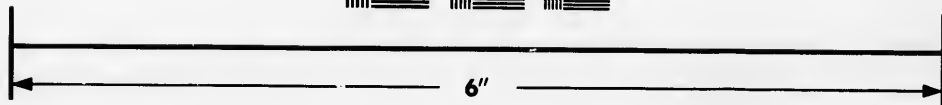
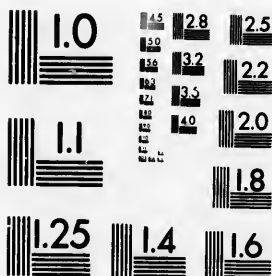


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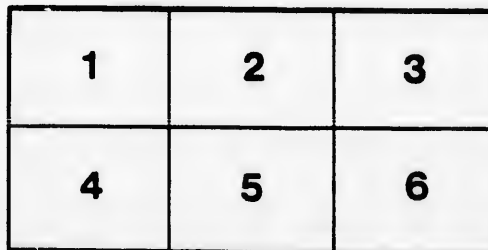
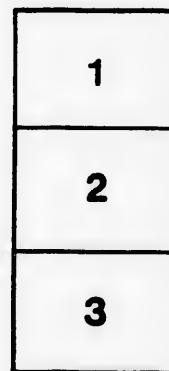
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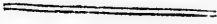
MUNICIPAL COUNCIL,

OF THE

BATHURST DISTRICT.

1 8 4 2 .

AND FIRST SESSION OF 1843.



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PRINTED AT THE BATHURST COURIER OFFICE.
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RULES AND REGULATIONS
OF THE
Municipal Council of the Bathurst District.

MEETINGS AND ADJOURNMENTS.

RULE 1ST.

As soon after the hour of meeting as there shall be a quorum present, agreeable to the Statute, the Warden (or in his absence one of the Councillors, to be appointed temporary Chairman) shall take the Chair, and call the Councillors to order.

RULE 2ND.

The hour of meeting, on the first day of each periodical Session shall be 10 o'clock in the forenoon; and for every other day in the Session, it shall be regulated on the previous day, when the Council adjourns.

RULE 3RD.

That should an adjournment be necessary for want of a quorum, the Warden shall name the next hour of meeting.

RULE 4TH.

That whenever an adjournment takes place, the Councillors shall keep their seats until the Warden leaves the Chair.

MINUTES AND ORDER OF PROCEEDING.

RULE 5TH.

That every day immediately after the Warden takes the Chair, the Minutes of the preceding day shall be read by the Clerk, to the end that any errors may be corrected, and that the Warden do then sign them.

RULE 6TH.

That the Order of Proceeding shall be,

- 1st. Reading of Minutes,
- 2d. Reading of Original Communications and Petitions,
- 3d. Notices of the intention of Councillors to introduce By Laws, Motions or Resolutions.
- 4th. Reading of Reports.
- 5th. Reading of By Laws.
- 6th. Unfinished business of the preceding day.
- 7th. Special Orders of the day, &c.

4.

WARDEN.

RULE 7TH.

That the Warden shall preserve order and decorum, and speak upon, and decide questions of Order, subject to an appeal to the Council on motion of any Member of the Council regularly seconded.

RULE 8TH.

That the Warden shall not take part in any debate, or vote, unless the Council be equally divided, in which case he may state facts, and give his reasons for so voting.

RULE 9TH.

That when the Warden is called upon to decide a point of Order or Practice, he shall state the Rule applicable to the case.

COUNCILLORS.

RULE 10TH.

That every Councillor previous to his speaking, shall rise from his seat uncovered, (except Quakers,) and respectfully address himself to the Warden.

RULE 11TH.

In speaking, every Councillor shall confine himself to the question under notice or discussion; shall avoid all personality, and shall sit down as soon as he has done speaking.

RULE 12TH.

That when two or more Councillors rise at the same time, the Warden shall name the Councillor who is first to speak.

RULE 13TH.

Every Councillor who shall be present when a question is put, shall vote thereon, unless excused by the Council, or personally interested in the question, provided such interest is resolvable into a personal pecuniary profit, not in common with the inhabitants of the District at large, in which case he shall not vote.

RULE 14TH.

When the Warden is putting a question, no Councillor shall walk out of, or across the room, nor interrupt another Councillor when speaking, or hold discourses which may interrupt him, nor pass between him and the Chair.

RULE 15TH.

When a Councillor is called to order, he shall immediately sit down, unless permitted to explain; and should the Council be appealed to, they shall decide on the case without debate.

RULE 16TH.

Any Councillor may of right require the Question or Motion in discussion to be read for his information, but not so as to interrupt the Councillor speaking.

RULE 17TH.

No Councillor shall speak more than twice to the same question, except the mover, who will have the right of reply when all others choosing to speak shall have done; unless a Councillor wishes to explain a material part of his speech which may have been misunderstood, but then he is not to introduce new matter.

RULE 18TH.

That when any Councillor shall violate any of the Rules and Orders of the Council, and the Council shall have determined that he has so transgressed, he shall not be allowed to speak unless by way of excuse for the same, until he has made satisfaction.

MOTIONS AND QUESTIONS.

RULE 19TH.

That no motion (except for adjournment and the adoption of reports) shall be put from the Chair unless reduced to writing, with the names of the mover and seconder written thereon.

RULE 20TH.

After a motion is read by the Warden, it shall be deemed to be in possession of the Council, but may be withdrawn at any time before decision or amendment with permission of the Council.

RULE 21ST.

When a motion has been once made and carried, either in the affirmative or negative, it shall be in order to move for a reconsideration, which motion, if seconded, shall be open to debate and be disposed of by the Council, and in case the motion for reconsideration be made on the day the vote was taken, it shall be competent for a majority of the Councillors present to pass a vote of reconsideration, and which reconsideration shall take place at not less than twenty-four hours afterwards; but if the motion for reconsideration be not made until the day after the vote was taken, the subject shall not be reconsidered unless a majority of the whole Council shall vote therefor; nor shall more than one motion for reconsideration of any vote be permitted.

RULE 22ND.

No Question or Motion shall be debated or put, unless the same be seconded—When a motion is seconded it shall be stated by the Warden before debate.

RULE 23RD.

When a motion is under debate no motion shall be received, unless, 1st, To amend—2d, To postpone it, and 3d, To adjourn.

RULE 24TH.

The Warden shall propose all Questions in the Order in which they are moved, except amendments, and naming sums, and fixing times, when the largest sum, and the longest time shall be put first.

RULE 25TH.

A motion to adjourn shall be always in order, and shall be decided without debate.

COMMITTEES.**RULE 26TH.**

All Committees, except specially mentioned in a motion, shall be named by the Council, the Councillor first named to be the Chairman; but in case of his absence, the Committee shall have power to appoint a Chairman, pro tempore.

RULE 27TH.

No Committee of the Council shall consist of less than three, or more than five Councillors.

RULE 28TH.

A majority of the whole number of any Committee shall be a quorum competent to proceed to business.

RULE 29TH.

Committees appointed to report upon any subject referred to them by the Council, shall report a statement of facts, and their opinion thereon, in writing; and no report shall be received unless agreed to in Committee actually assembled, and signed by a majority of the whole number of such Committee.

RULE 30TH.

Every Councillor who shall introduce any By Law, Petition or motion upon any subject which may be referred to a Committee shall be one of the Committee without being specially named; but in no case is a Councillor moving the reference to be considered as one of the Committee, without being named by the Council, unless the matter referred was introduced by him.

BY LAWS.**RULE 31ST.**

That one days notice shall always be given of the intention to introduce or amend a By Law.

RULE 32ND.

That when any By Law is read the Clerk shall certify the readings and the time on the back thereof.

RULE 33RD.

That every By Law shall be read three times before it passes, and when passed, to be signed by the Warden.

RULE 34TH.

No By Law brought into the Council shall have more than one reading on the same day, except By Laws for the making and laying out of any new road, or for the stopping up, altering or diverting of any existing road, in which latter case such By Law may have three readings on the same day.

PETITIONS.**RULE 35TH.**

Every petition must be introduced by a Councillor, who must sign his name on the back thereof; shall be brought in immediately after the Minutes are read, and when taken up, must be done by a motion regularly seconded. No such petition, however shall be taken up, until it has lain on the table one day.

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ORDERS OF THE DAY.

RULE 38TH.

That all Orders of the Day, which, by reason of any adjournment, shall not have been proceeded upon, shall be considered as postponed till the next day, and shall stand first on the Order of the Day, after the reading of Petitions and the third reading of By Laws.

RULE 37TH.

That whenever any item on the Order of the Day shall be called and the Councillor who introduced the same, if present, shall not be prepared to proceed thereon, the said item shall be placed at the foot of the Order of the Day.

YEAS AND NAYS.

RULE 36TH.

That upon a division in the Council, the names of those who vote for, and of those who vote against the Question, shall be entered upon the Minutes, if two Members require it.

RULE 35TH.

That in voting the Yeas do rise in their places, and the Nays continue to sit.

STANDING COMMITTEES.

RULE 40TH.

The Standing Committees shall consist of
 Committee on Roads and Bridges,
 Committee on Finance and Accounts.
 Committee on Education,
 Committee on Contingencies.

RULE 41ST.

All Standing Committees shall be composed of five Members and be appointed in manner following, each Councillor shall write, or get the Clerk to write on a slip of paper, the names of as many Members as are to form such committee, and deliver the same to the Clerk, who shall thereupon examine the said lists, and report to the Warden, for the information of the Council, who have most voices in their favour; and if any difficulty should arise by two or more having an equal number of voices, the sense of the Council shall be taken as to the preference.

TEMPORARY CHAIRMAN.

RULE 42ND.

Rules applicable to the Warden shall, in his absence apply to the Temporary Chairman.

SUSPENDING AND ALTERING RULES.

RULE 43RD.

No Standing Rule or Order of the District Council shall be suspended, unless three fourths of the Councillors present shall consent thereto, nor shall any Rule or Order be repealed or amended, without one days notice being given of the Motion therefor, nor unless a majority of the whole Council shall concur therein.

RULE 44TH.

In unprovided cases, the Warden shall decide, subject to an appeal to the Council.

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BYE-LAWS.

ON ROADS AND HIGHWAYS, &c.

NO. 2. PASSED, 14th May, 1842.

BE IT ENACTED by the District Council of Bathurst, constituted and assembled by virtue of an Act passed in the Parliament of Canada, entitled, "An Act to provide for the better internal government of that part of this Province, which was formerly constituted the Province of Upper Canada, by the establishment of Municipal authorities therein," and it is hereby enacted by the authority of the same,

1s. That it shall and may be lawful for the Council to appoint Road Surveyors as occasion may require, to lay out and regulate the Highways and Roads in this District, in manner hereinafter mentioned, and such Surveyors shall take the following oath before one of Her Majesty's Justices of the Peace, before entering on Office:

"I, A B, do swear that I will faithfully and diligently discharge the duty of a Surveyor of Highways according to the Laws now in existence."

And if on complaint or otherwise it shall appear to the Council that any Surveyor is incompetent to the discharge of his duty, or negligent in the performance of it, it shall be lawful for the Council to remove him.

