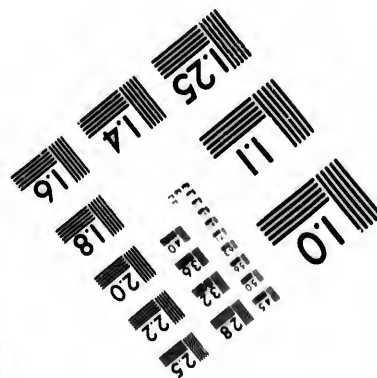
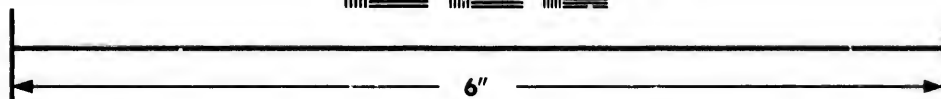
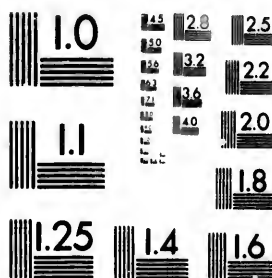


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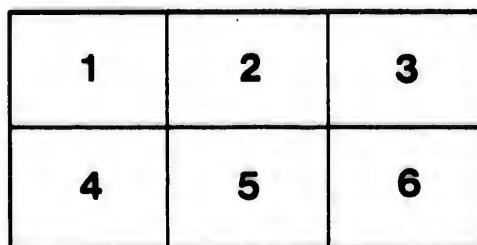
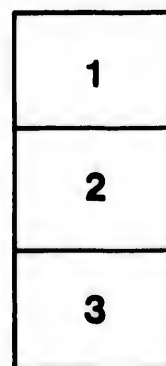
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OF THE

MUNICIPAL COUNCIL

OF THE

TOWN OF WHITBY.

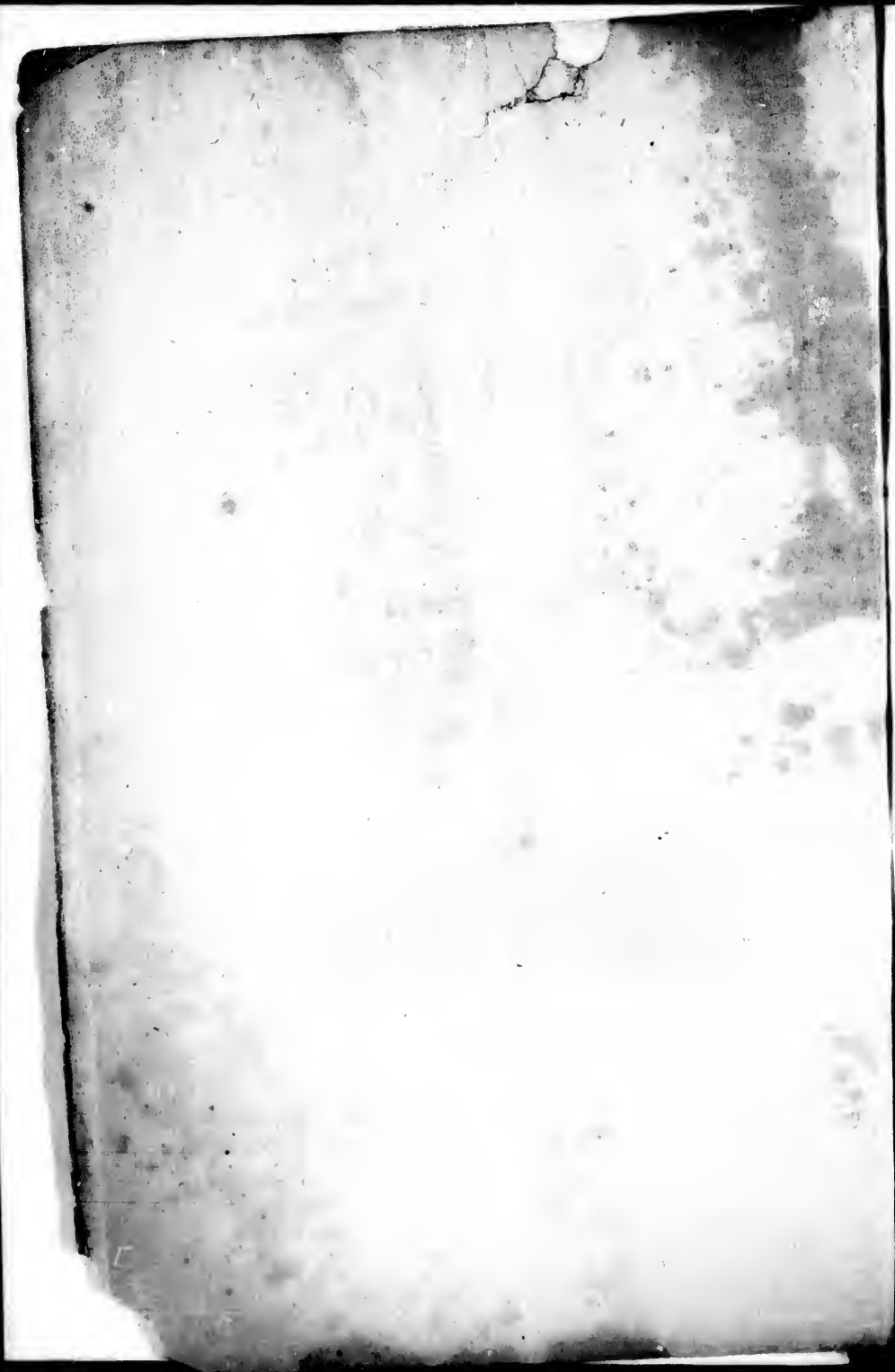
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WHITBY, C. W.:

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1880.



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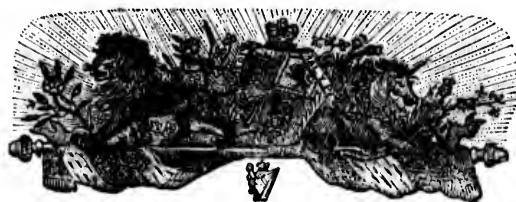
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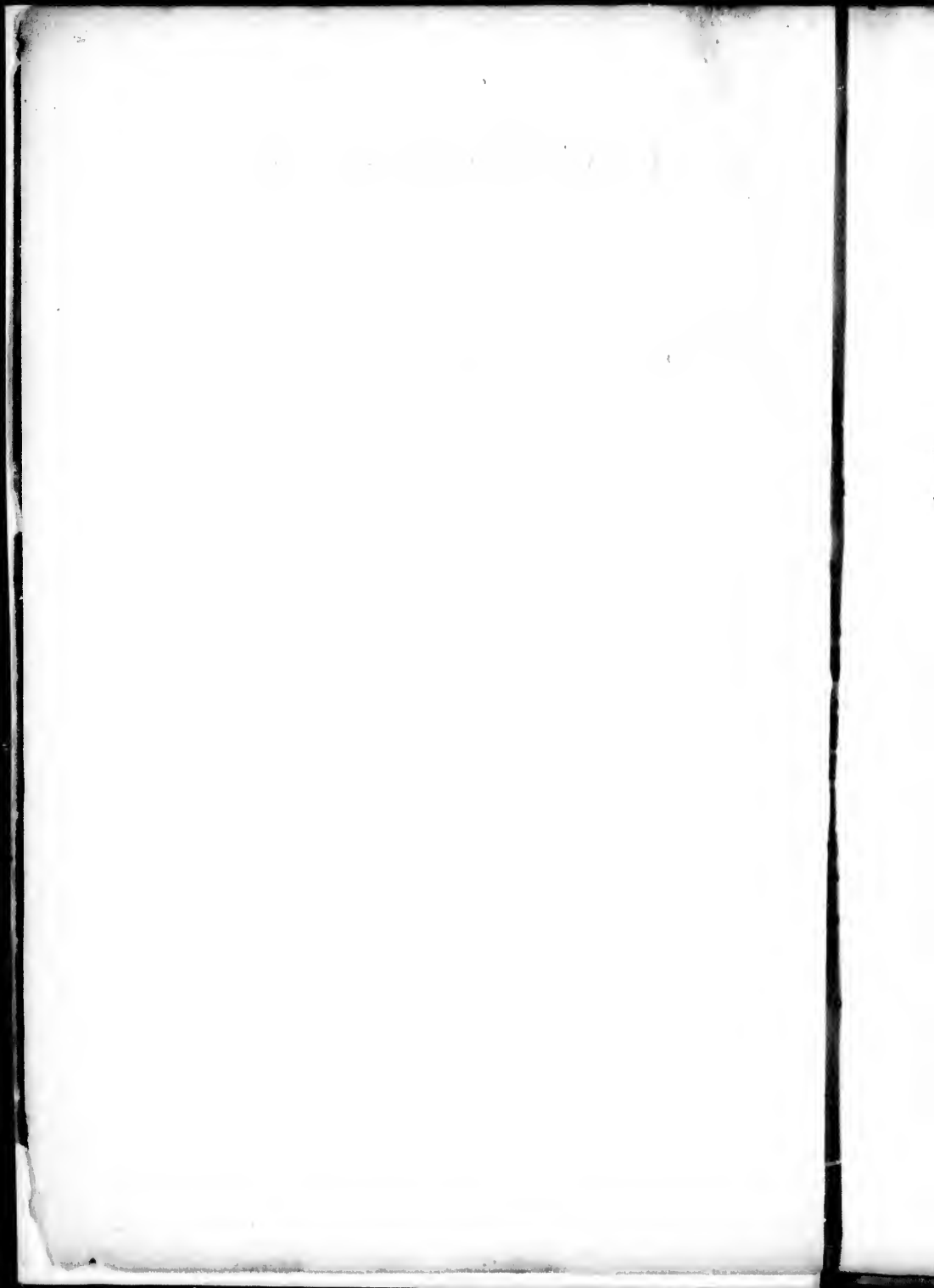
JOHN HAM PERRY, MAYOR.



