ; but the owner or occupant of any Lot shall not be bound to make or repair more than one Front Road on the breadth of such Lot, unless such Lot be more than thirty arpents in depth ; and if there be more than one front road on any Lot not exceeding that depth, and it be not regulated as aforesaid which of them shall be made and maintained by the owner or occupant thereof, then the Inspector of Roads for the division shall, on the application of such owner or occupant, declare which of such Front Roads shall be made and maintained by him, and the other or others shall be made and maintained as a By-Road ;

2. But every Ford and every Public Bridge shall be made and maintained by all the owners or occupants of Lots in the Parish or Township, on the Front Road upon which they are situate ;

3. By-roads shall be made and maintained by the owners or occupants of the Lots in the Concession to which they lead from a front or older Concession, in proportion to the frontage of the lots so occupied by them ;

- To mills, ferries, &c. 4. Except that every By-road leading to a Mill, Ferry or Toll-Bridge, shall be made and maintained by the occupant of such Mill, Ferry or Toll-Bridge ;
- Front roads on Crown Lands. 5. Front roads on ungranted Lands of the Crown shall be made and maintained as By-Roads ;
- Work on By-roads and public bridges, how to be done. 6. The work necessary for keeping in repair By-roads and Roads to be made as such, and Public Bridges, shall not be done by the labour of the parties bound to maintain the same, but by contribution in money ; and the Inspector of Roads for the Division shall, after public notice, give out such work in the month of October for the ensuing winter, and in the month of March for the ensuing summer, to the lowest bidder, who shall give satisfactory security for the proper performance of the work ; and the sum required to pay for such work shall be paid by the persons liable therefor, in the proportions above mentioned, when not liable for the whole amount of the expenses ;
- Tender and contract. 7. Streets in Towns and Villages shall be deemed roads, and made and maintained accordingly, unless the Municipal authorities thereof shall provide for their being made and maintained in some other way ;
- Streets in towns, &c. 8. The burden of proving that any road is not subject to the foregoing provisions, shall always be upon the party claiming exemption from them.
- Exemption claimed by whom, to be proved.

EXISTING *PROCES-VERBAUX* AND BY-LAWS CONTINUED
UNTIL REPEALED.

- Existing *Proces-Verbaux* maintained. XLVI. Every *Procès-Verbal*, By-law or Order touching any road or bridge in force at the commencement of this Act, shall remain in full force until it be repealed or altered by competent authority :
- Also existing apportionments. 2. Any apportionment of any work among the persons jointly bound to perform the same, legally made and in force at the commencement of this Act, shall remain in force until the time for which it was made shall expire, or until altered under this Act ;
- But may be altered. 3. Every such *Procès-Verbal*, By-law or Order as aforesaid, may be annulled, repealed or altered by a *Procès-Verbal* or By-law made under the authority of this Act ;
- As to obligation to perform work in another County. 4. No *Procès-Verbal* or By-law shall discharge any inhabitants of any County from their obligation to perform work in another County, unless it be a *Procès-Verbal* or By-law of the County in which the work is to be performed. But hereafter no owner or occupant of a lot in one County shall be made liable

to work in respect of such lot in another County except on some road of common interest to two or more Counties, on which by a *Procès-Verbal* homologated in the manner provided by this Act for such cases, he may be bound to work, or unless such road be the Front Road of his lot ;

No such order to be made hereafter except in certain cases only.

5. No *répartition* or apportionment of labor made under any *Procès-Verbal* or By-law, shall be set aside or declared void solely by reason of its having been made or calculated upon the superficial contents or the breadth of the lots to which it relates, although the law may have required it to have been made according to the value of such lots ; but every such apportionment shall be considered legal, and shall have full force and effect until it be set aside or altered by some *Procès-Verbal* or By-law homologated or passed under this Act.

Repartitions calculated on breadth of lots only, to be valid.

NEW PROCES-VERBAUX.

XLVII. Whenever a representation is made to the County Superintendent, either by a Resolution of the County Council, or of any Local Council, or by a petition addressed to him by not less than five persons interested in the matter and qualified to vote for the Election of Local Councillors within such County, to the effect that provision should be made for the opening, constructing, altering, widening or maintaining of any Road, or for any other public work within such County, or partly within and partly beyond the limits thereof, it shall be the duty of such County Superintendent to visit the place or places where such work is to be done :

Application to County Superintendent by petition.

He shall visit the spot.

2. Before proceeding to make such visit, the County Superintendent shall give public notice to the inhabitants interested in such public work, of the day, hour and place at which he shall meet such inhabitants, or such of them as may attend to be heard for or against the performance of such work, or with the view of communicating to him any information relating thereto ;

Notice by County Superintendent of his visit.

3 After having made such visit and heard such of the said inhabitants as may have required to be heard in relation to such work, the County Superintendent, if he considers that the work in question should not be done, shall make a report thereon, stating the ground of his opinion ; but if he be of opinion that the work should be performed, he shall draw up a *Procès-Verbal* or report, shewing the nature of the work, the manner in which, the means by which, and the persons by whom, it is to be done ;

Report of Superintendent ; and *Procès-Verbal* if required.

4. Every such *Procès-Verbal* shall determine—the position and description of the road, bridge or thing to which it relates,—the work to be done and (if requisite) the time within which it

What the *Procès-Verbal* shall determine.

is to be completed,—the lands by the owners or occupants of which it is to be done, and if the owners or occupants of any of such lands are more interested than the owners or occupants of others of them, then the proportion of the work to be done by each,—distinguishing also what part of the contributions shall be in money and what part in work or materials, and to what officers, and where any such contribution in money must be paid or the materials delivered, (and in the last case,) when they are to be paid or delivered, and under the superintendence of what Officers the work or any portion thereof is to be done,—and all other particulars necessary for indicating fully and clearly what is to be done, by whom, when and in what manner ;

How the share of money, materials or work to be furnished by the several parties shall be determined.

5. In fixing the share of work, materials or money to be contributed by the owners or occupants of the several lots in any local division, regard shall be had to the value of such lots, and the buildings and improvements thereon, and not to their mere extent, such value being taken from the Valuation Roll, if any be in force when the *Procès-Verbal* is made, or if there be none, then according to the estimate of the County Superintendent ; but the share so fixed shall not be affected by any subsequent valuation, unless the *Procès-Verbal* be altered ;

Portion of road to be made by each party to be defined, when practicable.

Relief may be granted to persons whose share of work would otherwise be excessive.

6. When the nature of the work shall allow it, the portion of the road which is to be made by the owner or occupant of each lot respectively, shall be defined and described in the *Procès-Verbal*, that it may be afterwards marked out on the ground, by the proper Road Officer ; and whenever it shall appear to the County Superintendent that by reason of the nature of the ground over which the front road of any lot passes, or by reason of the oblique direction in which it passes in crossing the breadth thereof, or from other circumstances, the quantity of work to be done by the owner or occupant of such lot would exceed by more than one half the average quantity of work on the front roads of other lots of like value in the same Concession, he may by any such *Procès-Verbal* relieve the owner or occupant of such lot from making or maintaining a certain described portion of such front road, and order that the same be made by joint labour and contribution, as in the case of a By-road or Public Bridge ;

General rules to be observed.

7. In every new *Procès-Verbal*, the general rules hereinbefore established with regard to cases where there is no *Procès-Verbal*, shall be followed.

What *Procès-Verbal* may order.

XLVIII. It may be ordered by any such *Procès-Verbal*--

Construction of bridges.

1. That any public Bridge be constructed of stone or brick, or other material, or partly of one and partly of another, and of certain

certain dimensions, and according to plans and specifications attached to the *Procès-Verbal* therein referred to, and which may be amended by the proper Council or by a Board of Delegates as forming part thereof :

2. That proper fences, hand-rails, and other like defences, be placed at the side of any road where it passes near or borders upon any precipice, ravine or dangerous place ;

Fences, hand-rails, &c.

3. That any part of a road through a swamp, or wet ground, be made with fascines of brushwood, or paved with square timber, describing the mode of construction ;

Paving, &c., roads through swamps.

4. That any road be or be not raised in the middle, and that any specified kinds of materials shall or shall not be used in making or repairing it ;

Form and materials of road.

5. That the timber where the road passes through uncleared lands be cut down for the space of twenty feet on each side of it, except such trees as form part of a maple grove destined for the manufacture of sugar, or as may be reserved for ornament to the property ;

Clearing timber from alongside of road.

6. And generally, the mode of constructing and repairing the road and the work may be ordained by any such *Procès-Verbal*, due regard being had to the situation of the road, the travel over it, the more or less advanced state of the settlements to and from which it leads, and the circumstances of the parties by whom it is to be made and maintained.

Generally as to mode of construction.

XLIX. The County Superintendent shall, within eight days from the day appointed for visiting the place where the work is to be done as aforesaid, deposit his *Procès-Verbal* in the office of the Council of the Local Municipality, the Inhabitants or any portion of the Inhabitants of which such work may concern, if the inhabitants of no more than one Local Municipality are interested therein, or, in the office of the County Council, if the Inhabitants of more than one Local Municipality in such County are interested therein ; and it shall be the duty of the Council in whose office such *Procès-Verbal* is deposited to examine and revise the same :

Deposit of *Procès-Verbal* for revision.

What Council shall revise it.

2. But every such Council, before proceeding to any such examination or revision, shall cause public notice to be given, through their Secretary-Treasurer, to the Inhabitants of the Municipality or Municipalities interested in the work to which such *Procès-Verbal* relates, of the day, hour and place at which the Council shall proceed to the examination or revision of such *Procès-Verbal* ;

Notice of time and place of revision.

[Form A A.]

Notice to Delegates when the *P. V.* concerns inhabitants of more than one County.

And publication in locality.

Delegates to attend, &c.

Quorum for such revision.

Casting vote.

Who shall act as Clerk of the Delegates.

He shall keep a minute of proceedings.

Parties to be heard.

Procès-Verbal may be homologated with or without amendments; When to be in force.

3. And whenever the work to which any such *Procès-Verbal* relates concerns, or is to be made, or maintained by, the Inhabitants of more than one County, the County Superintendent shall, within thirty days after the day appointed for such visit, give special notice to the Delegates appointed under this Act in each of the Counties interested in such works, of the day, hour and place at which they shall meet, to examine and revise such *Procès-Verbal*; and he shall also give Public Notice of such intended meeting to the Inhabitants of the several Local Municipalities interested in such work;

4. It shall be the duty of the Delegates so notified and of the County Superintendent by whom such notice is given to attend at the time and place so appointed; and the said Delegates, when assembled, shall form, and be designated as the Board of Delegates from the several Counties interested in the work to which such *Procès-Verbal* relates;

5. Any number above the one half of the Delegates so notified to attend any such meeting of Delegates, shall form a *quorum*; and whenever the Delegates present at any such meeting are equally divided in opinion upon any question submitted to them, the County Superintendent by whom such meeting was convened shall give a casting vote; but shall not otherwise have a right to vote at any such meeting;

6. The Secretary-Treasurer of the County Council of the County in which the County Superintendent whose *Procès-Verbal* is submitted to such Board of Delegates holds office, shall act as the Clerk of such Delegates during their meeting; and it shall be the duty of such Secretary-Treasurer to make a minute of their proceedings and to deposit the same in the office of the Council of which he is Secretary-Treasurer, to form part of the Records thereof;

7. Every such Local Council, County Council or Board of Delegates, before deciding upon the merits of any *Procès-Verbal* so submitted for their examination or revision, shall hear the persons interested in the work to which such *Procès-Verbal* relates, and the County Superintendent of every County interested therein, or any of such persons who may be in attendance at the time and place appointed for such examination and revision, and may require so to be heard;

8. Every such Council or Board of Delegates may homologate without alteration, or with such amendments as they may deem just and expedient, any *Procès-Verbal* so submitted to their examination or revision; and every such *Procès-Verbal* shall remain in force as so homologated or amended from the day of the date of such homologation or amendment;

9. And if any such *Procès-Verbal* remain deposited in the office of any Council for a period of thirty days without having been homologated or amended, every such *Procès-Verbal* shall be considered as having been duly homologated, and shall remain in force from the day of the date of such deposit ;

To be deemed homologated after remaining a certain time without amendment or homologation.

10. And if the Delegates whose duty it may be to examine or revise any such *Procès-Verbal* fail to meet at the time appointed for such meeting, or having met, close such meeting, either formally or by adjourning *sine die*, without having amended or homologated the same, such *Procès-Verbal* shall be deposited by the County Superintendent who has made the same in the office of the County Council of the County in which he holds office, and the said *Procès-Verbal* shall be considered as having been duly homologated and shall remain in force from the day of the date of such deposit ;

Or if the Delegates fail to meet or adjourn *sine die*

11. It shall be the duty of the County Superintendent, who shall have the custody of every *Procès-Verbal* homologated as aforesaid and concerning more than one County, to deliver a copy thereof duly certified by him, to the County Superintendent of every other County interested therein ;

A copy to be delivered for each County interested.

12. Every *Procès-Verbal* made under the authority of this Act shall be in duplicate. One duplicate shall be deposited of record in the office of the County Council of the County in which the County Superintendent who has made such *Procès-Verbal* holds office, if the work to which such *Procès-Verbal* relates be a County work, or in the office of the Council of the Local Municipality which it concerns, if it be a Local work, and the other duplicate shall be deposited of record in the Office of the County Superintendent who shall make upon or annex to the last mentioned duplicate, a true copy or copies of all amendments made to such *Procès-Verbal* by any competent authority ;

Procès-Verbaux to be in duplicate.

How deposited of record.

13. Any *Procès-Verbal* made under this Act, may be repealed, altered, amended or explained at any time by another subsequently made in like manner.

They may be repealed, &c., by others.

COUNCILS MAY RAISE MONEY FOR MAKING ROADS AND BRIDGES, BY ASSESSMENT.

L. Provided always, That the Council of any Municipality may raise by Assessment any sum of money for making or maintaining the Roads and Bridges therein, or any of them, and may apply the sum so raised to that purpose in such manner as they shall think proper, notwithstanding any thing to the contrary in any *Procès-Verbal* contained.

Money may be raised by assessment for roads and bridges.

LI. The Council of any Local Municipality may, by any By-law to come into force on the first day of January next after the

Council of Local Municipality

unicipality may order that roads, &c., be made not by the parties but by assessment and statute labour: effect of By-law containing such order.

the expiration of three months, from the time of its passing, enact that the roads in such Local Municipality, or which the inhabitants of such Local Municipality, or any of them, are bound to make and maintain, shall thereafter be made and maintained solely by moneys to be raised for that purpose by Assessment and by Statute Labour; and from the time such By-law shall take effect, and while it shall be in force, so much of any *Procès-Verbal* as determined by the owners or occupants of what lands in such Local Municipality any road shall be made or maintained, shall cease to have effect, nor shall the owner or occupant of any land therein mentioned be bound to make or maintain the front road of such land; but that part of any *Procès-Verbal* which describes the work to be done and its nature and quality shall remain in full force, and be binding on the Municipality; nor shall any power of the County Superintendent or of any Road Officer, or any provision of this Act be affected by such By-law, except only as by this Section expressly provided.

Further effect—

During the time such By-law shall be in force—

Increase of statute labour.

2. The amount of statute labour to which any party would otherwise be liable, shall be doubled by virtue of this Act, and may, in the discretion of the Council, be further increased;

Municipality bound to maintain roads, &c. thereafter.

3. The Municipality shall be bound to make and maintain all roads and bridges within the same, and also those beyond the limits thereof, which without such By-law, any of the owners or occupants of lands within the Municipality would have been bound to make or maintain, and generally to perform all road work for which any such owner or occupant would otherwise have been liable; and it shall be the duty of the County Superintendent, and of the Road Officers, to see that the roads are made and maintained by the Municipality in the manner required by law and by the *Procès-Verbal* regulating the same respectively, and to require the Municipality so to make and maintain them, and to prosecute the Municipality for any default so to do;

Duty of County Superintendent.

Municipality liable for damages arising from non-repair.

4. The Municipality shall be liable for all damages arising to any party from the non-performance of any obligation imposed on it by this section; and shall be liable to the same penalty for neglect or refusal to perform such obligation, or to comply with any of the requirements of this Act, as any private person would be in the like case;

Local Council may regulate manner of applying money and labour.

5. Any Local Council may make such By-laws and Regulations as may be deemed necessary, (not being inconsistent with any provision of this Act) for defining the manner in which the money raised for road purposes, and statute labour, shall be expended and applied for the purpose of making and maintaining the roads which are to be made and maintained
by

by the Local Municipality, and may enter into all contracts which they may think necessary touching any work to be done to or upon the same ;

6. While any such By-law shall be in force, the County Superintendent or such of the Inspectors of Roads as shall be thereunto authorized by him, may divide the roads in any Municipality, or which the inhabitants of any Municipality are bound to make and maintain, into convenient portions, and may assign the amount of statute labour to be performed on every such portion, and the persons liable to such labour and by whom it is to be performed ;

Roads may be divided into convenient portions as regards statute labour.

7. Any such By-law may be repealed by another to come into force on the first day of January next after the expiration of three months from its passing, and passed by a majority of two thirds of the Members of the Council ; and thenceforth all the provisions of any *Procès-Verbal*, By-law or Order, or of this Act, which were suspended while the repealed By-law was in force, shall again revive and have effect.

By-law containing such order may be repealed ; Effect of such repeal.

COMPENSATION FOR LANDS TAKEN FOR ROADS AND OTHER PUBLIC WORKS.

LII. Whenever any land is to be taken for a road or bridge or for the site of any building required for Municipal purposes or for any other public work, the owner thereof shall receive fair compensation for the same from the parties who by the *Procès-Verbal* or by law shall be bound to pay the same, or from the Municipality if such work has been or is to be performed at the expense of the Municipality, unless it be decided that such owner is not entitled to compensation :

Compensation to be made.

Exception.

2. In estimating the compensation, or deciding whether the owner of the land taken for a road is entitled to any, the advantages which he may derive from the road, or from the change in the position thereof, or from his receiving any land no longer to be used as a road, as well as his liability to furnish land for road purposes or his exemption therefrom (as the case may be,) shall always be taken into consideration, and if they be equal to the damage sustained by the taking of the new land, then he shall be entitled to no compensation, nor shall he be entitled to any *prix d'affection* or damage arising from his supposed affection for the land so taken ; but in no case shall he be called upon to pay compensation ;

Mode of estimating amount of compensation.

No *prix d'affection*.

3. No compensation shall be allowed for the land itself taken for the first front road made upon it, nor for any road, unless the quantity so taken shall exceed the allowance for roads, made in the original grant or concession of such land from the Crown ;

No compensation for first front road : unless, &c.

Valuators to ascertain compensation after notice to parties interested.

4. The Valuators of the Local Municipality in which the land is situate, or any two of them, shall ascertain the compensation (if any) to be paid, after public notice having been previously given of the day and hour when they will attend upon the ground to hear the parties and estimate the compensation, which time shall be appointed by the County Superintendent ;

Two Valuators may act.

5. Any two of the Valuators may act in the absence of the third ; and if any one or more of them be absent at the time appointed as aforesaid, or be disqualified by direct interest or by relationship to the party whose land is taken, or otherwise, or shall refuse or be unable to act, then the County Superintendent shall appoint another person or other persons to act in his or their stead, and may for like cause and in like manner appoint a person to act instead of any person so appointed ;

Provision if any of them be disqualified.

As to objection to Valuators.

6. It shall not be an objection to any such Valuator or person acting as aforesaid, that he be related to some one or more of the parties by whom the compensation is payable, and every objection to the competence of any such Valuator or person, shall be made before the delivery of the Certificate hereinafter mentioned, otherwise it shall not avail ;

Certificate to be granted after hearing parties.

7. The Valuators or persons acting in their stead, or any two of them, after examining the land and hearing the parties attending as aforesaid, shall, by one or more Certificates under their hands, ascertain whether any compensation, and if any, then what compensation shall be paid for the land taken, and shall transmit such Certificates to the County Superintendent who shall file them among the records of his office, and deliver certified copies thereof to the Secretary-Treasurer of the Local Municipality ; and the award made by any such Certificate shall be final and conclusive ;

How recorded : to be final.

What description shall suffice in such certificate.

8. It shall suffice in any such Certificate to mention the lot of which the land forms part, referring to the *Procès-Verbal* or By-law under which it is to be taken, and to state what compensation, if any, is to be paid for it : but any lot may be described as being supposed to belong to, or as being in the possession of any person ;

Land vested in Municipality on payment of compensation, if any.

9. On delivery of any such Certificate to the County Superintendent, if no compensation be awarded thereby, or on the payment of the compensation, if any, into the hands of the Secretary-Treasurer of the Local Municipality in which the land is situate for the benefit of the person entitled thereto, the land in question shall be vested in such Local Municipality as part of the roads thereof, if taken for a road or bridge ; or in the Municipality by whom the work is to be performed as part of its property, if taken for any other purpose ; and the

Registration not required.

said

said certificate and the Secretary-Treasurer's receipt for the compensation (if any) shall be a sufficient title thereto, and shall not require registration to preserve it ;

10. The compensation shall be paid by the Secretary-Treasurer, free of all deduction, to the person entitled to receive the same, at the expiration of three months from the time of its being paid to such Secretary-Treasurer, and the person in possession of the land as proprietor thereof at the time it was taken, shall, be held to be entitled to receive the compensation from the Secretary-Treasurer, saving the recourse of any other person to recover the same from the person so receiving it ; but if within the said three months there be contending claims, the Secretary-Treasurer shall keep the money in his hands, subject to the decision of the proper Court ;

Compensation to be paid clear of all deduction.

Proceedings if it be claimed by more than one party.

11. Nothing contained in this Act shall extend to the giving authority to mark out any new road, or turn or widen an old one, in such manner as that the same shall pass through any garden, orchard or farm yard, enclosed with a wall, board or standing picket-fence or hedge, or to demolish or injure any house, barn, mill or other building whatsoever, to prejudice any canal or mill dam, or to turn the course of the water thereof, without the consent of the proprietor of the same.

New roads not to be made through certain property without consent.

Exception.

POWERS AND DUTIES OF ROAD OFFICERS, &c.

LIII. All Municipal Works, of which a County Superintendent's *Procès-Verbal* shall have been homologated as aforesaid, shall be executed, maintained and repaired under the direction of the said County Superintendent or of the Road Inspector, or other Municipal Officers in the manner prescribed by this Act :

Certain works to be maintained and repaired under County Superintendent's direction.

2. It shall be lawful for any County Superintendent, Inspector of Roads, or Overseer of Roads, or any Surveyor or person accompanying him, or authorized in writing by him, to enter, in the day time, and after special notice given to the occupant, if such land be occupied, upon the lands of any person, whether occupied or unoccupied, inclosed or uninclosed, for the purpose of making any survey for any road, and also to enter upon any unoccupied land for the purpose of searching for timber, stone or other materials for making or repairing any road, or any bridge or work therewith connected, doing no wilful and unnecessary damage, and making compensation only for actual damage done ;

Power to enter on lands to make surveys, search for materials, &c.

[Form B B.]

Compensation for actual damage only.

3. It shall be lawful for the Overseer of Roads superintending the making or repairing of any road or bridge or work therewith connected, to enter in the day time upon any unoccupied land to the distance of one arpent of such road, bridge or work, and

Overseers may take materials off unoccupied lands.

to take from off the same any, stone gravel, earth or materials requisite for making or repairing the same, but such Overseer shall, as soon thereafter as may be, declare on oath before some Justice of the Peace, what he believes to be the damage done to such land by the taking of such materials, and the Overseer shall deliver such affidavit to the Inspector of Roads for his division; and the amount so sworn to shall be set off against any road contribution, statute labour, or penalty due in respect of such land, or by the owner thereof, or if such amount exceed the sum so due, the balance shall be paid to such owner by the Inspector, out of any moneys in his hands for the purpose of defraying the cost of making or repairing such road, bridge or work, and if he have not sufficient, the money shall be raised by assessment as other moneys required for such purpose: Provided, that if the amount of such damages exceed Five Pounds currency, the same shall be assessed by the Valuers of the Municipality or any two of them, in like manner as the value of ground taken for a road or other public work, and their award, or the award of any two of such persons as may be appointed in their stead, as hereinbefore provided, shall be final.

Compensation; and how set off or paid.

Proviso.
If damages exceed £5.

County Superintendent to visit and examine roads twice a year; take notes, prosecute Officers in default, &c.

LIV. It shall be the duty of each County Superintendent between the first and twentieth days of each of the months of January and June to visit each Inspector's division in his County, and to pass over and examine the main road therein and such of the other front roads and by-roads to which his attention may have been called by any report or representation to him made, and to examine and make notes of the state in which he shall find every such road and the works thereon or therewith connected, and to call upon each of the Inspectors of Roads to accompany him in his visit to the division under the superintendence of such Inspector, and to give him such orders and instructions as may be necessary to ensure the faithful performance of his duties under this Act, to inspect the notes kept by each Inspector as aforesaid, to note any case in which he shall find any Road Officer or other person to have neglected any duty imposed on him by this Act, and to prosecute such Officer or person for such neglect:

To make a report on the roads in each Municipality, and transmit the same to the Secretary-Treasurer thereof, to be laid before the Council,

2. It shall be the duty of each County Superintendent between the tenth and twenty-seventh days of each of the months of January and June in each year, to transmit to the Secretary-Treasurer of each of the local Municipalities in the County, for the purpose of being laid before the Municipal Council thereof at its then next session, a report on the state of the roads in the Municipality, and of all other roads towards the making or maintaining of which the inhabitants of the Municipality or any of them are bound to contribute, shewing how far the law has been carried into effect with regard to the said roads, and where and how (if there be any such case) it has been neglected or disobeyed, and containing such other information and such suggestions

suggestions touching the said roads as he may deem expedient ; and the said Secretary-Treasurer shall lay such report before the Council at its then next session ;

3. The County Superintendent shall also between the tenth and thirtieth days of August in each year, transmit to the Warden of the County, for the purpose of being laid before the County Council at its then next session, a general report on the state of the roads in the County, and of all other Roads towards the making or maintaining of which the inhabitants of the County, or any of them, are bound to contribute, containing similar information and suggestions as to the said roads as he is hereinbefore required to give and make in the reports to be laid before the local Municipal Councils ; and the said Warden shall lay such report before the County Council at its then next session ;

And a general report to the Warden of the County. for the Council.

4. The County Superintendent shall give public notice of the time when he intends to make his examination of the roads in any Local Municipality ;

Notice of visit to be given.

[Form C C.]

5. And it shall be the duty of each Inspector of roads—to accompany the County Superintendent during his visit to any roads in the division of such Inspectors,—to give him all proper information on the subject of the roads under the charge of such Inspector,—to exhibit to the County Superintendent the notes kept by him of his own official visits to the said roads,—and to note and obey the instructions and orders he may receive from such Superintendent.

Inspectors to accompany Superintendent in their divisions, &c.

LV. It shall be the duty of each Inspector of Roads, at least once in every month, to pass over and examine every road in his division or over which he has any authority or superintendence, and to make notes of the state in which he shall find each road or any work thereon, or therewith connected, and to call upon the several Overseers of Roads in his division to accompany him in the inspection of the roads in their respective sections, and to give to each of them such orders and instructions as may be necessary to ensure the faithful execution of this Act, to note any case in which he shall find any Overseer or other person to have neglected to perform any duty imposed on him by this Act, and to prosecute any such officer or person for such neglect :

Inspectors to examine roads in their divisions ; and call upon Overseers to accompany them.

To prosecute offenders.

2. The notes so made by the Inspector on such visit shall be signed by him and kept for the inspection of the County Superintendent at his next visit ;

Inspectors to keep notes, &c.

3. Each Inspector of Roads shall give special notice in writing to every Overseer of Roads in his division of the time when he intends to visit the section of such Overseer ;

To give notice of visits.

[Form D D.]

Overseers to accompany them.

4. It shall be the duty of each Overseer of Roads to accompany the Inspector during his visit to the roads in the section of such Overseer, to give him all proper information on the subject of the roads under the charge of such Overseer, and to note and obey his instructions and orders ;

Inspectors to report to Superintendent.

5. It shall be the duty of each Inspector of Roads, within the first ten days of every month to make a Report in writing to the County Superintendent containing the substance of the notes he shall have made, and all the information he shall have obtained during the preceding month on the subject of Roads and other works within his division.

OBSTRUCTION OF PUBLIC ROADS.

Inspectors to cause obstructions to be removed.

LVI. It shall be the duty of the Inspectors of Roads to cause all obstructions or nuisances to be removed from off the roads under their superintendence respectively, and to report all encroachments thereupon to the County Superintendent, to the end that he may compel their removal, if the person making any such encroachment shall not, on being thereunto required by the Inspector, desist from such encroachment :

What shall be deemed an obstruction.

2. It shall be deemed an obstruction to leave or place any thing upon the road or in any ditch, or water course therewith connected, or to make any trench or opening in the road, or to do any other act, whereby, in either case, the free passage of vehicles, or foot passengers over any part of the road, may be obstructed, impeded or rendered inconvenient, or the free passage of the water prevented, unless the act be done in the course of some duly authorized work upon the road, or by the command or with the permission of some Road Officer, under the authority of some By-law of the proper Municipal Council ;

Penalty for causing obstruction

3. Every person who shall make, cause, or create any such obstruction or nuisance shall thereby incur a penalty of not more than Fifty nor less than Ten Shillings currency, and an additional penalty of not more than Ten Shillings currency for every day during which the same shall continue, with all costs including the expense of removing such obstruction or nuisance, and such penalty shall be recoverable by a suit or proceeding separate from the action hereinafter mentioned for recovering the land encroached upon, and may be sued for after such action is determined ;

Justice of the Peace may order removal of obstruction.

4. Any Justice of the Peace resident in the County may hear and determine any complaint of such obstruction or nuisance, and order the removal thereof at the expense of the offender, by such person as he shall by his warrant authorize to remove the same, and may tax the costs of such removal and cause the same to be levied with the penalty and costs of prosecution and by the same process ;

5 If any road be encroached upon and the encroachment be denied, it shall be the duty of the County Superintendent to cause an action to be brought in the name of the Local Municipality, against the person so encroaching, for the recovery of the land taken from the road ;

Encroachments defended, to be tried by action.

6. Such action shall be brought in the Circuit Court in the Circuit wherein such Local Municipality or any part thereof shall lie, which shall have, and is hereby expressly invested with, jurisdiction in all such cases, and with power if the encroachment be proved, to adjudge that the land taken by such encroachment be restored to the Municipality ; and if such judgment be not complied with within fifteen days after service of a copy thereof on the defendant, then any Judge of the said Court may, in term or out of term, on the application of the Municipality, direct a Writ of Possession to any Bailiff, commanding him to remove therefrom all buildings or fences which may be erected thereon and give possession of such land to the said Municipality, which such Bailiff, taking with him sufficient assistance, shall accordingly do ;

Where such action shall be brought.

Enforcing execution of judgment.

Writ of Possession.

7. The costs in every such action shall be those allowed in actions of the first class in the said Court, and the costs on the Writ of Possession and proceedings thereupon shall be taxed by a Judge of the said Court at such sum as in his discretion he may think right, until they be regulated by a Tariff of the Court, under which the Clerk of the Court shall thereafter tax such costs.

Costs in such action.

ROAD WORKS.