2l. That notice shall be given in a newspaper published in the District, at least three times, one month before the passing of any Road by the Council, as follows: Application will be made at the next sitting of the Municipal Council to have a Road established (or altered as the case may be,) by giving a description of the intended Road as near as possible.

3l. That upon application in writing being made to any Road Surveyor by twelve Freeholders in the District, stating that any public Highway or Road in the neighbourhood of the said freeholders now in use, is inconvenient, and may be altered for the better accommodation of the public, or to open a new Highway or Road, the Surveyor shall examine and report thereon in writing to the Council, describing to the Council the alterations intended to be made, or new Highway or Road to be opened, he shall likewise affix a copy of his report in three of the most public places adjacent to the intended Highway, and also leave a copy of his report at the dwelling place of any person whose land the intended road may run through, if the person be living thereon, fourteen days before the sitting of the Council. And if no opposition be made to the report on the second day of the sitting of the Council, the Council may declare the road lawfully established, and if opposition is made to the Report, the Council may hear evidence and annul, confirm, alter, or amend or modify as they think fit, which the Clerk of the Council shall enter accordingly in a book kept for that purpose. Provided always that it shall not be lawful to lay out a Highway or Road to lead through any orchard or garden or to remove any building without the consent of the owner.

4l. That in no case shall the Surveyor in his Report describe a Road of less width than 40 feet.

5th. That every Surveyor of Highways for the time being shall be allowed seven shillings and six pence per day for every day in which he shall be necessarily employed, which sum shall be paid by applicants or the District as the Council may direct.

6th. That in cases when it shall be found necessary to alter any Highway or Road, so that the land through which it formerly passed shall become unnecessary for a public highway, that it may be lawful for the District Surveyor to sell such land by public sale after due notice, and to grant the same under his hand and seal to the purchaser, which grant and sale will convey a legal title to the purchaser. Provided nevertheless, that if the owner of the land through which the new road may pass, shall be willing to accept the old as a compensation, the District Surveyor may give him a conveyance under his hand and seal of the District. Any funds arising from the sale of roads, to be paid to the Treasurer, and to be appropriated by him towards the general purposes of the District.

ALEX. M-MILLAN, *Warden.*

BYE-LAW TO REGULATE ASSESSMENTS.

PASSED, 14th May, 1842.

No. 3.

BE IT ENACTED, by the District Council of the Bathurst District, constituted and assembled, by virtue of and under the authority of an Act passed in the Parliament of Canada, entitled "An Act to provide for the better internal government of that part of this Province, which formerly constituted the Province of Upper Canada, by the establishment of Local or Municipal Authorities therein," and it is hereby enacted by the authority of the same:—

1st. That for the purpose of raising a sufficient sum of money to meet the expenses of this District, the sum of three farthings an acre be assessed and levied on all assessed lands within said District.

2d. That for the like purpose, the sum of one penny half penny in the Pound be assessed and levied on all rateable property (except lands) in this District, according to the rates now established by law.

3d. That the said rates be levied and collected by the Collectors of the several Townships, and reputed Townships within the District, in the same manner as is now by law provided, and by them be paid over to the Treasurer of the District, at the times and in the manner now provided for by law.

4th. That for the purpose of improving the Roads and Bridges in this District, there be raised and levied on all lands, unoccupied and not included in the assessment roll, in lieu of the present wild land tax, the sum of three farthings an acre, and that the same do commence and take effect from and after the first day of July next, and be paid to the Treasurer of the District, or in default thereof, it shall be collected by him, in the same manner, and liable to the same increase, and to the sale of lands for the non-payment thereof, as is now by law established, in respect to the present District and road tax on wild lands.

5th. That the sum of money to be raised under this Bye-Law during any one year, shall be limited to the sum of Five Thousand Pounds, and that in case the said rate or sum of three farthings an acre on land, and one penny half-penny in the Pound on rateable property, assessed within the District, shall in any year exceed the sum of Five Thousand Pounds, then and in such case, the said rates shall

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be apportioned and assessed equally upon all the said property and reduced accordingly.

ALEX. M'MILLAN, *Warden.*

BYE-LAW TO REGULATE THE SALARIES OF DISTRICT OFFICERS.

PASSED, 14th *May*, 1842.

No. 5.

BE IT ENACTED by the District Council of the District of Bathurst, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Canada, entitled, "An Act to provide for the better internal government of that part of this Province which formerly constituted the Province of Upper Canada, by the establishment of Local or Municipal authorities therein," and which is hereby enacted by the authority of the same:—

1st. That the District Surveyor shall at all times attend to his duties as District Surveyor without any fee or perquisite whatever, except what is hereinafter provided.

2d. That from and out of the general funds of the District, there be allowed and paid to the District Surveyor the salary of One Hundred Pounds, payable by the Treasurer of the District in quarterly payments.

3d. That the Clerk of the District Council shall at all times attend to his duties as District Clerk, without any fee or perquisite, except what has been allowed by law, or hereinafter provided.

4th. That from and out of the general funds of the District, there be allowed and paid to the District Clerk the salary of One Hundred Pounds, payable by the Treasurer of the District in quarterly payments.

5th. That the Auditors of the District Council shall at all times attend to their duties according to law, without any fee or perquisite, except what is hereinafter provided.

6th. That from and out of the general funds of the District, there be allowed and paid to each of the Auditors the sum of Five Pounds, payable by the Treasurer.

7th. That the Town Clerks of the District shall attend to their duties, as prescribed by law, and receive no fee or perquisite except what is hereinafter provided.

8th. That from and out of the general funds of the District, there be allowed and paid to each of the Township Clerks, the sum of Six Pounds for townships entered into two Councillors, and Four Pounds for those with one, payable by the Treasurer.

9th. That the salaries of the District Surveyor, Clerk of the Council, Auditors and Township Clerks, commence at the time they entered on their duties.

10th. That the Poundkeepers be governed by the laws now in existence, and receive no fee or perquisite except what is hereinafter provided.

11th. That the Poundkeepers be allowed the following fees, namely:

1	Taking a horse into pound,	. . . . .	£0	1	0.
2	Feeding a horse twenty-four hours,	. . . . .	0	1	3
3	Taking an Ox into pound,	. . . . .	0	0	10
4	Feeding an Ox twenty-four hours,	. . . . .	0	1	0
5	Taking a Cow into pound,	. . . . .	0	0	9.
6	Feeding a Cow twenty-four hours,	. . . . .	0	0	9

7	Young cattle under two years old,	<i>half price.</i>
8	Taking a Pig into pound,	0 2 6
9	Feeding a Pig twenty-four hours,	0 0 6
10	Pigs under 6 months old,	<i>half price.</i>
11	Four sheep equal to a Cow,	

12th. That the appraisers of damages committed by any of the above named animals, receive the sum of Two Shillings each.

ALEX. McMILLAN, *Warden.*

BYE-LAW RELATING TO STATUTE LABOUR.

PASSED, 10th Nov. 1842.

No. 1.

BE IT ENACTED, by the Municipal Council of the Bathurst District, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Canada, intituled "An Act to provide for the better internal Government of that part of this Province which formerly constituted the Province of Upper Canada, by the establishment of Local or Municipal authorities therein;" and it is hereby enacted by the authority of the same:—

1st. Be it enacted, that it shall be the duty of the Council to appoint three Superintendants annually, for each and every Township, and Town of Perth with the twenty-five acre lots adjoining thereto, whose duty shall be to form a Board to direct Pathmasters in allotting and empowering the due performance of the Statute Labour, in the same manner as has been heretofore done by the Magistrates, and to agree with any person or persons for making in a permanent and substantial manner any part of any public road within their township or said town of Perth, and the twenty-five acre lots adjoining thereto, in lieu of his or their statute labour for any number of years not exceeding three; likewise the manner in which any money arising from unoccupied and not assessed lands within the township, and likewise commutation of labour, or any money otherwise at the disposal of of the several townships shall be expended.

2d. Be it enacted, that the said Board of Superintendants may hold Sessions when expedient, but not less than two each year, of which they shall give proper notice, one on or before the first day of April, the other on or before the first day of November, with the same laws to direct them as are now in existence; two of the said Board to form a quorum.

3d. Be it enacted, that the Superintendants may authorise the Pathmasters to call out any person or persons liable to perform statute labour, at any time throughout the year, and if any person or persons perform more labour through any casualty than they are entitled to perform, the Pathmaster shall give them a certificate to that effect, which will be put to their credit the following year; the person or persons refusing to work or commute, to be proceeded against as the law now directs.

4th. And be it enacted, that it shall be optional with any person or persons to commute their Statute Labour at two shillings and six pence per day, to be paid to the pathmaster within their division before the first day of May in each and every year.

5th. Be it enacted, that the Superintendants shall make and sign the following declaration before the Township Clerk within one month after his appointment, viz.: "I, A B do declare that I will faithfully and diligently discharge the duty

Superintendent of highways for the Township of _____ to the best of my abilities, and agreeable to the provisions of a Bye-Law passed by the Municipal Council of the Bathurst District," and any person or persons refusing or neglecting to make and sign such declaration within one month after his appointment, and after having been duly notified by the Clerk of the Council, shall pay the sum of Five Pounds to be levied as in all similar cases, and expended on the roads in the Township wherein he resides.

ALEX. McMILLAN, *Warden.*

A B Y E - L A W

To provide for the nomination and appointment of Parish and Township Officers in certain cases therein named.

PASSED, 17th February, 1842.

No. 1.

WHEREAS an Act of the Parliament of that part of this Province which formerly constituted Upper Canada, passed in the first year of the Reign of Queen Victoria, intituled "An act to alter and amend sundry Acts regulating the appointment and duties of township Officers" makes no provision for the nomination and appointment of such Officers in newly settled townships in which no regular town-ship Meeting has been by Law previously holden, where the Inhabitant Freeholders and Householders have through neglect or other cause omitted to hold such Township Meetings on the first Monday in the month of January pursuant to Law. And Whereas also, in and by the said Act no provision is made for the nomination and appointment of Parish and Township Officers to supply vacancies occasioned by the death or removal of any such officers from the Township or Parish. And Whereas, it is expedient and necessary to provide for the nomination and appointment of Parish and Township Officers in the aforesaid cases.

Be it therefore enacted by the Warden and Councillors of the District of Bathurst in Council assembled, by virtue of and under the authority of an Act of the Province of Canada, intituled "An act to provide for the better internal Government of that part of this Province which formerly constituted the Province of Upper Canada, by the establishment of Local or Municipal authorities therein," and it is hereby enacted by authority of the same, that from and after the passing of this Bye-Law, if any person or persons, who shall be chosen at any Township Meeting as a Township Clerk—Assessor—Collector—Overseer of Highways—Pound Keeper or Town Warden, shall die within the year for which he shall be so chosen, or shall leave the Township or Parish, or shall be incapacitated by mental alienation or bodily sickness from discharging his duty, it shall be lawful for the Warden and Councillors of the District, in Council assembled, to nominate and appoint a fit and proper person to fill the vacancy occasioned by such death or removal, or other cause.

2d. And be it further enacted, by the authority aforesaid, that when from neglect or any other cause, a Town Meeting shall not be holden on the first Monday in the month of January in any newly settled Township, in which no regular Township Meeting has been by Law previously holden, it shall and may be lawful for the Warden and Councillors of the District in Council assembled, to nominate and appoint the said Parish and Township Officers of such newly settled Townships until the next Town Meeting.

