

XXX. If the taxes shall not have been previously collected, or if no person shall appear to pay the taxes at the time and place appointed for the sale, the Sheriff shall sell by public auction so much of such lands as shall be sufficient to pay such taxes, and all lawful charges incurred in and about such sale, and the collection of such taxes; selling in preference such part of such real estate as he may consider it most for the advantage of the owner to sell first, and stating distinctly in the certificate, in the form in the schedule to this Act annexed marked (E) to be by him given to the purchaser, what part of the lot is so sold, or that the whole estate or lot is so sold, as the case may be, and within one month after the date of the sale the Sheriff shall make a detailed return to the Clerk of the Council of each separate parcel of land included in the warrant, and shall pay to him the money levied by virtue thereof; and if at the time appointed for the sale no bidders appear, the Sheriff may adjourn the sale from time to time at his discretion; and if the purchaser of any parcel of land shall fail on demand to pay to the Sheriff the amount of the purchase money, the Sheriff may forthwith proceed to put up such property for sale again.

XXXI. Every Sheriff shall be entitled to receive, besides his mileage, ten per cent. commission upon all sums collected by him under any warrant herein before issued by the Clerk of the Municipality; and whenever any distress of goods and chattels is made by the Sheriff under such warrant, he may proceed to sell the same in the same manner and at the same time as directed by the section of this Act, with respect to levy made by Collectors, and he may charge ten shillings for each distress and sale; and whenever any land is sold by the Sheriff according to the section of this Act, he may receive the sum of five shillings for the sale of each separate parcel, and the Sheriff may add the commission and fees which he is hereby authorised to charge for the services above mentioned to the amount of arrears included in the Clerk's warrant, on those lands in respect of which such services were severally performed; and he shall be entitled to no other fees or emoluments whatever for any services rendered by him relating to the collection of arrears of taxes on lands: Provided always, that if the Sheriff cannot give a sufficient description of any land sold by him, without a search in the office of the Registrar of Deeds and Keeper of Plans, or a survey to ascertain the description and boundaries of the whole parcel, as returned to him in the said warrant, he shall, in addition to the charges hereinbefore authorised, be entitled to charge the expenses of such search and survey.

XXXII. The owner of any real estate, which may hereafter be sold for non-payment of taxes, or his heirs, executors, administrators or assigns, may at any time within one year from the day of sale, redeem the estate sold, by paying or tendering to the Treasurer of the Municipality, for the use and benefit of such purchaser or his legal representative, the sum paid by him, together with ten per cent. thereon, and the costs of all improvements made thereon by the purchaser thereof; and the said Treasurer shall give to the party paying such redemption money a receipt, stating the sum paid and the object of payment, and such receipt shall be evidence of the redemption.

XXXIII. If the land be not redeemed within the period hereinbefore allowed for its redemption, the Sheriff shall, on demand of the purchaser at any time after the expiration of one year, and on payment of the sum of five shillings to him by such purchaser, execute and deliver a deed of sale of such land to the purchaser, his heirs and assigns, in the form in Schedule marked (F) to this Act annexed, and such deed shall have the effect of vesting the land in the purchaser, his heirs and assigns, in fee simple, for and clear of all charges and incumbrances thereon, except taxes accrued since those for the non-payment whereof it was sold; and the Sheriff shall also give the purchaser a certificate of the execution of such deed, containing the particulars aforesaid, under his hand and seal, which, for the purpose of registration of the deed in the Registry Office, shall be deemed a memorial thereof, and the deed shall be registered within one year from the date of its execution, and certificate of the registry thereof, granted by the Registrar on production of the deed and certificate to him, and without further proof.

XXXIV. Every person duly qualified, who shall be elected to the office of Councillor in any Municipality in this Island, shall accept such office, or in default thereof shall pay a fine to the Municipality in which he shall have been so elected, not exceeding the sum of ten pounds currency, or such other fine instead thereof as may hereafter be provided by a law of each Municipal Council to be made in this behalf; and the said fine, if not duly paid, shall, together with the reasonable costs of recovering the same, be levied by distress and sale of the goods and chattels of the person so refusing to accept office, in execution of the warrant of any Justice of the Peace for the County, who is hereby required on the application of the Council; and after the conviction of the person so making default, by confession, or on the oath of one or more credible witnesses to issue such warrant: Provided always, that no person disabled by permanent infirmity of body or mind, nor any person above the age of sixty-five years, nor any person who, within two years from the day on which he shall have been so elected, shall have already served the said office of Councillor, or paid a fine for not serving the same, shall be liable to such fine as aforesaid.