WHITBY, C. W.:

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1859.



REVISED BY-LAWS
OF THE
MUNICIPAL COUNCIL
OF THE
TOWN OF WHITBY.

BY-LAW No. 1.

(Repealed.)

BY-LAW No. 2.

(Repealed.)

BY-LAW No. 3.

Repealed.

BY-LAW No. 4.

Passed 17th February, 1855.

1. That no person shall ride or drive any horse or horses, or other beast through any of the streets, squares, lanes or thoroughfares of the town at an immoderate pace; nor shall suffer the same to run at large; nor to stand in any such place without being sufficiently secured or tied to prevent its running away.

2. That no person shall drive any description of sleigh, within the limits of the town, without having one or more bells affixed to the harness of the horse or horses drawing the same; and that no person shall lead, ride, or drive any horse or vehicle on any side walk, except to the entrance of a gateway, nor suffer the same to remain there; and no person shall place or fasten any horse or horses in such a way as that the reins shall form an obstacle in the free use of the side-walk; or keep any horse or vehicle standing upon any cross-way for foot passengers over any street or thoroughfare.

3. That all persons requiring access to the premises over any of the plank sidewalks of the town for waggons, carts or sleighs, shall make a cross-way for the same at their own expense, under the direction of the Chief Constable.

4. That no person shall be allowed to use a wheel-barrow, handcart, sleigh, or waggon on any of the public side-walks of the town; vehicles, used for the airing and health of children only excepted.

5. That no person shall place, or cause, or permit to be placed, any cask, package, furniture, waggon, cart, or other vehicle, or other article, or filth of any description, in any street, or on any side-walk, so as to discommode or obstruct the free passage or use thereof; and parties concerned shall be bound to remove any such article within 24 hours after notice from the Chief Constable.

6. That no person shall place, or cause, or permit to be placed any material for building on any pavement, side-walk or cross-way, and every person engaged in repairing any house shall keep strong and sufficient scaffoldings to prevent injury to foot passengers, and all openings or excavations sufficiently secure to prevent such injury; and shall, during the time of erection or repair of any such building, cover the pavement or the sidewalk with good and sufficient plank to protect the same from injury; and should it be found necessary for a limited time to remove the plank side-walk, after permission is granted by the Chief Constable so to do, the same shall be restored to its former state at the expense of such person erecting or repairing such house.

7. That no person shall be permitted to occupy with building materials more than one half of the breadth of the street. and in case of buildings being erected or repaired opposite each other, more than one third of the breadth of the street, and that only opposite their respective premises or sites of the building being erected or repaired, and then only during such time as may be

indispensably necessary from time to time for carrying on or completing the work.

8. That before placing any such building materials or other article, or excavating any earth or stone, in the public streets, squares, lanes, or alleys of the town, the person so doing shall first obtain permission of the Town Council, certified by the Chief Constable, which permission shall state the time which the street, &c., shall be so occupied; and that while such building materials, &c., are so occupying a portion of any street, they shall be enclosed by a strong fence at least four feet high; no wood or stone shall be allowed to be manufactured in any of the streets, squares, lanes or alleys of the said town.

9. That every person, who in the excavation of any cellar, area, drain, pit or well, find it necessary to deposit the earth or rubbish therefrom on the streets, squares or lanes of the town, shall remove the same as fast as it is dug out or excavated, or on notice from the Chief Constable, and shall put and maintain for the space of six months, the street, &c., on the same level as before, and in case of the gravel being removed in the course of the operation, the same shall be restored; and in case of an excavation shall enclose or secure the same from the commencement to the completion thereof; and no person shall have uncovered or uninclosed any cellar, area, drain or other excavations whatsoever, whether now, or hereafter to be made, upon any lot or parcel of ground, whether occupied or not, or on any of the streets, squares, or lanes of the town, so as to endanger the safety of passengers.

10. That every occupant of a house, or proprietor of an unoccupied house, having cellars or areas opening upon any street or thoroughfare shall secure and maintain such openings with strong and sufficient sidewalk trap-doors on a level with the foot

pavement, and subject to the inspection and approval of the Chief Constable, or such officer as the Council may appoint for the purpose, and all such doors and openings shall be kept shut except for immediate use, and that only by day-light.

11. That no person shall excavate for any drain in any of the streets, squares, or lanes of the town, without first having obtained the consent of the Council thereunto, and having first paid the charge for frontage or drainage which is now, or which hereafter may be imposed by the said Council ; or if such excavation shall be begun it may be stopped by any member or officer of the Council until the said permission be obtained, and the charge for frontage or drainage be paid ; all such excavations and the forming a connection between such drain and any common sewer now made, or which hereafter may be made, shall be done under the inspection of the Chief Constable or such other officer as the Council may appoint for that purpose.

12. That no person shall cart, or throw, or cause to be carted or thrown into any of the grates, drains, or sewers of the town, any wood, stones, filth, or other substance which may obstruct or prove injurious to the same.

13. That no person shall erect any sign or post, or plant any tree, or erect any awning in any street, without permission first obtained of the Council ; and the owners of any of the foregoing, now erected, shall remove the same within two months after being notified to that effect by the Chief Constable, and that any person injuring, destroying or removing any sign, post or tree, or other property placed or planted on the street, or on the side of the street by lawful authority ; or shall injure or destroy any of the sidewalks or crossings laid down in any of the streets, squares, or lanes of the town, shall, on conviction, have such a penalty imposed as this Act allows.

14. That the occupant or person in possession of every house, building, or lot, shall cause the sidewalk opposite his house, building, or lot, to be properly swept and cleaned when necessary as far as the outer edge, free from obstruction by snow, dirt, or other incumbrance.

15. That no person shall play at any game of shinty or ball, or at any other sport with a ball, or fly a kite, or play at quoits, or pitch and toss, or throw any stones, snow balls, or other missile on any of the streets, squares, lanes, or sidewalks of the town.

16. That no person shall stick or fasten any placard, card, or advertisement, to any building, gate, door, fence, or wall, without the permission of the owner or occupant of the premises.

17. That if any building, hereafter to be erected, shall project beyond the range of the street, as may be laid down by an officer of the Town Council, and approved of by them, the person erecting the same, or causing the same to be erected, shall, within three days after notice is given to him by an officer of the Town Council empowered so to do, shall cause the said building to be removed to the proper range as aforesaid, under a penalty of £5 for every twenty-four hours that the said building shall be continued beyond such range.