3d. And be it further enacted by the authority aforesaid, that it shall be the duty of the District Clerk, and he is hereby required within four days after such

half price.

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half price.

by any of the above named

MILLAN, *Warden.*

E LABOUR.

ED, 10th Nov. 1842.

Bathurst District, constituting an Act passed in the Province of Upper Canada, for the better internal Government of that part of this Province which formerly constituted the Province of Upper Canada, by the establishment of Local or Municipal authorities therein;" and

Council to appoint three and Town of Perth with all be to form a Board to performance of the Statute by the Magistrates, and to and substantial manner town of Perth, and the their statute labour for any township, and likewise disposal of of the several

ndants may hold Sessions h they shall give proper or before the first day w in existence: two of

thorise the Pathmasters our, at any time through- bour through any casual- give them a certificate to year; the person or per- as the law now directs.

any person or persons nce per day, to be paid of May in each and every

ake and sign the follow- a after his appointment, ily discharge the duty

nomination and appointment, to send a written Notice to each and every Parish and Township Officer so nominated and appointed as aforesaid, requiring him to appear before the Township Clerk within eight days after the receipt of such notice, and subscribe to the Declaration contained in the Township Clerk's Book in the same manner as if he had been regularly chosen and appointed at a Township Meeting holden pursuant to Law; And it shall be the duty of every such Township Clerk nominated and appointed as aforesaid, to provide and keep a Book wherein shall be entered Declarations in the manner and form now prescribed by Law, and such Township Clerk shall himself sign one of the said Declarations before entering on the discharge of his duty.

4th. And be it further enacted by the authority aforesaid, that if any person or persons who shall be so nominated and appointed by the Warden and Councillors of the District, in Council assembled, shall neglect or refuse to make the Declaration of Office, and to sign his name thereto in the Township Clerk's Book within eight days after his being notified of his said nomination and appointment in manner aforesaid, or after making said Declaration shall neglect or refuse to perform the duties of his office agreeably to Law, such person or persons shall forfeit and pay a sum of not less than One Pound nor more than Five Pounds, with costs, for every such neglect or refusal.

5th. And be it further enacted by the authority aforesaid, that all and every Township Officer or Officers nominated and appointed in manner aforesaid, by virtue of this Bye-Law, shall be and they are hereby declared to be vested with the same powers and liable to the same responsibilities as such officer or officers would have been, had they been regularly nominated and appointed at a Township Meeting holden pursuant to Law.

6th. And be it further enacted by the authority aforesaid, that when and so often as any vacancy or vacancies shall or may occur in any of the appointments made under and by virtue of this Bye-law, in manner, and for the cause or causes therein named, it shall and may be lawful for the Warden and Councillors of the said District of Bathurst in Council assembled, and they are hereby fully authorised and empowered to nominate and appoint other Township Officers in their stead, who shall subscribe to the Declarations in the Township Clerk's Book after being notified of his or their appointment, as in other cases, and shall have the same powers and be subject to the same responsibilities as if they had been nominated and appointed at a regular township meeting.

ALEX. McMILLAN, Warden.

A B Y E - L A W .

To provide for the vacating of the Seats of Members of the District Council of the District of Bathurst in certain cases.

No. 2.

PASSED, 17th Feb. 1843.

WHEREAS, it is expedient and necessary that the Seats of Members of the District Council of the said District, should in certain cases be declared vacant.

Be it therefore enacted by the Warden and Councillors of the District of Bathurst, in Council assembled, by virtue of and under the authority of an Act of the Province of Canada, intitled "An act to provide for the better internal Government of that part of this Province which formerly constituted the Province of Up-

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LAN, Warden.

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7th Feb. 1843.

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the Province of Up-

per Canada, by the establishment of Local or Municipal authorities therein,' and it is hereby enacted by the authority of the same, that whenever a Select Committee of the Council of the District (for that purpose specially named and appointed) shall report that any Member of the said Council is disabled from discharging the duties of the office of a District Councillor by permanent mental or bodily infirmity, or shall report that any Member of such Council has permanently quitted or removed from that part of the Province which formerly constituted Upper Canada, and such report shall be confirmed and adopted by two thirds of the whole number of Members entitled to sit in such Council, such Member shall thereafter cease to act as such Councillor and his seat in the said Council shall be and is hereby declared to be vacant; and it shall be lawful thereupon for the Warden of the said District to issue his Warrant in the form prescribed by Law, to the Clerk of the Township, and it shall be the duty of such clerk upon the receipt of the said Warrant, and he is hereby required to cause an election to be made of a fit and proper person to fill the vacancy caused by the said incapacity or removal from the Province as aforesaid, and which said Election shall be held in the manner and form prescribed by Law.

24. And be it further enacted by the authority aforesaid, that it shall and may be lawful for any member of the District Council now or hereafter to be elected to represent any Township, reputed Township or place in the District, (and having taken the oaths prescribed by Law,) to deliver in his resignation of the office of such Councillor to the Warden, which said resignation shall be in writing & shall be submitted by such Warden to the Council on the first day of their meeting after the receipt of such resignation as aforesaid; and if two thirds of the whole number of members entitled to sit and vote in such Council, shall concur in such resignation, then the seat of such member shall be and is hereby declared to be vacated, and it shall be lawful for the Warden thereupon to issue his Warrant to the Clerk of the Township requiring him to cause an election to be made of a fit and proper person to supply the vacancy in the manner and form prescribed by Law: Provided always and it is hereby enacted by the authority aforesaid, that in any and every Election which may take place or be holden as aforesaid, the Poll shall be opened at Ten of the Clock in the forenoon, and in the event of any such elections being contested, the Poll shall be finally closed at three of the Clock in the afternoon of the same day on which the said elections or either of them shall or may be holden.

ALEX. M-MILLAN, Warden.

A BYE-LAW to place the Assessment and Collection of Rates in the District of Bathurst. under the more immediate control and management of the District Council; - to regulate the Bonds of Township Collectors, and the mode in which certain deductions may be made to such Collectors from the Township Assessments.

PASSED, 17th Feb. 1843.

No. 3.

WHEREAS, under and by virtue of the authority contained in the Act commonly called the Municipal Council Act of the Province of Canada, power is given to make Bye-Laws, for raising, assessing, levying and appropriating such monies as may be required for the purposes of carrying into effect all or any of the objects for

which the District Councils were instituted, and for the collection of and accounts for all tolls, rates and assessments imposed or raised under the authority of such District Council and of the Revenues belonging to Districts respectively.—And whereas it is necessary for the purposes aforesaid, that the Assessment and Collection Rolls being Documents, used for the raising, assessing, collecting, appropriating and accounting for the Revenues of the District of Bathurst, should be under the direct control of the District Council, in order to ensure their greater correctness, as well as to secure more effectually their return from the hands of the Township Officers within the periods prescribed by law.

Be it therefore enacted by the Warden and Councillors of the District of Bathurst in Council assembled by virtue of and under the authority of our Act of the Province of Canada intitled "An Act to provide for the better internal government of that part of this Province which formerly constituted the Province of Upper Canada by the establishment of Local or Municipal authorities therein," and it is hereby enacted by the authority of the same, that any person now or hereafter to be chosen and appointed Assessor for any Township, reputed Township, or place in the said District of Bathurst, pursuant to the provisions of the now existing Law or Statute upon that behalf, shall, and he is hereby required to be made return a duplicate original of the Assessment Lists or Rolls thereby directed to be made to the District Clerk on or before the first day of April in each and every year, to be by him laid before the Council of the said District, at their first sitting thereafter and that the said Assessor do receive for the same the sum now allowed by the Provincial Statute upon the amount of the said Assessment Rolls or Lists. Provided nevertheless, that the furnishing of the same to the Clerk of the District Council shall not dispense with the necessity of providing the Clerk of the Peace as heretofore with a duplicate original of the same, in order that he may make up the Jurisdiction Lists necessary for the administration of Justice, and for the other purposes for which they may be required in the said Clerk of the Peace's Office. Nor shall the furnishing of the same to the said District Clerk, do away with the necessity of putting up a correct copy thereof in some conspicuous place in the Township as now required by Law for inspection of its inhabitants; and that each and every Assessor shall receive and be allowed for such third and extra copy the sum of Seven Shillings and Six Pence Currency for any number of names not exceeding one hundred, of such List, and two Shillings and Six Pence Currency, if exceeding one and not over two hundred, and so on in proportion.

2d. And be it further enacted by the authority aforesaid, that when and so often as the said District Council shall by any Bye-Law direct any rate or assessment to be raised and levied for the purpose of defraying the public expenses of the District, it shall be the duty of the said District Clerk, and he is hereby required upon receiving a duplicate original of such Assessment Lists or Rolls as aforesaid, to divide and apportion the rates, under the direction and supervision of the Warden, upon each and every person in the said Assessment Lists or Rolls named, and liable to pay rates according to their rateable property, real and personal, in accordance with any law of this Province, now or hereafter to be made for that purpose; and having ascertained the quota, dividend or sum of money for which each and every person is so assessed for the current year, it shall be the duty of the said District Clerk and he is hereby further required to make out and prepare for each and every Collector within the District an examined and certified copy of such Assessment List or Roll, so rated and ascertained as aforesaid—and each and every such Collector who in future make application for the same to the said District Clerk, and not as heretofore to the Clerk of the Peace—and the said copy of Assessment List or Roll so ex-

examined and certified as aforesaid and no other shall be to each and every such Collector sufficient authority for collecting the proportions or dividends within their respective Townships from each and every person in the said Assessment-List or Roll named.

3. And be it further enacted by the authority aforesaid, That it shall be the duty of each and every of the said Assessors, and they are hereby required to deliver the Schedule of Lands not included in their several Assessment Lists or Rolls, and required to be made out and signed by them, to the District Clerk along with the said Assessment Lists or Rolls, for the information of the Treasurer, and not to the Clerk of the Peace as now required by Law.

4. And be it further enacted by the authority aforesaid, That it shall be the duty of the District Clerk in all cases hereafter, and he is hereby required to provide each and every Assessor with Blank Books or Forms for taking the Assessment, and the said Assessors are hereby required to make application to the said District Clerk, and not as heretofore to the Clerk of the Peace for the same—and the said District Clerk shall report to the District Council at their sitting on the second Tuesday in the month of May in each and every year, the names of all Assessors belonging to his District who have not completed and delivered into his office their said Assessment Rolls, in order that the said delinquent Assessors may be proceeded against as the law directs.

5. And be it further enacted by the authority aforesaid, That the sums or allowances heretofore annually or otherwise paid to the Clerk of the Peace for appointments of the said Assessment Lists or Rolls, shall cease and be no longer paid to the said Clerk of the Peace; the said duty in future being transferred to and required to be performed by the District Clerk.

6. And be it further enacted by the authority aforesaid, That it shall be the duty of each and every Collector nominated and appointed for any Township, reputed Township or place in the District of Bathurst, and such Collector is hereby required to deliver his Bond duly executed, to the Treasurer of the said District, and to take up an examined and certified copy of the Assessment List or Roll from the District Clerk on or before the first day of July in each and every year.

7. And be it further enacted by the authority aforesaid, That no Bond or Obligation shall be received by the Treasurer of the District from any Collector within the District, unless the same shall have been executed in the presence of the Town Clerk, and so certified by him.