XXXV. Every person duly qualified, who shall be elected to the office of Councillor as aforesaid, shall, on due notice of his election from the Sheriff or Clerk of the Council, as hereinbefore provided, take and subscribe the oath, in the form in Schedules (G) and (H) to this Act annexed; in default thereof such person shall, unless he can allege some sufficient excuse for not attending, be deemed to have refused to accept the said office, and shall be liable to pay the fine aforesaid as for non-acceptance of office; and the said office shall thenceforward be deemed to be vacant, and shall be filled up by another election.

XXXVI. In cases where any duly qualified person, elected to the office of Councillor, in any of the said Municipalities, shall neglect to attend first meeting as aforesaid, or refuse to accept such office, or shall refuse or neglect to take and subscribe the above mentioned oaths, it shall be lawful for the Sheriff or other person who shall have presided at the election at which such person was elected, as often as such cause of refusal or neglect may occur, to proceed, after four days' notice in this behalf to the electors qualified as aforesaid, to be posted at two or more of the most public places in the Electoral District, Town, Common or Royalty, as the case may be, to another election of a fit and proper person, to supply the place of the person who shall have neglected to attend at the first meeting of Councillors, or refuse to accept such office, or to take and subscribe the said oaths; and the Councillor, who may be elected at such new election, shall hold office until the time at which the person in whose place he may have been elected, would, according to the provisions hereinbefore contained, have gone out of office, and no longer; but shall be capable of immediate re-election, unless otherwise disqualified as aforesaid.

XXXVII. If a vacancy or vacancies in any of the said Councils, whether arising from the death of any of the said Councillors or other cause, shall occur before the annual period of election, it shall be lawful for the Warden of the Municipality in which such vacancy or vacancies shall have occurred, to issue his warrant, under his hand and seal, directed to a Justice of the Peace, or to some other discreet and competent person, resident in the Municipality in which such vacancy or vacancies shall have occurred, requiring such Justice or other person to proceed, after due notice in this behalf to the

electors qualified as aforesaid, in causing a new election to be made of a Councillor or Councillors, to supply such vacancy or vacancies; which warrant shall, by such Justice of the Peace or other person as aforesaid, be duly executed.

XXXVIII. At all meetings of the said Councils the Warden shall preside; and in the case of his absence, death or incapacity to act, or of any accidental vacancy in the office of Warden, the Members shall choose from the Councillors present one of their number to be temporary Chairman, in the place of such Warden, during his absence, or during such accidental vacancy in the office of Warden.

XXXIX. There shall be in each year four meetings of every Council in the Island, which meetings shall be held on the first Tuesday in the months of April, July, October and December, respectively; and the said meetings shall not at any time be held for a longer period than five successive days; and at no meeting of any such Council shall any matter be deliberated or determined on, except such matters as fall within the scope of the power and jurisdiction of such Council.

XL. Extraordinary meetings of any such Councils may be held by and under the authority of the Lieutenant Governor, signified in writing to the Wardens of the Councils; who shall give notice thereof to the Members of their Councils; and such extraordinary meeting shall not continue beyond the period of five days; and no matters shall be deliberated or determined on at any such extraordinary meeting, except those for which the same shall have been specially convened.

XLI. All acts whatsoever authorised or required, by virtue of this Act, to be done by any Municipal Council, and all questions of adjournment, or other questions that may come before any meeting of such Council, may and shall be done and decided by the majority of votes of the Members present at such meeting, other than the Warden; and the Warden, or in the absence of the Warden, the temporary Chairman, shall, in all cases of equality of votes, have a casting vote; and in order to constitute a quorum, there shall be present at every such meeting a majority of the entire number of Councillors elected to serve in such Council.

XLII. It shall be lawful for each of the said Councils to appoint, from out of the Councillors elected to serve in such Council, such and so many Committees, consisting of such number of persons as they may think fit. Provided always, that it shall not be lawful for such Committees to meet or sit on any days except those appointed for the meeting of the said Council; and that such Committees shall be subject in all things to the authority, control and approval of said Council.

XLIII. It shall be the duty of the Treasurer of each of the said Municipalities respectively, to receive all moneys which shall be raised under any Bye-Law, to be made as hereinafter provided by the Council of the Municipality wherein he shall have been appointed Treasurer; and also all moneys which, under any Act of competent Legislative authority, have been or shall be directed to be paid to or received by any such Treasurer, and to apply and account for the same in such manner as may be prescribed by any bye-law of such Council, or by Act of the Legislature as aforesaid.