18. That it shall be the duty of the Chief Constable, to give notice to the parties offending, or to the Mayor or Magistrate having jurisdiction in the town, as the case may require, of any obstructions, nuisance, &c., existing in the public streets, squares or thoroughfares in the town, contrary to law, in order to the proper removal of the same or the punishment of the offender.

19. That it shall not be lawful for any person to disturb, hinder, molest, or ill-treat the Chief Constable in the performance

of any order of the Town Council, or of his duty as required by this Act.

20. That any person who shall be guilty of any infraction of any of the provisions of this Act, shall, upon conviction thereof, before the Mayor or Magistrates having jurisdiction within the town, be fined for each offence, unless when hereinbefore provided, in such sum not to exceed five pounds, nor less than two shillings and six-pence, besides the costs, as the Mayor or Magistrate as aforesaid shall deem proper ; which fine and costs may be levied of the goods and chattles of such offender, or such persons shall be imprisoned in the Gaol of the County of Ontario for a period not to exceed thirty days, unless the amount of such fine and costs be sooner paid.

(Signed)

JAMES ROWE,
Mayor.

B. YARNOLD,
Clerk.

BY-LAW No. 5.

(Repealed.)

BY-LAW No. 6.

To facilitate the Removal and Suppression of Nuisances.

Passed 17th February, 1855.

Be it enacted by the Municipality of the Town of Whitby, and it is hereby enacted by the authority of the same.

That the Council on the receipt, or as soon afterwards as can be, of a notice signed by one or more inhabitant householders of the town, stating the filthy condition of any building in the town, so as to be a nuisance to, or injurious to the health of any person, or that upon any premises within the town there is any foul or offensive ditch, gutter, drain, privy, cess-pool, or ash-pit, kept or constructed so as to be a nuisance to, or injurious as aforesaid; or that, upon any such premises swine, or any accumulation of dung, manure, offal, filth, refuse, or other matter or thing are, or is, kept, so as to be a nuisance to, or injurious as aforesaid, and that the owners or occupants of such premises have been requested by a written notice from such householders to remove, suppress, or put an end to such nuisance, or injurious matter, by any committee of themselves or by any of their officers, shall, after twenty-four hours notice in writing given to the owner or occupant of the premises, or some grown-up person resident thereon enter the premises and if satisfied that there is reason for such notice having been given, and that such nuisance or injurious matter has not been removed, suppressed, or put an end to, to complain to the Mayor, or any Magistrate having jurisdiction in the town, who may summon the owner or occupant of such premises to appear before him, and on proof of such nuisance or injurious matter as aforesaid, shall order such owner or occupant to remove, suppress, or put an end to such nuisance, by a time to be stated in such order, and to pay the

costs of such summons and subsequent proceedings, or in default thereof to pay a fine of not less than five shillings, or more than five pounds, to be recovered, with costs, by distress and sale of the offenders goods and chattels, or in default of sufficient distress, by imprisonment for not less than seven, or more than thirty days, in the Gaol of the County of Ontario, or in any lock-up house that may be erected in the Town of Whitby.

(Signed)

JAMES ROWE,
Mayor.

B. YARNOLD,
Clerk.

BY-LAW No. 7.

To Regulate the duties of Assessor and Collector.

Passed 17th February, 1855.

Be it enacted by the Municipality of the Town of Whitby, and it is hereby enacted :

CLAUSE 1. That the assessor or assessors shall return and deliver the assessment roll to the Town Clerk, certified according to assessment laws now in force, or which may hereafter be in force, on or before the first day of April in each and every year.

2. That if the assessor, legally appointed and having taken the oath of office, shall wilfully neglect or refuse to perform the duties of said office, according to the provisions of this or any other By-Law relating to the duties of assessor, or of any statute law regarding assessments, he shall, on complaint of any resident inhabitant, and on conviction thereof before the Mayor or Magistrate having jurisdiction in said town, be fined for each offence a sum not exceeding five pounds with costs, to be recovered as a debt due to said Municipality, by levy on the goods and chattels of each offender.

3. That before the Collector enters upon his duties, and within one month from the date of his appointment to such office, he shall enter into a bond, with two or more sufficient sureties, to the satisfaction of this Council, himself in the sum of three hundred pounds, and his sureties each in the sum of one hundred and fifty, in all six hundred pounds, and such bond shall be conditioned for the faithful performance of the duties of the said Collector, in accordance with the conditions of this or any other By-Law of this Council, or the provisions of any statute now or hereafter in force in this Province relating to the same.

4. That on or before the first day of January, in each year, it shall be the duty of the Collector to return the collectors's roll to the Town Treasurer, and pay over the amount payable to the said Treasurer in accordance with Sec. 46, Cap. 182, 16th Vic.

5. That the Collector neglecting or refusing to perform the duties as prescribed in this or other By-Law of this Council, or of any statute now or hereafter in force in this Province, pointing out his duties, he shall be fined, on conviction thereof before the Mayor or Magistrate having jurisdiction within said town, a sum not exceeding five pounds, with costs, recoverable as other fines for infringement of By-Laws are recovered, or such Collector

shall be dealt with in accordance with the various provisions of Cap. 182, 16th Vic., "Assessment Laws Consolidation Act."

6. That all the fines and penalties collected under this By-Law shall be paid over immediately by the person or persons collecting the same, into the hands of the Town Treasurer, and such sum or sums of money shall form a part of the funds of the Town, to be applied by the Corporation thereof.

(Signed)

JAMES ROWE,
Mayor.

B. YARNOLD,
Town Clerk.

BY-LAW No. 8.

(*Expired.*)

BY-LAWS No. 9. & 10.

(*Repealed.*)

BY-LAW No. 11.

Passed June 4th, 1855.

To adopt a Seal for the Municipal Council of the Town of
Whitby.

BY-LAWS 12, 13, 14.

(Expired.)

BY-LAW No. 15.

(Quashed.)

BY-LAWS 16, 17.

(Expired.)

BY-LAW No. 18.

(Repealed.)

BY-LAW No. 19.

Passed April 24th, 1856.

To raise the sum of £1250 by way of loan to purchase a market site, and to defray the cost of erecting market building thereon in the Town of Whitby.

BY-LAWS 20, 21. 22.

(Expired.)

BY-LAWS 23, 24 25, 26.

(Repealed.)

BY-LAW No. 27.

(Expired.)

BY-LAW No. 28.

(Repealed.)

BY-LAW No. 29.

To impose a Tax upon Owners and Harbourers of Dogs.

Passed March 10th, 1857.

Be it enacted by the Municipal Council of the Town of Whitby, and it is hereby enacted by the authority of the same,

That the Assessor shall as far as possible ascertain the ownership of all dogs within the limits of the Corporation, and shall assess the owners and harbourers of the same at the rate of five shillings for every dog, and ten shillings for every bitch.

(Signed)

E. ANNES,
Mayor.

B. YARNOLD,
Town Clerk.

BY-LAW No. 30.

(Repeated.)

BY-LAW No. 31.

(Expired.)

BY-LAW No. 32.

Passed 5th May, 1857.

To prevent the removing of sand, stone, clay, gravel or wood from any public street, or allowance of road within the Municipality of the Town of Whitby.

Whereas it is not expedient that any sand, stone, clay, gravel or wood, should be removed clandestinely from any public street within this Municipality.

Be it therefore enacted by the Municipality of the Town of Whitby, and it is hereby enacted by the authority of the same,

That no gravel, sand, clay, stone, wood or timber, shall be taken away from any public street or allowance for road, within the limits of this Town, without the consent of the Town Council, and also, that any person or persons convicted for so doing, before the Mayor or any other Magistrate having jurisdiction within this Municipality, shall be fined in a sum of not less than

five shillings, nor more than five pounds for each and every offence against this By-law.

(Signed)

E. ANNES,
Mayor.

B. YARNOLD,
Clerk.

BY-LAWS Nos. 33. & 34.

(Repealed.)

BY-LAWS 35, 36, 37.

(Expired.)

BY-LAW No. 38.

(Repealed.)

BY-LAW No. 39.

(Expired.)

BY-LAWS 40, 41.

(Repealed.)

BY-LAW 42.

(Expired.)

BY-LAW No. 43.

(Repealed.)

BY-LAW No. 44.

Passed Dec. 18th, 1857.

To prevent the erection of Wooden Buildings within a prescribed limit in this Municipality.