LVII. It shall be the duty of the Inspectors of Roads, subject to the provisions of this Act and to the orders and instructions of the County Superintendent, by whom they shall be furnished with the necessary copies of, or extracts from, *Procès-Verbaux*, Valuation-rolls, Collection-rolls and other documents, to direct the Overseers of Roads in their respective divisions, as to the time when, and the manner in which, all road work is to be done,—to furnish them with statements in writing setting forth the names of all persons subject to statute labour, the share of joint labour and materials to be furnished by each person, or in respect of each lot of land in their sections respectively, and informing them upon what work or works the same is to be employed, and in what proportions,—to receive all sums paid for commutation of statute or joint labour, and to notify such commutation to the proper Overseer,—to instruct him to engage other labour in the place of that so commuted and to pay for such labour out of such commutation money, on the certificate of the Overseer that the same has been duly performed :

Duties of Inspectors of roads as to work to be done thereon, &c.

Statement in writing to be furnished to Overseers.

Engaging other labour.

Duties of Overseers of roads as to work to be done thereon, &c.

[Form Y.]

Tools to be brought by persons bound to work.

Horses or oxen.

Overseer to superintend and certify performance of work.

Penalty. Prosecuting offenders.

Penalty on persons not obeying order of Overseers as to labour on road.

2. It shall be the duty of each Overseer of Roads, pursuant to the provisions of this Act, the orders of the County Superintendent and directions of the Inspectors of Roads, to give notice to the inhabitants of his section, respectively, of the time and place where and when any statute labour or joint labour is to be performed or materials to be furnished, and the amount of labour, quantity and description of materials to be then and there furnished by each, which notice may be given verbally to each of such inhabitants in person or left in writing at his residence,—and shall specify the tools and implements (being those ordinarily used by farmers) which each person is required to bring with him; and if the nature of the work requires it, the Overseer may command any person having the same and being bound to furnish at least three days' labour, and not having commuted the same, to bring with him or to send with a man to work them, a horse or horses, an ox or oxen, with proper harness and a cart, waggon or plough; and every day's labour of a horse or ox, with such harness and vehicle or plough as aforesaid, shall be credited to the person furnishing the same as one day's work,—to superintend and direct the performance of statute labour and joint labour on the roads, and to give certificates of the due performance thereof,—to appoint the hour of commencing and leaving off, and the time to be taken for rest or meals, the day's work being ten clear hours of labour on the spot where the work is to be done,—to dismiss any man who shall not attend during the hours appointed for labour, or who shall be idle or refuse to obey the orders of the Overseer, or not work faithfully, or hinder others from working; and any man so dismissed shall, for the offence occasioning his dismissal, incur a penalty of ten shillings currency,—to prosecute for all such penalties as last aforesaid, and for all penalties incurred for disobedience to his orders,—to report to the Inspector of Roads for his division, the number of days' work performed and the quantity of materials furnished under his superintendence, with the names of the parties performing or furnishing the same, and the names of those who have been fined.

LVIII. Every person liable to perform labour on the roads and not having commuted the same, who being so required as aforesaid by any Overseer to attend and perform the same, shall refuse or neglect so to attend, shall, for each day on which he shall so refuse or neglect, incur a penalty of ten shillings currency, and he shall incur one half of such penalty if he was required to bring with him any tool or implement, and shall appear without the same; and if he was required to bring with him any plough, horse, ox, waggon, cart or other vehicle and harness, the penalty shall be doubled, that is, he shall incur a penalty of twenty shillings currency, if he shall wholly fail to attend, and of ten shillings currency, if he shall attend without such horse, or waggon, cart, vehicle or harness:

2. No notice shall be required to compel any person to make or repair any front road which ought to be made or repaired by him alone, but if it be not made or repaired in the manner required by the *Procès-Verbal* regulating it and by this Act, such person shall incur a penalty of five shillings currency; and if he neglect to make or repair such road for a period of twenty-four hours after having been notified to make or repair the same, he shall incur a penalty of not more than twenty nor less than five shillings currency, for each day on which it shall remain unmade or out of repair;

Notice not required to compel any person to keep his front road in repair, &c.

Penalty for not repairing.

3. Every such penalty shall be paid to the Inspector for the division, and applied to the same purpose for which the labour for the due performance of which it was incurred would have been applicable; and the payment of the penalty shall be set off in favor of the offender against the road labour for which he is liable, at the rate of one day's labour for each five shillings of the penalty paid;

Penalties to whom payable, and how applied.

4. The penalty may be paid to the Inspector before any suit for it is commenced, and in that case it shall be payable without costs;

May be paid before suit.

5. Every Inspector of roads, and every Overseer of roads shall be liable for all damages occasioned by the non-performance of any work which ought to have been performed within his division or section, unless he can shew that he has used all legal means in his power by notice, prosecution and otherwise to compel the performance of such work; saving always the recourse of the Inspector against the Overseer, and of both against the person who was bound to perform such work.

Inspectors and Overseers liable for damages occasioned by their neglect.

LIX. The County Superintendent may from time to time cause portions of roads to be made by the persons liable to statute labour, to serve as models for the remainder of such roads or for roads in their neighbourhood: and in superintending the making of Roads the Road Officers and others shall govern themselves by such models, as far as the foundation and position of such Roads and other circumstances will permit.

County Superintendent may have portions of road made as models.

LX. Whenever any road work which ought to be done or any materials which ought to be furnished upon, or for, any front road, by-road or bridge, in respect of any lot or by any person, shall remain unperformed or unfurnished after the owner or occupant of such lot or such person shall have been required as aforesaid to perform or furnish the same, it shall be lawful for the Overseer of roads to cause such work to be done or such materials to be furnished by some other person, and to recover the value of such work or materials from such owner or occupant or person in default, with twenty per cent in addition thereto and costs of suit,

Overseer may cause unperformed work to be done, and recover the costs from the proper party, with 20 per cent additional.

as a debt due to such Overseer, and in any way in which debts of like amount are recoverable, or such amount may be levied, as arrears of taxes due to the Municipality, in the manner hereinafter provided, and paid to such Overseer by the Secretary-Treasurer :

Or the Inspector may cause it to be done by the Municipality which shall recover the expenses and 20 per cent additional.

2. Or, the Overseer of roads may report to the Inspector of roads of his division that any such work remains unperformed or any such materials unfurnished, and that the person who ought to perform or furnish the same has been by him required so to do, or that such person has no residence in the division ; and on such report the Inspector may, if he thinks proper, authorize such overseer to cause the work to be done or the materials to be furnished by some person or persons to be employed by him for that purpose, and the sum expended shall be recoverable by the Municipality from the person in default with twenty per cent in addition thereto, as a penalty for such default and costs ; and the sum actually expended shall be paid by the Secretary-Treasurer of the Municipality to the order of the Inspector, out of any moneys in his hands applicable to road purposes, or to the general purposes of the Municipality ;

What shall be proof of the necessary facts in the foregoing cases.

3. The affidavit of the Overseer sworn before a Justice of the Peace that the formalities of the law were complied with, and that the work was done or the materials furnished, that the sum charged is the true value thereof, and that the defendant is the person liable for the same by law, and the certificate of the Inspector that to the best of his knowledge and belief the facts stated in such affidavit are true, shall be *prima facie* evidence of such facts, and if not controverted, shall be sufficient to maintain the claim and demand of the Municipality or of such Overseer ;

The 20 per cent to be in lieu of penalty.

4. In either of the cases last above mentioned, the person in default shall not be liable to a penalty, but the twenty per cent above mentioned shall stand in stead thereof.

Occupant of land liable for road charges, and one year's arrears thereof.

LXI. The actual occupant of any lot shall always be liable for the work or contribution assigned to such lot, and for one year's arrears thereof, saving his recourse (if any) against any previous occupant, or against the owner of the lot, or any other party ; and if any lot be divided after the making of the *Procès-Verbal*, or there be from any other cause more than one occupant thereof, they shall be jointly and severally liable, saving to each his recourse against the others ;

Liability for damages for non-performance of work.

2. All persons shall be liable for all damages arising from the non-performance of work they are bound to perform, and if any persons are jointly and severally bound, they shall be jointly and severally liable.

LXII. Each Overseer shall from time to time report to the Inspector of his division, the arrears of labour and materials remaining unperformed and undelivered in his section, and of penalties remaining unpaid, specifying the lands in respect of which the same are due, the owners or occupants of such lands, if known, and the value in money of such materials delivered at the place where they ought to have been delivered by the persons in default. And it shall be the duty of the Inspector to sue for and recover the same from the persons liable if they have any goods or chattels whereupon the same can be levied.

Overseer to report arrears, and Inspector to sue for the same.

LXIII. The County Superintendent may cause mile-posts or mile-stones to be set up on the main road in his County, shewing the distance from the principal Towns to which such roads lead, and may cause Guide-Posts to be set up at the intersections of roads; and the expenses incurred for those purposes shall be paid by the Secretary-Treasurer of the Local Municipalities respectively, in which such mile-stones or mile posts, or guide-posts shall be set up, on the order of the County Superintendent, and out of any moneys in the hands of the Secretary-Treasurer applicable to road purposes or to the general purposes of the Municipality:

Mile posts and guide posts may be set up: expenses how paid.

2. The County Superintendent may, under the authority of a Resolution passed by the Council, direct any Inspector of Roads to procure a snow plough, a roller and an iron or steel shod scraper, or either, to be used on the roads in his division, and to be carefully kept by such Inspector, and by him handed over to his successor in office for the like purposes; and when the same are so procured, the Inspector shall command each Overseer of Roads in his division, to use and work such snow plough, roller or scraper at the expense of the Municipality, and shall command every such Overseer to require the persons bound to perform road work in his section to use and work such snow plough, roller or scraper (when necessary) as part of the work they are so bound to perform: and the cost of such snow ploughs, rollers and scrapers, and of using and working the same, when so used and worked at the expense of the Municipality, and of all necessary repairs thereto, shall be paid by the Secretary-Treasurer of the Municipality on the order of the County Superintendent, as provided in the next preceding paragraph;

Inspectors may be required to procure snow plough, rollers and scrapers; how the same shall be used.

How the cost shall be paid.

3. The County Superintendent may, under the authority of any Council, employ a sworn Surveyor, Engineer or Draughtsman, whenever he shall deem it necessary for the due execution of any of the powers vested in him by this Act, and charge the sum paid to such Surveyor for his services, as part of the expenses lawfully incurred by him in executing such power: and to any *Procès-Verbal*, or other act of the County Superintendent, plans or drawings may be annexed and referred to as part thereof, when he shall deem it necessary for the proper understanding of such *Procès-Verbal* or act;

County Superintendent may employ a Surveyor, Engineer or Draughtsman, &c.

Footpaths may be directed or allowed, and also the planting thereof with trees.

4. The County Superintendent may in his *Procès-Verbal* direct or allow a footpath to be made in any place where in his judgment it shall be necessary or allowable, and where any such footpath shall be made, the Road Inspector may permit trees to be planted thereon by the owners of the adjoining lands on such conditions as he may think proper, subject always to any direction he may receive in this behalf from the County Superintendent.

EXECUTION OF COUNTY WORKS.

Proceedings where the work is to be done by the job or contract.

LXIV. When the work to be performed is the construction or partial reconstruction of a bridge or the opening or widening of a road, concerning the inhabitants, or any number of the inhabitants of more than one County Municipality, or of one or more Local Municipalities in two or more County Municipalities, if the said work is to be undertaken by the job, by agreement or contract, for a price in money or partly for money, and partly by means of materials and days' labour, to be contributed by the assessable inhabitants, it shall be the duty of the County Superintendent who shall have drawn up the *Procès-Verbal* of such work, to submit such work to public competition :

Public competition.

Advertisement for tenders.

2. For the purpose of obtaining tenders, the said County Superintendent shall give public notice, specifying clearly the work to be so given out, and the day on or until which tenders for the performance thereof will be received by him ; and the said County Superintendent may, in cases in which he shall deem it expedient so to do, insert such notice in one or more newspapers published in the said County or the District in which it is situated, or if there is no newspaper published therein, in an adjoining County or District ;

Work to be adjudged to the most favorable bidder giving security.

3. The contract for the said work shall be adjudged to the person who shall tender for the lowest price and on the most favorable terms, provided he fulfil the conditions and give the security required for the execution thereof ;

In whose name the contract shall be made.

4. Every contract or agreement relative to any such work shall be entered into, or considered as having been entered into with the said County Superintendent, in his name and capacity ; it may be accepted by the said County Superintendent or in his name by the Mayor, or by any Road Inspector of a Local Municipality interested in the said work, being thereunto specially authorized by the County Superintendent ; and every such contract or agreement shall be binding on each Municipality interested ; and every such Municipality may sue in its own name, to enforce the performance thereof in any Court of competent jurisdiction, in case the said County Superintendent

Enforcing the contract.

fail

fail so to do in his name and quality aforesaid within a reasonable time ; but no such Municipality shall be authorized to bring any such action until the expiration of fifteen days' notice given by the Council thereof to the County Superintendent requiring him to bring such action ;

5. The person with whom any such contract for work is made shall furnish good and sufficient security to the satisfaction of the said County Superintendent for the performance of the said work, and the payment of all damages, costs and interest in the event of his not fulfilling his contract ;

Good security to be given by Contractor.

6. The said County Superintendent may require any Inspector of roads in the Local Municipality in which the said work is to be executed to superintend the performance thereof ; and every such Inspector shall obey all such orders for that purpose, as he shall receive verbally or in writing from such County Superintendent ; and for every refusal or neglect so to do, every such Inspector shall incur a penalty of two pounds currency ;

Inspectors to superintend performance of contract when required.

7. The said County Superintendent shall make an apportionment among the different Local Municipalities interested, by an instrument under his hand, of the contributions required for the performance of the said work, establishing the proportion of the said contribution to be borne by each Local Municipality, or by such of the inhabitants thereof as are bound to bear the same, either in money, materials or days' labour ; and he shall serve a certified copy thereof on the County Superintendent of every other County interested ; and he shall also deposit a copy thereof in the office of the Municipal Council of each Local Municipality interested.

County Superintendent to make an apportionment of the cost.

VALUATORS AND VALUATION.

LXV. The Valuers shall make the valuation of all the real and other assessable property in the Local Municipality for which they have been appointed within two months after the date of their appointment, including in the said valuation the value of the houses and other buildings erected on such property ; a majority of the said Valuers may make or complete the said valuation notwithstanding the absence of the other Valuator ; and such valuation may be made either at one time or at several times, the proceedings had at each meeting being signed or attested by the Valuers who shall have assisted thereat : Provided, that when any lot occupied by a tenant or lessee shall be situated partly within the limits of any City Corporation and partly within any Village or Parish Municipality, the capital of the rent received by virtue of the said lease shall be deemed to be the value of the said lot during the existence of the said lease, and the amount of the assessment shall be paid to such City Corporation and Village or Parish Municipality

Valuation of property to be made by the Valuers ;

Or a majority of them ; and how.

Proviso : as to lots being partly in one Municipality and partly in another.

Municipality in proportion to the extent of ground lying in their respective limits, notwithstanding any of the provisions of this Act to the contrary :

They may require assistance of the Secretary-Treasurer of Municipality, or employ a Clerk.

2. In making the said valuation, the Valuators may require the services of the Secretary-Treasurer of the Council, or employ any clerk whom they may think proper to appoint ; and every clerk so employed shall be entitled to receive for his services, on the certificate of two of the Valuators, a sum not exceeding five shillings currency for every day during which he shall have been necessarily employed, and such remuneration shall be paid out of the general fund of the Local Municipality ;

Valuation-Roll to be made ;

[Form E E.]

And recorded. What it shall contain.

Its effect and use.

Subject to amendment.

3. A Valuation-Roll, setting forth such valuation, shall be drawn up and signed by the said Valuators, or by such of them as shall have assisted in making the valuation, and shall be by them delivered to the Mayor of the Municipality within eight days from the making thereof, and every such Valuation-Roll shall remain of record in the office of the Council of such Municipality. The Valuators shall specify in the Valuation-Roll, not only the names and designation of all owners or occupants of real or other assessable property, but also the names and designation of all persons not being owners or occupants of real property who are liable to statute labor under the provisions of this Act ; and the said valuation shall, so soon as the Valuation-Roll is delivered to the Mayor, be binding on all parties concerned, and be considered as the basis of any apportionment, assessment or collection which may from time to time be made, of any sum or sums to be levied, or of the quantity and kind of materials to be furnished, or of the number of days' work to be performed in the Municipality, under this Act ; subject however to such amendments as may be made thereto in the manner hereinafter provided ;

Railway Companies to transmit annual statements of value of their real property to Secretary-Treasurer of Municipality amount at which they are to be assessed.

4. Every Railway Company shall annually transmit to the Secretary-Treasurer of every local Municipality in which any part of the road or other real property of such Company is situate, a statement describing the value of all the real property of the Company other than the roadway, and also the actual value of the land occupied by the road in such local Municipality, according to the average value of land in the locality, and the Secretary-Treasurer shall communicate the same to the Valuators ; and the said Valuators shall enter the same in their Valuation-Roll ; and the said Secretary-Treasurer shall immediately after the deposit of the said Valuation-Roll deliver at or transmit by post to any station or office of the Company, a notice of the total amount at which the Valuators have assessed the real property of the Company in their Municipality, distinguishing the value of the land occupied by the road, and the value of all other real property of the Company within the Municipality.

LXVI. If the Valuers appointed by the Council have not made the said valuation, and transmitted the Valuation-Roll to the Mayor within two months from the date of their appointment, it shall be the duty of the Secretary-Treasurer of the Local Council to inform the Governor, by letter addressed to the Provincial Secretary, of the failure of the said Valuers in that respect, and the Governor shall thereupon appoint three other Valuers :

Governor to appoint Valuers, if Valuation-Roll be not made within a certain time.

2. The Valuers so appointed by the Governor shall make the said valuation in the same manner as the Valuers who ought to have made the same in the first place, and shall exercise the same powers and authority, perform the same duties, and be subject to the same penalties in the event of any failure or neglect on their part ;

They shall proceed as the first Valuers ought to have done.

3. The valuation which the three last mentioned Valuers or the majority of them shall make as aforesaid, shall be made at the expense of the former Valuers who should have made the same ; an allowance at the rate of fifteen shillings currency shall accordingly be made to each of the said three last Valuers, for each and every day during which he shall be employed in making the said valuation ; the amount of the said allowance shall be determined and taxed by the Mayor, whose Certificate to that effect, stating the amount of the said allowance, shall be deemed an authentic document ;

Such Valuation to be made at the cost of the Valuers in default.

Taxing such cost.

4. Each Valuator so appointed by the Governor, shall have a right of action in any Court of competent jurisdiction against the Valuers who shall have failed to make the Valuation and transmit the Valuation-Roll, as aforesaid, jointly and severally, for the recovery of the amount of the said allowance so determined and taxed as aforesaid.

Recovery of such costs.

LXVII. The owners of assessable property mentioned or described in the Valuation-Roll shall respectively pay such sum or furnish such quantity and kind of materials, or such number of days' work as they shall be from time to time required to pay in proportion to the assessed value of such property, for their share of any apportionment or assessment authorized by this Act :

Owners of assessed property to pay assessments in proportion to its value.

2. And whenever any such sum of money, quantity or kind of materials, or number of days' labour shall be so apportioned or assessed, the said sum of money, or the price of the said materials, or the value of the said number of days' labour, shall from the day of their being so apportioned or assessed, be a special charge on the real property so assessed which shall not require to be registered in any Registry Office established for the registering of privileges and hypothecs, and shall have, nevertheless, a preference over all other charges, excepting debts due to the Crown.

Assessments to be a special and preferable charge on the property, not requiring registration.

LXVIII.

Council may revise and amend the Valuation-Roll.

LXVIII. The Council of the Local Municipality in respect of which such Valuation-Roll was made, may at any time within thirty days next after the day on which it was delivered to the Mayor, amend the valuation therein made in the cases herein-after mentioned, and in the manner hereinafter provided :

How such amendments may be made.

2. If the Council be of opinion that the valuation of any real property has been made under its true value so as to prejudice the owners of other property, or above its value so as to prejudice the owner thereof, then it shall be lawful for the said Council to amend the said Valuation-Roll by fixing such sum as they shall think just and reasonable, as the value of such property ; all such amendments shall be entered upon the said Valuation-Roll or on a paper annexed thereto ; the date thereof shall be mentioned and they shall be certified by the Secretary-Treasurer of the Council, and every such Valuation-Roll so amended, shall continue to be binding to all intents and purposes, but only as amended, and as such, only from the date of the Certificate of the said amendments ;

Entry thereof.

To be binding as amended.

Notice to be given before revision.

[Form F F.]

3. Before any Council proceeds to the examination or revision of any such Valuation-Roll, the Secretary-Treasurer of such Council shall give public notice, to the inhabitants of the Local Municipality, of the day on which the Council will commence such examination or revision ;

To be open to inspection.

4. The Secretary-Treasurer shall at all reasonable hours of the day, allow any person interested to take communication of the aforesaid copy of the Valuation Roll ;

Parties to be heard.

5. It shall be the duty of the Council, in proceeding as aforesaid to the examination or revision of the said Valuation-Roll, to hear the parties interested therein, as well as the Valuers who have made the valuation if required so to do ;

Valuation-Roll not amended within a certain period, to be binding.

6. If the said period of thirty days during which the said Valuation-Roll may be so amended, be allowed to elapse without the Council amending the same, then the said Valuation-Roll shall remain in force as originally made by the Valuers ;

Copy to be delivered to Warden.

7. It shall be the duty of the Mayor to cause a true copy of such Valuation-Roll with such amendments as may have been made thereto by the Council, to be delivered to the Warden of the County on or before the seventh day next after the expiration of the said thirty days.

Valuation-Roll to remain in force five years, and until a new one is homologated.

LXIX. Every such Valuation-Roll shall remain in force during five years next after the date of the appointment of the Valuers who have made the same, and further after the expiration of the said five years until the day on which a new Valuation-Roll shall have been duly homologated.

ASSESSMENT OF BUSINESS OF MERCHANTS AND
OTHER PERSONS, AND THE INCOMES OF PRO-
FESSIONAL.

LXX. Every merchant, manufacturer, trader and master artificer (*maitre ouvrier*), carrying on his trade, business or calling in a Local Municipality, whether resident therein or not, whether he does or does not possess therein any real property, shall, by reason of such trade, business or calling, be liable for all the purposes of this Act, to assessment ; the value of his business shall be estimated by the Valuers of the Municipality as a distinct property, according to the average annual profits thereof, based upon the proceeds of the next two preceding years:

Value of busi-
ness of certain
parties to be
entered on
Roll.

How calcul-
ated.

2. Every judge or other civil functionary and every advocate, notary, physician, surgeon, civil engineer, or surveyor, residing in a Local Municipality, and performing the duties of his office or practising his profession therein, shall be liable to assessment in like manner ; the value of such office or practice shall also be estimated by the Valuers, for the same purposes and in the same manner, as a distinct property.

The same of
practice of
professional
men, and
office holders.

STATUTE LABOUR.

LXXI. In addition to the road work and other contributions to which the occupant of any lot of land or other property may be otherwise liable, he shall, in proportion to the value at which such property shall be assessed, be liable yearly to a certain number of days' statute labour on the roads, that is to say : if such property be assessed—

Owners of
assessed prop-
erty to be
liable to sta-
tute labour.

1. At not over one hundred pounds, to one day's labour, and to one additional day's labour for every one hundred pounds of additional value, reckoning any fraction of a hundred pounds as a hundred pounds ;

And in what
proportion.

2. And every male inhabitant between the age of eighteen and sixty years, and not otherwise liable to statute labour, shall be liable to one day's labour ;

Persons not
otherwise
liable.

3. But no officer on full pay, nor any soldier on actual service shall be liable to statute labour, except in respect of some land owned or occupied by him otherwise than for Her Majesty's service ;

Exemption.

4. Labour performed under this Section, shall be performed at such places as the County Superintendent shall from time to time appoint by order in writing,—or in default of such order, at such places in the division as the Inspector shall appoint by order in writing,—or in default of such order, then at such places in the division as the overseer shall think proper,—in aid of such persons as shall in the opinion of such County Superintendent, Inspector

How and
where such
labour shall
be performed,
and under
whose orders.

Inspector or Overseer, have more than their proportionate share of work to perform in making and maintaining the front road on their lots, by reason of some difficulty arising out of the nature of the ground or other circumstances of such front road, or at such other places as in his discretion he shall think proper, or as may be determined by any *Procès-Verbal*, By-law or Order ;

Commutation
for statute
labour.

5. The commutation money for statute or joint labour shall be four shillings currency for each day, and any person may commute his statute labour at that rate instead of performing the same ; but the commutation money shall be paid before the time at which the person commuting shall have been notified by the overseer to perform such labour, otherwise the penalty shall be payable instead of the commutation money, if the labour be not performed according to the notice.

When to be
paid.

PROPERTIES AND PERSONS EXEMPTED FROM ASSESSMENT.

Public pro-
perty, or pro-
perty used for
public pur-
poses.

LXXII. All public buildings intended for the use of the Civil Government, for military purposes, for the purposes of education or religious worship, all parsonage houses, burying grounds, charitable institutions, and hospitals duly incorporated and the lands upon which such buildings are erected, shall be exempt from all assessments or rates imposable under this Act :

Indigent per-
sons.

2. All persons who, by reason of their poverty or the scantiness of their means, shall, in any year, by a By-law of the Municipality in which they reside, be declared exempt from the payment of the said assessments or rates imposed during and for the said year, shall be thereby exempted from the payment thereof.

COLLECTION OF ASSESSMENTS.—DUTIES OF SE- CRETARY—TREASURER AND OTHER OFFICERS IN RELATION THERETO.

Assessments
to be payable
either by
owner or oc-
cupant.

LXXIII. All assessments imposed under this Act shall be due and payable not only by the owner of the property upon which they shall be imposed, but also by the possessor or occupant of the said property as owner, and by the tenant or lessee of such property, but the payment in full of any such assessment by any such person shall discharge all others concerned :

Recourse of
occupant pay-
ing against
owner.

2. In the event of the payment or contribution of any assessment by the tenant or lessee of any such property, he shall have a right of personal action against the owner of the property assessed, or the lessor, holder or occupier of the same as owner, as aforesaid, for the recovery, with interest and costs of the amount of such assessment, or of the price or value thereof, paid or contributed by him ;

3. In such case, such tenant shall be fully subrogated, without any formality whatsoever, in the rights and privileges of the Municipality upon the property in question ;

He shall be subrogated to Municipality.

4. It is nevertheless hereby declared that when the said assessments shall be imposed in labour, no more than one year's arrears thereof shall be recoverable.

As to assessments imposed in labour.

LXXIV. The Secretary-Treasurer of the Local Council shall be the Collector of all the assessments imposed within the limits of each Local Municipality and of all penalties imposed under this Act, except in any case in which the said assessments or penalties are required to be collected by any other officer or in any other manner :

Secretary-Treasurers to be Collectors in their localities of assessments, and penalties.

2. Every such Secretary-Treasurer, as assessment Collector may be sued by the Mayor, in the name of the Local Municipality, or by the County Superintendent in the name of the County Municipality, before any Court of competent jurisdiction, to compel him to render an account of the assessments levied by him ; and the said Secretary-Treasurer shall in every such suit be condemned to pay to the Municipality interested the amount of the assessments in money, and the price and value of the assessments in materials and day's labour then due unless he shew to the satisfaction of the Court, proof of sufficient diligence having been used by him for recovering the said assessments ; and if he render an account of such assessments, he shall be condemned to pay such sum as he shall acknowledge or as shall be declared to be in his hands, and such further sums as he ought to have received, or as the Court shall think he ought to be held accountable for, for want of proof of sufficient diligence on his part for the recovery thereof ; every judgment pronounced in every such action shall include interest at twelve per cent on the amount thereof, by way of damages, together with costs of suit ; and in every such action a certified copy of the Collection-Roll of the division, shall to all intents and purposes be *prima facie* evidence against the said Secretary-Treasurer ;

Inspectors may be sued for accounts, &c.

Judgment in such cases.

Interest to be recovered at 12 per cent.

Evidence.

3. The Secretary-Treasurer of every Local Council shall on or before the fifteenth day of May in each year make out the general Collection-Roll for the Municipality, and set down therein the name of each person assessed, whose name appears on the Valuation-Roll, the value of the real property of each such person, as specified in such Valuation-Roll, and the amount of personal property for which such person is assessable ; and he shall also calculate and set down the various assessments, payable by such person under any By-law or otherwise, and the total amount with which each person is chargeable ; Provided however, that in any year when a new Valuation-Roll is to be made, and such Roll is not finally revised and homologated at least fifteen days before the said fifteenth day of May,

Secretary-Treasurer to make general Collection-Roll.

[Form G G.]

Contents
It shall shew the amount payable by each person.

Proviso : as to year when a

May,

new Valuation
is made.

May, the delay for completing the general Collection-Roll shall be extended to a period of fifteen days next after the date of such final revision or homologation ;

Special Col-
lection-Rolls
in certain
cases.

4. And whenever any special rate is imposed in the same year after the said fifteenth day of May, he shall make out a special Collection-Roll in the manner prescribed by the next preceding section ;

He shall forth-
with collect
the assess-
ments due :
and in what
manner.
[Form Z.]
Notice.

5. And upon completing his Collection-Roll, he shall proceed to collect the assessments therein mentioned, and for that purpose shall leave at the usual place of residence or domicile of each person assessed, a statement in detail of the various sums and the total amount of assessments due by such person, and shall at the same time in and by a notice annexed to such statement demand payment of the assessments therein mentioned ;

Taxes to be
levied by dis-
tress if not
paid in 30
days : and of
what goods.

[Form H H.]

No claim to
property al-
lowed to pre-
vent sale.

6. If any person neglect to pay the amount of assessments imposed upon him, for the space of thirty days after such demand made as aforesaid, the Secretary-Treasurer shall levy the same with costs, by seizure and sale by Warrant under the hand of the Mayor of the Municipality of the goods and chattels of the person who ought to pay the same, or of any goods or chattels in his possession, wherever the same may be found within the local Municipality ; and no claim of property, or privilege thereon or thereto shall be available to prevent the sale thereof for the payment of the assessments and costs out of the proceeds thereof ;

Surplus of pro-
ceeds under
d distress to be
returned to
owner.

As to claim to
the same by
contending
parties.

7. If the goods and chattels seized be sold for more than the whole amount of assessments levied for, and the costs attending the seizure and sale, the surplus shall be returned to the person in whose possession such goods and chattels were when the seizure was made ; but if any claim for such surplus shall be previously made by any other person, by reason of any alleged right of property or privilege upon such surplus, and such claim be admitted by the person for whose assessments the seizure was made, 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 ;

Notice of sale.

[Form I I.]

8. The Secretary-Treasurer shall give public notice of the day and place of the sale, and the name of the person whose goods and chattels are to be sold ;

When sums
are to be
raised for
County pur-
poses, Coun-
cil to fix the

9. In every case in which any sum is to be levied for County purposes, the County Council shall, by By-law, direct what portions of such sum shall be levied in each Local Municipality ; and it shall be the duty of the Secretary-Treasurer of the County Council, before the first day of May in each
and

and every year, to certify to the Secretary-Treasurer of each Local Municipality the total amount which shall have been so directed to be levied therein in the then current year for County purposes; and for the guidance of such County Council, the Secretary-Treasurer of every Local Municipality therein, shall, immediately after the final revision of the Valuation-Roll for the same, transmit to the Secretary-Treasurer of the County Council, a statement of the aggregate yearly value of all real property and of all assessable personal property appearing on such Rolls as finally revised;

sum to be raised in each locality.
[Form J J.]
To be guided by Collection-Rolls.

