



By-laws of the Township of Arthur.

BY-LAW No. 3.

To appoint certain Township Officers for the Township of Arthur, and to define their duties, and to impose fines and penalties for neglect of duty.

[CONTINUED FROM OUR LAST.]

5. *And be it enacted by the authority aforesaid,* That the duty of the Enumerator for the said Township shall be, to take a correct census of the inhabitants of the said Township, and of all such matters appertaining to the statistics of the said Township as he may be by law required to do, or by this Council; which census or statement he shall deliver to the County Clerk on or before the tenth day of April.

6. *And be it enacted by the authority aforesaid,* That it shall be the duty of the Collector for the said Township to furnish to the Township Treasurer a bond with two sufficient sureties, which sureties shall be to the amount of Two Hundred and Fifty Pounds, for the proper performance of the duties of his office, and the proper account for by him of all moneys which may come into his hands by virtue of his office, which bond shall be lodged with the said Treasurer on or before the fifteenth day of July; upon furnishing his bond, to apply to the County and Township Clerks for duly certified lists or rolls, by which to be guided in his collection; to collect all such rates or sums (which can be collected) as shall appear on such rolls, and to settle his account on or before the third Tuesday in December; and should he suffer the year to expire without collecting or demanding all such rates or sums, he shall be liable therefor, and shall not be exempted by reason of his inability to collect the said rates, but may however still recover them from the person or persons rated therefor: It shall also further be his duty, if, within fourteen days after he shall have demanded payment of his or her rates from any person assessed, such person do not pay the same, to apply to a Justice of the Peace having jurisdiction for a warrant of distress against the goods and chattels of such person, which warrant he may obtain, after demand made as aforesaid, at any time after the first Monday in November; and the said Collector may execute such warrant himself, or he may employ a constable to execute it, and may sell the property seized, after giving eight days notice of such seizure, if within that period such property be not redeemed, and all lawful costs and charges attending such seizure; and if, after such sale, any surplus remain after such rates, costs, and charges have been satisfied, the collector shall pay the same to the owner of the property sold. If any person shall bring a stone horse covering mares for hire into the township after the assessment for the township for the year has been made, the Collector may nevertheless demand the rate for such horse as if he had been duly returned on the Assessment Roll, unless the owner shall satisfy him that the rate has been paid elsewhere. It shall also be the duty of the Collector to collect all the rates upon his rolls (which can be collected), and to pay over the amounts thereof to the County and Township Treasurers respectively, and finally to settle his account with the said Treasurers on or before the third Tuesday in December, and in default of his so doing, his bond may be put in suit; and no Collector who has not settled his accounts with the said Treasurers as aforesaid shall be eligible to any township office.

7. *And be it enacted by the authority aforesaid,* That it shall be the duty of the Pound-keepers to provide themselves with sufficient enclosures, and to impound all cattle or other animals unlawfully running at large or trespassing, which may be brought to them, and to furnish the same with necessary food and drink; and if, within twenty-four hours, the person impounding cattle or other animals shall not give to the Pound-keeper, in writing, his demand for damages, the Pound-keeper may release the animal or animals on payment of his fees; and if, within forty-eight hours after an animal or animals have been impounded, the claim and costs are not paid, the Pound-keeper shall immediately notify three disinterested farmers resident in the township to appraise the damages and judge of the lawfulness of the fence; and the farmers so notified shall give in their award in writing to the Pound-keeper within twenty-four hours, or shall be liable to a penalty of double the amount of damages claimed. If, before the award is made, the owner shall tender for damages an amount equal to what is afterwards awarded, the party claiming extravagant damages shall be liable for all costs incurred after such tender. If, within forty-eight hours, the animal or animals impounded are not claimed, and the lawful charges and the amount of damages awarded are not paid, the Pound-keeper shall affix in three public places in the township, at least fifteen days' notice of the time and place at which he will sell such animal or animals, giving in such notice a description of the same. If the costs and damages are not paid before the time specified in such notice, the Pound-keeper shall then sell the animal or animals, and after deducting the costs and charges, and damages, shall return the surplus on demand to the owner; but if no owner appears within three months, he shall pay the surplus to the Township Treasurer, to be expended on the roads of the township. If the animal is not claimed at or before the time of sale, and the owner is not known, the Pound-keeper shall postpone the sale for forty days, at the expiration of which time, if not before redeemed, he shall proceed to sell, and shall dispose of the proceeds as herein before provided. The owner or owners of any animal or animals which may not lawfully run at large shall be liable for any damage done by such animal or animals, whether the fences are lawful or not. In all other matters, the Pound-keeper shall be guided by the Acts of Parliament now in force.