Whereas it is very desirable to prevent as much as possible the spreading of fires especially in the more densely populated portion of this Municipality.

Be it therefore enacted by the Municipal Council of the Town of Whitby, and it is enacted by the authority of the same,

That from and after the passing of this By-Law, no Wooden

Buildings of any description whatever, shall be erected within the following limits, viz : on Brock Street from Mary Street to Dunlop Street, and on Dundas Street from Byron Street to Green Street and Perry Street. Provided always that this By-law shall not have force and effect as to any building now in course of erection on the premises hereinbefore described, nor shall any wooden building be erected nearer to the front of said Streets than the distance of sixty feet.

(Signed)

JAMES ROWE,
Mayor.

B. YARNOLD,
Town Clerk.

BY-LAW 45.

(*Expired.*)

BY-LAW No. 46.

Repealed.

BY-LAW No. 47.

Passed Feby. 23th, 1858.

To appoint a Treasurer and Town Clerk for the Town of Whitby, and to fix the salary of the same.

Be it enacted by the Municipality of the Town of Whitby, and it is hereby enacted by the authority of the same.

1st. That from and after the passing of this By-Law, Benjamin Yarnold be Treasurer and Clerk of the said Town of Whitby, on furnishing the necessary required amount of security for the faithful performance of the duties of the said office.

2nd. Be it further enacted that the said Treasurer and Clerk be required to give security to the amount of twelve hundred pounds by joint and several bonds by himself, and two parties to be approved of by this Council.

3rd. Be it further exacted that the yearly salary of the said Treasurer and Clerk shall be seventy-five pounds in lieu, and in full of all fines, fees, and emoluments whatever, except such as he may receive from individuals for copies of By-Laws and fees as Police Clerk, and percentages on County Money, and that it shall be lawful for the Treasure aforesaid to retain out of the

general revenue of the Town quarterly, the proportion of his said salary hereinbefore mentioned as Treasurer and Clerk aforesaid, said salary to be computed from the first day of January 1858.

4th. And be it further enacted that the office of Treasurer and Clerk of this Council be considered public offices, and shall be kept open and attended for the general business of the Town from the hour of 10 A. M. until 1 P. M. the Lords day and the several holidays excepted.

(Signed)

J. HAM PERRY,
Mayor.

B. YARNOLD,
Clerk.

[Clause No. 1 of this By-Law amended by By-Law No. 67.]

BY-LAWS 48, 49, 50, 51, 52.

[*Expired.*]

BY-LAW No. 53.

Passed 28th June, 1858.

For regulating and Licensing of shows and exhibitions kept for hire or profit, within the limits of the Town of Whitby.

Whereas it is deemed expedient to provide for the regulation and licensing of shows and exhibitions, kept for hire or profit,

1. Be it enacted, that no person or persons shall be permitted to exhibit any wax figures, wild animals, puppet-shows, wire dancing, circus riding, or other acts or feats which common showmen, circus-riders, mountebanks or jugglers usually exhibit, or theatrical representations, or other shows or exhibitions, kept for hire or profit, without first applying for, and obtaining a license for the same, and paying therefor, the sum as afterwards prescribed in schedule A, of this act, and no person shall permit such exhibition on his or her property, or in his or her house or houses, or premises, without first seeing that the party exhibiting, shall have obtained a license so to do.

2. Persons exhibiting without a license, shall be fined not exceeding five pounds, besides costs, which fine and costs shall be levied by summary distress upon the goods and chattels of such offender, or belonging to such exhibition, whether the owner of such shall be known or not, or the parties offending shall be imprisoned in the common gaol of the County for any time not exceeding thirty days.

3. That any person or persons, who shall be guilty of any infraction of, or offence against any of the provisions of this act, shall, upon conviction thereof, before the Mayor or Magistrate having jurisdiction in said Town, be fined for such offence, in

such a sum not to exceed five pounds, besides the costs, as the said Mayor or Magistrate, as aforesaid, shall deem proper, which fine and costs may be levied of the goods and chattels of the offender, or such person or persons shall be imprisoned in the common gaol of the County, for any time according to law, unless the amount of such fine and costs be sooner paid.

4. It shall be the duty of the Chief, and other Town Constables, so far as in their power, to see that all the provisions of this act be enforced.

SCHEDULE A.

Circus per diem.....	£5	0	0
Menagerie per diem.....	2	10	0
Circus and Wild Beast Show, under same canvass....	5	0	0
Theatrical, or other Exhibition, per night.....	1	5	0
Wax Figures, Puppet-Shows, Wire-Dancing, Jugglers, or other like Exhibitions, per day.....	1	5	0

[Signed,]

J. HAM PERRY,
Mayor.

B. YARNOLD,
Town Clerk.

BY-LAW No. 54.

[Expired.]

BY-LAW No. 55.

Passed Aug. 16th, 1858.

To encourage the planting of ornamental trees on the several streets of this Municipality, and to protect the same from being mutilated or destroyed.

Whereas it is desirable to encourage the planting of trees for shade and ornament on the several streets within this Municipality, and to protect those already planted from being mutilated or destroyed,

Be it therefore enacted, by the Mayor and Town Council, and it is hereby enacted by authority of the same,

1st. That no person shall remove, mutilate or destroy any ornamental trees planted, or that may hereafter be planted in any of the streets, or other public places within the limits of the Town, without a permit in writing from the Mayor or Town Council, and no owner or driver of any horse or other animal (except cows,) shall suffer them to destroy any tree as aforesaid under the penalties mentioned in the last clause of this act.

2nd. No person except by permission of the Town Council, or

Chairman of the standing committee on Streets and Improvements shall climb, break, peel, cut, deface, either by posting bills of any description, or otherwise, remove, injure, or destroy any of the trees now growing, or which shall hereafter be planted in the streets or public places of this municipality, and no person shall in any way fasten any horse or other animal to any of said trees, or allow any animal owned by him, or under his control, to stand so near to the same, that they may be gnawed or otherwise injured by any horse or other animal so fastened or permitted to stand.

3rd. Any person violating any of the provisions of this section shall be subject to the penalty in the last section mentioned.

4th. It shall be the duty of the Chief and other Town Constables to prosecute all violations of this By-Law.

5th. That any person who shall be guilty of any infraction of, or offend against any of the provisions of this Act, shall upon conviction thereof, before the Mayor or Magistrates having jurisdiction in said Town, be fined for each offence in such sum not to exceed five pounds besides the costs, as the said Mayor or Magistrate may deem proper, which fine and costs may be levied of the goods and chattels of the offender, or such persons shall be imprisoned in the gaol of the County of Ontario for any term according to Law, unless the amount of such fine and costs be sooner paid.

(Signed,)

J. HAM PERRY,
Mayor.

B. YARNOLD,
Town Clerk.

BY-LAW No. 56.

Passed 16th August, 1858.

To protect from injury the Town Pumps.

Be it enacted by the Town Council of the Town of Whitby, and it is hereby enacted by the authority of the same,

1. That if any person shall wilfully, or carelessly, injure and deface any Pump in a well, made at the expense of the Town, he shall forfeit and pay a sum not less than one dollar, nor more than thirty dollars, and shall be further liable to the action of the Town for all damages done by him to said pumps.

2. Said penalty, upon conviction, to be levied and collected by distress and sale of the offender's goods and chattels under the authority of any warrant or warrants for that purpose, to be issued by the Mayor, or any of Her Majesty's Justices of the Peace having jurisdiction in the said Town, and in default of such distress, to be confined in the Common gaol of this County to hard labor, for any period not exceeding ten days.

[Signed,]

J. HAM PERRY,
Mayor.

B. YARNOLD,
Town Clerk.

RY,
Mayor.

BY-LAW 57.

(Repealed.)

BY-LAW 58.

(Repealed.)

BY-LAW 59.

(Expired.)

BY-LAW 60.

[*Repealed.*]

BY-LAW 61.

Passed 24th January, 1859.

To appoint Auditors for the year 1859.

Be it enacted by the Corporation of the Town of Whitby, and it is hereby enacted by the authority of the same,

That Stephen Searle, Esq., be appointed one of the Town Auditors for the present year.

Be it further enacted, on the nomination of the Mayor, that Robert H. Lawder, Esq., be also an Auditor for the present year.