8. And be it further enacted by the authority aforesaid, That whenever any Collector, as aforesaid, shall claim to be allowed a deduction from the rates with which he stands charged, in consequence of his inability to collect the same, he shall deliver to the Treasurer of the District in writing, the full amount he claims to have taken off and deducted, and on what account, and for what reason, with the names of the parties in default, and the amount in detail due by each defaulter respectively, and the Concession and Number of the Lot, or part of Lot, on which he resides, together with an affidavit attached thereto and sworn before a Justice of the Peace for the said District, and which said affidavit shall be in the following form:

District of Bathurst, } I
To Wit:— } Township of
District of Bathurst, make oath and say, that the several and respective sums set
Collector of the
in the said

forth in the annexed writing, with the names of the parties attached thereto, has been taken from the Assessment Roll of the Township of _____ as returned to me for collection, that I have used all due diligence to collect the same, but have been unable to do so, and that I know of no legal means by which any of the sums therein stated can be recovered by me, and secured to the proper use.

Sworn before me at the Township of _____ }
 this _____ day of _____ 184 _____ }

9. And be it further enacted by the authority aforesaid, That upon the production to the said Treasurer of any such statement in detail, sworn to as aforesaid, it shall be lawful for him, and he is hereby authorized and required to allow to every such Collector, in his accounts with the District, whatever sum or sums appear therein as uncollectable.

A B Y E - L A W

Relative to the appointment of Superintendents of Highways.

PASSED, Feb. 18, 184_____

No. 8.

Be it enacted by the Municipal Council of the Bathurst District, constituted and assembled by virtue of and under an Act passed in the Parliament of Canada, entitled, "An Act to provide for the better internal Government of that part of the Province which formerly constituted the Province of Upper Canada, by the establishment of Local or Municipal Authorities therein," and it is hereby enacted by the authority of the same.

And be it enacted, for the better appropriation of Statute Labour and expence of money, that the following persons be appointed Superintendents for their respective townships for the present year, and to continue to act until the meeting of the Council in next February.

SUPERINTENDENTS OF HIGHWAYS.

<i>Pakenham,</i>	{ Wm. Forbes, James Scott, Hugh Dickson.	<i>Ross,</i>	{ Lemuel Tooley, Owen Killoran, John McLaren.
<i>Drummond,</i>	{ John Balderson, James Jackson, Thos. Mansfield.	<i>Westmeath,</i>	{ Wm. Lytle, Geo. Williams, Henry Broomley.
<i>North Elmley,</i>	{ Alex. Morison, Arch. Morison, Arthur Wall.	<i>Pembrooke,</i>	{ James Jardine, jr. Peter White, John Dunlop.
<i>Bathurst,</i>	{ Josias Richey, Alex. Montgomery, Ben. Carr.	<i>Bagot & Blithfield.</i>	{ Peter McIntire, Peter McGregor, John Holiday.
<i>Lanark,</i>	{ Launcelot Jackson, Arch. Rankin, John Ramsay.	<i>Bromley,</i>	{ John Dooner, Mich. Mulligan, Robert Bowes.
<i>Dalhousie,</i>	{ Alex. Horn, Geo. Blair, And. McGlones.	<i>Montague,</i>	{ Geo. Williamson, Ashel Vandusen, John Stewart.
<i>Ramsay,</i>	{ Gravel Toshack, Edw. Bellamy, Wm. Houston.	<i>Burgess,</i>	{ Alex. Cameron, Pat'k Burns, James Burns.

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PASSED, Feb. 18, 184

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WAYS.

- Lemuel Tooley,
- Owen Killoran,
- John McLaren.
- Wm. Lytle,
- Geo. Williams,
- Henry Broomley.
- James Jardine, jr.
- Peter White,
- John Dunlop.
- Peter McIntire,
- Peter McGregor,
- John Holiday.
- John Dooner,
- Mich. Mulligan,
- Robert Bowes.
- Geo. Williamson,
- Ashel Vandusen,
- John Stewart.
- Alex. Cameron,
- Pat'k Burns,
- James Burns.

- Perth & 25* { James Rosmond,
- Acres Lots.* { Peter McArthur,
- { Wm. Davis.
- North* { James Gilmour,
- Sherbrooke,* { Walter Sim,
- { John McDougal, (Shoe)
- McNab,* { Isaac Gregory,
- { Duncan Cormichal,
- { John Paris,
- Borton,* { Edw'd Farrel,
- { Dun. Ferguson,
- { John McNab.

- Perth & 25* { R. Matheson, Esq.
- Acres Lots.* { J. G. Malloch, Esq.
- { H. Montgomery.
- Darling,* { James Whitten,
- { James Guthrie,
- { Arther Colquhoun.
- Admaston,* { Abriam Le Duc,
- { Arch. Paterson,
- { John Campbell.
- South* { Manual Mulligan,
- Sherbrooke.* { John Mulligan,
- { Joseph Hughes.

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AN ABRIDGEMENT

OF THE

Provincial Statutes, and the Bye-Laws of the Municipal
Council of the Bathurst District, relative to the
duties of

TOWNSHIP OFFICERS.

TOWNSHIP CLERK.

To record the proceedings of the Township meeting at which he shall have been elected, and all other matters lawfully transacted at such meeting, in a Book which he shall receive from his predecessor, or which he shall provide for himself for that purpose. Sec. 7th, Act 1st Vict. cap. 21.

So soon as the annual Township Meeting shall have been adjourned, he shall put up in some conspicuous place where the Township Meeting was held, a list, containing the names of the persons who have been chosen to any office in such Township, describing the respective offices each person has been elected to fill. Sec. 9th, Act 1st Vict. cap. 21.

Within twenty days after his election as Township Clerk, he shall make out from his record, two copies of the proceedings of the meeting at which he was elected, (including a detail of the regulations adopted at such meeting relative to cattle, fences, &c.) one of which he shall post up in a conspicuous manner at the place where the meeting was held, the other he will deliver or transmit to the District Clerk; in default whereof he shall forfeit his office, and be liable to a penalty not less than Twenty Shillings, nor more than Five Pounds. Sect. 8th, 1st Vict. cap. 21, & Act. 4th & 5th Vict. cap. 10, Sec. 60th.

To provide and keep a Book in which shall be entered "Declarations," in the form hereinafter prescribed, which "Declaration" shall be taken and signed by the Township Clerk himself, and by all the other Township Officers of the Township within twenty days after the holding of the township meeting, under a penalty of not less than Twenty Shillings, nor more than Five Pounds, together with the forfeiture of the office of the defaulter. Sec. 9th, 1st Vict. cap. 21.

Form of Declaration.

"I do sincerely promise and declare, that I will faithfully and diligently perform the duties of
the Township of _____ for
_____ for the current year."

A. B. (name of office.)

At the expiry of the twenty days from the date of holding the Township meeting, the Township Clerk is required to make out a list of all the Township Officers who have neglected or refused to sign the foregoing Declaration, and to transmit such List to any Justice of the Peace within the District, in order that the said Justice may proceed against the defaulter or defaulters, and that another officer or officers may be appointed in his or their stead by any two Justices of the Peace within the District. Sec. 9 1st Vict. cap. 21.

To receive the declarations of all officers who may be so appointed by the Justices of the Peace, which officers shall and may exercise the same powers and au-

thority as if they had been elected at a township meeting, and they are respectively required to sign the declaration in the Township Clerk's Book, under the same responsibilities as those whose places they have been appointed to fill. Sec. 9th, 1 Vict. cap. 21.

To grant a Bond to the Treasurer of the District, with two sufficient sureties (who shall be freeholders) for the due performance of his duty, and the proper application of all funds which may come into his hands by virtue of his office.

The Bond to be in the following form :

"Bond"—"Township Clerk."

"Know all men by these Presents, that we, K. L., Township Clerk for the Township of _____, in the District of _____, and D. K. of _____, and T. H. of _____, are held and firmly bound to F. B., Treasurer of the District of _____, in the sum of _____, to be well and truly paid to F. B., Treasurer, or his successors in office, for which payment well and truly to be made to the said F. B., we bind ourselves, jointly and severally, our heirs, executors and administrators, firmly by these presents, sealed with our seals, dated, &c. The condition of the above bond is such, that if the above bounden K. L. shall well and truly pay over, according to law, for the use of the Township, all monies coming into his hands by virtue of his office, and applicable to the general uses of the Township, and deliver the remainder, (if any there be,) together with all books, records and papers, belonging to the Township, into the hands of his successors in office as the law directs, then this obligation is null and void, or otherwise to remain in full force.

(Signed) K. L., Township Clerk.
D. K.
T. H.

To obtain from the Assessor's Roll of the Township a list of all persons in the Township liable to perform Statute Labour, shewing the number of days each person has to work, and submit the same to the Superintendents of Highways at the first meeting in the year, so as to guide them in apportioning the Statute Labour to be done in the Township. Sec. 21st, 1 Vict. cap. 21, and By-Law of the Council.

To attend the meetings of the said Superintendents of Highways throughout the year, and to record their proceedings.—(By-Law.

To witness the execution of the Township Collector's Bond, and certify to the Treasurer of the District that the sureties thereto are Freeholders.—(By-Law.

To receive all monies from the Justices of the Peace of the District which they may have levied as fines on any Township Officer or Officers, and also all monies which they may have received as commutation money in lieu of Militia Service, together with all monies from the Treasurer of the District accruing from assessments on Wild Lands—and pay the same over to the Pathmasters under the directions of the Superintendents of Highways for the Township, for the improvement of the roads. Sec. 10th, 1st Vic. cap. 21, & By-Law, Nov. 1842.

To demand and receive from each and every Pathmaster eight days before the last meeting of the said Superintendents of Highways, an account or statement in writing, of all the monies which may have come into the hands of the said Pathmaster by virtue of his Office, applicable to the improvement of the roads, either by commutation of Statute Labour or from any other source, shewing the nature of the expenditure thereof, together with the vouchers therefor, properly executed, which account or statement shall be subscribed by such Pathmaster,—and shall at the same time demand and receive from each Pathmaster another account or statement

they are respectively under the same reason to fill. Sec. 9th, 1

o sufficient sureties and the proper application office.

ship Clerk for the _____, and T. H. of _____, in _____, or his successors said F. B., we bind administrators, firmly by _____ of the above bond _____ over, according to _____ and by virtue of his _____ deliver the remainders, belonging to the _____ directs, then this.

township Clerk.

of all persons in the _____ of days each _____ of Highways at the Statute Labour to be _____ of the Council.

and, and certify to _____ (By-Law.

District which they _____ and also all monies _____ of Militia Service, to _____ from assessments _____ the directions of _____ improvement of the

eight days before the _____ count or statement in _____ of the said Path- _____ the roads, either by _____ the nature of the _____ly executed, which _____—and shall at the _____ account or statement

in writing of the names of all persons within his division liable to perform Statute Labour, exhibiting the quantity of labour done, or unperformed by any person or persons therein, which shall also be subscribed by the Pathmaster;—and the Township Clerk shall lay these accounts before the Superintendents of Highways for the Township, at their last meeting, in order that defaulters may be proceeded against in accordance with the law. Sec. 31, 1st Vict. cap. 21, & By-Law, Nov. 1842.