8. *And be it enacted, by the authority aforesaid,* That it shall be the duty of Fence-viewers to decide and adjudicate upon all causes and matters of dispute which may be submitted to them, according to the By-laws of this Council in force at the time of their being so called on, and of an Act of the Provincial Legislature, 8th Vic., cap. 20, intitled "An Act to repeal an Act therein mentioned, and to provide for the regulation of Line Fences and Water Courses in Upper Canada."

9. *And be it further enacted by the authority aforesaid,* That it shall be the duty of Overseers of Highways to act in conformity with the directions contained in By-law No. 5 of this Council.

JAMES McA. CAMERON, Town Reeve.
ROBERT MITCHELL, Township Clerk.
Court House, Arthur, April 20, 1850.

BY-LAW No. 4.

WHEREAS it is expedient and necessary to provide for the remuneration of certain Township Officers in the township of Arthur, county of Waterloo:

Be it enacted by the Township Council of the township of Arthur, held under and by virtue of an Act 12th Vic. cap. 81, and it is hereby enacted by authority of the same, that the following rates shall be allowed, and are hereby allowed to each and all the following Township Officers for the current year, viz.:

That the Township Councillors of said township be allowed at the rate of five shillings currency per day for each day attending said Council.

That the Clerk and Treasurer of this Council be allowed the sum of ten pounds currency per annum.

That the Superintendent of Common Schools in this township be allowed at the rate of six pounds currency per annum, and shall give two or more good and sufficient sureties for the performance of his duties, in conformity with an Act of the Legislature of this Province, 12th Vic. cap. 83, sec. 10.

That the Assessors of this township be allowed at the rate of three and a half per cent on all rateable property at the rate of one penny in the pound.

That the Collector for this township be allowed at the rate of four per cent on the whole amount on his Assessment Roll.

That the Auditors of Accounts for this township be allowed at the rate of seven and sixpence per day, for each day in which they shall be engaged in the duties of their office.

That the Fence Viewers of this township be allowed at the rate of five shillings currency per day in conformity with the Act, 8th Vic., cap. 20.

That the Pound-keepers for this township do receive for each horse, cow, or ox impounded, one shilling currency each, pound fees. Pound-keepers to give or cause to be given twenty five pounds of hay to each beast of the above description each day of twenty four hours, with a sufficient quantity of water, which together with the fees, shall be paid to the said Pound-keepers by the owner or claimant of said beast or beasts, and for each hog or sheep impounded fourpence currency each, pound fees. Pound-keepers to give or cause to be given to each hog or sheep so impounded fourpence worth of grain, or suitable food each day of twenty four hours, to be paid to the Pound-keeper together with the fees by the owner or claimant.

JAMES McA. CAMERON, Town Reeve.
ROBERT MITCHELL, Township Clerk.
Court House, Arthur, April 20, 1850.

BY-LAW No. 5.

To provide for the due performance of Statute Labor in the Township of Arthur, and for the commutation thereof in certain cases, and to appoint Overseers.

WHEREAS it is expedient and necessary to provide for the due performance of Statute Labor in the Township of Arthur, in the county of Waterloo, and for the commutation thereof in certain cases, and to appoint Overseers for the said Township:

Be it enacted by the Municipal Council of the said township of Arthur, held under and by virtue of an Act of the Provincial Legislature, 12th Vic., cap. 81, and it is hereby enacted by the authority of the same, That from and after the passing of this By-Law, the township of Arthur, for the due performance of Statute Labor on the public roads therein, shall be divided along the Garafraxa or Owen Sound Road into five sections or parts, each three miles in length, commencing at the angle of the township of Garafraxa and terminating at the boundary or township line between the said township of Arthur and the townships of Normandy and Egremont; and at the end of every such section or division of three miles, a line shall diverge as nearly at right angles as the formation of the township will permit, both to the east and west sides of the said Garafraxa or Owen Sound Road, unto the boundary or confines of the township on each such side of the said road respectively, so as that the whole extent of the said township of Arthur shall be included in the said five divisions.