[Signed,]

J. HAM PERRY,
Mayor.

B. YARNOLD,
Town Clerk.

BY-LAW 63.

Passed 28th February, 1859.

To appoint certain Town Officers for the year 1859, and to fix the salaries of the same.

Be it enacted by the Municipal Corporation of the Town of Whitby, and it is hereby enacted by the authority of the same,

That the following persons be appointed Town Officers, and shall be entitled to receive, as salaries, the several sums set opposite their respective names, and they are hereby required to perform all duties which may be set forth under any By-law or By-laws which may be passed by this Council, said By-law or By-laws not being contrary to any Act of Parliament of this Province, now in force, or which may hereafter be passed.

NAME.	OFFICE.	SALARY.
Alexander Cameron	Chief Constable	\$100
Such salary to be in lieu of all fees for attending to the Municipal affairs of this Town where the Corporation is a party, but shall be entitled to such fees as allowed by Law to receive from the party convicted, should sufficient distress be found.		
James McIntosh.....	Assessor	\$75
George McGill.....	Collector	100
Samuel Merrick.....	Gen. Inspector of Licenses	20
Thomas Danford....	Constable North Ward..	To be paid
Philander M. Clark..	do Centre "	
John L. Granger....	do South "	
Mathew Carrol.....	Pound Keepers.....	To be paid
Abram Cochran.....		by
John Spurrill.....		Fees only.
R. H. Lawder.....	Auditors each.....	\$10
Stephen S. Searle...		
Philander M. Clark..		
Henry Betts.....	Fence Viewers.....	To be paid
John L. Granger....		by
		Fees only.
Timothy R. Lewis....	Hall Keeper.....	\$50
John Lynes.....	Bell ringer.....	60

And be it further enacted that the Treasurer is hereby authorized, and required out of the general funds of this municipality in his possession, to pay to each of the above officers quarterly, the proportion of his salary as aforesaid, out of the like funds, such salary to be computed from the 1st day of March 1859, or as soon as the duties are performed by the said officer or officers upon certificate signed by the Clerk and countersigned by the Mayor.

And be it further enacted that the Chief Constable shall devote his time to the Municipal affairs of the Town, to preserve the peace and good order thereof, he shall take notice of all nuisances impediments, and obstructions in the streets, to notice all offences against any By-Law of this Corporation, taking the names of the offenders to the end, that they may be prosecuted, to receive all complaints made for any breach of the Laws, and for that purpose shall attend daily at the office of the Mayor at such time as the Mayor may appoint, it shall be his duty to enforce and carry into effect to the utmost of his power, all and each of the By-Laws now in force in this municipality according to the true intent and meaning of the same, and to obey and execute all the lawful commands of the Mayor or any Councillor.

And be it further enacted, that it shall be the duty of the Chief Constable to prosecute all offenders against the laws of the Town, within one week after detecting, or ascertaining the offence or offences, by them respectively committed, to attend regularly and punctually at all trials of offenders, prosecuted in behalf of the Town, and to use all lawful means for their effectual prosecution, and final conviction.

The Chief Constable shall, before entering upon the duties of his office, give to the Treasurer of the Town, a Bond, himself in the sum of twenty-five pounds, and two sureties, in the sum of

£12 10s each, and to be approved by the Mayor, for the faithful performance of the duties of his office.

The Inspector of Licenses shall, before entering upon the duties of his office, give to the Treasurer of this Corporation, a Bond, himself in the sum of £5, and two sureties, in the sum of ten dollars each, to be approved of by the Mayor, for the true and faithful discharge of his duties.

[Signed,]

J. HAM PERRY,
Mayor.

B. YARNOLD,
Town Clerk.

BY-LAW No. 64

[*Expired.*]

BY-LAW No. 65.

Passed 21st April, 1859.

To authorise the Corporation of the Town of Whitby to take Stock in the Port Whitby and Lake Huron Railway Company, and to issue Debentures for the payment thereof, and for other purposes therein mentioned.

1. Whereas it is desirable and expedient that the Corporation of the Town of Whitby should assist the Port Whitby and Lake Huron Railway Company in the construction of their Railway, and for this purpose should take stock in the said Company to the amount of one hundred and forty thousand dollars.

2. And whereas it will be necessary to make provision for the payment of the said stock by Debentures of the Corporation, and for the redemption of such Debentures in twenty years from the day this By-law shall come into force, and for the payment of interest thereon, at the rate of six per cent. per annum, as hereinafter mentioned, to make the provisions required by law, it is hereby declared and recited in accordance with the statute in that behalf:

3. That the debt or liability hereby intended to be created, is one hundred and forty thousand dollars, for the purpose of taking and paying for stock in the said Port Whitby and Lake Huron Railway Company to the extent of fourteen hundred shares, at one hundred dollars each.

4. That the total amount required to be raised annually, by special rate, for paying the said sum of one hundred and forty thousand dollars, and interest, for the period of twenty years, is fifteen thousand four hundred dollars.

5. That the amount of the whole rateable property of the Municipality of the Town of Whitby, according to the last revised assessment roll, is ninety two thousand nine hundred and seventy four dollars and ninety cents.

6. That the annual special rate in the pound for paying the interest, and creating an equal yearly sinking fund for paying the said principal sum of one hundred and forty thousand dollars, or, thirty five thousand pounds is 3s. 3d. $\frac{4198734}{5578494}$ on the said sum of ninety two thousand nine hundred and seventy four dollars and ninety cents.

Be it therefore enacted by the Town Council of the Town of Whitby, and it is hereby enacted :

1. That the Corporation of the Town of Whitby shall immediately after the passing of this By-Law, take fourteen hundred shares in the Capital Stock of the said Railway Company, amounting to one hundred and forty thousand dollars, or thirty five thousand pounds.

2. That the Mayor shall subscriber for such stock in the name of the Corporation of the Town of Whitby, and shall attach the Corporate Seal of the Corporation to such subscription in the Stock Book of the said Company.

3. That Debentures of the Corporation of the Town of Whitby, shall be issued to the amount of one hundred and forty thousand dollars, or £35,000, and be delivered to the said Railway Company, in payment of the said Stock, but the said Debentures shall not be issued at any earlier date, or, for any larger amounts than may be sufficient to meet the instalments of Stock as regulated by the charter of said Railway Company, unless such

earlier or larger issues shall have been previously authorised by a resolution of the Town Council.

4. That the Debentures to be so issued shall be sealed with the Corporate Seal of the Corporation, and shall be signed by the Mayor, and countersigned by the Treasurer of the said Town of Whitby, and shall bear interest at the rate of six per centum per annum, payable half yearly, and for payment of such interest as it shall fall due, coupons shall be attached to the said Debentures.

5. That all Debentures issued under the authority of this By-Law, shall be respectively for such sums not less than \$100, expressed either in sterling money of Great Britain, or in any of the currencies of this Province, and made payable, principal and interest, or either of them, at some place to be therein mentioned either in Great Britain or Canada, as to the officers signing and countersigning the same shall seem most expedient, the principal thereof shall be payable on the 21st day of April, in the year of our Lord 1879, and the interest from the issuing thereof half yearly.

6. That for the purpose of redeeming the Debentures so to be issued, and for the payment of the interest thereon, there shall be raised and levied annually for the period of twenty years from the time this By-Law shall come into force, the sum of fifteen thousand four hundred dollars, over and above all other sums required to be raised by the said Corporation for any purposes whatsoever, and for the purpose of raising such annual sum, there shall be raised, levied and collected annually, and in addition to all other rates, an equall special rate of 3s. 3d. ⁴¹⁹⁸⁷³⁴₅₅₇₈₄₉₄ in the pound upon the whole rateable property of the said Corporation of the Town of Whitby.

7. That the Mayor, before subscribing for said stock, shall take an undertaking from the said Railway Company under their Corporate Seal to the said Corporation of the Town of Whitby, that the said Company will except the Debentures of the said Municipality, issued under the authority of this By-Law, in payment of the said stock at par, and that the amount of the said Debentures, shall be laid out and expended by the said Company on that part of the said works, lying between Port Whitby, and Lake Scugog.