At or before the expiry of one month after the rising of the Council in the November Session of each year, he will require to transmit in writing to the District Clerk, in the form of an account current, a statement in detail of his receipts and expenditures on account of the Township for the year then last past, together with the vouchers for the payments made by him; which account the District Clerk is required to lay before the auditors of the Council for their examination, in virtue of the last clause of the 36th Section of the Municipal Act.

He is required to permit his books and all documents connected therewith, on records, to be examined, by any person or persons, on payment of the fee of one Shilling and three Pence for each search. Sec. 37, 1st Vic. cap. 21.

To receive from the Collector of the Township a certified list of the inhabitant freeholders and householders resident therein, from which he is required to make a list of the names of such persons, alphabetically arranged, for the guidance of the presiding officer at the election of a Councillor or Councillors for the Township. By-Law, Feb. 1842.

To obtain the Warrant from any two Justices of the Peace of the District, for assembling the inhabitant freeholders and householders at the township meeting then next to be holden, which Warrant he should receive not later than the 13th day of December in each year, in order to afford him time to give the people due and sufficient notice of the holding thereof. Sec. 2d, 1st Vict. cap. 21.

Form of Warrant.

“To the Township Clerk of the Township of _____ in the said District.”
By virtue of the power for such purposes granted by an Act of the Legislature, made and passed in the _____, to us A. B. and C. D. Esquires, two of her Majesty's Justices of the Peace in and for the said District: These are to authorise and require you, giving at least eight days previous notice, by affixing the same in at least three public places within the said Parish, Township or place, to assemble the inhabitant Freeholders and Householders living within your Parish or Township, to meet at _____ on the first Monday in January next, being the _____ of January next, at the hour of twelve o'clock noon, for the purpose of choosing and nominating certain fit and proper persons to serve as Township Officers for the ensuing year, according to the directions in the said Act contained.

Given under our hands and seals, at _____, on the _____ day of _____, 18_____.

After the receipt of the Warrant mentioned in the preceding Section, the Township Clerk is required to give proper notice to the inhabitant Freeholders and Householders in the Township, at least eight days prior to the holding of the town meeting, by posting notices up in several conspicuous and public places in the township, in the following form. Sec. 3d, 1st Vict. cap. 21.

Form of Notice.

Whereas by virtue of a warrant from _____ and _____, Esquires, two of Her Majesty's Justices of the Peace, to assemble the inhabitants of the Township of _____

on Monday, the _____ day of January next, at _____, for the purpose of choosing and nominating Township Officers for the ensuing year. Notice is hereby given, that the annual township meeting, of the township of _____, will be holden at _____, on Monday, the _____ day of January _____, at the hour of twelve o'clock noon, accordingly.

Dated _____ Town Clerk.

At the township meeting, the Town Clerk takes the Chair until a Chairman is chosen, previous to which he is required to exhibit in some conspicuous place, a copy of his account current with the township, as rendered to the Auditors in the manner before mentioned. Sec. 2d & 11th, 1st Vict. cap. 21.

In the event of there being an election of a Councillor or Councillors, he is required to administer an oath to any voter on the certified roll furnished as aforesaid, whose identity, or right to vote may be disputed. Sec. 6th, 4th & 5th Vic. cap. 10.

FORM OF OATH.

"I do swear (or solemnly affirm,) that I am A. B. whose name is entered on the assessment Roll for the township of _____, and that I have not already voted at this election."

He is also required to keep Poll lists of such election, a copy of which he will require to transmit to the District Clerk, at the termination thereof. Sec. 7th, 4th & 5th Vict. cap. 10.

In case the Township Clerk should be elected the Chairman or Presiding Officer at the election of any Councillor or Councillors,—his duties, as *Presiding Officer*, are pointed out in the 7th 8th & 9th Sections of the Municipal Act.

At the termination of the election of a Councillor or Councillors, the township meeting resumes for the purpose of proceeding with the nomination and appointment of Township Officers, on which the Town Clerk resumes the Chair, until a Chairman is chosen. Sec. 2d, 1st Vict. cap. 21.

If the Township Clerk is superseded at the then meeting, by the election of another person in his place, he will require to deliver over to his successor all the township Books and other documents in his possession appertaining or belonging thereto; and he is further required to pay over to his successor the balance of Cash in his hands due to the township, as shown in his account current already alluded to. Sec. 7th, 1st Vict. cap. 21.

For the various duties he is required to perform yearly on account of the township, the Township Clerk is allowed Six pounds per annum, if the township for which he acts returns two Councillors, and Four Pounds for any other township returning only one Councillor.—(By-Law, May 1842.

If he omits to sign the declaration before referred to, within twenty days after his appointment, or if, after making such declaration, he neglects or refuses to perform the duties of his office agreeably to law, his office becomes forfeited, and may be filled up by any two Justices of the Peace within the District, appointing another person in his stead. Sec. 9th & 36th, 1st Vic. cap. 21.

A Clerk so appointed must sign the declaration as aforesaid before he enters on his duties, is liable to the same responsibilities, and has all the powers and authority as if he had been elected at an annual meeting. Sec. 9th, 1st Vic. cap. 21.

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 t Vic. cap. 21.

If any Township Clerk shall die within the year for which he shall have been elected or appointed, or shall leave the Township or Parish, or shall be incapacitated from discharging his duty by mental alienation or badly sickness, a successor can and may be appointed by the Warden and Councillors of the District, in Council assembled.—(Bye-Law, Feb. 1843.

Such Clerk to be notified of his appointment by the District Clerk, and within eight days after the receipt of such notice, he will require to make and sign the Declaration in his book, as in other cases, under the penalty of not less than twenty Shillings nor more than Five Pounds, to be recovered on complaint before any two Justices of the Peace.—(Bye-Law, Feb. 1843.

Should a dispute arise between the Superintendents of Highways and any person or persons with whom they may have entered into an agreement relative to the making of any part of a road, he is required to ballot three Pathmasters from the whole of the number of Pathmasters in the Township, to settle such dispute, and he is required to appoint a time and place for the meeting of the Pathmasters so balloted, giving each of them, and also the parties to such dispute, at least eight days' notice of the time and place so appointed by him. Sec. 44, 1st Vic. cap. 21.

DUTIES AS CLERK TO THE SCHOOL COMMISSIONERS.

To attend all the meetings of the School Commissioners for the township in which he acts, and to record their proceedings in a book to be kept for that purpose, to make out their reports and transmit the annual report to the Council at the time prescribed by law. 9th clause, 7th Sec. Act 4th & 5th Vic. cap. 18.

ASSESSOR.

To sign the declaration in the Township Clerk's book within twenty days after his election, under a penalty of not less than twenty Shillings nor more than Five Pounds, and the forfeiture of his office. Sec. 9th, 1st Vic. cap. 21.

If he has been appointed by the Council in consequence of the death or incapacity of his predecessor, he is required to sign the declaration in the Township Clerk's book within eight days after receipt of a notice of his appointment, from the District Clerk, under the penalty, as for neglect in such cases.—(Bye-Law, Feb. 1843.

Assessors so appointed have all the powers and authority and are subject to the same responsibilities as if they had been regularly elected at a township meeting.—(Bye-Law, Feb. 1843.

Assessors are required to make application to the District Clerk, so soon as they have signed the declaration in the Township Clerk's book, for the necessary blank books or Forms for taking the enumeration of all rateable property in their townships respectively.—(Bye-Law, Feb. 1843.

The Assessor is required and authorized to demand and receive from every rateable *Inhabitant* within the township, a list of all the rateable *personal* property, in his her or their possession *in the Province*; and of all the *lands, tenements, or other real estate*, in his her or their possession *in the Township*, specifying the number of the lot or lots, or parts thereof, the number of the Concession or Concessions in which the same are situate, or otherwise particularly describing the same, and also the number of acres cultivated or uncultivated in each lot or parcel of land. Sec. 14th, 1st Vic. cap. 21.

He is next required to make out and transmit or deliver to the District Clerk, on or before the first day of April in each year, an Assessment Roll or List of all the rateable property in the township, including his own, and containing the details re-

According to the requirements of the 14th Section of the Township Officer's Act, as above; which Roll or List he will require to subscribe and make an affidavit of its correctness in the following form, before any Justice of the Peace of the District.— (By-Law, Feb. 1843.

FORM OF OATH.

"I do swear that the foregoing Assessment Roll contains a true enumeration of all the property in the township of _____, liable to assessment, to the best of my knowledge and belief, So help me God."

Sworn before me at _____ }
 this _____ day of _____ 184 }

He is further required to make out and deliver or transmit to the District Clerk on or before the first day of April in each year, a Schedule of all the lands in the township, not included in the Assessment Roll, which is also required to subscribe only. Sec. 41st, 1st Vic, cap. 21, & By-Law, Feb. 1843.

FORM OF SCHEDULE.

A Schedule of Land, in the Township of _____ in the District of _____ Bathurst, not inserted in the Assessment Roll of said Township for the year :

Lots or part of Lots.	Concession.	Number of Acres.

He is further required to make out a correct copy of the Assessment Roll so delivered to the District Clerk, and post the same up in some conspicuous place in the township for the inspection and information of its inhabitants; and for the use of the Township Clerk in making out his Statute Labour Lists. Sec. 14, 1st Vic. cap. 21.

He is further required to make out another copy of the Assessment Roll, and deliver the same to the Clerk of the Peace.—(By-Law No. 3, Feb. 1843.

If the Assessor conceives that any person in the township has given in a false return of his or her personal property or real estate, he is required and bound to report the name of such person to a Justice of the Peace in the District, fourteen days before delivering in the Assessment Roll to the District Clerk as aforesaid, in order that such person may be dealt with according to law. Sec. 14th, 1st Vic. cap. 21.

By the Act 4th & 5th Vic. cap. 42, he is required to take a census of the inhabitants in the township, together with certain other statistical information, every five years, according to a form to be furnished him by the Warden of the District, on or before the first day of February in the year for which such census shall be taken; two copies of which said census roll he will return to the Warden.

Should he fail to deliver the Assessment Roll to the District Clerk on or before

the first day of April in each year, he will be liable in a penalty not exceeding Five Pounds nor less than twenty Shillings, and the forfeiture of his office. Sec. 14th, 1st Vict. cap. 21, & Bye-Law No. 3, Feb. 1843.

Any Assessor who shall have refused or neglected to make and sign the declaration in the Township Clerk's book within the time prescribed as aforesaid, or shall have omitted or refused to deliver in the Assessment Rolls and the several copies thereof as aforesaid, shall forfeit his office and be liable in a penalty not exceeding Five Pounds nor less than twenty Shillings; and any two Justices of the Peace within the District may appoint a new Assessor in his room. Sec. 9th, 15th, & 36th, 1st Vict. cap. 21, and By-Law, Feb. 1843.

All Assessors so appointed by such Justices of the Peace, will be notified of their appointment, after the receipt of which notification, he is required to make and sign the declaration in the Township Clerk's book as aforesaid, and will require to take up from the District Clerk, on or before the 1st July in the year, the blank book or form for taking the assessment of the township, (provided it was for the omission of this duty on the part of his predecessor that he was appointed.) Sec. 15th, 1st Vict. cap. 21, and By-Law.