XLIV. The Treasurer of any Municipality in this Island shall, in books to be kept for that purpose, enter true accounts of all sums of money by him received and paid; and the books so kept shall, at all reasonable times, be open to the inspection of every Member of the Council; and all such accounts, together with all vouchers and papers relating thereto, shall, four times in every year, that is to say, within one month after every quarterly meeting, be submitted, together with an abstract of such accounts for the last year, by the Treasurer, to a Committee of the Council, or to such other persons as the Committee shall direct, for the purpose of being, by such Committee or other persons, examined and audited; and if the said accounts shall be found correct, the same shall be approved and allowed by the said Committee or persons appointed as aforesaid; and after the said accounts shall have been so examined and audited, the said Committee or other persons so appointed, as aforesaid, shall make their report thereon to the Council, at its next quarterly meeting; and every such abstract and report shall be open, at all reasonable times, to the inspection of any inhabitant of the Municipality, who shall be entitled to copies thereof on payment of a reasonable fee for the same; and such Committee or other persons appointed to examine and audit the said accounts, as aforesaid, shall testify, on oath before the Warden or temporary Chairman of the Council, to the effect that they have justly and fairly examined said accounts, and that their report thereon is just and true, to the best of their ability, judgment and belief.

XLV. No person being in holy orders, or being a minister or teacher of any dissenting or religious sect or congregation, nor any judge of any court of justice, nor any military, marine or naval officer, in Her Majesty's service, on full pay, nor any person accountable for the Municipal revenues, nor any person receiving any allowance from the Municipality for his services, nor any person having directly or indirectly any contract, or any share or interest in any contract, with or on behalf of the Municipality, shall be qualified to be elected a Councillor in any Municipal Council in this Island.

XLVI. An authentic copy of every Bye-Law, made by any Municipal Council, shall, forthwith after the passing thereof, be transmitted by the Warden of the Council, or the temporary Chairman hereinbefore mentioned, to the Colonial Secretary, who shall, on receipt of the same, note on the copy so received the time of its receipt, and shall lay the same before the Lieutenant Governor or other Administrator of the Government for the time being, in Council; and no such Bye-Law shall be of any force until the expiration of thirty days after an authentic copy thereof shall have been received, as aforesaid; and it shall be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of the Executive Council, at any time within the said period of thirty days, by his order in Council, to declare his disallowance of any such Bye-Law or any part thereof; and such disallowance, together with a certificate, under the hand of the Clerk of the Executive Council, certifying the day on which such Bye-Law was received as aforesaid, shall, with all convenient speed, be signified to the Warden of the Council wherein such Bye-Law shall have been passed; and thenceforward such Bye-Law, or the part thereof so disallowed, shall be void and of no effect. Provided also, that it shall be lawful for the said Lieutenant Governor or other Administrator of the Government, as aforesaid, if he shall think fit, by and with the advice of the Executive Council, by an order in Council, at any time within the said period of thirty days, to enlarge the time within which such Bye-Law may be disallowed; and no such Bye-Law shall, in that case, come into force or have effect until after the expiration of such enlarged time; and provided also, that any Bye-Law, repugnant to the law of the land, or to any of the provisions of this Act, shall be void and of no effect.

XLVII. It shall be lawful for the Lieutenant Governor, or other Administrator of the Government for the time being, by and with the advice and consent of the Executive Council of this Island, when and so often as circumstances shall, in his and their opinion, warrant such a measure, to dissolve all or any of the aforesaid Councils; and in every case of a dissolution of such Council or Councils, the Lieutenant Governor shall issue his warrant, in the name of Her Majesty, under his hand and seal, directed to a Justice of the Peace, or some other discreet and competent person, resident in the Municipality, requiring such Justice or other person to proceed, after due notice in that behalf to the electors

qualified as aforesaid, in causing elections to be made in each Municipality, wherein such dissolution shall have taken place, of a Councillor or Councillors, according as such Municipality, by the provisions hereinbefore contained, may be empowered to elect one or two Councillors; and such new elections shall be governed by the same rules and provisions as are hereinbefore provided for the election of Councillors. Provided always, that such Councillor or Councillors so elected, after a dissolution as aforesaid, shall go out of office at the end of the current year, or at the same time that their predecessors would have gone out, had no such dissolution taken place.

XLVIII. The Clerk of each Municipality shall, at the end of each year, transmit to the Colonial Secretary's Office a statement in duplicate of the accounts of such Municipality, exhibiting in detail an account of the receipts and expenditure during the preceding year, which accounts shall be sworn to before a Justice of the Peace; and the Colonial Secretary shall lay one of the said copies before the Legislature at the session thereof next following the transmission of the said accounts.