8. That this By-Law shall come into force and take effect, from the day of the final passing thereof.

9. That for the purpose of ascertaining whether the electors of the Municipality assent to this By-Law or not, Monday and Tuesday the 11th and 12th days of April, in the year of our Lord 1859, from the hour of ten o'clock in the forenoon, to the hour of four o'clock in the afternoon on each day, at the places hereinafter mentioned is fixed for taking the votes of the Electors of the Municipality thereon, that is to say, in the North Ward at the Mechanics' Institute, in the Centre Ward at the Town Hall, in the South Ward at James Rowe's Stone Store, Richmond Street, and that William Schofield be returning officer to take the votes in said North Ward, and that Stephen S. Searle be returning officer to take the votes in said Centre Ward, and that Thomas Huston be returning officer to take the votes in the said South Ward.

Passed the Twenty first day of April, A. D. 1859.

(Signed)

J. HAM PERRY,
Mayor.

B. YARNOLD,
Clerk.

NOTICE.

The above is a true copy of a By-law which will be taken into consideration by the Council of the Corporation of the Town of Whitby, after one month from the first publication thereof in the *Whitby Chronicle* and *Ontario Times* newspapers, the date of which first publication was the 17th day of March, A. D., 1859, and that the votes of the Electors of the said Municipality will be taken thereon, at the time and place in the said By-law, particularly mentioned and set forth, that is to say, on Monday and Tuesday, the 11th and 12th days of April, in the year of our Lord 1859, from the hour of ten o'clock in the forenoon, to the hour of four o'clock in the afternoon of each day, at the places hereinafter named, that is to say, in the North Ward, at the Mechanics' Institute; in the Centre Ward, at the Town Hall; in the South Ward, at James Rowe's Stone Store, Richmond Street.

NOTICE.

The above is a true copy of a proposed By-law to be taken into consideration by the Municipality of the Town of Whitby, at the Town Hall, in the said Town, on the 21st day of April, 1859, at the hour of seven o'clock in the afternoon, at which time and place the members of the Council are hereby required to attend for the purpose aforesaid.

[Signed,]

J. HAM PERRY,
Mayor.

B. YARNOLD,
Town Clerk.

BY-LAW 66.

Passed 21st April, 1859.

To repeal the By-law of this Council passed on the 21st September, 1857, authorising the taking of stock in the Port Whitby and Lake Huron Railway Company, to the amount of £75,000.

Whereas this Council passed a By-law on the 21st September, 1857, authorising the taking of stock in the Port Whitby and Lake Huron Railway Company to the amount of £75,000, on the conditions therein set forth.

And whereas the said Company have been unable to comply with the conditions of the said By-law, and no money has been raised or paid thereunder, and it is expedient that the subscription of stock under said By-law should be cancelled, and the said By-law should be repealed.

Be it therefore enacted by the Town Council of the Town of Whitby, and it is hereby enacted, that the said By-law be, and the same is hereby repealed.

That it shall be the duty of the Mayor, and he is hereby authorised, to make the necessary arrangements with the said Railway Company for the cancellation of the said stock, and to cancel the same.

[Signed,]

J. HAM PERRY,
Mayor.

B. YARNOLD,
Town Clerk.

BY-LAW No. 67.

Passed 20th June, 1859.

To repeal By-Law No. 47, so far as relates to the appointment of Benjamin Yarnold, Clerk and Treasurer of the Corporation of the Town of Whitby.

1. Be it enacted by the Corporation of the Town of Whitby, and it is hereby enacted by the authority of the same, that section number one of By-Law number forty seven be, and the same is hereby repealed, so far as relates to the appointment of Benjamin Yarnold, Clerk and Treasurer of the Corporation of the Town of Whitby.

2. That this By-Law shall take effect on the first day of July 1859.

(Signed,)

J. HAM PERRY,
Mayor.

B YARNOLD,
Town Clerk.

BY-LAW No. 68.

Passed June 28th, 1859.

To appoint a Clerk and Treasurer for the Corporation of the Town of Whitby, and to repeal part of By-Law No. 47.

1. Be it enacted by the Corporation of the Town of Whitby, and it is hereby enacted by the authority of the same, that Thomas Huston of the Town of Whitby, Gentleman of the Corporation be and he is hereby appointed Clerk and Treasurer, of the Town of Whitby, on furnishing the necessary amount of security for the faithful performance of the duties of said offices as required by By-Law No. 47.

2. And be it further enacted that By-Law No. 27, and all other By-Laws be, and the same is hereby repealed so far as relates to the appointment of a Clerk and Treasurer.

3. And be it further enacted, that the Clerk and Treasurer above named, shall enter upon the duties of his office on the first day of July 1859, and not before.

(Signed)

J. HAM PERRY,
Mayor.

B. YARNOLD,
Town Clerk.

BY-LAW No. 69.

Passed 11th July, 1859.

To authorise the Mayor of the Corporation of the Town of Whitby to execute a bond for the purposes hereinafter mentioned.

Between George Yule the elder, and the Corporation.

BY-LAW No. 70.

Passed July 11th, 1859.

To amend By-Law No. 63.

Be it enacted by the Corporation of the Town of Whitby, and it is hereby enacted by the authority of the same,

That so much of By-Law No. 63, as relates to the appointment of Alexander Cameron as Chief Constable of this Corporation, and of Thomas Danford as Constable of the North Ward, be and the same is hereby repealed.

And be it enacted by the authority aforesaid, that Thomas Danford be, and is hereby appointed Chief Constable of this Corporation in the room and instead of the said Alexander Cameron.

And be it further enacted, that Edward Humphry be, and he is hereby appointed Constable of the North Ward, in the room

of Thomas Danford, appointed as above to the office of Chief Constable.

(Signed)

J. HAM PERRY,
Mayor.

THOMAS HUSTON,
Town Clerk.

BY-LAW No. 71.

Passed Aug. 1st, 1859.

*To provide for the current expenses of the Corporation, and
for the County and School rates for the present year.*

BY-LAW 72.

Passed 19th September, 1859.

For suppressing and punishing disorderly conduct within the limits of the Town of Whitby, for establishing and regulating a Lock-up house in said Town, for establishing and pointing out the duties of the Chief and other Town Constables, and for other purposes therein set forth.

Whereas it is deemed expedient and necessary to amend and consolidate the various By-laws now in force, for the suppression and punishment of disorderly conduct within the limits of the Town, for the establishing and regulating of a Lock-up house in said Town, and for the enactment of other matter for the good government of the said Town.

Therefore the Corporation of the Town of Whitby, by the Council thereof, enacts as follows:

1. That from and after the passing of this Act, By-law No. 97 passed by the Township, and By-law 33 passed by the Corporation of the Town of Whitby, and all clauses or sections of the same, be and the same are hereby repealed.

2. That no person or persons shall encourage or permit drinking, gaming, fighting, or any other unruly conduct, by noise or otherwise, in the house or upon the premises occupied by him, her or them, to the disturbance or annoyance of the inhabitants of the Town, or of his or their neighbours.

3. That no person shall on Sunday do or perform any work or labor, [works of necessity and charity excepted] or buy, or sell, or shew forth, or expose for sale, any goods, wares or merchandise, or any other thing within this Municipality.

4. That no person shall fire off, or discharge any gun, musket, pistol, squib, fire-ball or cracker, or shall make any bonfire, or burn any rubbish, shavings, or other combustibles, in any street, yard, or public place, in the Town, so as to endanger any property thereby.

5. That no person shall engage in, or be concerned in any charivari, or other like disturbance of the peace, or make or cause any disturbance by shouting, blowing horns, or other noise, to the annoyance or alarm of any inhabitant of this Municipality.

6. That no person or persons shall inscribe, or draw, or paste, or put up, any indecent words or pictures, on any building or public place within the Town, or shall raise or make any disturbance in any place of public worship, or in any of the streets or thoroughfares of the Town, by noise or otherwise, or be guilty of profane oaths, cursing, fighting, drunkenness or other scandalous behaviour within the limits of the Town; persons so offending shall be deemed idle and disorderly persons within the meaning of this Act.

7. That any person or persons found drunk or disorderly in any of the streets or thoroughfares of the Town shall and may be taken into custody by the Chief or other Town Constables, with or without a warrant, or the Mayor or any member of the Town Council may order any said Constable to take into custody any one so found, and place or cause to be placed in safe keeping in the Lock-up House, information of which shall be lodged with the Mayor as soon as possible, in order that he, she, or they be brought before the Mayor or other Magistrate having jurisdiction in said Town to be dealt with as this Act directs.