Assessors so appointed by the Justices have all the powers and authority and are subject to the same responsibilities as if they had been regularly elected at a township meeting. Sec. 15th, 1st Vict. cap. 21.

If any Assessor shall die within the year for which he may have been elected or appointed, previous to the completing of any or all of his various duties, or shall leave the township, or shall be incapacitated from discharging his duty by reason of bodily sickness, or mental alienation, his successor can in any such cases be appointed by the Warden and Council in Council assembled; such person so appointed to be notified of his appointment by the District Clerk, to make and sign the declaration in the Township Clerk's book within eight days thereafter, to have all the powers and authority, and be liable to the same responsibilities as if he had been elected at a township meeting—(By-Law, Feb. 1843.

Vacancies occurring in any of the appointments made by the Municipal Council, can be re-filled by the Council.—(By-Law, Feb. 1843.

Fees to the Assessors may be fixed and determined by the Municipal Council from time to time, at present the following rates, as prescribed by the 16th Section of the Act 1st Vict. cap. 21, have been adopted by the Council.—(By-Law, Feb. 1843.)—viz.:

If the assessment at the rate of one penny in the Pound for the year does not amount to £50 he shall receive the sum of Seven per centum thereon—

Above £50 and under £100,	6 1-2 per cent.
“ 100 “ 150,	6 per cent.
“ 150 “ 200,	5 1-4 per cent.
“ 200 “ 250,	4 3-4 per cent.
“ 250 “ 300,	4 1-4 per cent.
“ 300 “ 350,	4 per cent.
All above 350,	3 1-2 per cent.

COLLECTOR.

To sign the declaration in the Township Clerk's book within twenty days after his election, under a penalty of not less than twenty Shillings nor more than Five Pounds, and the forfeiture of his office. Sec. 9th, 1st Vict. cap. 21.

If he has been appointed by the Council in consequence of the death or incapacity of his predecessor, he is required to sign the declaration in the Township

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Feb. 1843.

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Clerk's book within eight days after the receipt of a notice of his appointment, from the District Clerk, under the same penalty as prescribed in the preceding Section.— (Bye-Law, Feb. 1843.

Collectors so appointed have all the powers and authority and are subject to all the responsibilities as if they had been regularly elected at a township meeting.— (Bye-Law, Feb. 1843.

He is required, on or before the first day of July in each year, to deliver a bond to the Treasurer of the District, executed in his favor, with two sufficient sureties (who shall be Freeholders,) in a penalty determined and proportioned to the amount of all rates to be collected in the township, which said bond shall be executed and signed and sealed in presence of the Township Clerk, and so certified by him. Sec. 17th, Act 1st Vict. cap. 21, and Bye-Law, Feb. 1843.

FORM OF COLLECTOR'S BOND.

Know all men by these presents, that we A. B., Collector of the rates for the Township or Townships of _____, and E. F. of _____, are held and firmly bound to J. O. Treasurer of the District of _____, in the sum of _____, Currency, to be well and truly paid to the said J. O., Treasurer, as aforesaid, or his successor in office, for which payment well and truly to be made to the said J. O., we bind ourselves, jointly and severally, our heirs, executors and administrators, firmly by these presents, sealed with our seals, and dated this _____ day of _____ in the year of our Lord _____.

The condition of the above bond is such, that if the above bounden _____, shall collect all rates and assessments of the Town, Township or Townships of _____, for the year eighteen hundred and _____, for which he has been appointed, and shall pay all monies which he may so collect (except his own per centage) to the Treasurer of the District, on or before the third Monday in December, in the said year eighteen hundred _____, then this obligation shall be null and void, or otherwise to remain in full force and virtue.

Having deposited his bond with the District Treasurer, he will then make application to the District Clerk, and take up a certified copy of the Assessment Roll of the Township, which shall be sufficient authority for collecting all sums thereon, from the person or persons liable to pay the same respectively. Sec. 17th, 1st Vict. cap. 21, and Bye-Law, Feb. 1843.

He is required to collect all sums on the said Roll which can be collected, and pay the same over to the Treasurer, and finally settle his account with the Treasurer on or before the third Tuesday in December in each year, in default whereof he is declared to be ineligible for re-election at the then next annual town meeting. Sec. 18th, 1st Vict. cap. 21.

If any tenant or other person who may have been assessed for a house or tenement, shall have left such house or tenement between the time of taking the assessment and the time of the collecting of the rates, it shall be lawful for the Collector to demand, claim, and recover all the rates that may have been assessed on the said house or tenement only, from the then owner thereof, such demand from the owner must be made fourteen days prior to the second Monday in December in each year:—If the year expires before the Collector makes such demand, he becomes personally liable for the amount of such unpaid rates;—but the Collector has nevertheless his recourse against the tenant, and may proceed against him for the recovery of the said rates by a Warrant of Distress under the hand and seal of a magistrate, even if such tenant or other person has left the township in which he was assessed. Sec. 19th, 1st Vict. cap. 21.

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sed for a house or te- time of taking the as- lawful for the Collec- been assessed on the ch demand from tho- y in December in each- demand, he becomes e Collector has never- t him for the recovery seal of a magistrate, ich he was assessed.

If the rates have not been paid previous to the first Monday in November in each year by any person or persons rated on the assessment Roll, the Collector may proceed to recover the same by Warrant of Distress under the hand and seal of a Justice of the Peace acting within the District, having previously made a demand of a payment of such rates, either by himself, or his agent duly appointed, fourteen days prior to the date of such Warrant, and shall thereupon have full power and authority to levy of the goods and chattels of any defaulter the amount of such unpaid rates, together with the lawful costs, by distress and sale of such goods and chattels of such defaulter refusing or neglecting to pay the amount thereof. Sec. 46th, Act 1st Vic. cap. 21.

If the Collector is under the necessity of proceeding to a sale, he is required to give public notice thereof in three public places in the township at least eight days before the day of sale;—and if at such sale the property disposed of exceeds the amount of the rates and costs, he is required to return the overplus to the owners. Sec. 46th, 1st Vic. cap. 21.

FORM OF WARRANT OF DISTRESS.

Bathurst District, } To Mr. _____
To Wit: } Whereas, _____
Township of _____ has made oath before me _____ Collector of the
Her Majesty's Justices of the Peace for the said District, that _____ Esquire, one of
rated on the Assessment Roll of the said township of _____ stands
Pounds _____ Shillings and _____ Pence for the sum of
that the said sum has been duly demanded from the said _____ lawful money of Canada,
that it is yet unpaid to the said Collector. These are therefore to empower and _____ but
command you to levy of the proper Goods and Chattels of the said _____ the said sum of _____
Pounds _____ Shillings and _____ Pence together
with the lawful costs, by distress and sale of the said goods and chattels as proscri-
bed by law.
Given under my hand and Seal at _____ this _____ day of _____
184 _____

A B, J. P.

The Collector may be authorized and directed to collect all the rates in a town-ship which may have fallen into arrears in consequence of the neglect or refusal (or from any other cause) of the Collector or Assessor of the previous year. Sec. 40, 1st Vic. cap. 21.

If it should happen that there are any person or persons rated on the Roll from whom it is impossible to collect the rates with which he or they stand charged, in consequence of indigence, or from any other cause, the Collector is required to deliver to the Treasurer of the District a statement in writing, setting forth the full amount he claims to have taken off and deducted from the said Roll, stating on what account and for what reason, with the names of the parties in default, and the amount in detail due by each defaulter respectively, and the Concession and number of the Lot or part of the Lot on which he resides, together with an affidavit attached thereto, and sworn to before some Justice of the Peace of the District, which affidavit shall be in the following form, viz:

District of Bathurst, } I _____ Collector of the Township of _____ in the
To Wit: } said District of Bathurst, make oath and say, that the several
and respective sums set forth in the annexed writing, with the names of the parties
attached thereto, have been taken from the Assessment Roll of the township of _____
as returned to me for collection, that I have used all due diligence to collect

the same but have been unable to do so, and that I know of no legal means by which any of the sums therein stated can be recovered by me and secured to the public use.

Sworn before me at the township of _____
in the said District, this _____ day of _____ 184 }
_____ }

and upon the production of which to the Treasurer, he is authorized and required to give credit to the Collector for the amount so uncollectable — (Bye-Law No. 3, Feb. 1843)

Any Collector who may not have settled his accounts at the period of holding the Quarter Sessions in March in each year, will at that time be proceeded against by the District Treasurer, who is required then to take out Warrants of Distress against the Collector and his sureties to recover any balance which may be due by such Collector. Sec. 38th, 1st Vic. cap. 21.

A Collector refusing or neglecting to sign the Declaration in the Township Clerk's book within the time prescribed as aforesaid, or shall have omitted or refused to deliver in his bond, or shall omit or refuse to perform and discharge his duty agreeably to Law, shall forfeit his office, and be liable in a penalty not exceeding Five Pounds, nor less than Twenty Shillings; and any two Justices of the Peace within the District may appoint a new Collector in his room. Sec. 9th and 36th, 1st Vic. cap. 21.

A Collector so appointed will receive a notification thereof, after which he is required to make and sign the aforesaid declaration in the Township Clerk's Book, and enter on the general discharge of his duty, under the aforesaid penalty, and loss of office. Sec. 9th, 1st Vic. cap. 21.

If any collector shall happen to die within the year for which he shall have been elected or appointed previous to the entering on, or completing of any of his duties, or shall leave the Township, or shall be incapacitated from discharging his duty by reason of bodily sickness, or mental-alienation, his successor can, in any such cases, be appointed by the Warden and Councillors in Council assembled, such person so appointed will be notified of his appointment by the District Clerk, and will within eight days thereafter make and sign the Declaration in the Township Clerk's book under the same penalty as for non-compliance in such case; he will have all the powers and authority, and be liable to the same responsibilities as if he had been elected at a Township Meeting. Bye-law, February, 1843.

Vacancies occurring in any appointment so made by the Municipal Council, can be re-filled by the Council. Bye-Law, February, 1843.

The amount of fees and allowances to be paid to the Collectors will be fixed and determined by the Municipal Council from time to time as circumstances may require. Sec. 39th, 4th and 5th Vic. cap. 10.

The Collector's fees for levying and selling for non-payment of Rates is fixed by the 51st Sec. of the Act, 1st Vic. cap. 21, at three shillings and nine pence for each distress and sale.

SUPERINTENDANTS OF HIGHWAYS

Are required within one month after the receipt of a notice from the District Clerk of their respective appointments, to make and sign a Declaration before the Township Clerk of the township for which they are appointed to act, under a penalty of Five Pounds. Bye-Law, Nov. 1842.

May hold meetings when expedient, but not less than two in each year, of which they shall give proper notice, the first on or before the 1st day of April, the last on or before the 1st day of November, at all of which the Township Clerk

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will attend to record their proceedings. Two of their number at any such meeting, will form a quorum.

At their first meeting to be holden at the time aforesaid, the Township Clerk will submit to them a list of all persons on the Assessment Roll of the Township liable to perform statute labour, shewing the number of days every such person has to work, which said statute labour they are required and directed to apportion to the several places in the Township where the Roads or Bridges most require mending; and at their discretion, to such places for which labour may be required by applicants at the said meeting, and to direct the Pathmasters respectively to carry their Orders into effect.