[Form K K.]

10. On or before the fifteenth day of November in each year, the Secretary-Treasurer of each Local Municipality, shall prepare a statement of all the assessments remaining due on the Collection-Rolls for the twelve preceding months, and of all the arrears due to the Municipality, with the particulars thereof including the amount of, or balance due, on all judgments pronounced against any of the inhabitants, or owners of land, and other persons within the Municipality for contributions or penalties due or incurred under this Act, and in such statement he shall shew opposite to each separate debt, the reasons why he could not collect the same, by inserting the words "non resident" or "no personal property to seize," as the case may be, and a designation of the lots or parcels of land in respect of which such assessments or other debts are due, and he shall transmit a copy of such statement, duly certified, to the Secretary-Treasurer of the County;

Return of doings on Collection-Rolls to Secretary-Treasurer of County; paying over moneys to him.

Certain particulars to be shewn in such return.

11. And on, or before, the first day of December in each year, the Secretary-Treasurer of the County Council shall prepare a list of all lands in the County Municipality upon which any assessments or other dues shall remain unpaid, stating opposite the lots or parcels of land respectively, the amounts due, and shall cause to be inserted at least three times during the said month of December, in the *Canada Gazette*, and in at least one newspaper published within the district, or in the adjoining district, if there be none published therein, a notice in the English and French languages, containing a list of all lots or parcels of land respectively, on which any such assessments or other dues remain unpaid, shewing opposite, or after, the number or description thereof, the amount to be raised for the discharge of such assessments or other dues, including all costs and expenses, and announcing that all such lots or parcels of land shall be sold on the first Monday of the month of February then next ensuing, at the place where the last session of the Local Council was held, for the payment of such assessments and other dues; and he shall also give public notice of every such sale in the manner provided by this Act;

Secretary-Treasurer of County to prepare list of lands on which taxes, &c., are not paid.

[Form L L.]

Notice to be published, containing certain particulars.

Further notice of sale.

Sale: unless the taxes are paid, with costs and penalty.

Return to Secretary-Treasurer of County.

Notice to specify place and time of sale, description of land, &c.

One notice may include all lots.

Secretary-Treasurer of locality may employ Assistants.

12. Every such sale may take place either before or after suit for the recovery of the payment of the said assessments; but it shall not take place if, at any time before the two days next preceding such sale, the person liable pay to the Secretary-Treasurer of the Local Council the full amount due by him for such assessments, as well as for any contributions or penalties imposed upon him, together with his just proportion of the costs and expenses incurred for effecting the said sale, which said share shall be fixed by the Secretary-Treasurer of the Local Council, whose duty it shall be to inform the Secretary-Treasurer of the County Council of every payment so made after the transmission to the latter of the statement hereinbefore mentioned;

13. Every such notice shall specify the place, day and hour at which such sale shall commence; each lot or parcel of land, if the same be situated in a township, shall be designated therein by its range and number, and if it be within the limits of a fief or seigniori by its metes and boundaries;

14. All the lots thus for sale in the municipality may be included in the same statement and in the same notice;

15. Every Secretary-Treasurer of a Local Council may, under the authority of such Council, and at the expense of the Municipality, employ one or more persons to assist him as Collector of assessments and of other debts due to the Municipality, but he shall be responsible for the acts and omissions of all persons so employed.

SALES OF PROPERTY.

Sales to be by public auction.

No duty, &c.

Mode of Sale. In Sales of real property, so much only to be sold as will pay taxes and cost's.

What part shall be sold first.

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

2. At the place, day and hour appointed for the sale of lands, the Secretary-Treasurer of the County Council shall make known the amount of the sum to be raised as aforesaid upon each such property, to which amount he shall add the just proportion of the costs and expenses to be borne by each such property; the person who shall then and there offer to pay to such Secretary-Treasurer the amount of the said sum thus to be raised, together with costs and expenses for the smallest part, quantity or portion of the said property, shall be considered the purchaser, and such said part, quantity or portion of the said property shall be adjudged to him by the Secretary-Treasurer, who shall sell such portion of the property as shall appear to him best for the interest of the proprietor thereof;

3. If any purchaser fail to pay on the day of sale the amount of the said purchase, the Secretary-Treasurer shall adjourn the sale to any day not more than eight days distant, by giving all persons present notice of such adjourned sale, in an audible and intelligible voice, in both the English and French languages; and on the day of such adjourned sale the Secretary-Treasurer shall again put up the said property for sale, and shall sell the same or any portion thereof, unless the first purchaser shall in the meantime have paid the full amount of assessments and charges due thereon;

If the purchaser fail to pay, another sale to be had in 8 days.

4. On payment by the purchaser of the said amount of purchase, the Secretary-Treasurer shall give a certificate under his signature to such purchaser, specifying the particulars of such sale, and the said purchaser may forthwith enter upon and take possession of such lot or parcel of land;

Certificate to purchaser.

5. If within twelve calendar months from the time of such sale, the original proprietor of the lot, or any one on his behalf, pay 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 the right acquired by such purchaser in such land shall thenceforth wholly cease and determine;

Owner may redeem within the year, paying price and 20 per cent more.

6. If at the expiration of twelve calendar months from the time of such adjudication, the land so adjudged be not redeemed as aforesaid, then the Secretary-Treasurer, on demand by the purchaser, his heirs, assigns or representatives, and upon payment of the arrears of any other assessments which may, in the meantime, have become due thereon, shall execute a deed of sale in due form of law, conveying, in the name of the County Municipality, the property so adjudged to such purchaser, his heirs, assigns or legal representatives; and 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. But whenever any lot of Land situate in any Township shall be so sold before the issuing of Letters Patent from the Crown granting the same, such sale shall in no wise affect the rights of Her Majesty in such land, but shall solely have the effect of transferring to the purchaser such rights of pre-emption or other claims, as the holder of such Land or any other person had acquired in respect of the same.

If the land be not redeemed, deed of sale to be given to purchaser: its effect.

As to lands sold before issue of Patent for them.

PENALTIES.

PENALTIES.

Penalty on persons elected or appointed to office and not accepting.

LXXXVI. Every person who being elected or appointed to any of the Offices mentioned in the following List, shall refuse or neglect to accept of such Office, or to perform the duties of such Office during any portion of the period for which he was so elected or appointed, shall incur the penalty mentioned in such List opposite the name or designation of such Office, that is to say :

The Office of Warden of a County, ten pounds currency ;

The Office of Mayor of a Local Municipality, seven pounds ten shillings currency ;

The Office of Councillor of any Municipal Council, five pounds currency ;

On Valuators failing to perform certain duties.

2. Whenever the Valuators of a Local Municipality neglect to make the valuation which they are required to make under this Act, or neglect to draw up, sign and deliver the Valuation-Roll containing such valuation to the Secretary-Treasurer of the Local Council, within two months from the date of their appointment, every such Valuator shall incur a penalty of ten shillings currency, for each day which shall elapse between the expiration of the said period of two months, and the day upon which such Valuators' Roll shall be so delivered, or upon which their Successors in Office shall be appointed ;

On Members of any Council, Justices of the Peace, &c. failing to perform any duty

3. Every Member of any Municipal Council, every Officer appointed by such Council, every Justice of the Peace, and every other person who shall refuse or neglect to do any act, or perform any duty required of, or imposed upon, him by this Act, shall incur a penalty not exceeding five pounds and not less than one pound currency ;

On unqualified persons voting.

4. Every person who shall vote at any Election of Municipal Councillors without having at the time of giving his vote at such election, the qualifications by law required to entitle him to vote at such election, shall thereby incur a penalty of five pounds currency ;

On Inspectors of roads failing to perform any duty.

5. Every Inspector of roads who shall refuse or neglect to perform any duty assigned to him by this Act, or to obey any lawful order of the County Superintendent, shall for each day on which such offence shall be committed or shall continue, incur a penalty of one pound currency, unless some other and heavier penalty be by law imposed on him for such offence ;

On Overseers of roads failing to perform any duty.

6. Every Overseer of roads who shall refuse or neglect to perform any duty assigned to him by this Act, or to obey any lawful order of the County Superintendent, or of the Inspector of Roads for his division, shall for each day on which such offence shall be committed or shall continue, incur a penalty of one pound

pond currency, unless some other and heavier penalty be by law imposed on him for such offence ;

7. Every person who shall hinder or prevent or attempt to hinder or prevent any Municipal Officer in the exercise of any of the powers or in the performance of any of the duties conferred or imposed upon him by this Act, shall incur a penalty of five pounds currency for every such offence, over and above any damages which he may be liable to pay ;

On persons hindering the execution of this Act.

8. Every person who shall wilfully tear down, injure or deface any advertisement, notice, or other document, required by this Act to be posted up at any public place for the information of persons interested, shall incur a penalty of two pounds currency for every such offence.

On persons wilfully tearing down notices, &c.

RECOVERY OF PENALTIES, TAXES, &c.

LXXVII. All rates or assessments either in money, materials or labour, and all penalties imposed by this Act or by any By-law made by competent authority in virtue of this Act (except in cases where special provision to the contrary may be made,) shall be recoverable before any one of the Justices of the Peace in the Local Municipality where the person sued resides, other than the Chief Officer of such Municipality, and if there be no Justice of the Peace in such Local Municipality, then before any one of the Justices of the Peace in an adjacent Local Municipality ; and all the rates, assessments or taxes payable, and all the fines and penalties incurred by any one person may be included in the same suit :

Taxes and penalties may be recovered before a Justice of the Peace.

All due by one person may be included in one suit.

2. Every judgment rendered in any such suit shall be so rendered with costs, and execution may issue thereon at the expiration of eight days from the date of such judgment ;

Costs and execution.

3. The Secretary-Treasurer of the Local Municipality in which such suit is brought, shall be *ex officio* in every such suit, Clerk to the Justice of the Peace, and it shall be his duty to keep in a faithful and correct manner, a separate Register in which he shall enter the judgments of the Justices of the Peace in all such suits ; and the summons and every other proceeding relating to such suit shall remain of record in his office ;

Secretary-Treasurer of Local Municipality to be Clerk of such Justice.

4. On the day of the return of the summons, and at every other stage of the proceedings thereon, the Justice of the Peace who shall have signed the summons shall have the right to sit in the case, in preference to, and to the exclusion, of any other Justice of the Peace present ;

Right of Justice issuing summons to sit in preference to others.

5. There shall be an interval of at least three clear days between the day of the service of the summons and the day of the return thereof ;

Delay between service and summons.

- Evidence.** 6. Every such suit shall be decided upon the oath of any Municipal Councillor, or of the County Superintendent, or of any Inspector or other Municipal Officer, or of any other credible witness ;
- Costs.** 7. Every person condemned in every such suit shall be liable to pay the same costs to which he would have been condemned in a case brought for the recovery of an equal amount of money before a Court of civil jurisdiction ;
- Limitation of suit for penalties.** 8. Every suit brought for the recovery of penalties under this Act shall be commenced within six months of the date on which such penalty shall have been incurred ; and all penalties paid either before or after such suit as aforesaid shall belong, one half to the Municipality with reference to which, or to the infraction of the By-laws of which, such suit is brought, and the other half to the prosecutor, unless such suit is instituted by the order of any Municipal Council or by any of its Officers, in which case the whole of the penalty shall belong to such Municipality.
- Application of penalties.**

OATHS.

By whom to be administered. LXXVIII. Any Oath required by this Act may be made before any Warden or Mayor, or Justice of the Peace :

Person administering it to give certificate of its having been taken. 2. Any person before whom any Oath may be made under this Act, is empowered and required to administer such Oath, without payment, whenever called upon to do so ; and to deliver to the person taking the same a certificate thereof, and the person taking such Oath shall, without delay, deliver such certificate to the Secretary-Treasurer of the Council in relation to the affair of which such Oath was made.

LANGUAGE OF PUBLICATION.

Governor in Council may allow publication in one language only in certain cases. LXXIX. The Governor General may, by Order in Council, declare that the publication to be made under this Act of any Notice, By-law or Resolution, shall be made in one language only, in any Municipality the Council whereof shall have shewn that such publication may be so made without detriment to any of the inhabitants thereof. The Provincial Secretary shall cause a copy of every such Order in Council to be inserted in "The Canada Gazette," and from the date of such insertion the publication of all such Notices, By-laws and Resolutions may be legally made in the Municipality referred to in such Order in Council, in that language only which shall be thereby prescribed.

Publication of such order.

FORMS.

FORMS.

LXXX. The forms given in the Schedule to this Act shall suffice for the purposes for which they are given ; but any other form to the like effect shall be sufficient ; and any form shall be sufficient for such purposes or any other under this Act, if according to the ordinary construction of the language, the purport and intent thereof can be *bonâ fide* understood from the words used ; and no unnecessary or irrelevant allegations or expressions, in any such form, shall affect the validity thereof, if by passing them over as mere surplusage the remainder can be made to bear the sense required ; the rules of construction embodied in the Interpretation Act, and in this Act, shall apply as well to the forms here given and to any other such form as aforesaid, as to the allegations, statements, orders or directions therein contained ; and no objections of mere form or founded on the omission of any formality shall be allowed to prevail in any action, suit or proceeding under this Act, unless substantial injustice would be done by not allowing such objection.

Forms in Schedule to be sufficient.

Interpretation of forms and proceedings under this Act.

Merely formal objections not to prevail if the substance be not affected.

SCHEDULE OF FORMS.

—
(A.)

NOTICE OF PUBLIC MEETING FOR THE ELECTION OF
LOCAL COUNCILLORS.

To the Municipal Electors of the (Township, Parish, &c., *here insert name of Municipality.*)

Sect. xxvii
par. 1.

Public Notice is hereby given that a Public Meeting of the Inhabitants of the Local Municipality of the (Parish, Township, &c., *here insert name of Municipality*) qualified to vote for Municipal Councillors, will be held at *(here describe the Place, Public Room, House, &c.)* in the said Municipality, on _____ day, the _____ day of _____ instant, at _____ of the clock in the _____ noon, for the purpose of then and there electing seven Councillors for the said Municipality, pursuant to the provisions of "The Lower Canada Municipal and Road Act, 1855."

Dated at _____ this _____ day of _____, one thousand eight hundred and _____

A. B.

Registrar, Deputy Registrar (*or* Warden)
of the County of _____, *or* of the
Registration Division Number _____
of the County of _____, *as the case
may be.*)

(A 2.)

(A 2.)

NOTICE OF PUBLIC MEETING FOR THE ELECTION OF COUNCIL-
LORS, IN PLACE OF THOSE WHOSE ELECTION HAS BEEN
DECLARED NULL AND VOID.

To the Municipal Electors of the (Township, Parish, &c., *here insert name of Municipality.*)

Public Notice is hereby given that a Public Meeting of the Inhabitants of the Local Municipality of the (Parish, Township, &c., *here insert name of Municipality*) qualified to vote for Municipal Councillors, will be held at (here describe the Place, Public Room, House, &c.) in the said Municipality, on _____ day, the _____ day of _____ instant, (or next) at _____ of the clock in the _____ noon, for the purpose of then and there electing Councillor _____ for the said Municipality, in stead of (A. B. and C. D. *as the case may be*) whose election has been declared null and void, pursuant to the provisions of "The Lower Canada Municipal and Road Act, 1855." Sect. xxxv
par. 8.

Dated at _____ this _____ day of _____, one thousand eight hundred and _____

A. B.

Registrar, (Deputy Registrar or Warden)
of the County of _____, or of the
Registration Division Number _____
of the County of _____, *as the
case may be.*

(B.)

CERTIFICATE OF THE PUBLICATION OF A PUBLIC NOTICE, TO BE
ANNEXED TO OR ENDORSED ON THE ORIGINAL NOTICE.

I, A. B., residing at the (Township, Parish or place, *here insert residence,*) being duly sworn on the Holy Evangelists, do hereby certify and return that I did publish the within Original Notice, by posting a true copy thereof on the front door of (here describe the Churches or Chapels on the door of which and the other public place where the notice was so posted) on _____ day, the _____ day of _____ instant, (or last) between the hours of _____ in the _____ noon and _____ in the _____ noon, (if it be within a *Seigniorie or Fief, add*) and by reading the same at the door of the said Church, at the close of Divine Service in the forenoon, on the _____ day of _____ last (or the _____ instant,) being the Sunday next following the _____

day on which the same was published by posting a copy thereof as aforesaid.)

Dated at this day of
one thousand eight hundred and

Sworn before the undersigned, Warden of
the Municipal Council of the County of
(*here insert name of County*), or Mayor
of the Municipal Council of the
(Parish, &c., *here insert name of*
Municipality), or one of Her Majesty's
Justices of the Peace for the District
of (*here insert name of District, as the*
case may be).

B. C.

C. D.

(C.)

**SPECIAL NOTICE TO THE PERSON APPOINTED TO PRESIDE AT A
PUBLIC MEETING FOR THE GENERAL ELECTION OF LOCAL
MUNICIPAL COUNCILLORS.**

Office of the Municipal Council of the County of
(or Registry Office of the County of , *as the*
case may be).

(Place.) (Date.) 185 .

Sect. xxvii
par. 2.

Sir,

Hereby take notice, that pursuant to the provisions of
"The Lower Canada Municipal and Road Act, 1855," in that
behalf made, I have this day appointed you to preside at a
Public Meeting of the Inhabitants of the Local Municipality of
the (Parish, Township, &c., *here insert name of Municipality*),
to be held at in the said Municipality, on
day, the day of instant, at of
the clock in the noon, for the election of Municipal
Councillors for the same; And that I do hereby fix (*here describe*
the house and place), as the place at which, and day,
the day of (instant or next,) as the
day and hour on and at which the first Session of the Council
of the said Municipality of shall be held.
And I do hereby require you to make known the said place
and time of such Session, to each of the persons who shall be
elected Councillors as aforesaid.

D. E.

Warden (or Registrar or Deputy Registrar)
of the County of , or of the
Registration Division Number
of the County of , *as the*
case may be.)

(D.)

(D.)

CERTIFICATE TO BE ANNEXED TO OR ENDORSED ON EVERY
SPECIAL NOTICE.

I, A. B., residing at the (Parish, Township or Place, *here insert residence*), being duly sworn on the Holy Evangelists, do hereby certify and return, that on

Sect. ix
par. 2, & 3.

day, the
day of , in the year of

Our Lord, one thousand eight hundred and
at the hour of of the clock in the noon, in the
(Parish, Township or Place), in the County of , I did
serve the within Original Special Notice on the person (s)
therein named to be notified, at his (or each of their,
as the case may be) domicile (s), by leaving a true Copy thereof
with (*here mention the manner in which the service is made, either*
adding the said personally, or, a reasonable
person of his family, and then and there exhibiting to him (or
her) the said Original Special Notice.

Dated at , this day of
one thousand eight hundred and

Sworn before the undersigned, Warden of
the Municipal Council of the County of
(*here insert name of County*), or Mayor
of the Municipal Council of the
(Parish, &c., *here insert name of*
Municipality), or one of Her Majesty's
Justices of the Peace for the District
of (*here insert name of District, as the*
case may be).

E. F.

F. G.

(E.)

SPECIAL NOTICE TO MUNICIPAL COUNCILLOR INFORMING HIM OF
HIS ELECTION AND OF THE DAY OF THE FIRST SESSION.

(Place.) (Date.) 185 .

Sir,

I hereby notify you that at a public Meeting of the Electors of the Municipality of (*here insert name of Municipality*), convened and held in conformity to the provisions of "The Lower Canada Municipal and Road Act, 1855," at the said (Parish, &c.,) on the day of (instant or last past,) you were then and there duly elected a Municipal Councillor for the said Municipality of (*here insert name of Municipality*), and you are hereby required to attend the first
Session

Session of the said Council which will be held at (*here describe place of first Meeting,*) on _____ day, the
day of _____ (instant *or* next,) at the hour of
of the clock in the _____ noon.

G. H.
President of the Election.

To H. I.
Municipal Councillor.

(F.)

NOTICE FROM PRESIDENT OF ELECTION TO WARDEN OR REGISTRAR, WHEN AN ELECTION HAS TAKEN PLACE.

(Place.) (Date.) 185 .

Sir,

Sect. xxviii
par. 2.

I hereby inform you that at the public Meeting of the Inhabitants of the Municipality of the (Parish, Township, &c.) of (*here insert name of Municipality,*) held at _____ on
day, the _____ day of _____ (instant
or last past) :

| NAME. | RESIDENCE. | OCCUPATION. |
|-------|------------|-------------|
| A. B. | Quebec, | Carpenter, |
| C. D. | do. | do. |
| E. F. | do. | do. |
| G. H. | do. | do. |
| J. K. | do. | do. |

were elected Councillors for the said Municipality, (by acclamation, they being the only candidates, *if such be the case,*) *or* they having the largest number of votes, as appears by the Poll Books, duly certified by me and herewith transmitted.

I. J.
President of Election.

To J. K., Esquire,
Warden *or* Registrar of
the County of

(G.)

(G.)**APPOINTMENT OF A DEPUTY COUNTY SUPERINTENDENT.**Sect. **xxi**
par. **4.***(Name of place.) (Date.)* 185 .

Sir,

I hereby nominate, constitute and appoint you to be a (*or* one of the) Deputy County Superintendent (s) for the County of _____, pursuant to the provisions of "The Lower Canada Municipal and Road Act, 1855."

K. L.

County Superintendent for the
County of _____To L. M.
*(Address.)*Sect. **xxi**
par. **4.****(H.)****NOTICE OF APPOINTMENT OF A DEPUTY COUNTY SUPERINTENDENT.***(Name of place.) (Date.)* 185 .

Sir,

Hereby take notice, that pursuant to the provisions of "The Lower Canada Municipal and Road Act, 1855," and under the authority of a Resolution of the Municipal Council of the County _____, in that behalf made, I have this day nominated, constituted and appointed A. B. of (residence, profession *or* calling,) to be a (*or* one of the) Deputy County Superintendent (s) for the County of _____

M. N.

County Superintendent for the
County of _____To N. O.
Warden of the County
of _____**BY-LAWS**

BY-LAW AND RESOLUTIONS.

(I.)

COUNTY COUNCIL BY-LAW.

Corporation of the }
County of }

Sects. xv &
xix.

At a General Quarterly Session of the Municipal Council of the County of *(here insert the name of County)* * held at _____, in the said County, on _____ day, the _____ day of _____, in the year of Our Lord, one thousand eight hundred and _____, in conformity to the provisions of "The Lower Canada Municipal and Road Act, 1855," † at which Meeting are present, A. B., Mayor of the Corporation of the *(Parish, &c.,)* C. D., Mayor of the Corporation of *(Parish, &c.,)* E. F., Mayor of the Corporation of *(Parish, &c.,)* the said *(three Mayors, or more, as the case may be,)* forming a *quorum* of the said Council, the said A. B. presiding *(as Warden of the said Council, if such be the case,)* † the said Council doth hereby ordain and make the following By-law, to wit :

A BY-LAW.

(Here give a heading to By-law concisely indicating the purport of such By-law.)

I. That, &c., &c.

(Seal.)

A. B.

Warden *(or Chairman, as the case may be.)*

Attested, C. D.,

Secretary-Treasurer of said Council.

* *(If it be a Special Meeting of the Council, the following head should be substituted) :*

At a Special Session of the Municipal Council of the County of *(here insert the name of County)*, duly convened by Special Notice given to all the Members of the said Council by *(the Warden of the said Council, or by A. B. and C. D., two Members of the said Council, as the case may be,)* and, &c.

(J.)

LOCAL COUNCIL BY-LAW.

Corporation of the *(Parish,)*
Township, &c.,) of }

Sects. xv.
xxiii & xxiv.

At a General Monthly Session of the Municipal Council of the *(Parish, &c.,)* *(here insert the name of Municipality)* * held in the said *(Parish, &c.,)* on _____ day, the _____ day of _____ in the year of Our Lord, one thousand eight hundred and _____, in conformity to the provisions of "The Lower Canada Municipal and Road Act, 1855," † at which Meeting are present A. B., C. D., E. F., &c., *(here insert the names of the Councillors present)* Members of the said Council.

Council, and forming a *quorum* thereof, the said A. B. presiding (as Mayor, *if such be the case*), † the said Council doth hereby ordain and make the following By-law, to wit :

A BY-LAW.

(Here give a heading to By-law concisely indicating the purport of such By-law.)

I. That, &c., &c.

(Seal.)

A. B.

Mayor (or Chairman, *as the case may be*.)

Attested, C. D.,

Secretary-Treasurer of said Council.

** (If it be a Special Meeting of the Council, the following head should be substituted) :*

At a Special Session of the Municipal Council of the (Parish &c.) of (*here insert the name of Parish, &c.*) duly convened by Special Notice given to all the Members of the said Council by (the Mayor of the said Council, or by A. B. and C. D., two Members of the said Council, *as the case may be*), and, &c.

† (*If the Meeting of any Council be continued by adjournment, add*) :

And adjourned from the said day to day, the
day of in the (said) year, (*if further adjourned*),
and thence unto, &c.

(K.)

PUBLICATION OF A RESOLUTION OF A MUNICIPAL COUNCIL.

(When by any part of this Act a resolution of a Municipal Council is ordered to be published, the above heading of By-laws may be used in the public notice as far as † after which, add, It was resolved, and for the words "are present" substitute "were present.")

Sect. xxxiii
par. 6.

(L.)

NOTICE FOR SPECIAL MEETING OF A MUNICIPAL COUNCIL.

Office of the Municipal Council of the (County, Parish, &c.)

(Place.) (Date.) 185 .

Sir,

Hereby take notice that a Special Session of the Municipal Council of the (County, Parish, &c., *as the case may be*), will be held on day, the day of

instant

instant (or next), at the hour of _____ of the clock, in
the _____ noon, at the usual place of meeting.

P. Q.

Warden, or Mayor, or Members of the
Municipal Council of the (County,
Parish, &c.)

To Q. R.

(M.)

NOTICE FOR AN ADJOURNED MEETING OF A MUNICIPAL COUNCIL
TO BE SERVED ON MEMBERS ABSENT AT THE TIME OF
ADJOURNMENT.

Office of the Municipal Council of the (County, Parish, &c.)

(Place.) (Date.) 185 .

Sir,

Sect. xii
par. 9.

You are hereby notified that the Session of the Municipal
Council of the (County, Parish, &c.) stands adjourned from
day, the _____ day of _____ instant, to
day, the _____ day of _____ instant
(or next), on which latter day the said Council will meet at the
usual place and at the hour of _____ of the clock, in the
noon.

R. S.

Secretary-Treasurer of the Municipal Council of the
(County, Parish, &c.)

To Q. R.

(N.)

OATH OF OFFICE.

Sect. xi par. 8. I, A. B., having been elected or appointed (as the case may
be) Councillor, Mayor, or Warden of the Municipal Council of
the (County, Parish, &c.) do sincerely and solemnly swear, that
I will faithfully fulfil the duties of the said Office, according to
the best of my judgment and ability.

Sworn before the undersigned, Warden of
the Municipal Council of the County
of (here insert name of County), Mayor
of the Municipal Council of the
(Parish, &c., here insert name of
Municipality,) or one of Her Majesty's
Justices of the Peace of the District
of (here insert name of District, as the
case may be).

S. T.

T. U.

(O.)

(O.)

SECRETARY-TREASURER'S SURETY BOND, WHEN GIVEN UNDER
PRIVATE SEAL.

PROVINCE OF }
CANADA. }

Know all men by these presents, that We, A. B. (*here insert name of Secretary-Treasurer,*) of the (Parish &c.) of Sect. xiii
par. 5.
, in the District of par. 5., and (*here insert names, residences and occupations of two Sureties,*) are jointly and severally held and firmly bound to the Corporation of the (County, Parish, &c. *as the case may be,*) in the sum of _____ Pounds, of good and lawful money of this Province, to be paid to and for the use of the said Corporation, for which payment well and truly to be made we jointly and severally (*solidairement*) bind ourselves and our respective heirs, executors and administrators, firmly by these presents, and do hereby specially hypothecate the properties hereinafter mentioned, to wit: the said A. B. (*here insert name of Secretary-Treasurer, if he has real property*) a certain (*description of property hypothecated*) and the said (*here insert separately the name of each surety, together with description of the property hypothecated,*) signed in duplicate by our respective hands, sealed with our respective seals, and dated at _____, the _____ day of _____, in the year of our Lord, one thousand eight hundred and _____, in presence of (*here insert names of Witnesses,*) the subscribing Witnesses.

WHEREAS the said bounden (*here insert the name of Secretary-Treasurer elect*) hath been elected (*or appointed*) Secretary-Treasurer of the Municipal Council of the (County, Parish, Township, &c.); and whereas in accordance with the provisions of "The Lower Canada Municipal and Road Act, 1855," the said bounden (*here insert names of Sureties*) have been approved by a Resolution of the said Council as Sureties for the payment of all sums of money for which he the said (*insert name of Secretary-Treasurer*) so elected (*or appointed*) Secretary-Treasurer, may as such Secretary-Treasurer at any time be accountable to the said Corporation, including principal, interest and costs, as well as all penalties and damages to which he the said (*insert name of Secretary-Treasurer*) as such Secretary-Treasurer shall become liable in the exercise of his office.

Now the condition of the above written obligation and recognition is such, that if the above named (*insert name of Secretary-Treasurer*) do faithfully discharge the duties of the office of Secretary-Treasurer as aforesaid, to which he has been elected (*or appointed*) so as aforesaid, and do well and truly account for and pay over to the said Corporation or to such person or persons as under the said Act shall be authorized to demand and receive the same, all sums of money for which he the said (*insert name of Secretary-Treasurer*) as such Secretary-Treasurer

Secretary-Treasurer shall be accountable to the said Corporation, including principal, interest and costs, as well as all penalties and damages to which he the said (*insert name of Secretary-Treasurer*) as such Secretary-Treasurer shall become liable in the exercise of his office, for and during the time the said (*insert name of Secretary-Treasurer*) shall continue to hold the said office of Secretary-Treasurer, then this obligation to be void and of none effect, otherwise to be and remain in full force and virtue.

A. B., Signature of Secretary-Treasurer. (Seal.)

C. D., } Signatures of (Seal.)

E. F., } Sureties. (Seal.)

Witnesses. (*Names of Witnesses.*) { G. H.
J. H.

(P.)

SPECIAL NOTICE OF APPOINTMENT OF A MUNICIPAL OFFICER.

Office of the Municipal Council of the (County, Parish, &c.,)
of

(*Place.*) (*Date.*)

Sir,

Sect. xiv
par. 1.

You are hereby notified, that at a Session of the Municipal Council of the (County, Parish, &c., *as the case may be*), of held on the day of instant (*or last past*), you were, by a resolution of the said Council, duly appointed to the office of (*here insert name of office*).

U. V.

Secretary-Treasurer of the Municipal Council of the (County, Parish, &c.,) of

To V. W.

(*Address.*)

(Q.)

NOTIFICATION OF ELECTION OR APPOINTMENT OF MAYOR.

Office of the Municipal Council of the (Parish, Township, &c.)
(*Place.*) (*Date.*)

Sir,

Sect. xxx
par. 5.

You are hereby notified that (A. B., *here insert name of Councillor*) was on the day of instant (*or last*), duly elected (*or appointed, as the case may be*), Mayor of the Municipality of the said (Parish, Township, &c.)

W. X.

Secretary-Treasurer of the said Council.

To X. Y.

Registrar of the County
of *or* Secretary-
Treasurer of the Council
of the County of .

(R.)