2. *And be it further enacted by the authority aforesaid,* That all persons in the said township of Arthur liable to perform Statute Labor shall be under the control and direction of the persons hereinafter named for their several divisions respectively, or for so much of any such divisions as each of such persons hereinafter named shall be appointed Overseer of and for, That is to say, All persons liable to perform Statute Labor in the first of such divisions, namely, the southerly one, shall be subject to the orders of Andrew Mitchell, Councillor, and for the part of such division as shall be placed under each of the undementioned Overseers, all persons resident in such part shall be subject to the orders of the Overseer appointed therefor, and such Overseers for the first division shall be James Lamson, George Bryans, and Hugh Gilmore. The second division, namely, the next to the south-east, shall be under the orders and superintendence of the Town Reeve, and each person resident therein, liable to perform statute labor, shall be under the control of the Overseers appointed for the division, and in particular of the Overseer appointed for the part of the division in which each such person may reside, which Overseers shall be James Ternan, John Pattison, Henry Blyth, Robert Hughes, John Wright and James Wright. The third or central division shall be under the orders and superintendence of Richard Hatfield, Councillor, and each person in such division liable to perform statute labor shall be under the control of such one of the Overseers hereunder named as may be appointed for the part of the division in which each such person may reside, which Overseers shall be Joseph Cabinaugh, Isaac Thompson, Joseph Bacon, Patrick Sherry, Michael Quinlivan, John Welsh, John McGillicuddy, and George Smith. The fourth or next to the northern division shall be under the orders and superintendence of John Shaw, Councillor, and each person in such division liable to perform statute labor shall be under the control of such one of the Overseers hereunder named as may be appointed for the part of such division in which each such person may reside, which Overseers shall be Thomas Stevenson, George Bell, James Harper, Michael Troy, Charles Armstrong, Robert Boyd, George Miller, William Reid, and Richard Morrison. The fifth or northern division shall be under the orders and superintendence of Albert Townsend, Councillor, and each person in such division, liable to perform statute labor, shall be under the control of such one of the Overseers hereunder named, as may be appointed for the part of such division in which each such

person may reside, which Overseers shall be John Ferguson, Duncan Lamont, James Corrigan, Alexander McMillan, Archibald McCarter, John McLeod, Malcolm McMillan, and David Horsburgh.

3. *And be it further enacted by the authority aforesaid,* That any person or persons liable to perform statute labor in the said township of Arthur, may commute therefor with the Councillor for the division in which such person or persons shall be liable to perform his or their statute labor, at a rate of not less than Two shillings and six pence currency for each day for which each such person may be liable; and that all moneys so received for such commutation shall be paid to the Township Treasurer within fourteen days after the receipt thereof by such Councillor, to be by the said Treasurer accounted for to the Council, and disposed of as the Council may direct: Provided always, that no commutation made after the first day of June, 1850, shall be valid or of any effect, and that all moneys to be paid for commutation shall be paid by the person or persons commuting on or before the first day of July in the present year.

4. *And be it further enacted by the authority aforesaid,* That any person or persons who may enter into an agreement for the commutation of his or their statute labor, and shall neglect or refuse to fulfill such agreement, shall be liable to the same penalties and forfeitures as if he or they had neglected or refused to perform their statute labor.

5. *And be it further enacted by the authority aforesaid,* That each person liable to perform statute labor in the said township of Arthur, shall, after having received three days' notice from his Overseer of the time and place where he shall attend to perform such labor, work faithfully for the space of eight hours in each day which he may be liable for, at such work as his Overseer may direct, and shall bring with him such tools and implements useful for the work as he may be the owner of and may be directed to bring; and each such person who shall have one or more horses or a yoke of oxen, and a cart or waggon or other vehicle, and a plough or other implement, shall, if directed to do so, bring such horse or horses, or such oxen, and such cart, waggon, or other vehicle, and such plough or other implement, to work on said roads, and shall work therewith himself, or send an able-bodied man to work therewith, and for each such day's work of such horses or oxen with such vehicle or implement, he shall be allowed one day's work in addition to a day for the driver; and if any laborer or driver shall refuse or neglect to work faithfully, or to carry sufficient loads during the time he should so work faithfully, the Overseer shall discharge such laborer or driver, and the person furnishing the team shall be liable to the forfeiture he would have incurred in case such team and driver had not been sent, and such laborer shall be liable to the forfeiture he would have incurred if he had not attended, and such person sending such team or such laborer shall not be allowed for the part of the day he may have labored, or such team may have attended.