To agree with any person or persons for the making in a permanent and substantial manner any part of any public Road, within their respective townships in lieu of such person or persons statute labour, for any period of time not exceeding three years, and to be governed therein, as follows, viz:

All agreements of this nature shall be committed to writing and signed by the parties thereto, and thereupon it shall be binding on the Superintendants of Highways and their successors in Office, and the other person or persons being a party to such agreement, and upon the due performance or completion of such agreement, the person or persons performing the same shall be exempt from all statute labour for the full term of time agreed upon as aforesaid. Sec. 42, 1st Vic. cap. 21.

If any person or persons after having subscribed to such agreement, shall neglect or refuse to perform the same in the manner and in the time specified in such agreement, according to its true intent and meaning, he or they shall be liable to the like penalty that persons are by this Act liable to, who refuse or neglect to perform their statute labour. Sec. 43, 1st Vic. cap. 21.

If any person or persons shall have made and entered into such agreement, and in pursuance thereof, shall have made a part or the whole of the road required thereby to be made, but on which a dispute may arise between the Superintendants of Highways or their successors in office and the other party thereto, touching the fulfilment of such agreement, such dispute shall and may be submitted to three Pathmasters acting in the Township for the year, and such three Pathmasters shall be drawn by a public and impartial ballot from the whole list of Pathmasters acting in the Township for the year; which ballot shall be made by the Township Clerk, who shall give the contending parties due notice of the time and place where such ballot shall take place; and after the three Pathmasters so balloted, and the disputing parties, shall have each had eight days' notice from the Town Clerk, of the time and place appointed by him for their meeting to settle such dispute, the said Pathmasters are required to meet, and after having had the said agreement submitted to them, and examining the premises, it shall be their duty to make such award as to them shall appear just and right, which award shall be binding on the parties and be final. Sec. 46th, 1st Vic. cap. 21.

The Superintendants of Highways are required and directed to appropriate for the improvement of the Roads, all monies received by the Pathmasters as Commutation of Statute Labour, also all monies received by the Township Clerk from the Treasurer of the District as accruing from Road Taxes on Wild Lands in the township, also all monies received by the Township Clerk from the Justices of the Peace as commutation of Militia service, or as fines imposed on and received by them from any defaulting Township Officer or Officers, and also all other or any monies which may be in the hands of the Treasurer, applicable and directed to be laid out in the improvement of the Highways, and direct the Township Clerk to make payment

to the Pathmaster accordingly.—(Bye Law, Nov. 1842. Sec. 10th, 1st Vic. cap. 21.
By the 4th clause of the Bye-Law of the Council of Nov. 1842, any person or persons may commute his or their Statute Labour at the rate of two Shillings and six Pence per day.

By the 3d clause of the said Bye-Law, the Superintendents of Highways are empowered to direct Pathmasters at any time throughout the year, to call out any person or persons liable to perform Statute Labour, in order to repair any sudden breach which may be caused in a public highway or road by any inundation or otherwise, or for the repairing of any bridge or causeway which may have given way, or for mending any road destroyed by any casualty, or for the removal of any obstruction in such road by reason of fallen timber or on account of snow, or otherwise, or to fix or set up beacons or stakes as a guide for travellers over any frozen water, marsh, plain, or other place.—(Bye-Law, Nov. 1842, & 50 Sec. 1st Vic. cap. 21.

The Superintendents of Highways are required to hold their last meeting on or before the 1st day of November in each year, at which they are authorized to demand from each Pathmaster in the Township, an account or statement in writing (provided such has not been furnished previously to the Township Clerk,) of the manner in which the Statute Labour that was allotted to his division has been performed, showing the names of the person or persons who may have refused or neglected to work, and shall at such time authorize the Pathmasters to enforce the law against the defaulter or defaulters in their respective divisions in the manner prescribed by the 27th Section of the Act 1st Vic. cap. 21, and shall also at such time demand from each Pathmaster another account or statement in writing of the manner in which the monies have been expended that may have come into his hands applicable to the improvement of the roads, (provided such account has not also previously been furnished to the Township Clerk,) with the proper vouchers and receipts for the expenditure; also an account of any and all persons who may have performed more Statute Labour than by Law they were bound to perform—which accounts shall severally be subscribed by the Pathmaster, and verified on oath before a Magistrate, and shall be filed with the records of the Superintendents of Highways. Sec. 31, 1st Vic cap. 21.

If any Pathmaster neglect or refuse to produce and submit any and all such accounts as aforesaid, the Superintendents may direct the Township Clerk to enforce the law against such defaulting Pathmaster, in the manner prescribed by the 31st Section of the Act 1st Vic. cap. 21.

Exemptions from doing Statute Labour can be made by the Town Wardens Sec. 29, Act 1st Vic. cap. 21.

Persons not assessed in the Township, but residing therein, are required by the Act 3d Vict. cap. 10, to perform two days Statute Labour, and if they refuse to do so, they are liable to be imprisoned for a period not exceeding six days, provided they have no chattels from which a fine can be made and levied.

Persons whose names have been, through an error, omitted to be placed on the Assessment Roll, are nevertheless liable to do Statute Labour, and the Pathmaster is authorized to warn them accordingly. Sec. 30th, 1st. Vic. cap. 21.

TOWN WARDENS.

By the 29th Section of the Act 1st Vict. cap. 21, the Town Wardens are empowered to exempt any poor and indigent person in the Township, who has not been assessed over the amount of Twenty-Five Pounds, from the performance of Statute Labour.

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in which the claimant for exemption resides, to appear on the part of the public along with the said claimant, and when they have inquired into the situation and circumstances of the applicant, they may exempt him from the performance of a part or all of his Statute Labour, and give him a certificate to that effect, which shall be the Pathmaster's acquittance for the work. Sec. 29th 1st Vic. cap. 21.

By the 13th Section of the Act 1st Vic. cap. 21, they are required to report to the Magistrates of the District the names of any persons in the township who shall be insane or of unsound mind, going at large to the danger of the peace of the inhabitants of the township.

They are no longer required to audit the Township Clerk's Accounts, as prescribed by the 13th Section of the Act 1st Vic. cap. 21, that duty now devolves on the Auditors of the Council, in and by virtue of the Municipal Act.

As a Body Corporate in certain matters, their duties have ceased, and these now devolve upon the Council.

Nor have they the power to fix and regulate the Poundkeepers' fees.

FENCE VIEWERS.

Not less than three, nor more than eighteen fit and proper persons to be annually elected at each Township Meeting to serve the office of Fence Viewers, and they are each required to take the declaration of office in the Township Clerk's book, or be liable in the same penalties as in the case of other Township Officers who do neglect or refuse.

The Provincial Statute 4th, William 4th, chapter 12, is the only Act in existence relative to their duties, and it embraces almost every contingency that may happen to occur.—Vide.

The 5th clause of the old Act of 33d Geo. 3, which provided that Overseers of Highways, (Pathmasters) should serve the office of Fence Viewers, was repealed by the 21st clause of the 12th cap. Act 4th, Wm. 4th.

POUND KEEPERS.

Are required to provide a proper Pound, in which they shall receive and impound any animals which may have been found unlawfully *running at large, trespassing, or doing damage.* Sec. 32, Act 1st Vic. cap. 21.

Any person may take up such animals, and deliver them to the Pound keeper of the division in which they are found, but it does not appear that it is the Pound keeper's duty to do so—he is only required and empowered to receive such animals as may be brought to him. Sec. 32, 1st Vic. cap. 21.

He is required to furnish all animals so impounded with necessary food and drink. Sec. 32, 1st Vic. cap. 21.

When cattle are impounded for the space of 48 hours, and shall not then have been redeemed by the owner, the Pound keeper is authorized and required to put up a notice in writing in three public places in the Township for at least fifteen days, in which notice the animals must be described, and intimation given therein of the time and place at which he intends to expose the same for sale; and if they are not redeemed within the fifteen days the Pound keeper may legally dispose of them; and if there be an overplus after deducting the Pound keeper's charges as fixed by the Municipal Council, and the amount of damage that may be claimed for the Trespas, the Pound keeper shall return the same to the owner:—but if no person shall appear to claim the money, the Pound keeper is required to pay the overplus into

the hands of the Township Clerk, for the benefit of the Roads. Sec. 32d, 1st Vic. cap. 21.

If any valuable animals, as an Ox or Oxen, Horse, or Horses, Cow or Cows should be impounded for trespass or damage, and should not be claimed at or before the expiration of the first fifteen days' notice of sale, the Pound keeper shall not then sell them, but shall postpone the sale for forty days longer; at the expiration of which forty days the Pound keeper shall sell them, or any of them, and return the overplus after paying his costs, and the damages, to the owner, if claimed within the space of three months, if not, to the Town Clerk as in the last Section. Sec. 32, 1st Vic. cap. 21.

The person taking any animal or animals to Pound for trespass and damage, must within twenty-four hours after delivering them to the Pound keeper, give him a statement in writing of the amount of his claim for such damage. Sec. 34th, 1st Vic. cap. 21.

If the owner of the cattle object to the amount of damages claimed in manner as aforesaid, the Pound keeper is required to notify three disinterested inhabitant freeholders or householders, farmers, to appraise the damages alleged to have been committed, and also to judge of the sufficiency of the fence inclosing the ground wherein such animals were found doing damage; and they or any two of them shall examine such fence within twenty-four hours after the receipt of the Pound keeper's notice, and determine whether the fence is lawful according to the Township regulations, and if it be so, then they are required to appraise the damage done and put their award in writing, which they must agree to within twenty-four hours after receipt of the Pound keeper's notice—the award to be delivered to the Pound keeper. Sec. 35, 1st Vic. cap. 21.

If the animals which have done the damage are not free-commoners, the Arbitrators do not require to examine the fence at all, but at once decide on the amount of damage. Sec. 35, 1st Vic. cap. 21.

Persons notified by the Pound keeper to appraise any damages, are liable each in a penalty of Five Shillings for every neglect. Sec. 35, 1st Vic. cap. 21.

If the owner of the cattle object to the amount of the demand of the person claiming damage, but nevertheless offer him a sum more in amount than the award may come to, and the claimant refuses such sum offered, the claimant shall be liable to all costs incurred after such refusal, for making an extravagant charge.

PATHMASTERS.

The Pathmasters are each required to sign the declaration in the Township Clerk's book within twenty days after their election at the town meeting, under a penalty of not less than One Pound nor more than Five Pounds and the forfeiture of their office. Sec. 9th, 1st Vic. cap. 21.

They are severally authorized and required to make and keep in repair the Highways, Roads, Streets, and Bridges that may be allotted to them severally from time to time by the Superintendents of Highways. They are severally required to notify all persons residing within their respective divisions liable to perform Statute Labour, of the time and place at which they will require every such person's attendance to work; the notice may be either in writing or verbal, and will require to be left at the residence of such person three days prior to the day on which he will be required to work. Pathmasters may direct and order the destruction of all noxious Weeds. Sec. 20th, Act 1st Vic. cap. 21.

Pathmasters are required to give a certificate to any person of having performed this Statute Labour, if demanded by such person. Sec. 20th, Act 1st Vic. cap. 21.

They are severally empowered to use part of the Statute Labour time in erecting good and sufficient rails or guards along any precipice, or any dangerous place by which a road may pass,—and also for the erection of finger posts at all such places as shall be necessary for the guidance of travellers. Sec. 22d, 1st Vic. cap. 21.