(R.)**PETITION FOR ERECTION OF A VILLAGE.**

To the Municipal Council of the County of

The Petition of the undersigned Inhabitants of the (Parish, Sect. xxxiv
Township, &c.) of qualified to vote at the Election par. 1.
of Local Councillors—

Respectfully sheweth :

That they are desirous that the hereinafter described tract of land be erected into a separate Town (*or* Village) Municipality, under such name as may be given thereto by His Excellency the Governor General, under the provision of "*The Lower Canada Municipal and Road Act, 1855.*"

That the said tract of land lies within the limits of the Municipality of the said County of and is bounded as follows, to wit : (*here give boundaries and description of the said tract*), and contains at least sixty inhabited houses within the space of thirty superficial arpents.

Wherefore the said Petitioners, resident within the said tract, pray that the Municipal Council of the said County of will order on their said Petition as in and by the said Act prescribed.

{Place.} {Date.}

{Signatures.}
{*Not less than forty.*}

(S.)**PUBLIC NOTICE TO BE GIVEN BY THE COUNTY SUPERINTENDENT
IN RELATION TO THE ERECTION OF A TOWN OR VILLAGE.**

{Place.} {Date.}

Public Notice is hereby given, that in pursuance of an Sect. xxxiv
order to me given by the Municipal Council of the County of par. 2.
, I shall, on day, the day
of instant (*or* next), at the hour of of the
clock in the noon, visit the tract of land mentioned
and described in the petition of certain inhabitants of the
Municipality of the (Parish, Township, &c.) of
presented to the Municipal Council of the County of ,
on the of instant (*or* last past), praying
for the erection of the said tract of land into a Town (*or*
Village) Municipality ; and all parties interested who may be
desirous of being heard in relation to that petition are hereby
notified

notified to present themselves then and there before me for that purpose.

Y. Z.
County Superintendent.

(T.)

PUBLIC NOTICE TO BE GIVEN BY A COUNTY COUNCIL BEFORE THE HOMOLOGATION OF A COUNTY SUPERINTENDENT'S REPORT IN RELATION TO THE ERECTION OF A TOWN OR VILLAGE.

Office of the Municipal Council of the County of

(Date.)

Sect. xxxiv
par. 6.

Public Notice is hereby given, that on _____ day, the _____ day of _____ instant, (or next) at the hour of _____ of the clock in the _____ noon, the Municipal Council of the County of _____ after having heard the County Superintendent and parties interested, will proceed to the examination of the County Superintendent's report on the petition of certain Inhabitants of the Municipality of the (Parish, Township, &c.) of _____ praying for the erection into a separate Town (or Village) Municipality of a certain tract of land therein mentioned.

V. U.
Secretary-Treasurer of the Municipal
Council of the County of _____

(U.)

OATH TO BE ADMINISTERED TO SPECIAL CONSTABLES.

Sect. xxvii
par. 6.

I, A. B., do swear that I will well and truly serve our Sovereign Lady the Queen in the office of Special Constable for the _____ of _____, without favor or affection, malice, or ill will ; and that I will to the best of my power cause the peace to be kept and preserved, and will prevent all offences against the persons and properties of Her Majesty's subjects ; and that while I continue to hold the said office, I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law : So help me God.

(V.)

WARRANT OF COMMITMENT ON VIEW.

PROVINCE OF CANADA,
Municipality of the (Parish, }
Township &c.) of _____

To all or any of the Constables and Peace Officers in the District of _____ and to the Keeper of the (House of Correction,

Correction, Lock-up House, &c.) at _____, in the said District of _____

WHEREAS A. B. (*here describe the person*) hath this day ^{Sect. xxvii} during the Election for the Municipal Councillors for the Mu- ^{par. 6.} nicipality of the (Parish, Township, &c.) of _____ broken and disturbed the public peace and tranquillity (*here describe the manner*), in the presence and within view of the under- signed duly appointed to preside and presiding at the said Election; and whereas I have adjudged the said A. B. for the said offence to be imprisoned in the (House of Correction, Lock-up House, &c.) for the time and space of _____ days.

These are therefore to command you the said Constables or Peace Officers, or any one of you, in Her Majesty's name, forth- with to convey the said A. B. to the (House of Correction, Lock-up House, &c.) at _____, and there deliver him into the custody of the Keeper thereof, together with this Pre- cept; And I hereby require you, the said Keeper, to receive the said A. B. into your custody in the said (House of Correc- tion, Lock-up House, &c.) and there safely keep him until the expiration of the said period of imprisonment.

Given under my Hand and Seal, }
this _____ day of _____, one }
thousand eight hundred and _____, } Y. Z.
at _____ in the Municipality }
aforesaid.

(W.)

DISTRESS WARRANT in virtue of any By-law made under
Section XXIII, par. 8.

PROVINCE OF }
CANADA. }

The Corporation of the (Parish, Township, &c., *as the case may be,*) to wit :

To all or any Constables and Peace Officers in the District of _____

WHEREAS in and by a certain By-law made and passed by ^{Sect. xxiii} the Municipal Council of the (Parish, Township, &c., *as the case* ^{par. 8.} *may be,*) at a (General Monthly) Session of the said Council of the (Parish, Township, &c., *as the case may be,*) held at _____, on _____ day, the _____ day of _____, in the year of our Lord, one thousand eight hundred and _____ in conformity to the provisions of an Act of the Legislature of the Province of Canada, passed in the eighteenth year of Her Majesty's Reign, intituled, an Act (*here insert title of this Act,*) it was provided (*here insert part of By-law made in virtue of the fifth paragraph of the twenty-third Section of the above Act.*)

And whereas certain person did lately, to wit : on the day of (instant or now last past,) hold (here state the nature of performance or exhibition,) and whereas A. B. being (the proprietor &c., as the case may be,) (here insert the connection such person may have with the performance or exhibition,) hath been required by the Secretary-Treasurer of the said Municipal Council to pay into his hands for and on behalf of the said Municipal Council, the sum of being the amount of duty imposed on every such (performance or exhibition) under and in virtue of the said Law and of the said By-law ; And whereas the said A. B. hath neglected and refused to pay unto the said Secretary-Treasurer, on his said demand, the said sum of so as aforesaid, lawfully imposed on the said (performance or exhibition). These are therefore to command you forthwith to make distress of the goods and chattels of the said A. B., and of all and every the goods and chattels appertaining to the said (performance or exhibition,) or of all or any of the persons connected with such (performance or exhibition) ; and if within the space of days after the making of such distress, the said mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you detained, and do pay the money arising from such sale unto the Secretary-Treasurer of the said Municipal Council, that he may apply the same as by law directed, and may render the overplus, if any, on demand, to the said A. B., or others whom it may concern, and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein, as to Law doth appertain.

| | |
|---|--|
| Given under my Hand and the Seal } of the said Corporation, this } day of , in the year of our } Lord , at in } the District aforesaid. } | Y. X. Mayor of the said Corporation. |
|---|--|

(X.)

SPECIAL NOTICE TO BE GIVEN TO ANY PERSON APPOINTED BY THE GOVERNOR GENERAL, AND TO THE SECRETARY-TREASURER OF THE MUNICIPALITY IN WHICH SUCH PERSON HAS BEEN APPOINTED.

Office of the Registrar or of the Municipal Council of the County of

(Place.) (Date.)

Sect. xxxvi
par. 1.

SIR,—You are hereby notified that (you have) or (A. B. of , in &c. has) been appointed by the Governor General to the Office of in the Municipality of the (County, Parish, or Township, &c.) of (if it be addressed to a Councillor, add) and that the first (or next) Session

Session of the Municipal Council of the said (County, Parish, Township, &c.,) will be held at (*here describe place*) on day, the day of instant (*or next*) at the hour of of the clock of the noon.

W. U.

Registrar *or* Warden of
the County of

To A. B., Warden, *or*

D. H. Secretary-Treasurer of the Municipal Council of

(Y.)

NOTICE TO PERFORM STATUTE LABOUR.

Municipality of the (Parish, Township, &c., &c.,) of

(*Date.*)

To Mr.

You are required to attend at (*here insert place*) on the (*insert* Sect. lvii
days of month) days of (*instant or next*) at par. 2.
of the clock in the noon, bringing with you an axe
and a hoe, (*or a horse, ox, waggon, car or other vehicle and
harness,*) for the purpose of performing statute labour on the
(*here describe road, bridge, &c.*)

K. L.

County Superintendent (*or* Inspec-
tor *or* Overseer of Roads, *as the
case may be.*)

Sect. lxxiv
par. 6.

SECRETARY-TREASURER'S NOTICE FOR THE PAYMENT OF ASSESSMENT. (Z.)

MUNICIPALITY OF THE (Parish, Township, &c.)
(Date of delivery.)

, Dr. To the Corporation of the (Parish, Township, &c.)

MUNICIPALITY OF THE
(Parish, Township, &c.)

Mr.

Mr.

(Copy of Account.)

Assessment on your (here mention the property as house, land, &c.) valued at £ , at (¼d.) in the £.....
(Here add the various other items of taxation).....

| £ | s. | d. |
|------------|----|----|
| | | |
| | | |
| Total..... | | |

£

SIR,
Hereby take notice that under "The Lower Canada Municipal and Road Act, 1855," you are required to pay the within mentioned sum of £ s. d. within thirty days from the above date.

X. S.
Secretary-Treasurer.

Notice served
(here insert date of notice.)

(AA.)

(A A.)

PUBLIC NOTICE OF THE EXAMINATION OF ANY PROCÈS-VERBAL.

Office of the Municipal Council of the (County, Parish,
Township, &c.) of

(Place.) (Date.)

Public Notice is hereby given to all parties interested, that pursuant to the provisions of "The Lower Canada Municipal and Road Act, 1855," on _____ day, the _____ day of _____ instant (*or next*), at the hour of _____ of the clock in the _____ noon, at (*here describe the place*) the Municipal Council of the (County, Parish, Township, &c.) of _____ will proceed to the examination or revision of the County Superintendent's *Procès-verbal* relative to the (*here give the nature of the work, &c.*)

B. F.

Secretary-Treasurer of the Municipal Council of the (County, &c.) of

(B B.)

SPECIAL NOTICE OF COUNTY SUPERINTENDENT, &c., OF HIS INTENTION TO ENTER ON OCCUPIED LAND FOR THE PURPOSE OF SURVEY.

SIR,—Hereby take notice that under the authority in me vested by the provisions of "The Lower Canada Municipal and Road Act, 1855," on _____ day, the _____ day of _____ instant (*or next*), I shall enter on the land occupied by you situate in (*here describe land*) for the purpose of then and there making a survey for a certain Road, viz: (*here describe road by its direction, &c.*)

C. F.

County Superintendent
(*or other person, as the case may be.*)

(C C.)

PUBLIC NOTICE OF COUNTY SUPERINTENDENT'S INTENTION TO EXAMINE ROADS IN LOCAL MUNICIPALITY.

(Place.) (Date.)

Public Notice is hereby given that on _____ day, the _____ day of _____ (January or June, *as the case may be*), I shall visit the (Parish or Township, *here insert name of Local Municipality*), for the purpose of then and there examining the Roads within the said Municipality.

G. H.

County Superintendent.

(DD.)

(D D .)**SPECIAL NOTICE OF THE INTENTION OF INSPECTOR OF ROADS TO VISIT AN OVERSEER'S SECTION.***(Place.) (Date.)*

Sect. lv par. 3. SIR,—Hereby take notice that on _____ day next, the _____ day of _____ instant (*or next*) I shall visit the roads in that portion of my division of the Municipality of the (*name of Local Municipality*) embraced within the section thereof for which you are Overseer; and you are hereby required to meet me at the hour of _____ of the _____ noon of that day at (*place of meeting*) and to accompany me in my visit of that section, conformably to the provisions of "The Lower Canada Municipal and Road Act, 1855."

E. F.

Inspector of Roads.

To S. T.
Overseer.

—————
(For *EE*. see opposite page.)
—————

(F F .)**PUBLIC NOTICE OF THE REVISION OF A VALUATION-ROLL.**

Office of the Municipal Council of the (Parish, Township, &c.,) of _____
(Place.) (Date.)

Sect. lxviii
par. 3.

Public Notice is hereby given to the inhabitants of the Municipality of the (Parish, Township, &c.,) of _____ that on _____ day, the _____ day of _____ instant, (*or next*) at the hour of _____ of the clock in the _____ noon, the Municipal Council of the said (Parish, Township, &c.,) will proceed to the examination or revision of the Valuation-Roll for the said Municipality.

F. G.

Secretary-Treasurer of the said Council.

(EE.)

(E E.)

Valuation-Roll of the Municipality of the (Parish, Township, &c.) of (*name of Municipality.*)

1855.

Municipal and Road Act L. C.

Cap. 100.

103

| TAXABLE PERSONS. | | | | | ASSESSABLE PROPERTY | | | | | | | | | | |
|-------------------------|--------------|----------------------------|--------------|---------------------------|---------------------|-------------------|------------|----------------------------------|----------------|---|--|--------------------|-------|-------|-------|
| Owner of Real Property. | | Occupant of Real Property. | | Liable to Statute Labour. | | Real. | | | | Profession or business. Annual Value of | Other items according to By-law, &c., of Municipality. | | | | |
| Name. | Designation. | Name. | Designation. | Name. | Designation. | Concession Range. | Lot or par | If in a Village. Name of Street. | No. of Houses. | | | Value of Property. | | | |
| | | | | | | £ | s. | d. | | | £ | s. | d. | | |
| John Brown.... | Notary. | John Brown.... | Notary. | ..... | ..... | 1 | 2 | E 1/2 10 | ..... | 150 | 0 | 0 | 200 | 0 | 0 |
| Isaac Smith.... | Physician | William Jones. | Advocate. | ..... | ..... | 4 | 3 | 12 | ..... | 200 | 0 | 0 | 300 | 0 | 0 |
| ..... | ..... | ..... | ..... | Robert Lee.... | Farm servant. | ..... | ..... | St. James. | 4 | ..... | ..... | ..... | ..... | ..... | ..... |

Sect. lxx par. 3.

(G. G.)

A. B. } Valuers for the said Municipality of the
 C. D. { (Parish, Township, &c.) of

(G G.)

Collection-Roll of the Municipality of the (Parish, Township, &c.) of (name of Municipality.)

104

Cap. 100.

Municipal and Road Act L. C.

18 VICT.

| TAXABLE PERSONS. | | ASSESSABLE PROPERTY. | | | | | | | | | | | | | | | | | | | | | | |
|------------------|--------------|----------------------|------------------|------------------|---------------|--------------------|------------|-----------|-------------------------------------|---------------------------------------|--|------------------------------|-------|-----|-----|---|----|----|----|-----------------|---|---|----|-----------------|
| | | Real. | | | | | Personal. | | | | | | | | | | | | | | | | | |
| Name. | Designation. | Concession Range. | Lot or part. | If in a Village. | | Value of Property. | Nature of. | Value of. | Total value of assessable Property. | Amount of Tax $\frac{1}{4}$ in the £. | Other items according to By-Law, &c., of Municipality. | Total amount of Tax payable. | | | | | | | | | | | | |
| | | | | Name of Street. | No. of house. | | | | | | | | £ | s. | d. | £ | s. | d. | £ | s. | d. | | | |
| John Brown. | Notary. | 1 | 2E $\frac{1}{2}$ | 10 | ..... | ..... | ..... | 150 | 0 | 0 | Profession. | 200 | 0 | 0 | 350 | 0 | 0 | 0 | 7 | 3 $\frac{1}{2}$ | (Here insert columns according to circumstances.) | 0 | 7 | 3 $\frac{1}{2}$ |
| Isaac Smith. | Physician. | 4 | 3 | 12 | ..... | ..... | ..... | 200 | 0 | 0 | Do | 300 | 0 | 0 | 500 | 0 | 0 | 0 | 10 | 5 | | 0 | 10 | 5 |
| Wm. Roe... | Merchant. | ..... | ..... | ..... | Main. | 12 | ..... | 300 | 0 | 0 | Trade. | 500 | 0 | 0 | 800 | 0 | 0 | 0 | 16 | 8 | | 0 | 16 | 8 |
| John Jones.. | Printer. | 5 | 4 | 18 | ..... | ..... | ..... | 100 | 0 | 0 | Do. | 100 | 0 | 0 | 200 | 0 | 0 | 0 | 4 | 2 | | 0 | 4 | 2 |
| Robt. Snow.. | Farmer. | 5 | 5 | 19 | ..... | ..... | ..... | 200 | 0 | 0 | ..... | ..... | ..... | 200 | 0 | 0 | 0 | 4 | 2 | 0 | | 4 | 2 | |
| Thos. Silk.. | Carter. | ..... | ..... | ..... | St. John. | 2 | ..... | 600 | 0 | 0 | ..... | ..... | ..... | 60 | 0 | 0 | 0 | 1 | 3 | 0 | | 1 | 3 | |

Sect. lxxiv par. 3.

F. H. Secretary-Treasurer of Municipality of the (Parish, Township, &c.) of

(HH.)

(H H.)

DISTRESS WARRANT FOR ASSESSMENTS DUE.

PROVINCE OF }
CANADA. }

The Corporation of the (Parish, Township, &c., *as the case may be,*) to wit :

To all or any of the Constables and Peace Officers in the District of

WHEREAS A. B., (*name and designation of debtor,*) hath been required by the Secretary-Treasurer of the Municipal Council of the (*name of Municipality,*) to pay into his hands for and on behalf of the said Municipal Council, the sum of being the amount due by him to the said Municipality, as appears by the collection-roll of the said Municipality for the year 18 ; And whereas the said A. B., hath neglected and refused to pay unto the said Secretary-Treasurer, within the period prescribed by law, the said sum of ; these are therefor to command you forthwith to make distress of the goods and chattels of the said A. B. ; and if within the space of eight days after the making of such distress, the said mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do on such day as shall be indicated to you by the said Secretary-Treasurer, sell the said goods and chattels so by you detained, and do pay the money arising from such sale unto the Secretary-Treasurer of the said Municipal Council, that he may apply the same as by law directed, and may render the overplus, if any, on demand, to the said A. B., or others whom it may concern, and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein, as to Law doth appertain.

Given under my Hand and the Seal }
of the said Corporation, this }
day of , in the year of our }
Lord , at in }
the District aforesaid. }

Y. X.
Mayor of the said
Corporation.

(I. I.)

NOTICE OF THE DAY AND PLACE OF SALE OF GOODS AND
CHATELS SEIZED FOR TAXES.Sect. lxxiv
par. 8.

PUBLIC NOTICE is hereby given that on _____ day, the
_____ day of _____ instant (*or next*) at the hour of _____ of the
clock in the _____ noon, at (*here describe the place*), the goods
and chattels of A. B. (*name of person*) now under seizure for
non-payment of municipal assessments (*or other dues, as the
case may be*), will be sold by public auction at (*here name place*)
on _____ day, the _____ day of _____ instant (*or next*).
(*Place.*) (*Date.*)

D. B.

Secretary-Treasurer of the
Municipal Council of the

(J J.)

CERTIFICATE OF A SECRETARY-TREASURER OF COUNTY COUNCIL
OF AMOUNT REQUIRED FROM A LOCAL MUNICIPALITY.

Office of the Municipal Council of the County of

(*Place.*)(*Date.*)Sect. lxxiv
par. 9.

SIR,—I hereby certify to you that under and by virtue of a
By-law passed by the Municipal Council of the County of (*here
insert name of county*), on the _____ day of
instant (*or last past*), intituled, a By-law (*insert title of By-law*)
the sum of (*insert sum*) is therein directed to be levied in the
Municipality of the (Parish, Township, &c. *insert name of local
Municipality*) for the county purposes mentioned in the said
By-law.

G. F.

Secretary-Treasurer of the Municipal Council
of the County of

(K K.)

STATEMENT OF VALUE OF ASSESSABLE PROPERTY.

Office of the Municipal Council of the (Township, Parish,
&c.) of(*Place.*)(*Date.*)Sect. lxxiv
par. 9.

SIR,—In conformity to the provisions of “The Lower Canada
Municipal and Road Act, 1855,” I transmit you the following
statement of the value of the assessable property in the
Municipality

Municipality of the (Township, Parish, &c.,) according to the last Assessment-Roll as finally revised.

| NATURE OF PROPERTY. | VALUE (or ANNUAL VALUE.) |
|------------------------|--------------------------|
| Real Property..... | £25,222 0 0 |
| Personal Property..... | 20,106 0 0 |

K. M.
Secretary-Treasurer of Municipal
Council of

To Z. H.
Secretary-Treasurer of the Council
of the County of

(L L)

STATEMENT OF LANDS TO BE SOLD FOR TAXES, AND NOTICE OF SALE.

Office of the Municipal Council of the County of

I do hereby give Public Notice, that the lands hereinafter mentioned will be sold by Public Auction, at the *(here insert name of place)*, on Monday, the _____ day of February next, at _____ of the clock in the _____ noon, for the assessments and charges due to the Municipalities hereinafter mentioned upon the several lots hereinafter described, unless the same be paid with costs at least two days before the above day. Sect. lxxiv
par. 11.

| DESCRIPTION OF LAND. | | | | | AMOUNT DUE ON EACH LOT. |
|----------------------|-------------|--------|------|------------|-------------------------------|
| Name of Municipy. | Concession. | Range. | Lot. | Extent. | |
| | 1 | 2 | 7 | 100 Acres. | £0 18 9 |
| | 3 | 1 | 6 | 175 do. | 0 17 6 |
| | 5 | 3 | 8 | 200 do. | 1 1 3 |
| | 6 | 4 | 11 | 200 do. | 1 0 9 |

(If in a Seigniorly, give Boundaries.)

P. Q.,
Secretary-Treasurer of Municipality of
the County of

(MM.)

(M M.)

FORM OF DEBENTURE.

Municipality of the (*as the case may be.*)

| | | |
|-----|---|-------------|
| No. | £ | Cy. or Stg. |
|-----|---|-------------|

Sect. xv.
par. 9.

This Debenture witnesseth, that the Municipality of the (*name of Municipality*), under the authority of a By-Law passed by the Council of the said Municipality in conformity to the provisions of "The Lower Canada Municipal and Road Act, 1855," intituled, a By-Law, &c., (*insert title of By-Law*), have received from (*name*) of (*domicile, profession, or occupation*), the sum of (*insert sum at full length*), as a loan, to bear interest from the date hereof at the rate of _____ per centum per annum, payable half yearly on the _____ day of _____ and _____, at _____, which sum of (*insert sum at full length*) the said Municipality, as a Municipal Corporation, hereby binds and obliges itself to pay on the _____ day of _____, at _____, to the said _____, or to the bearer hereof, and to pay the interest thereon half yearly, as aforesaid, according to the *coupons* or interest warrants hereto attached.

In testimony whereof I, _____, Mayor of the said Municipality, being hereunto duly authorized, have signed these presents, and have hereunto affixed the Common Seal of the said Municipality, at _____, in the County of _____, on this _____ day of _____ in the year of our Lord, one thousand eight hundred and _____

(Signature of Mayor.)

Countersigned by
(Secretary-Treasurer.)

[Seal.]



ANNO SECUNDO

VICTORIÆ REGINÆ.

CAP. II.

An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal.

(Clauses extended to Town and Village Municipalities, by XXVth Section of 18 Vict., Cap. 100.) Vide page 29.

VIII. And be it further ordained and enacted, &c., that it shall be lawful for *any justice of the peace to commit* all loose, idle and disorderly persons, being convicted before him by his own view, or by his, her or their own confession, or by the oath of one or more credible witness or witnesses, *to the common gaol or house of correction, there to be kept at hard labour, for any time not exceeding two calendar months* *: Provided always, that it shall be in the discretion of the justice of the peace, before whom any person apprehended as a loose, idle and disorderly person shall be brought, either to commit or discharge such person, although an act of vagrancy be proved against the person so charged: Provided also, that it shall be in the discretion of such Justice, on discharging such loose, idle and disorderly person, to bind him or her in a sufficient recognizance, to appear before the justices at their next general or quarter sessions of the peace, to answer such charge or charges as shall be alleged against him or her, respectively.

Any justice of the peace may, on his own view, convict and commit for loose and disorderly persons brought before him. (*Amended by 7 Vict. cap. 21, Sect. 1, quod vide page 111). Proviso.

IX. And be it further ordained and enacted, &c., that persons who, being able to work, and thereby or by other means to maintain themselves and families, shall wilfully refuse or neglect to do so,—

Who are to be deemed disorderly persons under this ordinance.

Persons openly exposing or exhibiting in any street, road, public place, or highway, any indecent exhibition, or openly and indecently exposing their persons,—

Persons loitering in the streets or highways and obstructing passengers, by standing across the footpaths, or by using insulting language, or in any other way, tearing down or defacing signs, breaking windows, breaking door or door-plates, or the walls of houses, yards or gardens, destroying fences, causing a disturbance

disturbance or noise in the streets or highways by screaming, swearing, or singing, being drunk, and impeding or incommoding the peaceable passengers,—

All common prostitutes or night walkers wandering in the fields, public streets or highways, not giving a satisfactory account of themselves,—

Persons in the habit of frequenting houses of ill-fame, not giving a satisfactory account of themselves,—

Persons tipling in taverns or tap-rooms, after the hour of ten at night and before the hour of five in the morning, between the twenty-first day of March and the first day of October, and after the hour of nine at night and before the hour of six in the morning, from the first day of October to the twenty-first day of March,—

Persons winning money or other valuable thing in playing at cards, dice or other chance game in taverns,—shall be deemed loose, idle and disorderly persons, within the meaning of this ordinance.

Justice of the peace may grant warrants to search houses suspected of harbouring disorderly persons.

X. And be it further ordained and enacted, &c., that it shall be lawful for any justice of the peace, upon information upon oath before him made, that any persons hereinbefore described are loose, idle and disorderly persons, and are, or are reasonably suspected to be harboured or concealed in any house or houses of ill-fame, tavern or taverns, boarding-house or boarding-houses, by warrant under his hand or seal, to authorize any constable or other person or persons to enter at any time such house or houses, tavern or taverns, and to apprehend and bring before him or any other justice or justices, all persons found therein and so suspected as aforesaid; and if on examining such person or persons so apprehended and brought as aforesaid, it shall appear to such justice or justices that they or any of them cannot give a satisfactory account of themselves, it shall and may be lawful for such justice or justices to commit him, her or them to the common gaol or house of correction, there to be dealt with in the same manner as loose, idle and disorderly persons are hereinbefore directed to be dealt with by this ordinance.

Punishment of persons overloading or otherwise ill-treating animals.

XI. And be it further ordained and enacted, &c., that it shall be lawful for any justice of the peace to commit any person or persons being convicted before him, by his own view or by the oath of one or more creditable witness or witnesses, or by his, her or their confession, of over-loading, over-driving or otherwise ill-treating any horse, dog or other animal, to the common gaol, for any time not exceeding one calendar month; and all constables shall and may apprehend such person or persons, and bring him, her or them before a justice of the peace, to be dealt with according to the provisions of this ordinance.



ANNO SEPTIMO

VICTORIÆ REGINÆ.

CAP. XXI.

An Act to alter and amend certain provisions of the Ordinance of the Governor and Council of Lower Canada, of the second year of Her Majesty's reign, intituled, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal.*

WHEREAS it is just and necessary to alter and amend certain parts of an Ordinance of the Governor and Special Council for the affairs of the late Province of Lower Canada, passed in the second year of Her Majesty's reign, intituled, *An Ordinance for establishing an effective system of Police in the Cities of Quebec and Montreal*; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that from and after the passing of this Act, it shall not be lawful for any Justice or Justices of the Peace to commit persons convicted under the said Ordinance, of being loose, idle, and disorderly, to the common Gaol or House of Correction, at hard labor, and that so much of the said Ordinance as confers any power of imprisonment on Justices of the Peace, of persons so convicted, shall be and the same is hereby repealed; Provided always, that it shall be lawful for any Justice or Justices of the Peace, to impose upon persons hereafter to be convicted under the said Ordinance, of being loose, idle, and disorderly, a pecuniary fine or penalty not exceeding five pounds sterling, to be levied *by attachment of their several goods and chattels, and sale thereof, eight days after such attachment,* and not by distress*, if such persons so convicted shall be residents of the parish or place where such conviction shall be made; and in default of sufficient levy upon such goods and chattels, to cover such penalty and costs of seizure and sale, or if such persons so convicted shall not be residents or being residents shall have no goods and chattels

Preamble.

Ordinances of L. C. 2 V. (1) c. 2, cited.

Part of the said Ordinance repealed, and other provisions substituted for those of the Ordinance.

A fine may be imposed.

*(Repealed by 9th Vict. cap. 23, quod vide, page 113.)

Offender may be committed, if the fine be not paid.

by the sale whereof, the said penalty may be levied, and shall not, forthwith upon such conviction, pay such penalty, it shall be lawful for such Justice or Justices to commit such offenders so convicted, to the Common Gaol or House of Correction, to be imprisoned for any period not exceeding two months, either at hard labor or otherwise, in the discretion of such Justice or Justices.

So much of the Ordinance as deprives parties of the benefit of certioraris, &c., &c., in certain cases, repealed.

II. And be it enacted, that so much of the said Ordinance as deprives parties convicted, as aforesaid, of the benefit of Her Majesty's Writ of Certiorari, and also so much of the same as enacts that no conviction, order, warrant, commitment, or other matter, made or purporting to be made, under the said Ordinance, shall be quashed for want of form, or held void by reason of any defect therein, shall be and the same is hereby repealed.

Charge to be reduced to writing, in certain cases.

III. And be it enacted, that in all proceedings to be commenced against loose, idle, and disorderly persons, the charge shall be reduced to writing and shall be stated by the Justice or Justices of the Peace to the party or parties accused, who shall be held to plead forthwith to the same; and the said charge shall be summarily tried, due time being given to the party accused to procure the attendance of the necessary witnesses to establish his defence, if he shall so require.

Appeal granted to the Quarter Sessions in such cases.

IV. And be it enacted, that it shall be lawful for any person convicted under the said Ordinance to appeal from such conviction to the next ensuing General Quarter Sessions of the Peace, upon giving good and sufficient security to pay the penalty awarded against him and all costs of such Appeal; and the said Sessions of the Peace are hereby empowered to hear such Appeal and to dispose of the same, and award costs in manner and form as practised upon other Appeals.

The particular facts which constitute a person loose, idle or disorderly, to be stated in the Commitment.

V. And be it enacted, that every commitment to Gaol or to the House of Correction, shall specify the particular fact or facts, as to time, place and circumstance, which constitute the offender as a loose, idle, and disorderly person; and any commitment which shall not specify such facts, shall be held to be insufficient, and the party imprisoned under color thereof shall be entitled to be discharged from imprisonment, upon application to that effect to any Judge or Justice of Her Majesty's Courts of King's Bench or Queen's Bench, or any other person authorized by law to act in the absence of such Judge or Justice.

In default, the party may be discharged.



ANNO NONO
VICTORIÆ REGINÆ.

CAP. XXIII.

An Act to amend the Act amending certain provisions of the Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal.