6. *And be it further enacted by the authority aforesaid,* That each person liable to perform statute labor, and not having compounded for the same, shall neglect or refuse, after having been duly notified, to attend, or send an able-bodied man in his stead, with such team, vehicle, or implements as he may be possessed of and may be directed to bring at the time and place appointed, shall forfeit and pay a sum of five shillings currency for each offence for each day, together with reasonable costs, to be recovered by process before one of Her Majesty's Justices of the Peace for the county of Waterloo, and shall still be liable to perform his statute labor as though no fine had been imposed on him; and in case such person neglecting or refusing to perform his statute labor shall not be possessed of goods and chattels sufficient to pay such fine and costs, he shall be liable to be imprisoned, and may be imprisoned in the common gaol of the county for a period not exceeding twenty days— which imprisonment, however, shall not release him from his liability to perform his statute labor as though he had not suffered imprisonment.

7. *And be it further enacted by the authority aforesaid,* That each Overseer for the said township of Arthur shall, with the statute labor or money which may be placed under his control, keep in repair the roads in the division or part of division of the said township to which he may be appointed by the Township Council, and shall cause all such statute labor or money to be expended between the tenth day of May and the twenty-fourth day of July, wherever practicable; he shall notify each person in his division or part of division liable to perform statute labor of the time and place where each such person shall attend to work, giving at least three days' previous notice, either verbally or in writing; he shall, by means of the labor at his disposal, or money, cause rails or fences to be erected at dangerous places in his division or part of division, and shall erect finger-posts where such are necessary; he shall, in case of any sudden breach or obstruction, call out so many persons placed under his orders as may be necessary to repair or remove such breach or obstruction, whether their statute labor has been performed or not, and if it has been performed, shall give such persons credit for the labor expended in repairing such breach or removing such obstruction, such labor to be deducted from that to which such persons may be liable thereafter; he shall, while laying out statute labor or money on the repair of the roads, make use of any timber, stone, or other material upon any uninclosed or unimproved lands, doing no unnecessary damage; he shall cause any person or persons placing any obstruction upon any highway under his superintendence to remove the same within forty-eight hours after notice given, at their own proper costs and charges; and in case such person or persons shall neglect or refuse so to remove such obstruction within the time aforesaid, he shall complain to a Justice of the Peace for the county of Waterloo against such person or persons, and such Justice may issue his warrant or summons for the said person or persons, and shall inflict on such person or persons a fine of not less than Five shillings nor more than Five pounds, according to the nature of the obstruction, for each day such person or persons shall allow such obstruction to remain; or the Overseer may remove the said obstruction and recover the cost of so doing before a Justice as aforesaid, together with reasonable costs of collection; he may order persons performing statute labor to destroy weeds hurtful to good husbandry; he may cause fences to be removed so as to allow the full breadth of the road; he shall, on or before the first day of September, give to the Township Clerk a list of the persons under his control, and of the time which each shall have labored and ought to have labored, and an account of all moneys coming

into his hands by virtue of his office, and of the manner in which it has been expended, and if he have any money unexpended, shall pay it to the Township Treasurer forthwith after making such return; he shall also, if required to do so, give a certificate to each person under his direction who shall have performed his statute labor, that he has so performed it; and if any Overseer shall neglect or refuse to perform the duties hereby enjoined on him, he shall forfeit and pay a sum of not less than One pound nor more than Five pounds, together with reasonable costs of collection, upon complaint made before a Justice of the Peace for the county of Waterloo.

JAMES McA. CAMERON, Town Reeve.
ROBERT MITCHELL, Township Clerk.
Court House, Arthur, April 20, 1850.

BY-LAW No. 6.

For the Removing a Part of the Hills at the Three and Four Mile Creeks in the Township of Arthur— (which work having been executed, the By-law is not printed. See original in Clerk's office.)

BY-LAW No. 7.

To enact certain Township Regulations with respect to cattle and fences, and to destroying hurtful weeds.