Any person may compound for his Statute Labour at the rate of Two Shillings and Six Pence per diem, which sum must be paid to the Pathmaster by such person on or before the first Monday in May in each year; the Pathmaster is authorized to accept such commutation money and expend the same on the Roads, under the direction of the Superintendents of Highways. Sec. 23, and Bye-Law.

By the 24th Section of the Act 1st Vic. cap. 21, the Pathmasters are severally empowered when in the actual discharge of their duty, to direct the person or persons performing Statute Labour to cut down or make use of any trees, or underwood, standing upon any *uninclosed* and *unimproved lands*, and also to break up and make use of any stone upon any unimproved and uncultivated land, that they may think necessary for providing materials for making or erecting Bridges or Causeways, or making or repairing any road with the money or the labour of the Township, taking care that no unnecessary damage be done to the premises from whence such trees, timber, stones, or other materials be taken.

By the 26th Section of the Act 1st Vic. cap. 21, the Pathmasters are authorized and empowered to cause all Statute Labour under their respective direction and control to be performed, and all the commutation money to be expended between the 10th day of May and the 24th July in each and every year.

The 25th Section of the said Act enacts, That the Roads and Highways in and through every Township and also a just share of any Road actually required and necessary, running between the same and any other Township shall be cleared and maintained by the inhabitants thereof,—and that every person liable to perform Statute Labour shall either do so in person, commute, or send an able bodied man in his stead to do so, and shall bring such tools or implements as the Pathmaster may direct; that eight hours' work shall be considered as a day's labour; that the Pathmasters have the power to direct any person liable to work, and having or keeping a waggon or cart, to send such waggon or cart with one or more horses and an able bodied man to manage and drive the same, & that one day's work of eight hours with such waggon or cart and man, will be accounted for as two days' work of Statute Labour to the person sending the same: the Pathmaster has the power to discharge such man if he does not work faithfully, and hire another, and the master of the man so discharged will be liable to the same penalty as is prescribed for the refusal or neglect to do Statute Labour, and will not be allowed for any part of the day the said discharged person had wrought.

If any person or persons shall wilfully stop up any road or roads in the Township, or shall pull down or destroy any railing, guard, or fence that may have been erected along any water, bridge, or precipice, such persons shall be liable in a penalty of not less than Five Shillings nor more than Five Pounds, to be recovered as hereinafter set forth. Sec. 28th, 1st Vic. cap. 21.

In case any tree or trees shall be cut down in, or fall out of any enclosed land, or other lands which shall be occupied by a *resident settler* in such a way as to obstruct any public road or highway, or any other thing which may be represented as a nuisance, the owner or occupier of such land shall remove such obstruction, of whatever nature or kind, within twenty-four hours after notice received thereof from the Pathmaster, under the penalty of Ten Shillings for every day thereafter that the obstruction shall exist and continue; the penalty to be recovered as hereinafter set forth. Sec. 28, 1st Vic. cap. 21.

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If the Town Wardens should be applied to by any person for exemption from performance of Statute Labour, the Pathmaster acting within the division in which such person resides, will require to attend the Town Wardens when called on, and give evidence of such person's real circumstances, in order to enable the Town Wardens to come to a decision in the case. Sec. 29, 1st Vic. cap. 21.

All able bodied persons residing in the Township are required to do Statute Labour, whether they have been assessed on the Roll or not—but Immigrant labourers must first have been resident therein six months. Sec. 30, Act 1st Vic. cap. 21.

Such persons who are not assessed are required to perform two days' Statute Labour. Act of 1840, cap. 10.

Three Pathmasters may be balloted from the whole number of them in the Township, to settle any dispute which may have arisen relative to roads, between the Superintendents of Highways and any person or persons contracting to make such roads in lieu of his or their Statute Labour for a prospective period of three years; each of the three Pathmasters will be notified by the Town Clerk of their having been so balloted, at least eight days before they are required to meet to settle such dispute; and at the expiry of the said eight days they will then meet (at the place appointed by the Town Clerk in his said notice,) along with the contending parties, and after having had the agreement submitted to them, and examining the premises, it shall be their duty to make such award as to them may seem just and right, which award shall be binding on the parties and final. Sec. 46, Act 1st Vic. cap. 21.

By the 3d Clause of the Bye-Law of November 1842, the Superintendents of Highways for the Townships respectively for which they have been appointed, are empowered to direct Pathmasters at any time throughout the year, to call out any person or persons liable to perform Statute Labour, to repair any breach which may have happened in any public Highway, Road, or Bridge, by reason of any inundation, or by reason of any other casualty.

But if the Pathmaster has any money arising from commutation of labour in his hands, he will repair such damage or breach from such money as far as it goes, and then call out the people to complete such repairs; and he is required to apportion such labour among the several persons within his division as nearly equal as circumstances will permit. Sec. 50, Act 1st Vic. cap. 21.

The 27th Section of the Act 1st Vic. cap 21, directs and requires a Pathmaster, on the refusal or neglect of any person within his division liable to perform Statute Labour, to do their work partially, or wholly, to go before a Magistrate, and make oath of the refusal of such person, whereupon the Magistrate issues his Warrant under his hand and Seal against the goods and chattels of the defaulter, which defaulter shall forfeit and pay the sum of Five Shillings for each day he shall have so neglected or refused to work; and the defaulter shall still be required to work notwithstanding such fine having been so levied.

The Act of 1840, cap 10 prescribes, that if any person who is not assessed on the Roll shall neglect or refuse to do his two days' Statute Labour, after due notice having been given him by the Pathmaster, the Pathmaster shall complain of him to a Magistrate as in the herein preceding Section, and if the person has no Goods or Chattels from which the Fine can be levied, he may be committed to Jail by the Magistrate for a period not exceeding six days.

At the November meeting of the Superintendents of Highways, the several Pathmasters in the Township are required to have furnished the Township Clerk with an account or statement in writing of the manner in which the Statute Labour that was allotted to each of their divisions respectively, has been performed, showing the name or names of any person or persons who may have neglected to work—together with another account or statement in writing of the manner in which any

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Any Pathmaster neglecting or refusing to deliver such list and accounts to the Township Clerk at the time aforesaid, shall be liable in a penalty of not less than Twenty Shillings nor more than Five Pounds, to be recovered on the complaint of the Township Clerk, and levied by distress and sale of the defaulter's goods and chattels in case of non payment. Sec. 31, 1st Vic. cap. 21.

PENALTIES.

Act 1st Vic. cap. 21, Sec. 4th. Any person voting, or offering to vote at a Township Meeting, without having a right so to do, nor being duly qualified to vote, shall be subject and liable to a penalty of not less than Five Shillings nor more than Twenty Shillings;—complaint to be made within three months by two witnesses before any one Magistrate in the District, said Fine to be levied by his warrant of distress, unless otherwise paid.

Act 1st Vic. cap. 21, Sec. 9th & 36th. Any Township Clerk or other Township Officer who may have been elected at any Township Meeting, shall accept such Office and sign the declaration in the Township Clerk's book within twenty days after his appointment, under a penalty of from Twenty Shillings to Five Pounds, on complaint of the Town Clerk before one Magistrate.

Act 1st Vic. cap. 21, Sec. 8th. Township Clerk liable in the like penalty if he omits to send a copy of the proceedings of the town meeting to the District Clerk, and post up another copy in some place in the township.

Act 1st Vic. cap. 21, Sec. 15th. Assessors are liable in the like penalty for non performance of any or all of their duties.

Act 1st Vic. cap. 21, Sec. 25th. Persons refusing to send waggons or teams to aid in the performance of Statute Labour, when ordered to do so by the Pathmaster, liable in a penalty of Five Shillings for every day he shall so refuse, on complaint of the Pathmaster.

Act 1st Vic. cap. 21, Sec. 27th. Persons refusing to do Statute Labour when so ordered by the Pathmaster are liable in the like penalty, on complaint of the Pathmaster.

Act 1st Vic. cap. 21, Sec. 38th. Persons refusing to remove obstructions on a road opposite the land they occupy, are liable to a penalty of Ten Shillings for every day the obstruction shall continue, after being ordered to remove it.

Act 1st Vic. cap. 21, Sec. 31. Pathmasters are liable to a penalty of not less than Twenty Shillings nor more than Five Pounds for neglecting to furnish their accounts relative to Statute Labour, to the Township Clerk, for the information of the Superintendents of Highways.

Act 1st Vic. cap. 21, Sec. 35th. Freeholders or others who refuse to attend to appraise damages committed by any animal, are liable in a penalty of Five Shillings.

Act 1st Vic. cap. 21, Sec. 36th. Persons refusing to deliver the Assessor a true list of their rateable property are liable to a penalty of not more than Five Pounds nor less than Twenty Shillings, to be recovered on the complaint of the Assessor, before a Magistrate, and levied from the defaulter's goods and chattels by his Warrant of Distress unless otherwise paid.

Act 1st Vic. cap. 21, Sec. 43. Persons contracting with the Superintendents of Highways for making or repairing a Road in lieu of their statute labour for a prospective number of years, and neglecting or refusing to perform the same in the manner and at the time specified in their agreement, are liable to the like penalty as persons refusing to do their statute labour.

GENERAL DUTIES.

Freeholders and Householders to meet on the first Monday in January in each year for the purpose of electing Township Officers.

Act 1st Vic. cap. 21. They may assemble and transact business without any warrant from the Magistrates.

Act 1st Vic. cap. 21, Sec. 12th. May establish fines at such meetings for cattle unlawfully running at large.

Act 1st Vic. cap. 21, Sec. 4th. No person to vote except he be a Freeholder or Householder in such township of the full age of 21 years, under a penalty.

Act 1st Vic. cap. 21, Sec. 5th. Officers of the preceding year to serve, when the Inhabitants have neglected or refused to meet, or to appoint others in their stead.

No person is compelled to serve in a township in which he doth not reside, except he be in a reputed township attached to another.

No Magistrate is compelled to serve in any township office; he may do so however, if he chooses.

Act 1st Vic. cap. 21, Sec. 7th. When a township contains over thirty Freeholders and Householders, they are entitled to hold a meeting therein.

Act 1st Vic. cap. 21, Sec. 9th. Two Justices may appoint Township Officers in the room of those who have forfeited office for neglect of duty in signing their declarations.

Act 1st Vic. cap. 21, Sec. 10th. Justices to pay over monies collected as fines &c. &c. to the Township Clerk.

Act 1st Vic. cap. 21, Sec. 35th. Three persons being Freeholders or Householders are required, on being notified by the Pound keeper, to appraise damages done by any cattle trespassing, under a penalty.

Act 1st Vic. cap. 21, Sec. 27th. Persons refusing to do Statute Labour, after being duly warned, are liable in a penalty of Five Shillings for every day's neglect or refusal.

Act 1st Vic. cap. 21, Sec. 36th. Persons refusing to give the Assessor a just and true list of their rateable property are liable in a penalty.

Act 1st Vic. cap. 21, Sec. 46th. Three Pathmasters chosen by ballot, are required to decide any dispute between the Superintendents of Highways, and other persons about contracts for roads.

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ficers"—should read "District Officers."

On page 26, 13th line from the top—"which is also required"—should read
"which *he* is also required."