WHEREAS experience has shewn that it is necessary to alter and amend a certain part of the Act of the Legislature of this Province, passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to alter and amend certain provisions of the Ordinance of the Governor and Council of Lower Canada, of the second year of Her Majesty's Reign, intituled, 'An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal.'* Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That from and after the passing of this Act, so much of the said recited Act as makes it lawful for any Justice or Justices of the Peace to levy the penalty imposed upon persons convicted under the said Ordinance of being loose, idle and disorderly, by attachment of their several goods and chattels and sale thereof, in all and every the cases mentioned in the said Act, shall be and the same is hereby repealed: Provided always, that it shall be lawful for any Justice or Justices of the Peace, by whom any person shall be convicted under the said Ordinance of being loose, idle and disorderly, to adjudge that such person shall pay the penalty imposed by the said recited Act, either immediately or within such period as he or they shall think fit; and that in default of payment at the time appointed, he or she shall be imprisoned in the Common Gaol or House of Correction at hard labour, for any time not exceeding two calendar months, the imprisonment to cease upon payment of the sum due.

Preamble.

7 Vict. c. 21, cited.

Part of the said Act repealed.

Proviso.



ANNO DUODECIMO
VICTORIÆ REGINÆ.

CAP. CXXVI.

An Act detaching the Settlements of Ste. Anne des Monts and Cap-Chat from the Municipality of Gaspé, and to erect the same into a separate Municipality.

WHEREAS it is expedient by reason of the distance at which the Settlements of Sainte Anne des Monts and Cap-Chat, on the south shore of the St. Lawrence, appertaining to the north division of the Municipality of Gaspé, are situate from Gaspé Basin, where the sittings of the said Municipality are by Law holden, and the want of a Road of communication between the said Settlements and the Bay of Gaspé, to detach them from the said Municipality, and to authorize the inhabitant householders therein, to organize and erect themselves into a separate and independent Municipality, suitable to their local situation and circumstances, and for the regulation and government of their local concerns, and for this purpose to authorize and empower them from time to time as the occasion or increase of inhabitant householders in the said Settlements may call for or require, to re-form and re-organize themselves in such manner as they shall deem most conducive to their well being and interests, and the internal improvement of their localities : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the said Settlements of Ste. Anne des Monts and of Cap-Chat, shall be and the same are hereby detached from the said Municipality, called and known as the North Division of Gaspé, of which heretofore they made part, and that the inhabitant householders in the said two Settlements, shall from and after the passing hereof, constitute a Body Corporate and Politic, by the name of *The Municipality of Ste. Anne des Monts*, and by that name have perpetual succession, may sue and be sued, and may or may not, as to the

Preamble.

Settlements of Ste. Anne des Monts and Cap-Chat, set apart as a separate Municipality.

Corporate name and said powers.

said Corporation shall seem meet, have a Common Seal, and shall have the power to take, hold and enjoy within the limits of such Municipality, real property not exceeding the yearly value in amount of one hundred pounds, and to alienate the same, and shall have all such other corporate powers as, though not expressly mentioned in and granted by this Act, shall be necessary for the due performance of the duties, and the due exercise of the powers which are hereby imposed or conferred on the said Corporation.

Limits of Municipality may be more particularly described by order in Council.

10 and 11 Vic. c. 7, cited.

II. And be it enacted, That if it shall be found necessary at any time hereafter to define more particularly than hereinabove the limits of the said Municipality of Ste. Anne des Monts, it may be done as often as necessary by an Order or Orders in Council, by the Governor or Person administering the Government of the Province for the time being, and the limits of the said Municipality being so defined and fixed, the said Corporation shall have, and may exercise within such limits all and every the corporate and other powers given and conferred upon the Municipal Corporations, by and in virtue of an Act passed in the tenth and eleventh years of Her Majesty's Reign, intituled, *An Act to make better provision for the establishment of Municipal Authorities in Lower Canada*, and this notwithstanding any repeal or modification of the said Act that may take place, and which shall nevertheless always be referred to, as that by which the powers hereby given to the said Corporation, as well as the liabilities thereof shall be ruled.

Corporation to be represented by a Council.

III. And be it enacted, That the said Corporation shall be represented by a Municipal Council, to consist of the Councilors or Members chosen as hereinafter mentioned, and who shall perform the duties, and exercise the powers hereby conferred upon the said Corporation, subject always to the liabilities as in the like cases are provided in and by the above recited Act.

Provision for dividing the settlements into Districts for purposes of this Act.

IV. And be it enacted, That in the course of the month of July next, after the passing of this Act, or as soon thereafter as may be, it shall be the duty of the senior Justice of the Peace, in concurrence with the two senior Officers of Militia, residing in the said Settlements of Ste. Anne des Monts and Cap-Chat, to meet at such place in Ste. Anne des Monts, as the said senior Justice of the Peace shall by writing designate for the purpose, and there to agree upon and make a division of the said Settlements into Districts or Divisions for the purposes of this Act, each consisting of not less than twenty heads of families each being an inhabitant householder, and of which division and of the proceedings relative thereto, a memorandum or *procès-verbal* signed by the said senior Justice and Militia Officers respectively, mentioning the names of the several inhabitant householders within each of the said Districts

Districts or Divisions, shall be made, kept and preserved among the records and remembrances of the Corporation about to be established.

V. And be it enacted, That the inhabitant householders whose names shall have been so taken and recorded in each of the said Districts or Divisions, shall meet at such time and place as shall be designated by an advertisement in writing, signed by such Justice of the Peace and senior Militia Officers, and posted up at the most public place in each of the said two Settlements, at least eight days next before the day fixed for the Election, and then and there shall choose a fit and proper person as Councillor, to represent them in the said Corporation, and whose Election shall be certified to the said Justice of the Peace, as soon thereafter as may be, by any three of the householders present at the Election, of all which the minutes and memoranda shall be kept among the records and remembrances of the said Corporation.

Meetings of inhabitants of Districts for election of Councillors.

VI. And be it enacted, That the persons so chosen, as above mentioned Councillors, shall form the Municipal Council or Corporation of the aforesaid Municipality of Ste. Anne des Monts, and shall have the management of the affairs of the said Municipality, and shall respectively remain in office two years, and may again be elected as Councillors, and shall hold their first meeting at such time and place as the said senior Justice of the Peace shall fix for the purpose, giving previously due notice thereof, in such manner as he shall think most expedient, and at which first meeting the said senior Justice of the Peace shall preside.

Councillors to remain in office two years, and may be re-elected.

VII. And be enacted, That the said Municipal Council, shall at its first meeting elect a Mayor, who shall remain in office during two years only, but may be re-elected thereto, if the said Municipal Council or Corporation see fit, and the said Council shall have the power to make such Rules and Regulations, not being contrary or repugnant to the Laws of the Province, for the election and period of service of Councillors, to be chosen at the expiration of the said term of two years, and periodically thereafter for all time to come, and for the subsequent or Periodical Meetings or Sessions of the said Municipal Council or Corporation, and for all other purposes of this Act, as it may deem proper and contributive to the more perfect organization and adaptation of the said Municipal Council, to the progressive increase in population, improvement and other circumstances and exigencies of the Municipality, represented by the said Municipal Council; and may appoint a Secretary and Treasurer to the said Council, and such other Officer or Officers as from time to time the said Council shall see fit, with such salary or allowances from the Funds of the said Municipality, as the said Council or Corporation shall see fit, in compensation of their services respectively.—(But see 18 Vict. c. 100.)

Election of Mayor.

Appointment of Secretary and Treasurer.

THE
PARLIAMENTARY
REPRESENTATION ACT

OF

1853

(16 VICT. Cap. 152.)

AND THE

PARLIAMENTARY REPRESENTATION
AMENDMENT ACT

OF

1855.

(18 VICT. Cap. 76.)



ANNO SEXTO DECIMO
VICTORIÆ REGINÆ.

CAP. CLII.

An Act to enlarge the Representation of the People of
this Province in Parliament.

WHEREAS the increasing population of this Province, and Preamble.
the necessity of providing for its growing wants and
the development of its resources, render it imperative to
enlarge the Representation of the People thereof in the Legis-
lative Assembly, and to apportion that representation more
fairly, and with this view—to alter the limits of certain Counties
and other Electoral divisions—to divide certain Counties into
Ridings—to erect certain other Counties—and to adopt other
Legislative provisions in the behalf aforesaid: Be it therefore
enacted by the Queen's Most Excellent Majesty, by and with
the advice and consent of the Legislative Council and of the
Legislative Assembly of the Province of Canada, constituted and
assembled by virtue of and under the authority of an Act passed
in the Parliament of the United Kingdom of Great Britain and
Ireland, and intituled, *An Act to re-unite the Provinces of Upper
and Lower Canada, and for the Government of Canada*, and it
is hereby enacted by the authority of the same, That from and
after the end of this present Provincial Parliament, the Counties,
Ridings, Cities and Towns and Unions of Counties hereinafter
mentioned, shall be the subdivisions of the Province upon which
the Representation of the People thereof shall be based and regu-
lated in the manner hereinafter prescribed, and such subdivisions
shall, in so far as they may differ from those now existing for
like purposes, be substituted for them as regards Elections of
Members of the said Assembly and all Acts, Laws and provi-
sions of Law now in force and thereunto relating and all
matters therewith connected: That is to say:

Counties, Rid-
ings, Cities
and Towns
hereinafter
mentioned to
be those on
which Repre-
sentation shall
be based after
the end of the
present Parlia-
ment.

LOWER CANADA.

1. The County of Gaspé shall be bounded on the south-west County of
by a line commencing at Mackarel point, on the north side and Gaspé.
near the mouth of the Bay of Chaleurs, thence running north-west
forty-seven miles, thence south sixty-nine degrees west until it
strikes a line drawn south-east from Cap-Chat on the River St.
Lawrence,

Lawrence, on the west by the line last mentioned, and on the north and east by the River and Gulph of St. Lawrence ; including in the said County the Island of Bonaventure and all the Islands wholly or in part opposite to the said County and nearest thereto ; the said County so bounded comprising the Fiefs and Seigniories of Sainte Anne, Mont-Louis, La Magdeleine, Grande Vallée des Monts and Anse de l'Etang, Grand River and Pabos, and the Townships of Cap-Chat, Sydenham, Fox, Cap-Rosier, Gaspé Bay North, Gaspé Bay South, York, Douglas, Malbaie, Percé and Newport, and the said Island lying opposite to the said County and nearest to it.

County of
Bonaventure.

2. The County of Bonaventure shall be bounded on the east by the County of Gaspé, on the north partly by the said County of Gaspé and partly by the County of Rimouski, on the prolongation of the same rear line, until it meets the limits of the Province ; on the west by the western limits of the Province, and on the south by the Bay of Chaleurs and the southern limits of the Province, and shall comprise that part of the District of Gaspé lying between the County of Gaspé and the District of Quebec, including all the Islands wholly or partly opposite to the said County of Bonaventure and nearest thereto ; the said County so bounded comprising the Seigniorie of Shoolbred and the Townships of Port Daniel, Hope, Cox, Hamilton, New Richmond, Maria, Carleton, Nouvelle, Mann, Ristigouche and Matapédia.

County of
Rimouski.

3. The County of Rimouski shall be bounded on the east by the County of Gaspé, on the west by the south-western line of the parish of Saint Simon, prolonged to the limits of the Province, on the south-east by the County of Bonaventure and the southern limits of the Province, and on the north-west by the River Saint Lawrence, including all the Islands in the said River lying nearest to the said County of Rimouski and wholly or partly opposite thereto ; the said County so bounded, comprising the Parishes and Settlements of Matane, Métis, Saint Joseph, Sainte Flavie, Sainte Luce, Saint Germain, Bic, Saint Fabien, Saint Simon, the Seigniories of Lake Métis and of Matapédia, and the Townships of MacNider, Matane, Saint Denis and the augmentation thereof, Cabot, Neigette, Macpés and Duquesne.

County of
Temiscouata.

4. The County of Temiscouata shall be bounded on the north-east by the County of Rimouski as hereinbefore described, on the south-west by the north-eastern lines of the Parishes of Saint André and Saint Alexandre and of the Township of Parke and the prolongation thereof to the Province line, on the south-east by the Province line, on the north-west by the River Saint Lawrence, including Green Island and all the Islands in the said River Saint Lawrence nearest to the said County of Temiscouata, and wholly or partly opposite thereto ; the said County so bounded comprising the parishes of Trois-Pistoles, Saint Eloi, Isle Verte, Saint George de Cacouna, Saint Arsène, Saint Patrice de la
Rivière-

Rivière-du-Loup, and the Townships of Whitworth, Viger, Begon, Denonville, Raudot, Demers, Hocquart and the Seigniorly and settlements of Temiscouata.

5. The County of Kamouraska shall be bounded on the north-east by the County of Temiscouata, on the south-west by the south-western limits of the Parish of Sainte Anne and of the Township of Ixworth prolonged to the southern limits of the Province, on the north-west by the River Saint Lawrence, including all the Islands in the said River nearest to the said County of Kamouraska and wholly or partly opposite thereto, and on the south-east by the Province line; the said County so bounded comprising the Parishes of Saint André, Saint Alexandre, Saint Louis of Kamouraska, Saint Paschal, Sainte Hélène, Saint Denis, Mont Carmel, Saint Pacôme, Rivière-Ouelle and Sainte Anne, and the Townships of Bungay, Parke, Woodbridge and Ixworth. County of
Kamouraska.

6. The County of L'Islet shall be bounded on the north-east by the County of Kamouraska, as above described, on the south-west by the south-western limits of the Parishes of L'Islet and Saint Cyrille, of the Township of Lessard and of the Township of Arago, prolonged in a south-eastern direction to the province line, on the south-east by the province line, and on the north-west by the River Saint Lawrence, including all the Islands in the said River nearest to the said County of L'Islet, and wholly or partly opposite thereto, but not including any part of the Islands hereafter annexed to the County of Montmagny; the said County so bounded comprising the Parishes of Saint Roch, Saint Jean, L'Islet, Saint Cyrille and the Townships of Lessard, Fournier, Ashford, Garneau, Casgrain, Lafontaine, Dionne, Arago and Leverrier. County of
L'Islet.

7. The County of Montmagny shall be bounded on the north-east by the County of L'Islet as above described, on the north-west by the River Saint Lawrence, including all the Islands in the said River lying nearest to the said County of Montmagny, and wholly or partly opposite thereto, on the south-east by the province line, and on the south-west by the north-western limits of the Parishes of Berthier and Saint François prolonged to the Township of Mailloux, thence by the north-western and south-eastern lines of the said Township of Mailloux until this latter line reaches the limits of the Province; the said County so bounded comprising Grosse-Isle, Isle aux Oies, Crane Island, Isle Sainte Marguerite, and all other Islands in the said River as aforesaid, the parishes of Cap Saint Ignace, Saint Thomas, Saint Pierre, Berthier, Saint François, the Townships of Ashburton, Montmini, Bourdages, Patton and part of the Township of Armagh. County of
Montmagny.

8. The County of Bellechasse shall be bounded on the north-east by the County of Montmagny as above described, on the north- County of
Bellechasse.

north-west by the River St. Lawrence, and on the south-west by the south-western limits of the Parishes of Beaumont, Saint Charles, Saint Gervais and Saint Lazare, not including the Township of Buckland but continuing to run on the northern line thereof as far as the Concession line next to the north-east of the Route de Saint Lazare, and thence to the south-east along the said Concession line through the said Township of Buckland to the Township of Standon, thence following the north-western line of Standon and its augmentation by the north-eastern limits of the said augmentation and of the Township of Ware prolonged to the limits of the Province; the said County so bounded comprising the Parishes of St. Vallier, Saint Raphael, Saint Michel, Beaumont, Saint Charles, Saint Gervais, Saint Lazare, part of the Townships of Armagh and Buckland and the Townships of Mailloux, Roux, Bellechasse and Daaquam.

County of
Lévis.

9. The County of Lévis shall be bounded on the north-east by the County of Bellechasse as above described, as far as the limits between the Parishes of Saint Henri and Saint Anselme, on the south-east by the north-western limits of the Parishes of Saint Anselme and Saint Isidore as far as the River Chaudière; and on the south-west side of the River Chaudière by such line as will comprise the whole of the Parishes of Saint Lambert and Saint Nicholas, and on the north-west by the River Saint Lawrence; the said County so bounded comprising the Parishes of Saint Joseph of Pointe Lévy, Notre-Dame de la Victoire, Saint Jean Chrysostôme, Saint Henri, Saint Nicholas and Saint Lambert.

County of
Dorchester.

10. The County of Dorchester shall be bounded on the north-east by the County of Bellechasse as above described, on the south-east by the province line until it meets the sources of the River Metgermette, on the south by the said River Metgermette as far as the Township of Linière, on the north-west by the north-eastern and northern line of the said Township of Linière, the south-western line of the Townships of Watford, Cranbourne and Frampton, the south-eastern limits of the Parish of Sainte Marguerite, and of the Parish of Sainte Hémédine, the south-western limits of the said Parish of Sainte Hémédine, the south-eastern and south-western limits of the Parish of Saint Isidore as far as the River Chaudière, and on the south-west of the said River Chaudière by the south-eastern, south-western and north-western limits of the parish of St. Bernard, and on the north-west by the said County of Lévis as above described; the said County so bounded comprising the Parishes of Saint Anselme, Saint Isidore, Sainte Claire, Sainte Marguerite, Saint Bernard, Sainte Hémédine, part of the Townships of Buckland and Metgermette, and the Townships of Frampton, Standon and its augmentation, Cranbourne, Ware and Watford.

County of
Beauce.

11. The County of Beauce shall be bounded on the north-east by the County of Dorchester, on the east by the province line,
on

on the west by the limits of the District of Quebec as far as the Township of Colrairie, and on the north-west by the southern limits of the Townships of Colrairie, Thetford and Broughton, again on the south-west by the south-eastern limits of the Township of Broughton and of the Parish of Saint Sylvestre, as far as the County of Dorchester, and on the north-east by the said County of Dorchester ; the said County so bounded comprising the Parishes of Saint Elzéar, Sainte Marie, Saint Joseph, Saint Frederick, Saint François, Saint George, the Seigniorie of Aubin-Delisle, part of the Townships of Metgermette and Clinton, the Kennebec Road Settlements, and the Townships of Jersey, Linière, Marlow, Rixborough, Spaulding, Ditchfield, Woburn, Gayhurst, Dorset, Shenley, Aylmer, Price, Lambton, Forsyth, Adstock and Tring.

12. The County of Megantic shall be bounded on the north-east and south-east by the County of Beauce, on the south-west by the limits of the District of Quebec, on the north-west by the south-eastern line of the augmentation of the Seigniories of Deschaillons and Lotbinière, the south-western and south-eastern limits of the seigniorie of Sainte Croix, and south-eastern and south-western limits of the parish of Saint Sylvestre as far as the County of Beauce ; the said County so bounded comprising the Townships of Inverness, Nelson, Somerset and its augmentation, Halifax, Leeds, Broughton, Thetford, Ireland and Colrairie.

County of
Megantic.

13. The County of Lotbinière shall be bounded on the north-west by the River Saint Lawrence, on the south-west by the limits of the District of Quebec, on the south-east by the County of Megantic as above described, and on the north-east by the Counties of Lévis, Dorchester and Beauce, as above described ; the said County so bounded comprising the Parishes of Saint Sylvestre, Sainte Agathe, Saint Giles, Saint Antoine, Saint Flavien, Sainte Croix, Lotbinière, Saint Jean Deschaillons and all the remainder of the augmentations of the Seigniories of Deschaillons and Lotbinière and of that part of the Seigniorie of Sainte Croix which is not included in the above mentioned parishes.

County of
Lotbinière.

14. The County of Chicoutimi shall be bounded on the west by the County of Portneuf as hereinafter described, on the south by the parallel of the forty eighth degree of north latitude, as far as the prolongation of the eastern line of the Township of Saint Johns on the Saguenay, thence on the east by the said prolongation and the said line to the River Saguenay, and crossing the River Saguenay, by the prolongation of the said eastern line to the River Sainte Marguerite, on the north-east by a line to be drawn from the above point on the River Sainte Marguerite due north to the limits of the Province, on the north by the limits of the Province ; the said County so bounded comprising the Townships and Settlements

County of
Chicoutimi.

of

of Saint Johns, La Trinité, Harvey, Simard, Tremblay, Bagot, Chicoutimi, Laterrière, Simon, Jonquière, Kinogomi, Labarre, Metabetchouan, Signay, Mésy, Caron, Charlevoix, Bourgette, Taché and Delisle.

County of
Tadoussac,
now *Sague-*
nay.

15. The County of *Tadoussac* shall be bounded on the south-east by the River Saint Lawrence, including all Islands nearest to the said County and wholly or in part opposite thereto, on the south by the parallel of the forty-eighth degree of north latitude to the County of Chicoutimi as above described, on the north-west and west by the said County of Chicoutimi, and on the north and north-east by the limits of the Province ; the said County so bounded comprising the Townships and settlements of Saguenay, Tadoussac, Little Saguenay, Sainte Marguerite, Bergeronnes, Escoumins, Iberville, Laval, Latour, Betsiamites, the Seignior of Mille Vaches or Portneuf, the *Terra Firma* of Mingan, the Islets of Mingan, the Island and Seignior of Anticosti, the settlements and posts of Manicouagan, Betsiamites, Godbout, Saint Pancras, Pointe des Monts, Saint Paul, the Seven Islands, the Jeremie Islands, and all the other tracts of land comprised within the limits aforesaid. (*Amended by 18 Vic. c. 76, s. 10, as follows :*

X. The County now called the County of Tadoussac shall hereafter be known and designated as the County of Saguenay.)

County of
Saguenay,
now *Char-*
levoix.

16. The County of *Saguenay* shall be bounded on the north-west by a line to be drawn from Cap de l'Abattis on the River Saint Lawrence towards the north-west and parallel to the north-eastern line of the Seignior of Beauport, to the County of Chicoutimi as above described, on the north by the Counties of Chicoutimi and *Tadoussac* as above described, on the south-east by the River Saint Lawrence ; the said County so bounded comprising the Parishes of Little River, Baie Saint Paul, Saint Urbain, Eboulements, Saint Irénée, Malbaie, Sainte Agnès, Saint Fidèle, the Townships of Settrington, De Sales and Callières, Isle-aux-Coudres, Hare Island, and all the other tracts of land comprised within the above limits, and all Islands in the River Saint Lawrence nearest to the said County and wholly or partly opposite thereto. (*Amended by 18 Vic. c. 76, s. 11, as follows :*

XI. The County now called the County of Saguenay shall hereafter be known and designated as the County of Charlevoix.)

County of
Montmorency.

17. The County of Montmorency shall be bounded on the west by the County of Quebec, as hereinafter described, on the north by the parallel of the forty-eighth degree of north latitude, on the east by the County of Saguenay, on the south-east by the River Saint Lawrence, including the Island of Orléans and all the Islands nearest to the County of Montmorency, and wholly or partly opposite thereto ; the said County so bounded comprising the Parishes of Saint Pierre, Saint Jean, Sainte Famille,

Famille, Saint Laurent and Saint François, Isle Madame, and Isle-aux-Reaux, and the Parishes of Saint Féréol, Saint Joachim, Sainte Anne, Chateau Richer, Laval and Ange Gardien.

18. The County of Quebec shall be bounded on the south-west by the western limits of the Parishes of Sainte-Foye, l'Ancienne Lorette and Saint Ambroise, and of the Seigniory of Saint Gabriel and the prolongation thereof as far as the County of Chicoutimi as above described, on the south-east by the River Saint Lawrence, on the north-east by the south-western line of the Seigniory of La Côte de Beaupré until it meets the south-eastern line of the Township of Tewkesbury, thence towards the north-east by the said south-eastern line as far as the eastern corner of the said Township, thence by the north-eastern line of the said Township to the rear thereof and by the prolongation of the said north-eastern line, on the north by the County of Chicoutimi as above described, excepting therefrom the City of Quebec within its present extent and limits, and excepting also the Parishes of Notre-Dame of Quebec and Saint Roch of Quebec ; the said County so bounded comprising the Parishes and Settlements of Beauport, Saint Edmond, Saint Gabriel, Saint Ambroise, Charlesbourg, Sainte Foye and l'Ancienne Lorette, the Townships of Stoneham and Tewkesbury, Fief Hubert, and all other tracts of land included in the above limits.

19. The City of Quebec shall for the purposes of this Act comprise the present limits thereof, including the Parishes of Notre-Dame of Quebec, and of Saint Roch of Quebec.

20. The County of Portneuf shall be bounded on the north-east by the County of Quebec as above described and the prolongation of the south-western line thereof to the limits of the Province, on the south-east by the River Saint Lawrence, on the north-west by the limits of the Province, and on the south-west by the limits of the District of Quebec ; the said County so bounded comprising the Parishes of Saint Casimir, Grondines, Deschambault, Cap-Santé, Saint Basile, Saint Raymond, Sainte Catherine, Ecureuils, Pointe-aux-Trembles, Saint Augustin, Saint Alban, and the Townships of Gostord, Alton, Roquemont, Colbert and Montauban.

21. The County of Champlain shall be bounded on the south-west by the River Saint Maurice until it meets the south-western line of the Seigniory of Cap de la Magdeleine, and thence by the said line prolonged to the limits of the Province, on the north-west by the limits of the Province, on the south-east by the River Saint Lawrence, on the north-east by the County of Portneuf as above described ; the said County so bounded comprising the Parishes of Sainte Anne, Batiscan, Sainte Geneviève

Geneviève de Batiscan, Champlain, Cap de la Magdeleine, Saint Maurice, Saint Stanislas, Saint Justin, Saint Prosper, Saint Narcisse, and the Township of Radnor.

Town of Three-Rivers. 22. The Town of Three-Rivers shall comprehend the Town of Three-Rivers within its present limits and the Banlieue of Three-Rivers.

County of St. Maurice. 23. The County of Saint Maurice shall be bounded on the north-east by the Town of Three-Rivers as hereinbefore constituted and by the County of Champlain, on the south-east by the River Saint Lawrence, on the north-west by the limits of the Province, on the south-west by the south-western limits of the Parishes of Yamachiche, Saint Sévère, Saint Barnabé and the Township of Caxton, prolonged to the limits of the Province ; the said County so bounded comprising the Parish of Three-Rivers without the Banlieue, Fief Saint Etienne, the Forges, the Parishes of Pointe-du Lac, Yamachiche, Saint Sévère, Saint Barnabé, and the Townships of Caxton and Shawinigan, and the augmentation of Caxton.

County of Maskinongé. 24. The County of Maskinongé shall be bounded on the north-east by the County of Saint Maurice as above described, on the south-west by the limits of the District of Three-Rivers, on the south-east by the River Saint Lawrence, including all Islands nearest to the said County and wholly or partly opposite thereto, on the north-west by the limits of the Province ; the said County so bounded comprising the Parishes of Maskinongé, Rivière-du-Loup, Saint Léon, Saint Paulin, Sainte Ursule, Saint Didace and the Township of Hunterstown, and the Gore thereof.

County of Nicolet. 25. the County of Nicolet shall be bounded on the north-east by the limits of the District of Quebec and Three-Rivers, up to the distance of two miles into the Township of Blandford, thence on the south-east by a perpendicular line drawn across the Township of Blandford, and thence by the south-western line thereof to the limits of the Seigniories, and by the limits between the Seigniories and the Townships as far as the north-eastern line of the Parish of Saint Célestin, comprising in the said County of Nicolet all that part of the Parish of Saint Célestin which is in the Township of Aston and the augmentation and the Gore thereof, thence by the south-eastern line of the augmentation of the Seigniorie of Nicolet, on the south-west by the south-western limits of the Seigniorie of Nicolet and augmentation, on the north-west by the River Saint Lawrence ; the said County so bounded comprising the Parishes of Saint Pierre, Gentilly, Sainte Gertrude, (excepting the Township of Mad-dington,) Bécancour, Saint Grégoire, Nicolet, Sainte Monique, part of the Township of Blandford and the Parish of Saint Célestin.

26. The County of Yamaska shall be bounded on the north-east by the County of Nicolet as above described, on the north-west by the River Saint Lawrence, on the south-west by the limits of the Districts of Three-Rivers and Montreal, on the south-east by the north-western limits of the Township of Wendover, the River Saint Francis and the north-western limits of the Township of Upton ; the said County so bounded comprising the Abenaki Settlement, and the Parishes of Saint David, Saint Michel, Saint François, La Baie and Saint Zépherin, the Seigniories of Pierreville and Bourgmarie Est, and the augmentation of the Township of Wendover. (*Amended by 18 Vict. cap. 76, sect 1, as follows :*

County of
Yamaska.

I. The County of Yamaska, in addition to the several places now comprised therein, shall hereafter also include the Gore of Upton in the Parish of St. Thomas de Pierreville, hereby detached from the County of Drummond.)

27. The County of Berthier shall be bounded on the south-east by the River Saint Lawrence, including Isle Saint Ignace, Isle du Pads, and all Islands nearest to the said County and wholly or in part opposite thereto, on the north-east by the County of Maskinongé, on the south-west by the south-western limits of the Parish of Lavaltrie, the north-western limits of the said Parish of Lavaltrie and of the Parishes of Lanoraie, Saint Norbert and Berthier, the north-western limits of the Parish of Saint Cuthbert prolonged to the Township of Brandon, and by the South-western line of the said Township of Brandon prolonged to the limits of the Province, on the north-west by the limits of the Province ; the said County so bounded comprising the Parishes and Settlements of Isle Saint Ignace, Isle du Pads, Berthier, Lanoraie, Lavaltrie, Saint Norbert, Saint Cuthbert, Saint Barthélemi, Saint Gabriel and the Township of Brandon.

County of
Berthier.

28. The County of Joliette shall be bounded on the south-east and the north-east by the County of Berthier as above described, on the north-west by the limits of the Province, on the south-west by the south-western limits of the Seigniorie of Lavaltrie prolonged to the limits of the Province ; the said County so bounded comprising the Parishes of Saint Charles Borromée, Saint Paul, Saint Félix, except that part thereof which is in the Township of Brandon, Saint Thomas, Sainte Elizabeth, Sainte Mélanie, Saint Ambroise, Saint Alphonse, comprehending also the whole of the Township of Kildare and augmentation and the Township of Cathcart.

County of
Joliette.

29. The County of Montcalm shall be bounded on the north-east by the Counties of Berthier and Joliette, as above described, on the south-east by the north-western limits of the Parishes of L'Assomption, Saint Roch and Saint Lin, and of the Seigniorie of Terrebonne, to the south-western line of the Township of Kilkenny, on the south-west by the south-western line of the Township of Kilkenny prolonged to the limits of the Province,

County of
Montcalm.

on the north-west by the limits of the Province ; the said County so bounded comprising the Parishes of Saint Jacques, Saint Alexis, Saint Esprit, Saint Liguori, and the Townships of Rawdon, Chertsey, Kilkenny, Wexford, Chilton, Doncaster and Carrick.

County of
L'Assomption.

30. The County of L'Assomption shall be bounded on the north-east by the Counties of Berthier and Joliette as above described, on the south-east by the River Saint Lawrence, including all Islands nearest to the said County and wholly or in part opposite the same, on the south-west by the south-western limits of the Parishes of Lachenaie, Saint Henri de Mascouche and Saint Lin, on the north-west by the County of Montcalm as above described ; the said County so bounded comprising the Parishes of Saint Sulpice including Isle Bouchard, Repentigny, L'Assomption, Saint Roch, Lachenaie, Saint Henri and Saint Lin.

County of
Terrebonne.