WHEREAS it is expedient and necessary to enact certain regulations for the purpose of restraining certain animals from running at large at stated times, and also for specifying the height and description of lawful fences, and for enforcing the destruction of weeds detrimental to good husbandry in the Township of Arthur:

Be it enacted by the Municipal Council of the said township of Arthur, held under and by virtue of an Act of the Provincial Legislature 12 Vic. cap. 81, and it is hereby enacted by the authority of the same,

That log fences shall be four feet and a half high, and staked and doubled ridged, and built of sound materials, and that the space between the two bottom logs shall not be more than four inches.

2. *And be it further enacted by the authority aforesaid,* That rail fences shall be seven rails high, so as that the said seven rails shall raise it to a height of four and one half feet, and shall be staked and doubled ridged, or shall be five feet and a half high, locked inside and outside, and that in either case the spaces between any two of the three bottom rails, i. e. between the first and second, and the second and third rails, shall not exceed four inches.

3. *And be it enacted by the authority aforesaid,* That picket fences shall be four feet and a half high upwards, and well secured with nails or otherwise to rails securely attached to posts or pickets sunk to a sufficient depth in the earth to ensure their standing safely, and that the said pickets shall not be more than three inches apart.

4. *And be it enacted by the authority aforesaid,* That straight rail fences shall be not less than five and a half feet high, and that the rails shall be properly secured in their places by means of posts or pickets sunk to a sufficient depth in the earth as aforesaid, and in the case of pickets securely fastened together at the top so as to prevent their spreading, and that the spaces between the first and second, and the second and third rails, shall not exceed four inches.

5. *And be it enacted by the authority aforesaid,* That Horses, Mares, Colts or Fillies shall not run at large, but shall be subject to a fine of five shillings currency for each offence, after the first, upon being impounded.

6. *And be it enacted by the authority aforesaid,* That breachy or vicious cattle shall not run at large, but shall be subject to a fine of five shillings currency for each such breachy or vicious animal for each offence upon being impounded. Breachy cattle are such as will throw or have thrown a lawful fence of whatever description, or will jump or have jumped over such fence, or in any way forced their way through it. Vicious cattle are such as will hook or butt so as to endanger human life.

7. *And be it enacted by the authority aforesaid,* That bulls and stud horses or stallions above the age of twelve months shall not run at large, but shall be subject to a fine of twenty-five shillings currency for each offence upon being impounded.

8. *And be it enacted by the authority aforesaid,* That boars and rams over the age of two months shall not run at large, but shall be subject to a fine of five shillings currency for each offence upon being impounded.

9. *And be it enacted by the authority aforesaid,* That pigs over the age of two months and under the age of six months shall not run at large, except when properly yoked, between the first day of May and the first day of November, but shall be subject to a penalty of one shilling and three pence each for the first offence, and of two shillings and six pence for each and every subsequent offence.

10. *And be it enacted by the authority aforesaid,* That all fines imposed as aforesaid shall be paid by the owners of the animals impounded to the Pound-keeper in whose custody the animal or animals may be, and shall be in excess of the Pound-keeper's fees, and of any other costs or damages incurred; and that by the Pound-keeper such fines shall be paid to the Township Treasurer (within one month after his receiving or becoming liable for the same) for the benefit of the township.

11. *And be it enacted by the authority aforesaid,* That any person or persons allowing Canadian thistles to grow to seed on his or their land, shall be subject to a fine of one pound currency for the first offence, and of two pounds currency for each subsequent offence, to be recovered together with costs, upon complaint and conviction before one or more of Her Majesty's Justices of the Peace for the county of Waterloo, and the said fine shall be paid by the convicting Justice, upon receipt thereof, to the Township Treasurer, for the benefit of the township.

12. *And be it enacted by the authority aforesaid,* That Pound-keepers shall be allowed the following fees and charges, and not more, namely—for impounding each horse, mare, filly, or colt, and each ox, bull, cow, steer, or heifer, one shilling; and for each ram, boar or other pig, four pence currency; and for feeding each horse, mare, filly or colt, and each ox, bull, cow, steer, or heifer, on hay or grass, for each twenty-four hours, one shilling and three pence currency; and for each ram to be fed on hay or grass, and for each boar or other pig to be fed on oats, for each twenty-four hours, four pence currency; each such pig to have half a gallon of oats, and each such other animal a sufficiency of hay or grass.

JAMES McA. CAMERON, Town Reeve.
ROBERT MITCHELL, Township Clerk.
Court House, Arthur, April 20, 1850.