XLIX. The Treasurer of any Municipality shall not pay any moneys in his hands, as such Treasurer, otherwise than upon an order in writing of the Council of the said Municipality, signed by the Warden, or in his absence by the temporary Chairman hereinbefore mentioned, and countersigned by the Clerk of the Municipality.

L. The Clerks, Treasurers and other officers of the several Municipalities, shall, respectively, at such times during their continuance in office, and also within three months after they shall respectively cease to be in office, and in such manner as each Council shall direct, deliver to such Council or such person as such Council shall authorise to receive the same, a true account in writing of all matters committed to their charge by virtue or in pursuance of this Act, and also of all moneys which shall have been by them respectively received by virtue or for the purposes of this Act; and how much thereof shall have been paid or disbursed, and for what purposes, together with proper vouchers for such payments; and every such officer shall pay all such moneys as shall remain due from him to the Treasurer for the time being, or to such person as the Council shall authorise to receive the same; and if any such officer shall refuse or wilfully neglect to deliver such account or the vouchers relating to the same, or to make payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Council, or to such person authorised as aforesaid, to receive the same, within three days after being thereunto required by the said Council, all books, documents, papers and writings in his custody or power, as such officer aforesaid, then and in every such case, on complaint made on behalf of said Council, by such person as they shall authorise for that purpose, of any such refusal or neglect as aforesaid, to any Justice of the Peace for the County wherein such officer shall reside or be such Justice of the Peace, shall and is hereby authorised and required to issue a warrant under his hand and seal, for bringing any such officer before any two Justices of the Peace for such County, and upon the said officer not appearing or not being found, it shall be lawful for the said Justices to hear and determine the matter in a summary manner; and if it shall appear to such Justices that any moneys remain due from such officer, such Justices may and they are hereby authorised and required, on non-payment thereof by warrant under their hands and seals, to cause such moneys to be levied by distress and sale of the goods and chattels of such officer; and if sufficient goods and chattels of such officer shall not be found to satisfy the said moneys and charges of distress, or if it shall appear to such Justices that such officer; has refused or wilfully neglected to deliver such accounts or the vouchers relating thereto, or that any books, documents, papers or writings, which were or are in the custody or power of such officer in his official capacity, have not been delivered as aforesaid, or are wilfully withheld, then and in every such case such Justices shall, and they are hereby required to commit such offender to the common jail for the County where such offender shall, reside or be, there to remain without bail until he shall have paid such moneys as aforesaid, or shall have made satisfaction to the Council, or until he shall have delivered up such books, documents, papers or writings, or have given satisfaction in respect thereof to the said Council: Provided always, that no person so committed shall be detained in prison for want of sufficient distress, only for a longer period of time than three calendar months: Provided also, that nothing in this Act contained shall prevent or abridge any remedy by action against any such officer so offending as aforesaid, or against any surety for any such officer.

LI. Nothing in this Act contained shall extend, or be construed to extend, to the City of Charlottetown as by law incorporated.

LII. This Act shall continue and be in force for the period of years from the passing thereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

SCHEDULE (A.)

COUNCILLOR'S OATH.

I, A. B., do swear that I am duly qualified, as required by law, for the office of Councillor, to which I have now been elected, and that I am seized or possessed, for my own use, of freehold (or leasehold estate, or both,) in the Municipality of the value of pounds, over and above all incumbrances affecting the same, and have paid all rates and taxes thereon and due thereon, to said Municipality; and that I have not fraudulently or collusively obtained the same, or a title to the same, for the purpose of qualifying myself to be appointed or elected to the said office of Councillor, or to any other in the Municipality aforesaid; and I do swear that I will diligently, faithfully and impartially, and to the best of my ability, discharge the several duties which appertain to the said office of Councillor.

So help me God.

SCHEDULE (B.)

CLERK'S, TREASURER'S, COLLECTOR'S OR ASSESSOR'S OATH.

I, A. B., being appointed Clerk (or Treasurer, or Collector, as the case may be,) for the Municipality of do solemnly swear, that I will faithfully and impartially, and to the best of my skill and judgment, discharge the several duties which appertain to the said office of Clerk (or Treasurer, or Collector, as the case may be.)

So help me God.

SCHEDULE (C.)

ASSESSOR'S OATH, VERIFYING RETURN.

I, A. B., Assessor for the Municipality of (or for Lot in the Municipality of as the case may be,) do solemnly swear, that the estimate and return now made by me to the Council of the Municipality of for which I am Assessor, is correct and true, to the best of my knowledge and belief.

So help me God.

SCHEDULE (D.)

BOND TO BE GIVEN BY COLLECTOR.