31. The County of Terrebonne shall be bounded on the south-east by the northern branch of the Ottawa River, including all Islands in the said River nearest to the said County and wholly or in part opposite the same, on the north-east by the Counties of L'Assomption and Montcalm as above described, on the north-west by the north-western limits of the Parishes of Sainte Thérèse and Saint Janvier, and of that part of the Parish of Saint Jérôme which is in the continuation of the Seigniorship of Mille Isles, as far as the cordon between the Côte de la Rivière à Gagnon and the Côte Saint Joseph, then following the said line or cordon to that part of the continuation of Mille Isles called the Seigniorship Dumont, thence along the division line between the Seigniorships Dumont and Bellefeuille, thence along the south-eastern line of the Township of Morin to the line between numbers twenty-six and twenty-five thereof, thence along the line between the said numbers to the Township of Howard, thence along the eastern line of the Township of Howard, the southern and the western line of the Township of Beresford, and the prolongation of this latter line to the County of Montcalm ; the said County, so bounded, comprising the Parishes of Terrebonne, Sainte Thérèse, Sainte Anne, Saint Janvier, Lacorne, part of the Parish of Saint Jérôme, the Townships of Abercrombie and Beresford, and part of the Township of Morin.

County of
Two-Moun-
tains.

32. The County of Two-Mountains shall be bounded on the east by the County of Terrebonne as above described, on the south by the River Ottawa and the Lake of the Two-Mountains, including all Islands nearest to the said county and wholly or in part opposite thereto, on the west by the western limits of the Parishes of Saint Benoit, Sainte Scholastique and Saint Columban and the northern limits of the Township of Gore, thence by the eastern limits of the Townships of Wentworth and Howard, to the County of Terrebonne as above described ;
the

the said County so bounded comprising the Parishes of Saint Eustache, Saint Augustin, Saint Benoit, Sainte Scholastique, Saint Columban, the Mission of the Lake of Two-Mountains, that part of the Parish of Saint Jérôme which is in the Seigniori of Two-Mountains, that part of the same Parish of Saint Jérôme which comprises the Côte Saint Joseph, Saint Eustache, Sainte Marguerite, Sainte Angelique, and part of the Township of Morin. (*Amended by 18 Vict., cap. 76, s. 4, as follows :*

IV. The County of Two-Mountains, in addition to the several places now comprised therein (except as hereinafter excepted), shall hereafter also include the Parishes of Sainte Placide and of St. Hermas hereby detached from the County of Argenteuil, but shall not hereafter include those parts of the Township of Morin and of the Parish of Saint Jérôme which are hereby annexed to the County of Argenteuil.)

33. The County of Argenteuil shall be bounded on the east by the County of Two-Mountains as above described, and the northern portion of the County of Terrebonne as above described, on the north-east by the northern portion of the County of Montcalm as above described, on the south by the River Ottawa, and the Lake of the Two-Mountains including all Islands nearest to the said County and wholly or in part opposite thereto, on the west by the eastern limits of the Seigniori of Petite Nation and the prolongation thereof to the County of Montcalm ; the said County so bounded comprising the Parishes of Sainte Placide, Saint Hermas, Saint Andrews, Saint Jérusalem, and the Townships of Chatham, Wentworth, Grenville and Augmentation, Harrington, Gore, Howard, Arundel, Montcalm, Wolfe, Salaberry and Grandisson. (*Amended by 18 Vic., cap. 76, s. 5, as follows :*

County of
Argenteuil.

V. The County of Argenteuil, in addition to the several places now comprised therein, (except as hereinafter excepted), shall hereafter also include that part of the Township of Morin which lies to the South-west of the line between lots numbers twenty-four and twenty-five of all the ranges thereof, and that part of the Parish of Saint Jérôme which comprises the Côte Saint Joseph, Saint Eustache, Sainte Marguerite and Sainte Angelique, but shall not hereafter include the Parishes of Sainte Placide and of St. Hermas hereby annexed to the County of Two Mountains.)

34. The County of Ottawa shall be bounded on the east by the County of Argenteuil, on the north-east by the northern portion of the County of Montcalm, on the south-east by the Grand or Ottawa River comprising all Islands in the same opposite to the County and belonging to Lower Canada, on the south-west by the south-western limits of the Township of Eardly prolonged to the County of Montcalm ; the said County so bounded comprising the Seigniori of Petite Nation, the Townships of Lochaber and its augmentation, Buckingham, Templeton, Hull, Eardley, Masham, Wakefield, Portland, Derry, Rippon, Denholm, Low, Aylwin, Hincks, Bowman, Villeneuve, Lathbury, Hartwell, Suffolk, Ponsonby, Amherst, Addington, Preston, Bidwell, Wells, Bigelow, Wright, North-

County of
Ottawa.

field, Blake, McGill, Killaly, Dudley, Chabot, Bouchette, Cameron, Maniwaky, Kensington, Egan, Aumond, Bouthillier, Kiamica, Merritt and Campbell.

County of
Pontiac.

35. The County of Pontiac shall be bounded on the north-east by the County of Ottawa as above described, and on the south, west and north by the Grand or Ottawa River to the head of Lake Temiscaming and a line thence drawn due north to the limits of the Province, by the said limits of the Province, and by the County of Montcalm, comprising the Grand Calumet, Alumettes and little Alumettes Islands, and all other islands in the said River opposite to the said County and belonging to Lower Canada; the said County so bounded comprising the Islands as aforesaid, and the Townships of Onslow, Bristol, Clarendon, Litchfield, Thorne, Aldfield, Mansfield, Waltham, Chichester, Sheen, Esher, Aberdeen, Hastings, Aberford, Kirkaby, Labouchère, Gladstone, Graham, Cawood, Leslie, Stanhope, Clapham, Huddersfield, and Pontefract.

County of
Drummond.

36. The County of Drummond shall be bounded on the north-west by the Counties of Nicolet and Yamaska as above described, on the north-east by the north-eastern limits of the Townships of Wendover, Simpson and Kingsey, on the south-west by the north-western line of the Township of Upton to the line between the eighth and ninth range thereof, thence along the said line and along the north-eastern line of the said Township of Upton and of the Township of Acton and the south-western line of the Township of Durham, on the south-east by the south-eastern limits of the Townships of Durham and Kingsey; the said County so bounded comprising part of the Township of Upton, and the Gore thereof, and the Townships of Durham, Grantham, Wendover, Simpson, Wickham and Kingsey. (*Amended by 18 Vict., cap. 76, sec. 2, as follows:*

II. The County of Drummond shall comprise all the places now included therein, except the said Gore of Upton annexed as aforesaid to the County of Yamaska, and the eighth Range of the Township of Upton hereby annexed to the County of Bagot.)

County of
Arthabaska.

37. The County of Arthabaska shall be bounded on the north-west by the Counties of Drummond and Nicolet as above described, on the north-east by the Counties of Lotbinière and of Megantic as above described, on the south-west by the County of Drummond as above described and the south-western limits of the Township of Tingwick, and on the south-east by the south-eastern limits of the Townships of Tingwick and Chester; the said County so bounded comprising the Township of Mad-dington, part of Blandford, the Townships of Warwick, Horton, Stanfold, Arthabaska, Bulstrode and Augmentation, Chester and Tingwick, and that part of the Township of Aston and its augmentation and Gore which is not included in the County of Nicolet as above described.

38. The County of *Sherbrooke* shall be bounded on the north-west by the County of Drummond as above described, on the north-east by the north-eastern limits of the Townships of Shipton, Windsor and Stoke, on the south-east and south towards the River Saint Francis by the south-eastern and southern boundary of Stoke, and thence by the southern and western limits of the Township of Brompton, thence by the south-western limits of the Township of Melbourne; the said County so bounded comprising the Townships of Melbourne, Brompton and the Gore thereof, Shipton, Windsor and Stoke. (*Amended by 18 Vict., c. 76, s. 12, as follows:*

County of
Sherbrooke,
now *Rich-*
mond.

XII. The County now called the County of Sherbrooke shall hereafter be known and designated as the County of Richmond.)

39. The County of Wolfe shall be bounded on the north-east by the Counties of Megantic and Beauce as above described, on the south-west by the County of *Sherbrooke* as above described, and the north-eastern limits of the Township of Westbury, on the north-west by the Counties of Megantic, Arthabaska and *Sherbrooke* as above described, and on the south-east by the south-eastern limits of the Townships of Dudswell, Weedon and Stratford; the said County so bounded comprising the Townships of Wolfestown, Ham, South Ham or augmentation of Ham, Wotton, Garthby, Stratford, Weedon and Dudswell.

County of
Wolfe.

40. The Town of Sherbrooke shall, for the purposes of this Act, comprise the Town of Sherbrooke within its present limits, and the whole of the Townships of Orford and Ascot.

Town of
Sherbrooke.

41. The County of Compton shall be bounded on the east by the County of Beauce as above described, on the south-east by the limits of the Province, on the north-west by the Counties of Wolfe and *Sherbrooke* and the Town of Sherbrooke as above described, and on the south-west by the western and southern limits of the Township of Compton, the southern limits of the Township of Clifton and the western limits of the Township of Hereford; the said County so bounded comprising the Townships of Compton, Westbury, Eaton, Clifton, Hereford, Bury, Newport, Auckland, Lingwick, Hampden, Ditton, Winslow, Whitton, Marston, Chesham and part of the Township of Clinton.

County of
Compton.

42. The County of Stanstead shall comprise the Townships of Stanstead, Barnston, Hatley, Barford, and Magog East and West.

County of
Stanstead.

43. The County of Shefford shall comprise the Townships of Milton, Roxton, Ely, Granby, Shefford and Stukely.

County of
Shefford.

44. The County of Missisquoi, which for the purposes of this Act shall be divided into two Ridings, shall be bounded on the north and east by the Counties of Shefford and Stanstead as above

County of
Missisquoi.

above described, on the south-east by the limits of the Province, on the south-west by the western limits of the Parishes of St. Thomas and Clarenceville on the River Richelieu, the north-western limits of the said Parish of Clarenceville, the south-western limits of the Township of Stanbridge, including also that part of Notre-Dame des Anges which is in the Seigniories, and the north-eastern limits of the Augmentation of the Seignior of Monnoir, thence on the north by the southern limits of the Seignior of St. Hyacinthe, and thence by the prolongation of the rear line of the said Seignior of Saint Hyacinthe to the southern corner of the County of Shefford.

East Riding. The East Riding of the said County of Missisquoi shall comprise the Townships of Bolton, Potton, Sutton, Brome and that part of the Township of Farnham which is to the east of the prolongation of the rear line of the Seignior of Saint Hyacinthe. (*Amended by 18 Vict., cap. 76, s. 13, as follows :*

XIII. The East Riding of the County of Missisquoi shall hereafter form a separate Electoral County under the name and designation of the County of Brome.)

West Riding. The West Riding of the said County of Missisquoi shall comprise the Parishes of Saint Thomas and Clarenceville, Saint Armand East and West, Notre Dame des Anges, the Village of Philipsburgh and the Townships of Dunham and Stanbridge, and the Western part of the Township of Farnham. (*Amended by 18 Vict., cap. 76, s. 14, as follows :*

XIV. The West Riding of the County of Missisquoi shall hereafter form a separate Electoral County under the name and designation of the County of Missisquoi.)

County of Richelieu. 45. The County of Richelieu shall be bounded on the north-east by the County of Yamaska as above described, on the south-east by the south-eastern limits of the parishes of Saint Aimé and Saint Ours, on the south-west by the south-western limits of the said parish of Saint Ours, and on the north-west by the River St. Lawrence, including all Islands in the said River nearest to the said County of Richelieu, and wholly or in part opposite thereto, except such as are hereinbefore annexed to the County of Berthier; the said County so bounded comprising the Town of William Henry and the parishes of Sorel, Sainte Victoire, Saint Aimé and Saint Ours.

County of St. Hyacinthe. 46. The County of Saint Hyacinthe shall be bounded on the north-east by the north-eastern limits of the Parishes of Saint Denis, La Présentation, Saint Barnabé, Saint Jude and Saint Hyacinthe, on the south-east by the south-eastern limits of the Parishes of Saint Hyacinthe and Saint Damase, on the south-west by the south-western limits of the Parishes of Saint Damase and Saint Charles, on the north-west by the River Richelieu including all Islands in the said River Richelieu nearest to and lying

lying wholly or in part opposite the said County; the said County so bounded comprising the Town of Saint Hyacinthe, and the Parishes of Saint Hyacinthe, Saint Damase, La Présentation, Saint Barnabé, Saint Jude, St. Charles and Saint Denis.

47. The County of Rouville shall be bounded on the north-east by the County of Saint Hyacinthe as above described as far as the northern angle of the Parish of Saint Césaire, thence by the north-eastern limits of the Parishes of Saint Césaire and Saint Paul of Abbotsford, on the south-east by the Counties of Shefford and Missisquoi as above described and by the southern limits of the Parishes of L'Ange Gardien, Saint Césaire, Sainte Marie and Saint Mathias, on the south-west and on the north-west by the River Richelieu, including all Islands in the said River nearest to or lying wholly or in part opposite the said County; which said County so bounded shall comprise the Parishes of Saint Mathias, Sainte Marie, Saint Hilaire, Saint Jean Baptiste, Saint Césaire, l'Ange Gardien and Saint Paul of Abbotsford.

County of
Rouville.

48. The County of Bagot shall be bounded on the north-east by the County of Drummond as above described, on the south-east by the County of Shefford as above described, on the south-west by the County of Rouville as above described, and on the north-west by the County of Saint Hyacinthe as above described; which said County so bounded shall comprise part of the Township of Upton, the Township of Acton and the Parishes of Saint Hugues, Saint Simon, Sainte Rosalie, Saint Dominique and Saint Pie. (*Amended by 18 Vict., cap. 76, s. 3, as follows:*

County of
Bagot.

III. The County of Bagot, in addition to the several places now comprised therein, shall also include the eighth range of the Township of Upton.)

49. The County of Iberville shall be bounded on the north-west by the County of Rouville as above described, on the north-east and south-east by the County of *Missisquoi* as above described, on the south-west by the River Richelieu, including all Islands in the said River nearest to or lying wholly or in part opposite the said County; which said County so bounded shall comprise the Parishes of St. George de Henryville, Saint Alexandre, Saint Athanase, Saint Grégoire and Sainte Brigitte.

County of
Iberville.

50. The County of Verchères shall be bounded on the north-east by the County of Richelieu as above described, on the north-west by the River Saint Lawrence, on the south-east by the River Richelieu, and on the south-west by the south-eastern limits of the Parishes of Chambly, Saint Bruno and Boucherville, including all Islands in the said Rivers Saint Lawrence and Richelieu nearest to the said County and wholly or in part opposite to the same; the said County so bounded comprising the Parishes of Varennes, Verchères, Contrecoeur, Belœil, Saint Marc, Saint Antoine and Sainte Julie.

County of
Verchères.

County of
Chambly.

51. The County of Chambly shall be bounded on the north-east by the County of Verchères as above described, on the south-east by the River Richelieu, on the north-west by the River Saint Lawrence, on the south-west by the south-western limits of the Parishes of Chambly and Longueuil, including all Islands in the said Rivers Saint Lawrence and Richelieu nearest to the said County and wholly or in part opposite to the same ; the said County so bounded comprising the Parishes of Boucherville, Longueuil, St. Bruno and Chambly.

County of
Laprairie.

52. The County of Laprairie shall comprise the Parishes of Laprairie, Saint Philippe, Saint Jacques le Mineur, Saint Isidore and Saint Constant, including the whole of the Indian Lands of Sault Saint Louis, and all Islands in the River Saint Lawrence nearest to and lying wholly or in part opposite to the said county.

County of
St. John's.

53. The County of St. John's shall comprise the Parishes of Saint Luc, Blairfindie, Saint Jean, Saint Valentin and Lacolle, including all Islands in the River Richelieu lying nearest to and wholly or in part opposite to the same.

County of
Napierville.

54. The County of Napierville shall comprise the Township of Sherrington and the Parishes of Saint Cyprien, Saint Edouard and Saint Rémi.

County of
Chateaugai.

55. The County of Chateaugai shall be bounded on the north-east by the Counties of Laprairie and St. John's, and on the south-east by the north-western limits of the Township of Hemmingford, on the south-west by the south-western limits of the Seigniorship of Beauharnois, on the north-west by the south-eastern limits of the Parishes of Saint Louis, Saint Timothée and Saint Clément, and again to the south-west by the south-eastern limits of the Seigniorship of Beauharnois, again on the north-west by the River Saint Lawrence, including all Islands lying nearest to and wholly or in part opposite to the same ; which said County so bounded shall comprise the Parishes of Sainte Philomène and Chateaugai, the Settlements and Parishes of Russelltown, Saint Jean Chrysostôme, Sainte Martine, Saint Urbain, Saint Malachie, and the remainder of the Seigniorship of Beauharnois, with the exception of the Parishes of Saint Clément, Saint Louis and Saint Timothée.

County of
Beauharnois.

56. The County of Beauharnois shall be bounded on the north-east and south-east by the County of Chateaugai, on the south-west by the south-western limits of the Seigniorship of Beauharnois, on the north-west by the River Saint Lawrence, including all Islands nearest to and wholly or in part opposite to the said County ; which said County so bounded shall comprise the Parishes of Saint Clément, Saint Louis de Gonzague and Saint Timothée.

57. The County of Huntingdon shall be bounded on the south-east by the Province line, on the north-east by the Counties of Saint John's and Napierville, on the north-west and north-east by the County of Chateaugai, on the north-east again by the County of Beauharnois, and on the north-west again by the River Saint Lawrence, including all Islands nearest to the said County and wholly or in part opposite to the same ; the said County so bounded comprising the Indian Lands of Saint Régis, the Village of Huntingdon, and the Townships of Godmanchester, Elgin, Dundee, Hinchinbrooke and Hemmingford. County of Huntingdon.

58. The County of Soulanges shall comprise the Seigniories of Soulanges and New Longueuil, and the fifth, sixth, seventh and eighth ranges of the Township of Newton and augmentation adjacent. (*Amended by 18 Vict. cap. 76, s. 6, as follows :* County of Soulanges.

VI. The County of Soulanges shall hereafter comprise all the places now included therein, except that part of the Township of Newton and the augmentation adjacent, which are hereby annexed to the County of Vaudreuil.)

59. The County of Vaudreuil shall comprise Isle Perrot, the Seigniories of Vaudreuil and Rigaud, and the first, second, third and fourth ranges of the Township of Newton and augmentation adjacent. (*Amended by 18 Vict. Cap. 76, s. 7, as follows :* County of Vaudreuil.

VII. The County of Vaudreuil, in addition to all the places now comprised therein, shall hereafter also include the fifth, sixth, seventh and eighth ranges of the Township of Newton and the adjacent augmentation, so that all the said Township of Newton and its augmentations shall be hereafter included in the said County of Vaudreuil.)

60. The County of Laval shall comprise Isle Jesus and Isle Bizarre, and all Islands lying nearest to or wholly or in part opposite to the same. (*Amended by 18 Vict. Cap. 76, s. 8, as follows :* County of Laval.

VIII. The County of Laval shall hereafter comprise all the places now included therein except Isle Bizard, designated in the Act hereinbefore cited as *Isle Bizarre*, and hereby annexed to the Jacques Cartier Riding of the County of Montreal.)

61. The County of Montreal, which for the purposes of this Act shall be divided into two Ridings, shall comprise the Island of Montreal, with the exception of the City of Montreal, and all Islands lying nearest to and wholly or in part opposite to the same, and which shall respectively be attached to the Ridings to which they are nearest. County of Montreal.

The Hochelaga Riding of the said County of Montreal shall comprise the Parish of Montreal without the City, and the Parishes of Longue Pointe, Pointe aux Trembles, Rivière des Prairies and Sault au Recollet. (*Amended by 18 Vict. c. 76, s. 16, as follows :* East Riding.

XVI. The Hochelaga Riding of the County of Montreal shall hereafter form a separate Electoral County under the name and designation of the County of Hochelaga.)

West Riding. The Jacques Cartier Riding of the said County of Montreal shall comprise the Parishes of Lachine, La Pointe Claire, Sainte Anne, Sainte Geneviève and Saint Laurent. (*Amended by 18 Vict. c. 76, s. 9 & 15, as follows :*

IX. The Jacques Cartier Riding, of the County of Montreal, in addition to the places now comprised therein, shall hereafter also include the said Isle Bizard.

XV. The Jacques Cartier Riding of the County of Montreal, shall hereafter form a separate Electoral County under the name and designation of the County of Jacques Cartier.)

City of Montreal. 62. The City of Montreal shall be comprised within in its present limits.

II. (*Relates to electoral divisions of Upper Canada only.*)

GENERAL PROVISIONS.

Representa-
tion of the se-
veral Electro-
ral Divisions
in L. C.

* (*By 18 V. c.
76, s. 16, cali-
ed Charle-
voix.*)

Counties
having one
Member each.

United Coun-
ties.

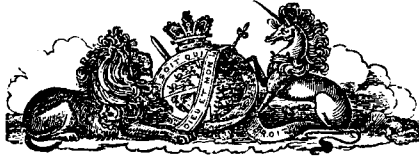
* (*By 18 V. c.
75, s. 15, cali-
ed Saguenay.*)

Ridings.

Cities and
Towns.

III. And be it enacted, That in Lower Canada, the Counties of Gaspé, Bonaventure, Rimouski, Temiscouata, Kamouraska, L'Islet, Montmagny, Bellechasse, Lévis, Dorchester, Beauce, Megantic, Lotbinière, *Saguenay*, * Montmorency, Quebec, Portneuf, Champlain, St. Maurice, Maskinongé, Nicolet, Yamaska, Berthier, Joliette, Montcalm, L'Assomption, Terrebonne, Two-Mountains, Argenteuil, Ottawa, Pontiac, Compton, Stanstead, Shefford, Richelieu, St. Hyacinthe, Rouville, Bagot, Iberville, Verchères, Chambly, Laprairie, St. Johns, Napierville, Chateaugai, Beauharnois, Huntingdon, Soulanges, Vaudreuil and Laval, shall be represented each by one Member in the Legislative Assembly; the United Counties of Chicoutimi and *Tadoussac*, * by one Member; the United Counties of Drummond and Arthabaska, by one Member; the United Counties of Sherbrooke and Wolfe, by one Member; the *East Riding and the West Riding of the County of the Missisquoi*, and the *Hochelaga Riding and Jacques Cartier Riding of the County of Montreal*, each by one Member; the Cities of Quebec and Montreal, each by three Members; the Town of Three-Rivers and the Town of Sherbrooke, each by one Member;

(*Sects. IV to XII do not relate to the Municipalities of Lower Canada.*)



ANNO DECIMO-OCTAVO

VICTORIÆ REGINÆ.

CAP. LXXVI.

An Act to amend the Parliamentary Representation Act
of 1853.

[Assented to 19th May, 1855.]

WHEREAS it is expedient, for greater convenience, to amend the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to enlarge the Representation of the People of this Province in Parliament*: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

I. The County of Yamaska, in addition to the several places now comprised therein, shall hereafter also include the Gore of Upton in the Parish of St. Thomas de Pierreville, hereby detached from the County of Drummond.

Preamble.
16 V. c. 152.
Alterations in
the boundaries
of the Counties
of—
Yamaska.

II. The County of Drummond shall comprise all the places now included therein, except the said Gore of Upton annexed as aforesaid to the County of Yamaska, and the eighth Range of the Township of Upton hereby annexed to the County of Bagot.

Drummond.

III. The County of Bagot, in addition to the several places now comprised therein, shall also include the eighth range of the Township of Upton.

Bagot.

IV. The County of Two Mountains, in addition to the several places now comprised therein (except as hereinafter excepted), shall hereafter also include the Parishes of Sainte Placide and of St. Hermas hereby detached from the County of Argenteuil, but shall not hereafter include those parts of the Township of Morin and of the Parish of Saint Jérôme which are hereby annexed to the County of Argenteuil.

Two Moun-
tains.

V.

- Argenteuil. V. The County of Argenteuil, in addition to the several places now comprised therein (except as hereinafter excepted), shall hereafter also include that part of the Township of Morin which lies to the South-west of the line between lots numbers twenty-four and twenty-five of all the ranges thereof, and that part of the Parish of Saint Jérôme which comprises the Côte Saint Joseph, Saint Eustache, Sainte Marguerite and Sainte Angelique, but shall not hereafter include the Parishes of Sainte Placide and of St. Hermas hereby annexed to the County of Two Mountains.
- Soulanges. VI. The County of Soulanges shall hereafter comprise all the places now included therein, except that part of the Township of Newton and the augmentation adjacent, which are hereby annexed to the County of Vaudreuil.
- Vaudreuil. VII. The County of Vaudreuil, in addition to all the places now comprised therein, shall hereafter also include the fifth, sixth, seventh and eighth ranges of the Township of Newton and the adjacent augmentation, so that all the said Township of Newton and its augmentations shall be hereafter included in the said County of Vaudreuil.
- Laval. VIII. The County of Laval shall hereafter comprise all the places now included therein except Isle Bizard, designated in the Act hereinbefore cited as *Isle Bizarre*, and hereby annexed to the Jacques Cartier Riding of the County of Montreal.
- Montreal (Jacques Cartier Riding). IX. The Jacques Cartier Riding of the County of Montreal, in addition to the places now comprised therein, shall hereafter also include the said Isle Bizard.
- Name of Cty. of Tadousac changed. X. The County now called the County of Tadousac shall hereafter be known and designated as the County of Saguenay.
- Name of Cty. of Saguenay changed. XI. The County now called the County of Saguenay shall hereafter be known and designated as the County of Charlevoix.
- Name of Cty. of Sherbrooke changed. XII. The County now called the County of Sherbrooke shall hereafter be known and designated as the County of Richmond.
- County of Brome. XIII. The East Riding of the County of Missisquoi shall hereafter form a separate Electoral County under the name and designation of the County of Brome.
- County of Missisquoi. XIV. The West Riding of the County of Missisquoi shall hereafter form a separate Electoral County under the name and designation of the County of Missisquoi.

XV. The Jacques Cartier Riding of the County of Montreal shall hereafter form a separate Electoral County under the name and designation of the County of Jacques Cartier.

XVI. The Hochelaga Riding of the County of Montreal shall hereafter form a separate Electoral County under the name and designation of the County of Hochelaga.

XVII. In citing the Act hereby amended in other Acts of Parliament, or in any Instrument, Document or Proceeding, it shall be sufficient to use the expression "The Parliamentary Representation Act of 1853," and in citing in like manner the present Act, it shall be sufficient to designate it as "The Parliamentary Representation Amendment Act of 1855."

THE
SEIGNIORIAL ACT

OF

1854.

(18 VICT. Cap. III.)

AND THE

SEIGNIORIAL AMENDMENT ACT

OF

1855.

(18 VICT. Cap. CIII.)



ANNO DECIMO-OCTAVO
VICTORIÆ REGINÆ.

CAP. III.

An Act for the abolition of feudal rights and duties in
Lower Canada.

[Assented to 18th December, 1854.]

WHEREAS it is expedient to abolish all feudal rights and duties in Lower Canada, whether bearing upon the *Censitaire* or upon the Seignior, and to secure fair compensation to the latter for every lucrative right which is now legally his, and which he will lose by such abolition; And whereas in consideration of the great advantages which must result to the Province from the abolition of the said Feudal Rights and duties and the substitution of a free tenure for that under which the property subject thereto hath heretofore been held, it is expedient to aid the *Censitaire* in the redemption of the said charges, more especially as regards those which while they press most heavily on industry and enterprize, cannot from their very nature be otherwise made immediately redeemable without grievous hardship and injustice in many cases: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of he same, as follows :

I. The Act passed in the eighth year of Her Majesty's Reign, intituled, *An Act the better to facilitate optional commutation of the tenure of lands en roture in the Seigniories and Fiefs in Lower Canada, into that of franc-aleu roturier*, and the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend the Act passed in the eighth year of Her Majesty's Reign, intituled, 'An Act the better to facilitate optional commutation of the tenure of lands en roture in the Seigniories and Fiefs in Lower Canada, into that of franc-aleu roturier,'* shall be and they are hereby repealed in so far

Acts 8 V.
c. 42,

And 12 V.
c. 49,

Repealed as
regards Seig-

niories to
which this
Act extends.

as regards the Seigniories to which this Act applies : but deeds of commutation granted or other things done under them shall remain in full force and have the same effect as if the said Acts had not been repealed.

DETERMINATION OF THE PRICE TO BE PAID BY
SEIGNIOR AND CENSITAIRE FOR THE COMMUTA-
TION OF THE TENURE OF THEIR PROPERTY.

Governor to
appoint Com-
missioners.

II. It shall be lawful for the Governor to appoint Commissioners under this Act, and from time to time to remove them, and to appoint others in the place of any so removed, or dying or resigning office ; and each of the said Commissioners shall, before entering upon the duties of his office, take and subscribe, before a Judge of the Superior Court, the following oath :

Their oath of
office.

“ I, _____, swear that I will faithfully, and without partiality, fear, favor or affection, perform my duty as Commissioner under the Seigniorial Act of 1854.”

Remuneration.

III. The said Commissioners shall receive for their services under this Act, and for their necessary expenses and disbursements, such compensation as shall be allowed to them respectively by the Governor, and no other fees or emoluments whatsoever.

Commis-
sioners to act
in the Seig-
niories as-
signed to them
respectively.

IV. Each of the said Commissioners shall and may act as such in any part of Lower Canada, and they shall be aiding to each other, so that any one of them, if need be, may continue and complete the work begun by any other of them ; but subject to this provision the Governor may, from time to time, assign the Seignior or Seigniories in and for which each of them shall act. (*See also 18 Vict. Chap. 103, s. 6.*)

They shall
make a Sched-
ule of each
Seignior,
shewing :

V. It shall be the duty of each of the said Commissioners to value the several rights hereinafter mentioned, with regard to each Seignior which shall be assigned to him as aforesaid by the Governor, and to draw up in tabular form in triplicate, a Schedule of such Seignior, shewing :

The total
value of the
Seignior ;

1. The total value of the Seignior, that is to say of all the property and lucrative rights which the Seignior holds as such, whether as Seignior *dominant* of any fief held of him as such Seignior or otherwise, including in such total value, the value of the rights of the Crown ;

The value of
the rights of
the Crown
therein ;

2. The value of the rights of the Crown in the Seignior, including the value of the *droit de quint*, and all other valuable rights of the Crown therein as Seignior *dominant*, or by reason of any reservation in the original grant of the Seignior, and any difference between the absolute value in *franc-aleu roturier* of
of

of all unconceded lands, waters and water powers in the Seignior, and appertaining thereto, and the value of the Seignior's rights therein, as they may be ascertained by the decisions of the Judges, under the provisions hereinafter made ;

3. The value of the lucrative rights of the Seignior *dominant*, of whom the Seignior for which the Schedule is made may be held, if the Seignior be an *arrière-fief* ;

And of those of any other Seignior *dominant* ;

4. The yearly value of the Seigniorial rights upon each land, that is to say, each parcel of land originally conceded as a separate lot, or actually owned at the time of making the Schedule by a separate person ; entering severally,—the yearly value of the *lods et ventes*,—the yearly value (if any) of the *droit de banalité*, and of the exclusive right to build mills in the Seignior, as distinguished from the right to the water powers, if such rights be recognized by the decision of the Judges who are to enquire of the same as hereinafter provided, but not otherwise,—the yearly value of the *cens et rentes* and other fixed rights, and of any other legal charges to which the land may be subject ; but the *droit de retrait* shall not be deemed a lucrative right ;

The yearly value of the Seigniorial rights on each lot ;

5. The extent of such land according to the title of the owner, if produced, and whether it is held for agricultural purposes, or is a mere emplacement or building lot ;

The extent of each lot ;

6. In determining the Seigniorial charges to which each land is subject, the Commissioner shall be guided by the title of the owner from the Seignior, subject to the decision of the Judges hereinafter mentioned, if such decision shall in any way limit the rights of the Seignior under the said title ; and in the absence of the title of the owner, the Commissioner shall determine the extent of the land and the Seigniorial charges to which it is subject by such Books, Plans, *procès-verbaux*, or other secondary evidence as he may be able to procure ;

How the charges on any lot shall be determined ;

And its extent ;

7. Each land shall be described in the Schedule by the number, and concession, under which it stands in the land-roll of the Seignior, (or if it bear no such description therein, then by the best brief designation the Commissioner can assign to it,) and the name of the owner as it appears on the land-roll, and in default of information on any of the said points, the Commissioner may describe it in such manner as he may think most convenient, provided he assign to each land a separate and distinct number ;

How each lot shall be described in the Schedule ;

8. The Commissioner shall also include in the Schedule all lands in regard to which the Seigniorial Rights have been commuted, and write opposite thereto the word " Commuted " only.