8. That three cells shall be forthwith prepared under the Town Hall, in every way suitable for the safe keeping of persons brought there, and that the same shall be the Lock-up House referred to in the last section, and it shall be lawful for the Chief or other Town Constables, with or without a warrant, or any other person by order of the Mayor to apprehend and lock up in the same any person or persons found drunk or disorderly in the streets or thoroughfares of the Town, provided always, that no person shall be confined in the said Lock-up House before trial, for the offence, for a longer period than forty-eight hours.

9. That vagrants and persons, who by habit and repute get their living by dishonest practices, shall and may be apprehended by the Chief or other Town Constables, and brought before the Mayor, or in the absence of the Mayor, before the Reeve or Deputy Town Reeve, and if ordered so to do by him or them, placed in the Lock-up House until brought before the Mayor or other Magistrate as aforesaid, and dealt with according to Law.

10. That any person or persons against whom a criminal information is sworn before competent authority, and any person or persons flying from or seeking to escape from justice, may be committed over to the Chief or other Town Constables, who shall place him or them in safe keeping in the Lock-up House till the charges made be investigated by the Mayor or other Magistrate as aforesaid, and the party or parties dealt with accordingly.

11. That any person or persons keeping a house of ill-fame, within the limits of the Town, on information being sworn to before the Mayor or other Magistrate as aforesaid, shall and may be arrested by warrant under the hand and seal of the Mayor or Magistrate having jurisdiction within the Town, by

the Chief or other Town Constables, and be there brought before the Mayor or Magistrate as aforesaid, or the said Constable or either of them, when ordered so to do by competent authority, shall lodge the person or persons aforesaid in the Lock-up House until it be convenient so to do, so that the time of confinement in such Lock-up House shall not be longer than authorised by the eighth section of this Act.

12. That any person or persons going to, or frequenting a house of ill-fame, or who shall aid, or abet in keeping the same, either by his or her attendance, at such place or otherwise, or who shall resort to hills, woods, or any other place within the Corporation for indecent immoral, or wanton purposes, shall be liable to arrest and punishment, under this act in the same manner as is provided in the case of idle and disorderly persons and vagrants.

13. That no person shall excessively and inhumanly beat, or otherwise cruelly treat any horse or other animal while employed in drawing or carrying any load or burthen, or at any other time neither shall it be lawful for any person to urge by beating or otherwise any horse or other animal to carry or draw any load or burthen which shall appear to be beyond its ordinary strength.

14. That it shall be lawful for the Mayor, or any member of the Council, or officer of the Town Council to order any person urging his horse or other animal to draw or carry a load or burden, which he or they see it is unable so to do, to order the person so offending to stop immediately and reduce the weight of the load until it can be easily drawn.

15. That no person shall promote or encourage, or be in any way present at, and aiding and assenting in any match or exhibi-

tion of cock-fighting or dog-fighting, nor shall any person encourage or set on dogs to fight.

16. It shall be the duty of the Chief, and other Town Constables, to see that all the provisions of this act be enforced; to apprehend and carry before the Mayor or other Magistrate having jurisdiction in the Town, or to the Lock-up House, there to be kept until such person so apprehended can with all convenient speed be brought before the Mayor or Magistrate as aforesaid as disorderly persons; all rogues, vagabonds, and idle persons who being able to work, refuse and neglect to do so, persons exposing themselves indecently, persons maliciously and wilfully obstructing passengers by standing across foot-paths, obstructing thoroughfares, using insulting language, causing disturbance by screaming, swearing or singing in the streets, breaking down or defacing signs, breaking windows, doors, or door plates, or knockers, or the walls of houses, yards, or gardens, or gates leading to such, disturbing public worship, destroying fences, or breaking down trees, or shrubs, within or outside of any enclosure, or any frame-work around trees to protect them, being drunk and impeding, or incommoding peaceable passengers common drunkards, common prostitutes or night-walkers, pilferers, persons wanton or lascivious in speech or behaviour, all persons in the habit of frequenting houses of ill-fame, or are found therein, and all such as neglect their calling or employment mispend what they earn, and do not provide for the support of themselves and families.

17. That it shall be lawful for the Chief or other Town Constables, and he or they may enter a house in search of stolen goods, having a search warrant for that purpose, and if authorized by the warrant of the Mayor or other Magistrate, having jurisdiction within the said Town, may enter any house of ill fame, tavern, or boarding house, and there apprehend and bring before

the Mayor or said Magistrate, all, or any of the persons described in the preceding section as being disorderly persons ; also, all persons found tippling after the hour of eleven o'clock at night, or before the hour of five in the morning.

18. Should the Chief or other Town Constables, find that his personal efforts are insufficient to effect an arrest, he ought to require all persons present to assist him, and they are bound to do so, and if a prisoner escapes, he may be retaken, and those in immediate pursuit may follow him into any place or any house.

19. In cases of actual breaches of the peace, as riots, affrays, assaults, and the like committed in presence of, or within view of the Constable, he should immediately interfere, first giving public notice of his office, if he be not already known, separate the combatants, and prevent others from joining in the affray, and if the riot or disturbance be of a serious nature, or if the offenders do not immediately desist, he shall take them into custody, securing the principal instigators of the tumult.

The Constable may arrest any one assaulting or opposing him in the execution of his duty, and any person or persons thus offending, shall be deemed disorderly persons within the meaning of this Act.

20. That any person who shall be guilty of any infraction, of or offend against any of the provisions of this act, or resist, or hindering any Officer or Constable in the discharge of the duties hereinbefore laid down, or in the discharge of any other lawful duty, shall upon conviction thereof before the Mayor or Magistrate having jurisdiction in said Town, be fined for each offence in such sum not to exceed Twelve pounds ten shillings besides the costs, as the Mayor or Magistrate as aforesaid shall deem proper, which fine and costs may be levied of the goods and

chattels of the offenders, or such person shall be imprisoned in the common Gaol of the County of Ontario, for any time according to Law, unless the amount of such fine and cost be sooner paid.

(Signed,)

J. HAM PERRY,
Mayor.

THOMAS HUSTON,
Town Clerk.

BY-LAW No. 73.

Passed 10th Oct. 1859.

To repeal certain By-Laws of this Corporation, and to amend By-Law No. 4, by striking out the words "Street Inspector," and insert instead thereof the words "Chief Constable," and to repeal By-Laws of the Township of Whitby, Numbered 10, 79 and 97.

BY-LAW No. 74.

Passed 10th Oct. 1859.

To establish Periodical Public Free Market or Fairs in the Town of Whitby.

Whereas it would be beneficial to the public, to establish a Free Market or Fair in the Town of Whitby, at certain times of the year.

Therefore the Corporation of the Town of Whitby by the Council thereof, enacts as follows :—

1. That a Public Free Market or Fair, shall be and is hereby established in and for the Town.

2. Such Market or Fair, shall be held at the ground belonging to the Corporation, and the use of the Market and Town Hall is hereby granted, for the exhibition and sale of such articles, as cannot be exposed with propriety outside the building.

3. The time for holding the same, shall be upon the first Wednesday in November, the first Wednesday in February, the first Wednesday in May, and the first Wednesday in August, in each year, or upon such other day as the Council may by resolution, to be passed at least twenty days, before the day for holding such market or fair appoint, provided the first fair shall be held on Wednesday the second day of November A. D. 1859, of which Public Proclamation shall be made by the Mayor at least 16 days before said second day of November last aforesaid.

4. The market or fair shall be held for the purpose of exhibiting, buying, and selling, all kinds of agricultural live stock, all

kinds of fruit, grain, meal, flour, and vegetables, and all other kinds of agricultural produce, all agricultural and other machines or machinery, and all articles of home manufacture.

5. No fee shall be charged or demanded for exhibiting, buying, or selling, any such stock, animals, or articles, in the market or fair.

6. All persons exhibiting or selling at the market or fair, shall arrange their stock, animals or articles, in such manner, order or place, as the person to be appointed by the Council shall direct.

7. In case any person shall disobey such direction, or be riotous, quarrelsome, or disorderly, he shall be disentitled, and shall not be allowed to exhibit or sell there.