Know all men, that we (Collectors' name, C. D. and E. F. the names of two sureties,) are jointly and severally held and firmly bound unto our Sovereign Lady the Queen, her heirs and successors, in the sum of to be paid to our said Sovereign Lady the Queen, her heirs and successors, for which payment well and truly to be made, we bind ourselves, our heirs and our heirs, executors and administrators, jointly and severally, firmly by these presents, sealed with our seals, and dated the day of A. D. 185. Whereas the above bounden (Collectors' name,) has been appointed Collector for (name of place wherefor appointed,) by the Council of the Municipality of

Now the condition of the above written bond or obligation is such, that if the above bounden (Collectors' name,) do and shall, at all times hereafter and from time to time, when required so to do by the said Council, duly pay or hand over to said Council all moneys, books, papers and other things in his hands, as such Collector as aforesaid, and do and shall in all other respects well and faithfully fulfil the duties of his office, as such Collector as aforesaid, then the above written bond or obligation to be void, otherwise to be and remain in full force and virtue.

Signed, sealed and delivered, in the presence of

SCHEDULE (E.)

FORM OF CERTIFICATE OF SALE OF LAND.

I, A. B., Sheriff of County, do hereby certify that I have this day sold unto (C. D., name of purchaser,) acres of land, situate on Lot or Township in the said Island, bounded and described as follows, that is to say: (Description of land to be inserted here,) and that the said land was sold to the said C. D., for the sum of and that the said expenses incidental to said sale amount to the sum of and I do further certify that I will, at any time after the expiration of one year from the day of the date hereof, (unless the same be previously redeemed,) execute and deliver a deed of such land to the purchaser thereof.

As witness my hand this day of A. D. 185. A. B., Sheriff of County.

SCHEDULE (F.)

FORM OF DEED TO BE GIVEN BY SHERIFF TO PURCHASER OF LAND.

To all to whom these presents shall come. I, A. B., High Sheriff of County, send greeting: Whereas the Clerk of the Municipal Council for the Municipality of lately directed to me his warrant bearing date the day of 185, commanding me to levy on certain land therein mentioned and hereinafter particularly described, for the sum of being the amount of assessment in arrear for said land, and due to the Municipality of as imposed by the hereinafter recited Act. And whereas, in pursuance of such warrant, and by virtue of the Act of the General Assembly of the said Island, intitled "an Act to provide for the better internal government of this Island by the establishment of local or Municipal authorities therein," I did on the day of A. D. 185, (after having duly levied on such land for the said sum of and all incidental expenses by law allowed in such cases, and after having, in all other respects, observed the provisions of the said Act, with respect to such levy and sale,) sell all that piece or parcel of ground bounded and described as follows, that is to say: (here description of land is to be inserted,) unto he being the highest bidder. And whereas the year by law allowed for the redemption of such land has expired: Now know ye, that I, the said A. B., High Sheriff as aforesaid, by virtue of the said Warrant, and in pursuance of the said recited Act, and for and in consideration of the sum of to me in hand paid at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged—have bargained, sold and assigned, and by these presents, I, the said A. B., High Sheriff as aforesaid, do bargain, sell and assign the said land and premises, as hereinafter intimated and described, (being so in arrear for Assessment imposed by or under the said recited Act,) unto C. D., his heirs and assigns, to have and to hold all and singular the said land and premises, with the appurtenances, unto the said C. D., his heirs and assigns for ever, to the only proper use and behoof of the said C. D., his heirs and assigns for ever, and to and for no other use, intent or purpose whatsoever, as fully, amply and beneficially as the original grantee or grantees of the said land, his or their heirs or assigns, were possessed of or entitled to the same.

In witness whereof, I, the said High Sheriff, have hereunto set my hand and seal this day of in the year of our Lord one thousand eight hundred and fifty Signed, sealed and delivered, in the presence of

ROADS, BRIDGES AND WHARVES.

(Concluded from last Monday's Examiner.)

KING'S COUNTY.

DISTRICT No. 1.

Comprising Townships Nos. 38, 39 and 40, West of Morell River.

Table listing various roads and bridges with their respective costs in dollars and cents. Items include 'From County line to Morell bridge', 'Road from Mount Stewart to Cardigan', etc.

DISTRICT No. 2.

Comprising Townships Nos. 41, 40 and 39, East of Morell River, and St. Peter's Harbour Mouth and Morell Bridge.

Table listing various roads and bridges with their respective costs in dollars and cents. Items include 'Morell Bridge', 'Wharf North side St. Peter's Bay', 'Wharf Head St. Peter's Bay', etc.