Commuted lands how to be entered.

General rules
for valuation.

VI. In order to determine the value of the Seigniorial rights on lands held *en roture*, the Commissioner shall observe the following rules, namely :

Cens et rentes
and annual
charges.

1. The amount of the *cens et rentes* and annual charges shall be taken as the yearly value thereof; and if any of such rents or charges be payable in grain, fowls or other provisions or fruits of the earth, their average value shall be computed according to the average price of articles of the same kind, taken from the books of the merchants nearest to the place, or ascertained in any other manner the Commissioner shall think most equitable; to establish such average year, the fourteen years immediately preceding the period at which the valuation is made, shall be taken, the two highest and the two lowest shall be struck out, and the average year shall be established on the ten remaining years; the value of personal labour (*corvées*) shall be estimated in the same manner;

Average year.

Casual rights.

2. In order to establish the yearly value of the casual rights, an average year of their value shall be computed for each of the two classes of lands hereinafter mentioned, upon the ten years immediately preceding the passing of this Act, and the amount of the valuation of the said average year shall be the yearly value of the said casual rights for all the lands in the Seigniorly of the same class; and the Commissioners in estimating the yearly value of the *lods et ventes* in any Seigniorly, shall distinguish those accruing on lands held as *emplacements* or building lots or for other than agricultural purposes, which shall form one class, from those on lands held for agricultural purposes, which shall form another class; and the Commissioner shall apportion the yearly value of the *lods et ventes* on each class, upon the lands belonging to that class, charging each land with a portion thereof proportionate to its value with regard to lands held as *emplacements* or building lots, or for other than agricultural purposes, and proportionate to its extent with regard to lands held for agricultural purposes: and any *rente* expressly charged in any Deed of partial commutation under the Acts hereby repealed, as an indemnity to be paid by the *Censitaire* instead of *lods et ventes*, shall be held to represent the value of the right to *lods et ventes* on the land referred to, and shall be entered and dealt with in all respects accordingly;

Value of *lods*
et ventes on
agricultural
lands and on
emplacements
to be distin-
guished.

How appor-
tioned

As to *rente*
representing
lods et ventes
under deed of
commutation.

Droit de
banalité.

3. In order to establish the yearly value of the *droit de banalité* and the exclusive right of having mills in the Seigniorly, (independently of the right to the water power,) if any such rights be recognized by the said Judges as aforesaid, the Commissioner shall estimate the probable decrease (if any) in the nett yearly income of the Seignior from his mills, to arise from the loss of such right, and the said sum shall be deemed the yearly value of such right, and shall be apportioned upon the lands subject to the said right in proportion to their extent;

4. Any other rights shall be valued according to the revenue or profits which may have accrued therefrom to be ascertained by the Commissioner in such manner as he shall deem most equitable ; and shall be chargd upon the lands subject thereto respectively ;

Other rights.

5. The yearly value of each class of rights upon each land, shall become a *rente constituée* charged upon the same as the compensation payable to the Seigneur thereof, and the total amount of such *rentes constituées* on any land, after the deduction to be made therefrom as hereinafter provided, shall be payable to the Seigneur yearly, at the time and place where the *cens et rentes* on such land are now payable, unless it be otherwise agreed between the Seigneur and the *Censitaire*, and shall accrue from the day on which notice of the deposit of the Schedule of the Seigniority shall be given in the *Canada Gazette*, on which day the present *cens et rentes* and other annual charges upon the land shall cease to accrue ; and both they and the *rentes constituées* under this Act shall accrue rateably for any broken period less than a year, during which they may exist ;

Yearly value of all rights to be converted into a *rente constituée*, on each land.

When payable.

As to broken periods.

6. The value of the rights of the Seigneur *Dominant* in any *arrière-fief*, shall form the capital of a *rente constituée* payable yearly by the Seigneur of the *arrière-fief*, on the day of the date of the publication in the *Canada Gazette* of the notice of the deposit of the Schedule of such *arrière-fief*, and accruing from the day of such publication ; but out of the moneys coming to the Seigneur of the *arrière-fief*, from the Provincial aid hereinafter mentioned, a sum bearing the same proportion to the whole of such moneys as the value of the rights of the Seigneur *Dominant* in such *arrière-fief* bears to the value set upon the Seigniorial rights of the Seigneur *servant* in such *arrière-fief*, shall belong to the Seigneur *Dominant*, and his said *rente constituée* shall be diminished by the amount of the yearly interest at six per cent. per annum, of the sum so coming to him out of the said Provincial aid ;

Value of the rights of Seigneur *dominant* to be the capital of a *rente constituée* payable to him.

His share in the Fund provided by this Act.

7. And in estimating the value of the casual rights of the Crown in relation to each Seigniority, the Commissioner shall be guided, as nearly as possible, by the same rules as are hereby prescribed for the determination of the yearly value of the casual rights of the Seigniors.

Casual rights of the Crown how valued.

VII. Before beginning to prepare the Schedule for any Seigniority, the Commissioner entrusted with that duty, shall give public notice of the place, day and hour, at which he will begin his inquiry ; and such notice shall be made by placards and publications in the English and French languages, at the door of every parish Church in such Seigniority, during four consecutive Sundays at the conclusion of divine service in the forenoon,

Notice by the Commissioner before commencing his inquiry.

forenoon, or by placards in both languages, posted during four consecutive weeks, in the most frequented place in any Seignior in which there shall be no church. (See also 18 Vict. Cap. 103, s. 6.)

He may enter upon lands for the purposes of the inquiry

VIII. It shall be lawful for the Commissioner to enter upon all lands situate in the Seignior in the Schedule whereof is to be made by him, in order to make such examination thereof as may be necessary, without his being subject in respect thereof to any obstruction or prosecution, and with the right to command the assistance of all Justices, Peace Officers and others, in order to enter and make such examination, in case of opposition.

Powers of the Commissioners obtaining information.

IX. The said Commissioners, and each of them separately, shall have full power and authority to examine on oath any party interested or as a witness, and to summon before them, or any of them, all persons whom they or any of them may deem it expedient to examine upon the matters subject to their consideration, and the facts which they may require to ascertain in order to carry this Act into effect, and to require any such person to bring with him and produce before them or any of them any Book, Paper, Plan, Instrument, Document or thing mentioned in such summons, and necessary for the purposes of this Act: And if any person so summoned shall refuse or neglect to appear before them, or before the Commissioner who shall have summoned him, or appearing, shall refuse to answer any lawful question put to him, or to produce any such Book, Paper, Plan, Instrument, Document or thing whatsoever which may be in his possession, and which he shall have been required by such summons to bring with him or to produce, such person shall for every such refusal or neglect incur a penalty of not less than ten nor more than fifty pounds currency, payable to Her Majesty, to be recovered with costs upon summary plaint by such Commissioner before any Judge of the Superior or Circuit Court, and in default of immediate payment shall, by warrant of such Judge, be apprehended and committed to the Common Gaol of the District for a period not exceeding one calendar month.

Punishment of persons refusing to appear before them, or to give information.

Value may be estimated by Experts if required by Seigniors or *Censitaires*.

X. Whenever the Commissioner charged with the making of the Schedule of a Seignior shall be of opinion that the rules prescribed in this Act for determining any value which he is hereby required to determine, do not form an equitable basis for determining the same, or when the Seignior, or not less than twelve *Censitaires* of the Seignior, shall call upon the said Commissioner in writing, within a period not exceeding eight days after the day fixed for the commencement of the inquiry by the Commissioner, requiring that *experts* be appointed to determine the value of the Seigniorial rights therein, the said Commissioner shall call a public meeting of the *Censitaires*

How such experts shall be appointed.

sitaires of the Seignior, at such place therein, and on such day and at such hour, as shall be specified in the public notice thereof, which he shall give in the manner prescribed by this Act with respect to the commencement of his inquiry, for the purpose of appointing two *experts*, one of whom shall be appointed by the Seignior and the other shall be elected by the majority of the *Censitaires* present at such meeting; and in case the Seignior or his agent, shall not be present at the said meeting, or being present, shall refuse or neglect to appoint an *expert*, the said Commissioner shall appoint one on behalf of the Seignior, and such *expert* shall have the same powers as he would have had if he had been appointed by the Seignior, and in the event of the *Censitaires* refusing or neglecting to appoint an *expert* on their behalf, the Commissioner shall in like manner appoint an *expert* to act for them ;

2. The two *experts* so appointed shall have and exercise the same powers with respect to the valuation of the Seigniorial rights as could be exercised by the Commissioner himself, except that they shall not in any case be bound by the rules aforesaid ; and the said two *experts* shall appoint a third *expert*, but in case the two *experts* shall not agree upon the person to be the third *expert*, then any Judge of the Superior Court in the District in which the Seignior or the greater part thereof lies, shall, on the application of either *expert*, after three clear days' notice to the other, appoint such third *expert* ; and the sums fixed by any two of such *experts* as the yearly value of the Seigniorial rights respectively, shall be taken by the Commissioner as the value thereof, and shall be apportioned by him in the manner hereinbefore prescribed, upon or among the lands subject to such rights ; and the Commissioner shall mention in the Schedule that the value was determined by *Expertise* ;

Powers of
experts.

They shall not
be bound by
the foregoing
rules.

Third *expert*.

The value
fixed by them
to be entered
in the Sched-
ule.

3. Provided that when the Seignior and the *Censitaires* shall agree to appoint and elect, or shall appoint and elect one and the same *expert*, such sole *expert* shall have the same powers as the three *experts* would have had, and his decision shall be final : And provided also, that the Commissioner may be appointed either third *expert* or sole *expert* ;

Sole *expert*
may be chosen.

Commissioner
may be sole or
third *expert*.

4. In the event of one of the said *experts* dying, becoming incapacitated, or refusing to act, the appointment or election of another in his stead shall be proceeded with in the manner above prescribed, excepting that it shall not be necessary to call a public meeting of the *Censitaires* for the appointment of an *expert* in the stead of the person representing the Seignior ; but if the Seignior refuse, or neglect during eight days to appoint another *expert*, after having been required so to do by the Commissioner, the Commissioner shall appoint an *expert* on behalf of the said Seignior ;

Case of *experts*
dying, &c ;
provided for.

And if the
Commissioner
be the *expert*.

5. If the Commissioner be appointed third *expert* or sole *expert*, then if he be prevented from acting by any cause, the Commissioner who shall be directed by the Governor to continue the proceedings in the Seignior, shall be third *expert* or sole *expert* in the place of the former Commissioner ;

Fees of
experts.

6. The said *experts* shall be entitled to receive, out of the funds provided by this Act, such fees as the Commissioner shall deem proper to tax, provided that they do not exceed the sum of fifteen shillings for each day of necessary attendance. And the said fees shall be paid by the Receiver General upon the certificate of the Commissioner.

Notice that
Schedule is
ready for in-
spection.

XI. The said Commissioner, immediately after the making of the Schedule of a Seignior, shall give eight days' public notice in the manner prescribed by the seventh Section of this Act, that such Schedule will remain open for the inspection of the Seignior and the *Censitaires* of the Seignior during the thirty days following the said notice ; and during that time the Commissioner may correct any error and supply any omission which may be pointed out to him by any party interested, or which shall come to his knowledge in any other manner, but he shall not alter any value determined by *expertise* without the consent of the majority of the *experts* or of the sole *expert* ;

Inspection,
and correction
of errors.

Who may ap-
pear to demand
corrections.

2. The proprietor or possessor of the Seignior may appear either in person or by his agent, before the Commissioner, for the purpose of having any error corrected which may have crept into the said Schedule ; and for the like purpose the *Censitaires* of the Seignior may appear before the said Commissioner by their agent to be appointed by a majority of the *Censitaires* of the Seignior present at a meeting called for that purpose by any three or more of the *Censitaires* thereof, eight days' public notice thereof having been previously given in the manner prescribed in the seventh Section of this Act ;

Schedule not
to be com-
pleted until
Seignior's
Rights are
decided.

3. But no Schedule shall be completed until the Judges of the Special Court shall have given judgment upon the Questions to be submitted to them as hereinafter mentioned ; and in the event of any of the decisions pronounced by the said Special Court, being reversed or altered upon appeal to the privy Council, the Commissioners forming the Court of Revision of Schedules hereinafter mentioned shall alter and amend the Schedules accordingly.

Four revising
Commis-
sioners to be
selected.

XII. It shall be lawful for the Governor, by letter under the signature of the Provincial Secretary, to select from the Commissioners so to be appointed, four of their number, of whom any three shall form a Court for the revision of Schedules made under this Act, and in like manner from time to time to remove them and to appoint others in the place of any so removed, dying, resigning office or being incapacitated to act ;

Three to sit.

2. The decision of any two of the Commissioners so selected, whether the others be present or not, on any matter relating to the revision of any Schedule made under this Act, shall be final ;

Two may decide.

3. In making such revision the Commissioners shall proceed summarily, but they may order any evidence to be adduced which they may think requisite to enable them to pronounce a correct decision, and for that purpose shall have the same powers as in making a Schedule ;

They may require evidence.

4. No Commissioner so selected shall sit in revision of any Schedule made by him ;

Not to revise their own Schedules.

5. And no revision of any Schedule shall be allowed unless application be made for the same within fifteen days from the expiration of the time allowed under the Eleventh Section of this Act for the correction thereof by the Commissioner by whom it was made ; and every such application shall be made by a Petition presented on behalf of the party interested to the Governor, specifying the objections made to such Schedule and the amendments demanded, and praying for the revision thereof ;

When and how a revision may be obtained.

6. Upon the receipt of any such Petition, the Provincial Secretary shall refer the same to the Commissioners forming the Court of Revision aforesaid, whose duty it shall be, after having given eight days' notice in the manner provided by the seventh Section of this Act, to proceed to revise the Schedule therein mentioned, and if they find any error to correct the same, in so far as, but no farther than, it shall have been so specially objected to ; but they shall not alter any value determined by *expertise* without the consent of the majority of the *experts* or of the sole *expert* ;

How Schedules shall be referred to them for revision.

7. The said Court of Revision may award and tax costs against any party who may in their opinion have demanded or opposed the revision of the Schedule without reasonable cause, and such costs may be recovered on the certificate of any one of the said Commissioners as a debt due by the party against whom they shall have been awarded, to the party in whose favour they have been taxed.

Costs against party win-ting a revision.

XIII. As soon as the Schedule of a Seigniority shall be completed in the manner hereinbefore provided, the Commissioner who shall have made it shall transmit a triplicate thereof to the Receiver General of this Province ; he shall deposit another triplicate in the office of the Superior Court in the district in which the Seigniority is situate, or if such Seigniority be situate in two Districts, then in the office of the said Court in that District in which the greater part of such Seigniority is situate ; and shall retain the other triplicate in his hands until it shall be otherwise provided by law ; and he shall give public

Notice of completion and deposit of Schedule with the Receiver General.

Triplicates how disposed of.

public

public notice of his having so deposited the same, in the terms of the form A, annexed to this Act, or in other terms of like import in the English and French languages in the *Canada Gazette*, or other newspaper recognized as the Official Gazette of the Province, and in at least one newspaper published in the District in which such Seigniority or the greater part thereof is situate, or if there be no newspaper published in such District, such notice shall be so published in the nearest District wherein one or more newspapers are published. And the Clerk of the Superior Court shall furnish copies of or extracts from such Schedule duly certified in the usual form, to any person applying for the same, and may demand three pence currency for every hundred words or figures in any such copy or extract; and he shall also furnish one copy of every such Schedule on demand to the Seignior of the Seigniority to which it relates, and the costs thereof shall be paid out of the funds provided by this Act; and all such copies and extracts, whether in words or figures, shall be deemed authentic, and shall serve as *prima facie* proof of all matters therein set forth.

Copies and extracts to be furnished.

Fee therefor.

Their legal effect.

ABOLITION OF FEUDAL RIGHTS AND DUTIES.

Upon the publication of the notice of deposit of the Schedule of a Seigniority, all lands therein to be held in *franc-aleu*.

And the Seignior to be free from Quint, &c. to the Crown.

No Seigniorial right or duty to remain or be established.

Proviso: Seigniors not to concede before the Schedule is completed.

XIV. Upon, from and after the date of the publication in the *Canada Gazette*, or other Official Gazette as aforesaid, of a notice of the deposit of the Schedule of any Seigniority as aforesaid, every *Censitaire* in such Seigniority shall by virtue thereof hold his land in *franc-aleu roturier*, free and clear of all *Cens*, *Lods et Ventes*, *Droit de Banalité*, *Droit de Retrait* and other feudal and Seigniorial duties and charges whatever, except the *Rente constituée* which will be substituted for all Seigniorial duties and charges; and every Seignior shall thereafter hold his domain and the unconceded lands in his Seigniority, and all water powers and real estate now belonging to him, in *franc-aleu roturier*, by virtue of this Act, and the same and the *Rentes constituées* payable to him under this Act by his *Censitaires*, or by any Seignior of whose Fief or Seigniority he is the Seignior *Dominant*, shall be held and enjoyed by him free and clear of all *Quint*, *Relief* or other feudal dues or duties to the Crown or to any Seignior *Dominant* of whom his Fief or Seigniority is now held; subject always, both as regards Seignior and *Censitaire*, to the provisions of this Act: Nor shall the Seignior as such after the said time be subject to any onerous obligation towards his *Censitaires*, or be entitled to any honorary rights, nor shall any land be thereafter granted by any Seignior to be held by any other tenure than *franc-aleu roturier*, or subject to any mutation fines or other feudal dues; Provided always, that no Seignior shall concede or alienate any part of the unconceded lands in his Seigniority, until after the notice of the deposit of the Schedule thereof has been given as aforesaid, and any such concession or alienation shall be null and void.

XV. But no right which any Seignior may have acquired by any legal stipulation entered into before the passing of this Act, by any deed subsequent to the deed of concession, to take any land for the purpose of using the water power adjoining the same and belonging to such Seignior, on paying for such land the full value thereof and of all improvements thereon, shall cease by reason of the passing of this Act, but the same shall remain in full force: Provided always, that the owner of any land adjoining any water power so acquired by the Seignior, and not then used by him, may, at any time after the expiration of one year from the passing of this Act, demand the right to use such water power from the Seignior on paying him the full value of such right, which value, if not agreed upon, shall be fixed by Arbitrators, one to be named by the owner of such land, another by the Seignior, and the third by the other two, or if they disagree, then by a Judge of the Superior Court or of the Circuit Court, and the award of any two of them shall be conclusive; and upon payment or tender to the Seignior of the value awarded, the owner of such land shall have the right to use such water power in the manner mentioned in the demand thereof and in the said award.

Certain powers as to taking land for mills, to remain if made after the deed of concession.

Proviso: Owner of land adjoining a water power may demand it in certain cases.

DETERMINATION OF THE LEGAL RIGHTS OF THE SEIGNIOR AND CENSITAIRE.

XVI. And in order to avoid as far as may be possible, unnecessary expense, uncertainty and delay in the valuation of the several rights aforesaid, and in the completion of the Schedules of the Seigniories respectively, and all errors as to matters of law on the part of the Commissioners under this Act, Her Majesty's Attorney General for Lower Canada, shall, as soon as may be practicable after the passing of this Act, frame such Questions to be submitted for the decision of the Judges of the Court of Queen's Bench and of the Superior Court for Lower Canada, as he shall deem best calculated to decide the points of law, which will, in his opinion, come under the consideration of the said Commissioners, in determining the value of the rights of the Crown, of the Seignior, and of the *Censitaires*, and he shall file a copy of such Questions in the Office of the said Court of Queen's Bench, and cause a copy thereof to be transmitted by Post to each of the Judges of the said Courts;

Questions to be submitted by the Attorney General to all the Judges for determining Seignior's rights.

To be filed.

2. The said Questions shall then be published at least once a week, during six consecutive weeks, in the *Canada Gazette*, with a notice to all concerned that they have been filed as aforesaid, and are submitted for the decision of the said Judges;

They shall be published.

3. The said Judges shall take the said Questions into consideration, and shall hear the Attorney General, or Solicitor General, and such Counsel as such Attorney General or Solicitor

They shall be taken into consideration, and decided as soon as possible.

tor General may deem it advisable to associate with them, at as early a time as may be practicable after the expiration of thirty days from the last publication of the said Questions in the *Canada Gazette*; and it shall be the duty of the said Judges to give the consideration of the said Questions and the hearing thereof such precedence over other matters before them, and to adopt such other measures with regard to them, as will ensure a decision thereon at as early a period as may be conveniently practicable;

Seigniors may file counter-questions and propositions.

4. Any Seignior may, at any time before the end of the said period of thirty days after the last publication of the said Questions, or with leave of the said Judges at any time before the hearing thereon, cause an appearance to be filed for him in the Office of the Court of Queen's Bench, in the matter of the said Questions, and having caused such appearance to be so filed, shall be entitled to be heard by his Counsel upon such Questions, and may submit any supplementary or counter-questions and may append to every such Question, a Statement of the Proposition or Propositions he intends to maintain with regard thereto; but no more than five Counsel shall be heard on the part of all the Seigniors so appearing except by special permission of the Court, and if more claim to be heard, the Judges shall decide between them which shall be heard;

Number of Counsel limited.

And so may *Censitaires*.

5. The *Censitaires* of any Seigniori acting by their Agent to be elected in the manner provided by the eleventh Section of this Act, may also in like manner and within a like delay cause an appearance to be filed for them in the Office of the said Court, and having so done shall be entitled to be heard by their Counsel upon the questions filed by the Attorney General as well as upon any questions or propositions filed by any Seignior, and may submit supplementary or counter-questions or propositions to those of the Crown or of any Seignior; but no more than five Counsel shall be heard on the part of all the *Censitaires*, unless by the special permission of the Court, and if more claim to be heard, the Court shall decide between them which shall be heard;

Number of Counsel limited.

Copies of counter-questions, &c. to be furnished to all parties.

6. No publication or service of any such supplementary or counter-questions or propositions shall be necessary, but the same shall be printed, and, when they are filed, at least fifty copies thereof shall be delivered to the Clerk of Appeals, who shall give copies to the Attorney General and to the Advocates appearing for Seigniors or *Censitaires*;

How the questions shall be heard, &c.

7. From the expiration of the said thirty days after the last publication of the said Questions, the matter shall be dealt with by the said Judges, as if an appeal were pending and inscribed and ready for hearing, in which the said Questions had arisen for decision, but no case, or pleadings, or other proceeding than such as are herein prescribed shall be required previously

previously to such hearing; no technical objection of procedure shall be entertained, and if any question arise as to the proceedings in any matter not provided for by this Act, the Judges sitting shall *instanter* make such order therein as shall seem most equitable and convenient;

8. The decision and opinions of the said Judges shall be *motivées* and delivered as in a judgment on a case in appeal in which all the Questions had arisen and were put in issue, but without any further sentence in favor of the Crown the Seigniors or the *Censitaires*, whether as to costs or otherwise;

Form of decisions.

9. The decision so to be pronounced on each of the said Questions and Propositions shall guide the Commissioners and the Attorney General, and shall in any actual case thereafter to arise, be held to have been a judgment in appeal *en dernier ressort* on the point raised by such Question, in a like case, though between other parties; Provided always, that it shall be competent to the said Judges to render separate decisions upon any particular question or questions; And provided also, that if, as to any such decision, there be any dissentient Judge, either party may, within one month, by summary petition duly notified to the others, appeal from such decision to Her Majesty in Her Privy Council; but otherwise, there shall be no appeal from any such decision;

Effect of decisions.

Proviso.

Proviso: in what case an appeal shall lie.

10. The Governor may at any time and from time to time, by Proclamation, direct a Special Session of the said Judges to be held at the City of Quebec or at the City of Montreal, and to commence on the day to be named for that purpose in such Proclamation, which shall be issued at least twenty clear days before the commencement of such Special Session; and to any such Special Session all the provisions of the Act constituting the said Court of Queen's Bench, and of the law with regard to the ordinary terms of the said Court (*Appeal side*) shall apply; except that at every such Special Session, nine of the said Judges shall be a Quorum: and the Questions to be proposed under this Act, and no other business, shall be taken up at such Session; and such Special Session shall continue until no further matter or proceeding relating to this Act shall be before the said Judges, who shall at such Session form a special Court for the purposes of this Act; Provided always, that if for the purpose of holding any term, either of the Court of Queen's Bench or Superior Court, it become necessary to suspend the sittings of such Special Session, the Judges shall adjourn such Special Session to the first convenient day after the close of such term; and the said Special Court may, after hearing all parties on the various matters submitted to them, adjourn for the purpose of rendering judgment only, to any day thereafter, on and after which day they may adjourn for the like purpose; and such adjournments for rendering judgment may be to any day during or between any terms of the said

Special Session to be held for the purposes of this Act.

Quorum.

Duration.

Proviso.

Adjournment for rendering judgment.

Proviso :
Terms of other
Court may be
suspended, &c.
or Assistant
Judges ap-
pointed.

Who shall
preside at such
Special Ses-
sion.

said Court of Queen's Bench or Superior Court ; And provided also, that it shall be lawful for the Governor, by any proclamation directing such Special Session, to suspend or postpone any Term or Terms of either of the said Courts, or to alter the duration thereof ; and also to name any Circuit Judge or Judges, or Barrister or Barristers of at least ten years' standing at the Bar of Lower Canada, to be and act as Assistant Judges of the said Courts, or of either of them, during the pendency of any such Special Session, and of all adjournments thereof, and for such term of time before or after as he may deem necessary ; and every person so named shall, for the term of such appointment, have all the powers of a Judge of the Court whereof he shall have been named an Assistant Judge, except the powers given by this Act. The presiding Judge at every such special session shall be the Chief Justice of the Court of Queen's Bench if present : if absent, the Chief Justice of the Superior Court, and in the absence of both Chief Justices, the Senior of the Puisné Judges of the Court of Queen's Bench then present.

PROVINCIAL APPROPRIATION FOR RELIEF OF *CENSITAIRES* AND EXPENSES OF THIS ACT.

Expenses
under this Act
how paid.

Fund for other
purposes of
this Act.

Money may
be raised by
Debentures.

Proviso :
Total amount
limited.

XVII. The emoluments and disbursements of the Commissioners who shall be appointed under this Act, with the expenses to be incurred under the same, shall be paid out of the Consolidated Revenue Fund of this Province, by Warrant of the Governor : and a sum not exceeding in the whole what shall remain of the amount hereinafter limited after deducting therefrom the said emoluments, disbursements and expenses, may likewise be paid out of the said Fund for the purposes of this Act : and it shall be lawful for the Governor in Council to cause any sum or sums not exceeding in the whole the sum required for defraying the expenditure authorized by this Act, to be raised by Debentures to be issued on the credit of the said Consolidated Revenue Fund, in such form, bearing such rate of interest, and the principal and interest whereof shall be payable out of the said Fund at such times and places as the Governor in Council shall think most advantageous for the public interest : and the moneys so raised as aforesaid shall make part of the said Consolidated Revenue Fund of this Province : Provided always, that the total amount of moneys to be paid, whether in money or debentures, under this Act, shall not exceed by more than one hundred and fifty thousand pounds, the sum of which the average yearly proceeds of the other sources of Revenue hereinafter mentioned (upon an average of the last five years) would be the yearly interest at six per cent. per annum added to the value of the Crown's rights in the Seigniories affected by this Act.

XVIII.

XVIII. The moneys arising from the following sources of Revenue, shall be and are hereby specially appropriated to make good to the said Consolidated Revenue Fund, the amount which may be taken out of the same for the purpose of paying the sum charged upon it under the next preceding section, that is to say :

Special appropriated money from certain sources.

All moneys arising from the value of the rights of the Crown, from *droits de Quint* and other dues, in or upon the Seigniories of which the Crown is Seignior *Dominant*, and which are to be commuted by this Act as such value shall be fixed by the Schedules of the said Seigniories respectively, and all arrears of such dues ;

Crown rights in Seigniories.

All moneys arising from the Revenues of the Seigniorie of Lauzon, Lauzon, or from the sale of any part of the said Seigniorie which may hereafter be sold, and all arrears of such Revenues ;

Lauzon.

All moneys arising from Auction Duties and Auctioneers' Licenses in Lower Canada ;

Auction duties.

All moneys arising in Lower Canada from licenses to sell spirituous, vinous or fermented liquors by retail in places other than places of Public Entertainment, commonly called Shop or Store Licenses ;

Shop Licenses

All moneys which shall arise from Tavern Licenses in Lower Canada, after the present charges on that Fund shall have been paid off, except however such portion of that Fund as shall be levied in the Townships ;

Tavern licenses in certain cases.

And separate accounts shall be kept of all moneys arising from the sources of Revenue aforesaid, and of the moneys disbursed under this Act, allowing interest on both sides at the then current rate on Provincial Debentures, to the end that if the sums payable out of the Consolidated Revenue Fund under this Act, shall exceed in the whole the total amount of the sums arising from the sources of Revenue so specially appropriated and any interest allowed thereon as aforesaid, a sum equal to such excess may and the same shall be set apart, to be appropriated by Parliament for some local purpose or purposes in Upper Canada.

Separate accounts to be kept with a view to an appropriation for Upper Canada purposes.

XIX. The Special Fund constituted as aforesaid for the purposes of this Act, shall, after deducting the expenses incurred under this Act, be appropriated in aid of the *Censitaires* in the several Seigniories, in the following manner :

How the money hereby appropriated shall be applied in aid of the *censitaires*.

2. The sum to be established as the value of the right of the Crown in each Seigniorie as aforesaid, and the difference between the absolute value in *franc-aleu roturier* of all unceded lands, waters and water powers in the Seigniories and

Value of Crown rights in each Seigniorie to be given the *censitaires*

the

therein, in reduction of commutation for *lods et ventes*.

the value of the Seigniors' rights therein, shall be appropriated in aid of the *Censitaires* of such Seignior in reduction of the *rentes constituées* representing the *lods et ventes* or other mutation fines therein, by an equal per centage of reduction on each such *rente* ;

Remainder among all the Seigniories in proportion to the charges on each.