8. In any of the cases last mentioned, the person appointed as aforesaid, shall have power to remove the stock, animals or articles, of any one so offending, from the ground, and to such reasonable distance therefrom, as he may think expedient.

9. The person so appointed shall have power to remove from the ground, all animals or articles which are dangerous, or which, in his opinion, are not properly secured or protected.

10. The person so to be appointed, shall be under the control of the committee on Town property.

11. The committee shall have power, if it should seem necessary so to do, to frame such rules and regulations, for the management and governance of the Market or Fair, and of all persons frequenting the same, as they shall think fit, which are not inconsistent with law, or with this By-law.

12. Such rules and regulations shall be laid before the Council, for at least one week, before the same shall take effect, and

unless they are revoked or altered by the Council within that period, they shall take effect as submitted by the committee at the end of such time, and in case they are altered by the Council, they shall take effect as so altered, at the end of such period.

13. That this By-law shall come into force, and take effect immediately from and after Proclamation made by the Mayor, as aforesaid.

(Signed)

J. HAM PERRY,
Mayor.

THOMAS HUSTON.

Town Clerk.

BY-LAW No. 75.

Passed Oct. 24th, 1859.

To prevent persons from emptying water and filth from off their premises through drains or otherwise, into and upon the public streets of this Corporation.

Whereas it is necessary to prevent the construction of any drain under any side-walk or street of this Municipality, and to prevent the allowing of water and filth to drain from off the premises of any person, into and upon any public street or highway.

Therefore the Corporation of the Town of Whitby, by the Council thereof, enacts as follows:

That from and after the passing of this By-law, no person shall sink or lay any particular drain or gutter under any side-walk, except by permission of the Council, nor shall such person let out or empty upon the surface of any street or lane, any cellar drain, sink drain, or other drain, so that the water shall flow therefrom into the street or lane, under a penalty of five dollars and costs for each offence, and the further sum of ten dollars for each month that such drain shall be so continued to be let out or emptied as aforesaid, said fine to be collected as in next section set forth.

That any person guilty of any infraction of the provisions of this Act, shall, on conviction before the Mayor, Town Reeve or Deputy Town Reeve, forfeit and pay the penalty in the first clause mentioned, together with the costs of prosecution, and in default of payment of any fine and costs, it shall, and may be lawful for the Mayor, Town Reeve, or Deputy Town Reeve, to issue his or their warrant to levy the amount of fine and costs by distress and sale of the offenders goods and chattels, in default of goods and chattels, whereof to make the amount of fine and costs, it shall, and may be lawful for the Mayor, Town Reeve, or Deputy Town Reeve, convicting, to commit the offender or offenders to the common gaol of the County of Ontario for any period not exceeding thirty days, unless the fine and costs shall be sooner paid.

[Signed,]

J. HAM PERRY,
Mayor.

THOMAS HUSTON,
Town Clerk.

BY-LAW No. 76.

Passed Nov. 14th, 1859.

To establish the Scales now put down on the Market Block as the Public Market Scales of the Town, and to regulate the Weighing of Hay and Straw, and for other purposes.

Whereas it is desirable to establish Public Scales for the weighing of Hay, Straw, produce, and other articles brought into the Town for sale hereafter.

Be it therefore enacted by the Corporation of the Town of Whitby.

1. That from and after the passing of this act, the Scales now laid down on the Market Block shall be known, as, and taken to be the Public Market Weigh Scales of the Town.

2. That all Hay, as soon as it is brought into the said Town, either sold, or for sale, shall be weighed at the Public Market Weigh Scales, by the Weigh Master appointed by the Council in charge thereof, or by his deputy duly appointed, and any person or persons who shall weigh any Hay, Straw, or other article of produce, other than at the Public Market Scales, and take for so doing any fee, or reward, or promise of such, shall be subject to the penalty hereinafter provided.

3. That the person appointed Weigh Master for the Town, shall before he enters upon the duties of his office, enter into a Bond in the sum of £50, well and faithfully to discharge the duties of said office according to the best of his skill and understanding.

4. That it shall be the duty of the Weigh Master to attend at the market house for the purpose of weighing articles required

to be weighed, from 6 o'clock in the morning to 6 o'clock in the afternoon, from the 1st day of May to the 31st day of October, and from 7 o'clock in the morning to 5 in the afternoon, from the 1st day of November to the 30th day of April, (Sundays and Public Holidays excepted), and to weight all articles so brought with the waggon or other vehicle upon which the same may be loaded, and to furnish the owner or person having charge of the load with a weigh note, dated and signed by the Weigh Master, setting forth the weight of such load in lbs, with the waggon or other vehicle, and the tare of the waggon or other vehicle, the nett weight of the load, and the name of the owner or person having charge of the same.

5. That the Weigh Master shall whenever required, either by the purchaser or seller on the same day, that he has weighed any load, and after the load has been unloaded, weigh the waggon or other vehicle upon which the same was loaded, and endorse upon the weigh note the exact weight of the waggon or other vehicle as ascertained on that day, and any owner or person having charge of any load who shall neglect or refuse to have the exact weight of such waggon or other vehicle ascertained as aforesaid upon the request of the purchaser made the same day, shall be subject to a penalty as hereinafter mentioned.

6. That the weigh master whenever any article shall be brought to him to weigh which is wet, or which from any other cause, may be heavier than such article if merchantable ought to be, shall endorse the same on the weigh note given to him for the load, together with the deduction, which in his opinion ought to be made, on account of such wet or other cause.

7. That the weigh master shall when required, inspect any hay or any other article of produce, sold or offered for sale in

the market, and give his certificate if the the same be wet or otherwise not merchantable.

8. That the weigh master shall keep a book, in which he shall enter the name of every person for whom he shall weigh any article, the article weighed and the weight thereof, and the date of weighing, which book shall be open at all reasonable times for inspection, and he shall make a return in writing, as often as the Council may direct, of all the foregoing particulars with the fee or compensation paid in each case.

9. That any person committing or attempting any fraud in the selling of hay, by introducing heavy articles into the waggon or other vehicle, or by wetting or concealing wet or unmerchantable articles in the load, or by any other fraudulent device or contrivance, shall be subject to a penalty as hereinafter provided.

10. That all weigh notes given for articles or loads weighed by the weigh master, shall be valid, and any person who shall falsely and knowingly fabricate, alter, or make any weigh note, or any endorsement thereon with intent to defraud any purchaser, or who shall exhibit for a load, a weigh note for any other load, shall be subject to the penalty hereinafter mentioned.

11. That the Weigh Master shall be entitled to demand, and receive the following fees:

For every load of hay or straw, brought into the public market for sale, the sum of twelve and one half cents, or in case the load be divided, then the sum of 12½ cents for each portion of the load so weighed.

For the weighing of every load of produce or merchandize, the sum of twelve and one half cents.

For the weighing of every return waggon, or other vehicle not loaded, the sum of twelve and one half cents.

For the weighing of any article or articles not exceeding 300 lbs., the sum of 3 cents.

Over 300 to 500 lbs., the sum of 6 cents.

And for every other article or articles over 500 lbs., the sum of 12½ cents.

And all such sums shall be paid before the articles weighed be removed from the weigh house, provided always, that during the days on which the Quarterly Free Fairs or Markets are holden, as appointed by the Council, all articles, if required, shall be weighed by the Weigh Master, free of charge, and that the like benefit shall be granted to the County Agricultural Society, should they see fit to hold their show upon the Market Block.

12. That any person guilty of any infraction of the provisions of this Act, shall, on conviction before the Mayor, Town Reeve or Deputy Reeve, or any one of them, forfeit and pay, at the discretion of the Mayor, Town Reeve or Deputy Reeve convicting, a sum of money not exceeding five pounds, nor less than five shillings, and in default of payment of any fine imposed for any breach of any of the provisions of this Act, it shall and may be lawful for the Mayor, Reeve, or Deputy Reeve convicting, to issue his warrant to levy the amount of fine and costs by distress and sale of the offenders goods and chattles, and in case of no sufficient distress to satisfy the amount of fine and costs, it shall and may be lawful for the Mayor, Reeve or Deputy Reeve convicting, to commit such offender or offenders to the common gaol of the County of Ontario for any period not exceeding 30 days.

(Signed)

J. HAM PERRY,
Mayor

THOMAS HUSTON,
Clerk.