How the aid shall be applied:

3. The remainder of the said Special Fund shall be apportioned by the Receiver-General (among the several Seigniories to which this Act extends,) giving to each an equal per centage on the total amount of the constituted rents established by the Schedule of each such Seignior, after deducting the value of the Crown's rights therein ; And the sum as apportioned to each Seignior shall be applied by the Receiver General in the following order, which shall be the order of charges thereon :

To redemption of commutation money of *lods et ventes* ;

1st. To the redemption of so much of the said *rentes constituées* representing the *lods et ventes* or other mutation fines in the Seignior as may remain after the reduction made by the application of the value of the Crown's rights as aforesad, by an equal per centage of reduction on such remaining *rentes* in each case ;

Of banality ;

2dly. To the redemption of the *rentes constituées* representing the Banality in the Seignior, by an equal per centage of reduction on each such *rente* ;

Of *cens et rentes* exceeding 1d. per arpent ;

3dly. To the redemption of the *rentes constituées* representing the *cens et rentes* and other charges on lands held for Agricultural purposes in the Seignior, by an equal per centage of reduction on each such *rente constituée*, exceeding the rate of one penny half penny per annum, per *arpent* ;

Reduction of *rente* in any case ;

4. The reduction of such *rentes constituées* shall always be in proportion to the capital sum applied to effect such reduction, the reduction being equal to the legal interest of such capital ;

Sum apportioned to belong to the Seigniors.

5. The sums so apportioned for each Seignior shall belong to the Seignior thereof, subject always to the right of the Seignior *Dominant*, and shall be dealt with in every respect, as moneys paid in redemption of the *rentes constituées* mentioned in the Schedule of such Seignior, subject to the special provisions hereinafter made.

APPLICATION OF MONEYS ARISING FROM THE REDEMPTION OF SEIGNIORIAL RIGHTS, &c.

Oppositions to be filed by persons having claims on Seigniories.

XX. Every proprietor of a Seignior who shall have within his *mouvance* another or several fiefs, (unless the value of his rights has been entered in the Schedule thereof), and every person having an hypothecary claim on any Seignior the

Schedule relative to which shall be deposited in the office of the Clerk of the Superior Court in the District in which such Seigniority or part thereof is situate, must, for the preservation of his privileges, within six months from the date of the notice in the *Canada Gazette* of the deposit of the Schedule of such Seigniority, file an opposition to the distribution of all moneys arising or which may arise from the redemption of the Seigniorial rights in such Seigniority; every such opposition shall be filed in the said office and have effect for thirty years, unless sooner withdrawn, or by Judgment of the Court dismissed; and if any such opposition be renewed within a less time than thirty years, the opposant shall only be entitled to the costs of one single opposition; and while such opposition shall so remain in force, any *Censitaire* who shall pay the capital or redemption money, of the *rente constituée* to the Seignior, shall do so at his peril, and on pain of being liable to any such opposant for any loss he may thereby sustain.

Effect and duration of opposition.

XXI. All minors, interdicted persons and married women, even in the case of dower not yet open (*non encore ouvert*), and all who have entailed or contingent rights, by themselves or their tutors, curators, husbands or others, who may act for them, shall be also required, for the preservation of their privileges, to file their opposition to the distribution of all such moneys in the manner provided in the next preceding section: but tutors, curators, husbands or others who shall have neglected to file such oppositions shall, nevertheless, continue to be responsible towards the persons under their charge or authority for any loss which may result from their negligence in the said behalf.

What parties must file oppositions to preserve their privileges.

XXII. If after the expiration of six months, from the date of the first publication in the *Canada Gazette* of the Notice by the Receiver General of the Deposit of the Schedule of the Seigniority in which such land is situate, the possessor of such Seigniority produce to the Receiver General a certificate, granted by the Clerk of the Superior Court for the District in which the Schedule relative to such Seigniority, or a triplicate thereof, is deposited, stating that there is no opposition to the payment of the redemption moneys in such Seigniority, the said Receiver General shall pay to the said Seignior, on his giving a duplicate receipt therefor, the amount of any moneys coming to such Seignior out of the Special Fund hereinbefore mentioned, with interest thereon, at six per cent. per annum, to be computed from the date of the said notice, and thereafter the Seignior shall have full right to receive the price of the *rentes constituées* in his Seigniority directly from the *Censitaires*, and to deal with such *rentes* as he shall see fit.

In default of opposition, Seignior may receive his share of the fund, &c.

And the capital of the *rentes constituées*.

XXIII. Whenever the Receiver General shall have ascertained the amount of money coming to any Seignior out of the Special Fund hereby appropriated in aid of the *Censitaires*,

How money in Receiver General's hands shall be and

dealt with in case of opposition filed.

and there shall be an opposition filed as aforesaid to the distribution of such money, the Receiver General shall deposit a certificate of the said amount in the hands of the Clerk of the Superior Court in the District wherein the Schedule relative to the said Scigniority, shall have been deposited ; and the said Court shall make the distribution of the said moneys among the opposants, according to the order of their hypothecs, and the preference of their respective privileges ; and the Receiver General shall pay the same to the Clerk of the Court to be distributed according to such order, but the interest on any sum coming to a Seignior, and in the Receiver General's hands, shall always be payable to such Seignior.

Corporations, tutors, &c., empowered to pay off the capital of *rentes constituées* under this Act.

Proviso.

XXIV. All persons holding in mortmain, corporations, tutors, curators and administrators possessing lands held *en roture*, or persons holding entailed lands the *rentes constituées* upon which may be redeemed with advantage to those whom they represent, may effect the redemption of any *rente constituée* under the provisions of this Act by paying the price of redemption out of the moneys of those whom they represent : Provided that tutors, curators and usufructuary proprietors (*usufruitiers*) and holders of entailed lands, observe the formalities required by law in the alienation of the property of the persons whose rights shall be represented by them ; but persons holding in mortmain and corporation shall not be required to observe any other formality in or before the redemption of any such *rente constituée* than those prescribed by this Act.

Religious communities holding Seigniories may invest commutation money in real estate.

XXV. And it shall be lawful for the several religious or ecclesiastical communities, holding in mortmain Fiefs or Seigniories in Lower Canada, to invest from time to time, as they shall see fit, in any lands or tenements in this Province, or in any public or private securities in this Province, which they shall deem most advisable or advantageous to their respective communities, any sums of money that may accrue to them from the redemption of any *rente constituée* created under this Act, or out of the Special Fund appropriated by this Act.

DESTINATION AND LEGAL CHARACTER OF PROPERTIES AND RIGHTS HEREAFTER TO REPRESENT SEIGNIORIES.

As respects claims existing before the notice of deposit of the Schedule, and for which oppositions shall be filed, the *rentes constituées* shall be dealt with as the Seigniority.

XXVI. In respect of all rights acquired in, to or upon, any Seigniority before the publication in the *Canada Gazette* of the notice of the Receiver General of the deposit of the Schedule of any Seigniority in his hands, and for the preservation whereof an opposition shall have been filed within six months from the date of the said publication, all lands and real rights which at and immediately before the passing of this Act were held by the Seignior as part of his Seigniority, all rights secured to him under the Schedule thereof, all *rentes* under this Act to be created,

created, all moneys to arise from the redemption of any such *rentes*, or to be received by the Seignior out of the aid granted by this Act to the *censitaires* towards the redemption of Seigniorial rights, duties and dues, and all properties and rights so by such Seignior acquired as to represent such moneys, shall be held and taken as though attached to the *domaine* of such Seignior, and as representing such Seignior : but in respect of all rights thereafter to accrue, or for the preservation whereof no opposition shall have been filed within the delay aforesaid, all such lands, rights, *rentes* and moneys shall be held and taken to be, and shall be to all intents separate and independent properties and rights ; and it shall not be requisite that any person, in order to the holding, recovery or enforcement of any thereof, should qualify himself as being, or as ever having been, a Seignior.

As regards other rights, the said *rentes* shall be distinct properties.

XXVII. All *rentes constituées* to be created under this Act, shall have the same privileges *ex causa* as the right of the *bailleur de fonds*, and the like preference over all other hypothecary claims affecting the land, as any Seigniorial dues upon or arising out of such land would have had previous to the redemption of the said dues, without any registration in any Registry office to that end ; but the Creditor shall not have the right to recover more than five years' arrears of any such rent ; and in default of moveables out of which the amount of any judgment for such arrears, though amounting to less than Ten Pounds currency, may be levied, execution may issue against such land after a delay of one year from the date of such Judgment, and not sooner.

Privileges for securing such *rentes*.

No more than five years' arrears to be recoverable.

XXVIII. Every *rente constituée* established by virtue of this Act, shall always be redeemable by consent of the owner of the land and of the Seignior, in cases where the Seignior has the right to the capital thereof for his own use, and not otherwise ; but if the Seignior be entailed (*substituée*) or held by a tutor, curator or usufructuary proprietor (*usufruitier*), and an opposition be filed and then in force, the *rente* and arrears only shall be received, subject always to the exception in the next following section, which shall apply to all cases of redemption of such *rentes*. (See also 18 Vict. Cap. 103, s. 1.)

In what cases any such *rentes* shall be redeemable.

XXIX. Provided always, that it shall not be lawful to redeem any such *rente constituée* except by the consent of the Seignior having the right to the capital thereof for his own use, at any other time in any year than the day on which such *rente* is payable ; But provided also, that at any time, and whether the Seignior have or have not the right to the capital of the *rentes constituées* under this Act, for his own use, it shall be lawful for the *Censitaires* in any Seignior to redeem by one payment all the said *rentes constituées* then remaining in the Seignior, and in such case the redemption money shall be paid to the Seignior, if there be then no opposition filed as aforesaid

Such *rentes* shall be redeemable in every case if paid off at once for the whole Seignior.

How the redemption money shall be dealt with.

Money may always be raised for this purpose on the credit of the municipal loan fund.

and in force ; and if there be such opposition, then it shall be paid to the Receiver General, and shall be dealt with in all respects as money coming to the Seignior out of the Special Fund appropriated in aid of the *Censitaires* ; and the paying of such redemption money shall always be one of the purposes for which money may be raised on the credit of the Consolidated Municipal Loan Fund for Lower Canada, under any law in force for raising money on the credit of such Fund : and the redemption money under this Section shall always be the capital sum of which the *rentes* redeemed shall be equal to the legal interest, unless another rate be agreed upon by the *Censitaires* and a Seignior having the rights to such redemption money, for his own use. (*See also 18 Vict. Cap. 103, s. 1.*)

MISCELLANEOUS PROVISIONS.

Décret not to purge Seigniorial rights or any *rente constituée* representing them.

XXX. No sale under Writ of Execution (*par décret*) shall have the effect of liberating any immoveable property then or theretofore held *à titre de cens*, and so sold, from any of the rights, charges, conditions or reservations established in respect of such immoveable property in favor of the Seignior, due before the completion of the Schedule of the Seigniority in which such property lies, or from any *rente constituée* payable thereon under such Schedule, but every such immoveable property shall be considered as having been sold subject thereafter to all such rights, charges, conditions or reservations, without its being necessary for the Seignior to make an opposition for the said purpose before the sale.

Opposition for such rights or *rente* to be null.

XXXI. If notwithstanding the provisions of this Act, any opposition *afin de charge* be made hereafter for the preservation of any of the rights, charges, conditions or reservations mentioned in the next preceding section of this Act, such opposition shall not have the effect of staying the sale, and the Opposant shall not be entitled to any costs thereon, but it shall be returned into Court by the Sheriff after the sale, to be dealt with as to law may appertain.

Seignior's privilege for arrears before commutation maintained.

XXXII. The Seignior of whom any land the tenure of which shall be commuted under this Act, was held, shall be maintained in his privileges and hypothecs on the land, for the payment of all arrears of Seigniorial rights lawfully due at the time of such commutation.

CERTAIN LANDS DECLARED TO BE AND TO HAVE BEEN HOLDEN IN *FRANC-ALEU ROTURIER*.

Lands heretofore commuted, to be held in *franc-aleu*.

XXXIII. All lands which any Seignior has, by any Act (*Acte*) or Deed in writing heretofore executed, released or agreed to release from all Seigniorial rights in consideration of the payment of any sum of money or of any annual rent, are hereby declared

declared to be and to have been from the day of the date of every such Act (*Acte*) or Deed, free from all such Seigniorial rights and holden in *franc-aleu roturier*; but the Commissioners, for the purpose of making the Schedules of Seigniories in which any such lands are situate, shall deal with all such lands as if they were now held *en roture*, and when the same are liable to an annual rent, shall establish and specify in the Schedule the capital of every such rent, in order that the same may be redeemed by the person liable therefor, in the same manner as any *rente constituée* established by this Act.

Rentes imposed on them may be redeemed, &c.

XXXIV. All lands upon which mortmain dues (*des droits d'indemnité*) have been paid to any Seignior, and which have not been sold or conceded since such payment to parties holding otherwise than in mortmain, are hereby declared to be and to have been from the day of the date of such payment or of any Act (*Acte*) or Deed in writing, binding the owner to pay the same, released from all Seigniorial dues and duties and held *en franc-aleu roturier*, but subject to the payment of a *rente constituée* equal to the *cens* and rent legally due thereon.

Certain lands on which mortmain dues have been paid, to be held in *franc-aleu*, &c.

INTERPRETATION AND EXTENT OF THIS ACT.

XXXV. And, for the interpretation of this Act—Be it enacted, That none of the provisions of this Act shall extend to the wild and unconceded lands in Seigniories held by the Crown in trust for the Indians nor to the Seigniories held by the Ecclesiastics of the Seminary of St. Sulpice of Montreal, nor to either of the Fiefs Nazareth, Saint Augustin, Saint Joseph, Closse and Lagauchetière, in the City and County of Montreal, nor to any other *arrière-fief* depending upon (*relevant de*) any of the said Seigniories, nor to the Seigniories of the late Order of Jesuits or other Seigniories held by the Crown and not above mentioned, nor to the Seigniories held by the Principal Officers of Her Majesty's Ordinance,

Act not to extend to certain Seigniories.

Seigniorie of the Seminary of St. Sulpice, and certain fiefs held of it.

Crown and Jesuits' Seigniories.

nor to any lands held *en franc-aleu noble* and granted under and by virtue of the Act of the Parliament of the late Province of Lower Canada, passed in the third year of the Reign of His late Majesty King George the Fourth, and intitled: *An Act for the relief of certain censitaires or grantees of La Salle and others therein mentioned, possessing lands within the limits of the Township of Sherrington:*

Ordinance Signiories.

Certain lands in Sherrington.

Act of L. C. 3 Geo. 4, c. 14.

Repealed by 18 Vict. cap. 103, s. 7.

Provided always, that the Governor in Council may if he shall see fit, grant to the *Censitaires* of the Crown Seigniories the Revenues whereof belong to the Province, (including the Seigniories of the late order of Jesuits), upon commutation of their lands, equal advantages and relief as are hereby granted to the *Censitaires* of Seigniories not excepted from the operation of this Act. (*See also 18 Vict. cap. 103, s. 8.*)

Proviso: Governor may grant equal advantages to *censitaires* in Crown Seigniories.

XXXVI.

Act not to affect arrears, &c.

XXXVI. Nothing herein contained shall affect the right to, or the recovery of, any arrears of Seigniorial dues accrued before the passing of this Act, or shall give any person whomsoever any right of action for the recovery of money or other value paid by him or his predecessors in the form of rents or other Seigniorial dues, or for the recovery of damages which he may pretend to claim for the privation of any right of which he may deem that he has been illegally deprived by his Seignior, unless he would have had such right of action if this Act had not been passed; nor shall any thing in this Act be construed to weaken or to support any claim of any Seignior or of any *Censitaires* to any right claimed by or for them respectively, at the hearing on the questions and propositions to be submitted under this Act to the Judges for their decision, but the same shall be decided by the law as it stood immediately before the passing of this Act.

Seignior's rights to be determined as they stood before the passing of this Act.

Interpretation of words:

Seignior;

Seignior;

Seignior and censitaire;

Seigniorial rights;

Land.

XXXVII. The word "Seignior," wherever it occurs in this Act, shall be construed as meaning any part of a Fief, *arrière-fief* or Seignior held by a single individual, or by a Corporation, or held by several persons in common (*par indivis*) as well as the whole of a *fief*, *arrière-fief*, or Seignior, except in such parts of this Act in which the words "*arrière-fief*" and "*Seignior*" are made use of to distinguish the *Fief dominant* from the *fief servant*; and the word "Seignior" shall be construed as meaning any Corporation, or any sole proprietor, and all persons who are proprietors in common (*par indivis*) of any part of a *Fief*, *arrière-fief* or Seignior, as well as any person or Corporation, being sole proprietor, and all persons, proprietors jointly and *par indivis* of the whole of any such *Fief*, *arrière-fief*, or Seignior: the words "Seignior" and "*Censitaire*" shall apply to the owner of any *rente constituée* created under this Act, and the person charged therewith, respectively, as well as to the owner of and person charged with the rights and duties represented by such *Rente*; the words "Seigniorial Rights," whenever they occur in this Act, shall include and be construed as including all rights, duties, charges, obligations, and Seigniorial or feudal dues whatsoever; the word "Land" shall mean any lot, piece or parcel of land, and shall include the buildings thereon constructed, and all its appurtenances.

Right to amend this Act in furtherance of its intent reserved.

Its intent declared.

XXXVIII. The Legislature reserves the right of making any provision, declaratory or otherwise which may be found necessary for the purpose of fully carrying out the intent of this Act; which intent is declared to be,—to abolish as soon as practicable, all feudal or Seigniorial rights, duties and dues, substituting therefor *rentes constituées* of equal value,—to grant to the Seignior a fair indemnity, and no more, for all the lucrative rights which the law gives him, and which this Act will abolish,—to preserve the rights of third parties, unless such rights be lost by their own neglect or laches;—and to aid the *censitaire* out of the Provincial Funds in the redemption of those

Seigniorial

Seigniorial charges which interfere most injuriously with his independence, industry and enterprise; and every enactment and provision of this Act shall receive the most liberal construction possible with a view to ensure the accomplishment of the intention of the Legislature, as hereby declared.

XXXIX. The "Interpretation Act" shall apply to this Act. Interpretation
Act to apply.

XL. This Act shall be known, cited and referred to as Short title.
"The Seigniorial Act of 1854."

XLI. This Act shall apply to Lower Canada only. Extent of Act.

FORM A.

Public notice is hereby given that the Schedule (*of the fief, arrière-fief or of the Seigniorie*) of (*name of fief, arrière-fief or Seigniorie*) shewing the *rentes constituées* into which the feudal and Seigniorial rights, dues, charges, obligations and rents due and payable upon each land in such (*fief, arrière-fief or Seigniorie*) are converted, is completed, and that a triplicate thereof has been deposited in the office of the Receiver General, and another in the office of the Superior Court in the District of _____ and that the third remains in the possession of the undersigned.

(*Here give the name of the locality in which the Commissioner is sitting, and the date.*)

A. B. } Commissioner under
the Seigniorial Act of
1854.



ANNO DECIMO-OCTAVO.

VICTORIÆ REGINÆ.

C A P. C I I I.

An Act to amend the Seigniorial Act of 1854.

[Assented to 30th May, 1855.]

WHEREAS it is expedient to amend *The Seigniorial Act* Preamble.
of 1854, so as to facilitate the operation thereof : Be it
therefore enacted by the Queen's Most Excellent Majesty, by 18 V. c. 3.
and with the advice and consent of the Legislative Council and
of the Legislative Assembly of the Province of Canada, con-
stituted and assembled by virtue of and under the authority of
an Act passed in the Parliament of the United Kingdom of
Great Britain and Ireland, and intituled, *An Act to re-unite the*
Provinces of Upper and Lower Canada, and for the Government
of Canada, and it is hereby enacted by the authority of the
same, as follows :

I. Notwithstanding any thing in the twenty-eighth and *Rente consti-*
twenty-ninth Sections or in any other part of the said Act con- *tuée in Sei-*
tained, any constituted rent (*rente constituée*) established by *gniories in*
virtue thereof in any Seignior, in relation to which an oppo- *respect of*
sition shall have been filed under any of the provisions of the *which opposi-*
said Act, may, at any time be redeemed by payment to the *tions are filed*
Receiver General of the capital thereof with interest computed *may be re-*
up to the date of such redemption : *deemed, and*
how.

2. And the Receiver General shall dispose of all such moneys
as follows :

If they accrue in a Seignior, in relation to which opposition *If the opposi-*
has been made on the ground that such Seignior is entailed *tion be found*
(*substituée*) or held by a curator, tutor or other person holding *on a substitu-*
in trust for others, and not as absolute proprietor (*jure proprie-* *tion.*
tario), the Receiver General shall, on the day in each year on
which the *rente* would have become due if it had not been re-
deemed, and so long as such entail (*substitution*) or tenancy in
trust (*fidéicommis*) shall subsist, pay to the person entitled to
the revenue of the Seignior, interest upon the capital of all
such *rentes* at the rate of six *per centum per annum*, and he
shall pay the capital thereof at the expiration of the substitu-
tion,

Proviso.

Court may on petition order the money to be laid out in the purchase of real estate to be held on the same conditions to which the money itself was subject.

tion, or tenancy in trust, to such person as shall be designated by the Judgment of the Court before which such opposition shall have been made: Provided always, that it shall be lawful for the said Court, on petition of such curator, tutor or other person holding in trust for others, at any time before the expiration of the substitution or tenancy in trust, to order that such capital, or any portion thereof, shall be by such curator, tutor or other person, laid out and invested in real or immoveable property to be designated in the order, and thereupon it shall be lawful for the Receiver General to pay the sum mentioned in such order to the person or party therein designated as the vendor of such real or immoveable property or as otherwise entitled to receive the price thereof, and thereafter such real or immoveable property shall be subject to all such and the same trusts (*fidéicommiss*) or entails (*substitutions*) as the Seignior in respect to which the same was so ordered to be acquired as aforesaid.

And if upon hypothecary claims

And if they accrue in a Seignior in relation to which such opposition has been made by reason of hypothecary claims thereon, and not upon the ground of the same being entailed or held in trust as aforesaid, the Receiver General shall deal with such moneys in the same manner as with money accruing to the Seignior out of the Special Fund appropriated by the said Act in aid of the *Censitaires*.

In other Seigniories *Censitaires* to have eight days in each year on which to redeem.

3. And in every Seignior in which the Seignior whereof shall have the right to receive the capital of the *rentes constituées* to be established under the said Act, such *rentes* may be redeemed without the consent of the Seignior by payment of the capital thereof to the Seignior or to his Agent either on the day on which such *rente* shall annually become due or on any one of the seven days immediately following; and whenever the capital of any such *rente* shall have been duly tendered to any such Seignior, or to his Agent, on any one of the said days, and the same, or a receipt therefor, shall have been refused, such *rente* shall become redeemable at any time thereafter.

No *Lettres de Terrier* to be hereafter issued in Seigniories to which the said Act applies.

II. And whereas the objects for which Seigniors under the existing law are permitted to obtain *Lettres de Terrier* for the purpose of forming a new Terrar (*Papier Terrier*) or land-roll will be secured in a manner less onerous to the *censitaire* by the provisions of the said Seigniorial Act of 1854, in so far as such objects are reconcilable with the intention of the Legislature in passing the said Act: therefore, the right of Seigniors in Lower Canada to obtain such *Lettres de Terrier* in or for any Seignior to which the said Seigniorial Act of 1854 as amended by this Act extends, is hereby abolished, and the Act of the Legislature of Lower Canada, passed in the forty-eighth year of the Reign of King George the Third, and intituled, *An Act which declares in whom is vested the power of granting des Lettres de Terrier in this Province*, in so far as regards every such Seignior, is hereby repealed.

Act of L. C. 48 G. 3, c. 6, repealed as to such Seigniories.

III. And whereas under the said Act no mutation fine will be payable on any mutation of land in a Seignior subject to its provisions, or of such Seignior itself, occurring after the publication of the notice of the deposit of the Schedule thereof, and there is therefore a strong temptation to defer mutations until after such publication, or to conceal the fact of their being made before it, to the great inconvenience and loss of all parties ; And whereas some time will elapse before the Schedules of all the Seigniories can be completed ; And whereas the appropriation in aid of the *censitaires* made by the said Act was made with the intent that it should take effect immediately, and until it is payable, the interest upon the loan necessary to raise the sum required, is saved to the Province : Be it therefore enacted, That no *lods et ventes, quint, relief* or other mutation fine, shall accrue upon any mutation which shall take place after the passing of this Act, in any Fief or Seignior to which the said Seigniorial Act of 1854 as amended by this Act extends or applies, but instead thereof the Receiver General shall credit the Fund appropriated by the said Act in aid of the said *censitaires* , with interest from the passing of this Act on the total amount of the appropriation, and the *rente constituée* payable by any Seignior to his Seignior Dominant shall accrue from the passing of this Act ; And if the Schedules of all the Seigniories be not deposited by the first day of January one thousand eight hundred and fifty-six, so that the said Fund can be finally divided among them, the Commissioners under the said Act, or any one or more of them authorized for that purpose by instructions from the Governor through the Provincial Secretary, shall, forthwith, make an approximate estimate of the share thereof coming to each Seignior or Seignior Dominant, to the best of their ability and according to the best information they can obtain, and the interest from the passing of this Act on the share coming to each Seignior or Seignior Dominant, shall be paid to him on the first day of January and July, until his share shall be finally ascertained, when the amount so paid shall be debited to him, and he shall be credited with the interest from the passing of this Act on his share as so ascertained, and the difference shall be balanced by crediting or debiting him, as the case may require, in his account with the Receiver General in respect of such share, with a sum equal to such difference ; and for the purpose of making such approximate estimates as aforesaid, the said Commissioners may require and receive from the several Seigniors such statements, attested on oath before a Judge of the Superior Court or a Circuit Judge, as they shall consider expedient for the purpose : Provided always, that the sum paid by the Receiver General as interest under this section, shall be taken into account in ascertaining the sum to which Upper Canada may be entitled for local purposes under section nineteen of the said Act.

Recital.

No mutation fine to be hereafter payable in Seigniories to which the said Act applies ; interest on the sum to which he may be entitled out of the Provincial aid to the *Censitaire* , to be payable to the Seignior instead thereof, and approximate estimate to be made until the Schedules are prepared.

Proviso : as to the claims of U. C.

Retrait conventionnel abolished.

IV. The right of *retrait conventionnel* which the Seignior was allowed to stipulate solely for the purpose of securing to him the payment of mutation fines is hereby abolished.

Receiver General may invest moneys appropriated by the said Act, and not immediately required.

V. The Receiver General shall, from time to time, place any moneys in his hands as part of the Fund appropriated by the said Act, and not then required for the purpose thereof, at interest in any Chartered Bank, or invest the same in Provincial Debentures or Debentures guaranteed by the Province, and shall apply the interest thereon towards making good that allowed under this Act.

Doubts as to certain powers of the Commissioners removed.

VI. And for the avoidance of doubts, Be it declared and enacted, That any Commissioner under the said Act may give any notice required by the seventh section or by any other part thereof, with respect to any Seignior or Seigniories, and another or others of them may afterwards act in any way under the said Act with respect to such Seignior or Seigniories; and generally, each Commissioner who shall act with respect to any Seignior, shall be held to be the Commissioner assigned to act in and for the same under the fourth section of the said Act, unless the Governor shall have otherwise directed and ordered.

The said Act shall apply to certain lands in Sherrington.

VII. So much of the said Seigniorial Act of 1854, as provides that none of its provisions shall apply to any lands held *en franc aleu noble*, and granted under and by virtue of the Act of the Parliament of the late Province of Lower Canada passed in the third year of the Reign of His late Majesty King George the Fourth, and intituled, *An Act for the relief of certain Censitaires or Grantees of La Salle and others therein mentioned possessing lands within the Township of Sherrington*, shall be and is hereby repealed, and the said Act shall apply to the said lands; but inasmuch as the decision of the Special Court to be constituted under the sixteenth Section of the said Seigniorial Act of 1854, cannot affect the said lands, therefore the Schedule relating thereto may be completed and deposited without waiting for the decision of the said Special Court.

Schedules may be made for the Crown Seigniories, held for Provincial purposes.

VIII. Notwithstanding any thing in the said Seigniorial Act of 1854, Schedules may, if the Governor shall see fit so to direct, be made under the provisions thereof for the Seigniories held by the Crown and the revenues whereof belong to the Province, including the Seigniories of the late order of Jesuits, in like manner and under the same provisions as for other Seigniories, (omitting such particulars as cannot apply to Crown Seigniories,) and with like powers to the Commissioners: Provided that no part of the appropriation in aid of the *Censitaires* made by the said Act, shall be applied towards the redemption of Seigniorial rights in such Crown Seigniories, nor shall any such Schedule be deposited in the manner provided in the thirteenth Section of the said Act, or operate any compulsory commutation of tenure,

tenure, or substitution of any *rente constituée* for the Seigniorial rights and dues in such Seigniority ; but the Governor in Council may, if he see fit, allow to the *Censitaires* in the said Seigniories, upon commutation of their lands, equal advantages and relief with those which the *Censitaires* in other Seigniories shall be found to obtain under the said Act, and the Schedules made under this Section shall serve as the basis for calculating the extent of such advantages and relief to be so allowed to the *Censitaires* in the said Crown Seigniories.

Effect and use of such Schedules.

IX. And whereas some errors have crept into the French version of the said Act which it is desirable to correct : Be it enacted, that in the said French version, for the words “ *tel que distingué* ” in the eighth line of the fourth paragraph of the fifth section of the said Act, the words “ *comme étant distinct* ” shall be substituted ;—and for the words “ *quinze jours d’avis* ” in the fourth line of the sixth paragraph of the twelfth section, the words “ *huit jours d’avis*,” shall be substituted,—the lines herein referred to being those in the first official edition of the said Act printed by the Queen’s Printer.

Errors in French version of the said Act, corrected.

X. After any Schedule shall have been completed and deposited under the said Act, it shall not be impeached or its effect impaired for any informality, error or defect in any prior proceeding in relation to it, or in any thing required by the said Act to be done before it was so completed and deposited, but all such prior proceedings and things shall be held to have been rightly and formally had and done, unless the contrary expressly appear on the face of such Schedule ; and the same rule shall apply to all proceedings of the Commissioners under the said Act, so that no one of them, when completed, shall be impeached or questioned for any informality, error or defect in any previous proceeding, or in any thing theretofore done or omitted to be done by the Commissioners or any of them.

Schedules and proceedings completed under the said Act, not to be afterwards impeached for want of form.

XI. For the purposes of the said Act, every person occupying or possessing any land in any Seigniority with the permission of the Seignior, or from whom the Seignior shall have received *rentes* or other Seigniorial dues in respect of such land, shall be held to be the proprietor thereof as *Censitaires*.

Certain persons occupying lands with consent of Seignior to be deemed *Censitaires*.

XII. Any person who shall in any manner interrupt, obstruct, impede or molest a Commissioner named under “ The Seigniorial Act of 1854,” or any person acting under his instructions, in the execution of his duty in any matter connected with the carrying into effect of the said Seigniorial Act of 1854 or of this Act, or shall in any manner deter, prevent or hinder, by force, threats or otherwise, any such Commissioner or person acting under his instructions from performing any duties assigned to him by and under either of the said Acts, shall be liable to be imprisoned for every such offence for a period not exceeding

Persons unlawfully impeding in any way the execution of the said Act, how to be dealt with and punished.

Conviction not
to be quashed
for want of
form, &c.

two months, and it shall be lawful for any one Justice of the Peace to commit any person convicted before him on the oath of one credible witness of any such offence; and no conviction, order, warrant or other matter made or purporting to be made under this Act, shall be quashed for want of form, or be removed, by *certiorari* or otherwise, into any of Her Majesty's Courts of record for want of such form.

Short title of
this Act.

XIII. In citing or referring to this Act in any Act or proceeding whatsoever, it shall be sufficient to refer to it as the "*Seigniorial Amendment Act of 1855*," by which title it shall be known and called.

I N D E X .

I N D E X

TO THE

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