

No. 228.

3d Session, 3d Parliament, 13 & 14 Vict. 1850.

BILL.

Municipal Corporations Act, Correction
and Amendment Bill (Upper Ca-
nada.)

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July, 1850.

Second Reading, Wednesday, 31st July, 1850.

HON. MR. ATT'Y GEN'L BALDWIN.

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*Municipal Corporations Act, Correction and
Amendment Bill.—(Upper Canada.)*

(The clauses printed without numbers are proposed to be inserted in the
Committee.)

An Act for correcting certain errors and omissions in the Act of the Parliament of this Province, passed in the last Session thereof, intituled “*An Act to provide, by one general law, for the erection of Municipal Corporations and the establishment of Regulations of Police in and for the several Counties, Cities, Towns, Townships and Villages in Upper Canada,*” for amending certain of the provisions of the said Act and making some further provisions for the better accomplishment of the object thereof.

WHEREAS in the engrossment of the Act passed in the last Session of Parliament, chaptered eighty-one, and intituled, “*An Act to provide, by one general law, for the erection of Municipal Corporations and the establishment of Regulations of Police in and for the several Counties, Cities, Towns, Townships and Villages in Upper Canada,*” some errors were accidentally committed, and amongst them, one of the Schedules in the said Act referred to, and intended to have been annexed to the same, was wholly omitted: And whereas, there are also some inaccuracies, as well in the body of the said Act as in the Schedules thereunto annexed; And whereas, it is expedient as well to correct the said errors and inaccuracies as to amend the said Act in some of the provisions thereof, and to make some further provisions for the better accomplishment of the object thereof:—Be it therefore enacted, &c.

That the several words, phrases and sentences in the first column of the Schedule of this Act annexed, marked A, numbered from one to _____ inclusive, and set forth at length in the second column of the said Schedule, as such several words, phrases and sentences are contained in those several parts of the several and respective Sections, sub-sections and provisoes of the said Act particularly referred to in the third column of the said Schedule,

Certain words, &c. mentioned in Schedule A. substituted for certain others in the said Act.

opposite to each of such words, phrases and sentences respectively, shall be, and the same as so contained in such sections, sub-sections and provisoes, are hereby repealed; and the several and respective words, phrases and sentences set forth in the fourth column of the said Schedule, opposite to each of such first mentioned words phrases and sentences respectively, shall be, and the same are hereby substituted for such first mentioned words, phrases and sentences, each for each respectively; and henceforth the said substituted words, phrases and sentences, instead of those for which they are so substituted as aforesaid respectively, shall be, and shall be deemed and taken to have been the words, phrases and sentences used in the several and respective sections, sub-sections, and provisoes of the said Act in the third column of the said Schedule mentioned, opposite to each of such words, phrases and sentences respectively, and, in the parts of such sections, sub-sections and provisoes therein particularly mentioned; and the said Act and all other Acts referring to the same, shall be construed as if such substituted words, phrases and sentences had been there used in such respective sections, sub-sections and provisoes respectively, and in the parts thereof respectively in the said third column of the said Schedule mentioned as aforesaid, at the time of the passing of the said Act, any thing therein contained to the contrary, notwithstanding:

Proviso. Provided always, nevertheless, that nothing in this Section contained, shall render void or otherwise affect in any way, anything heretofore done under the authority of the said Act, but the same, unless it shall have been made the subject of proceedings at Law actually instituted before the passing of this Act, shall be, and the same is hereby ratified and confirmed, anything herein contained to the contrary, notwithstanding.

Parts of Schedule B. repealed and new provisions.

II. That so much of the Schedule to the said Act annexed, marked B, as extends to the end of the divisions of the Town of Belleville into Wards, and also that part of the said Schedule which applies to the Town of Picton, its boundaries and divisions, shall be, and the same are hereby respectively repealed, and that the Schedule to this Act annexed, marked "Schedule B," shall be substituted for the said first mentioned part of the said Schedule B, to the said Act annexed; and that the Schedule to this Act annexed, marked "SCHEDULE—12. Picton," shall be substituted for the said secondly mentioned part of the said Schedule B. to the said Act annexed; and each of such substituted parts respectively shall from henceforth be deemed and taken to form, and to have formed, that part of the said Schedule for which it is so hereby respectively substituted as aforesaid, anything in the said Act or the Schedules thereof, to the contrary notwithstanding: Provided always, nevertheless, Firstly: That nothing in this Section contained, shall render void or otherwise affect

Proviso.

in any way, anything heretofore done under the authority of the said Act, but the same, unless it shall have been made the subject of proceedings at Law, actually instituted before the passing of this Act, shall be and the same is hereby ratified and confirmed, anything herein contained to the contrary notwithstanding; And provided also, Proviso. Secondly: That the Municipal Elections for the said Towns of Belleville and Picton, held in January last, and all other proceedings had thereon, so far as the same shall be dependent upon the legality of such elections, shall be and the same are hereby specially ratified and confirmed as aforesaid.

III. And be it enacted, That the Schedule to this Act annexed, marked "Schedule D," shall from henceforth be deemed and taken to be, and to have been annexed to the said recited Act, as the Schedule D. therein referred to; and that all such proceedings as, at any time during the year one thousand eight hundred and forty-nine, might have been had or taken for fixing or establishing the boundaries of any of the Towns mentioned in the said Schedule D, or for carrying the said Act into effect, with respect to any such Town, by the election and organization of a Municipality for the same at the commencement of the present year, shall and may be had and taken at any time during the corresponding periods of the year one thousand eight hundred and fifty, with the view and for the purpose of fixing or establishing such boundaries, and of carrying the said Act into effect with respect to such Town, by the election and organization of a Municipality for the same, at the commencement of the year one thousand eight hundred and fifty-one, and as if the said Act, with the said Schedule D. annexed thereto, had been passed during the present Session of Parliament.

IV. And be it enacted, That it shall and may be lawful for the Governor of this Province, for the time being, if he shall deem it expedient so to do, at any time previous to the first day of December next, to issue a Proclamation under the Great Seal of the Province, authorizing and directing the immediate organization of a Municipality for the present year, in and for any of the Towns mentioned in the first Division of the said Schedule D; and to make such provisions in and by such Proclamation, as in his discretion may appear necessary or expedient, for fixing or establishing the boundaries of such Towns, for appointing a Returning Officer, and for holding and regulating the first Municipal Election to be held for the same,—for the appointment of Municipal Officers, and for imposing and levying the necessary assessments for Municipal purposes for the year one thousand eight hundred and fifty, and for all other purposes necessary or expedient for enabling such Municipality to exercise the several powers and privileges conferred upon such bodies by the said Act;

The omitted Schedule D. suppld.

Governor may issue a proclamation for certain purposes.

And the said Municipality, so organized, their officers and servants, shall, to all intents and purposes, have the like powers and privileges, and be subject to the like duties and obligations as if they had been duly elected at the period fixed by the said Act for the general Annual Municipal Elections throughout Upper Canada for the present year. 5

Doubts as to Elections in Belleville, Bytown and Peterborough, removed.

V. And whereas it is expedient to remove certain doubts as to the legality of the Municipal Election held in and for the Towns of Belleville, Bytown, and Peterborough, for the present municipal year; Be it therefore enacted, That for and notwithstanding any defect of substance or form in the authority of the persons who acted as Returning Officers at such Municipal Elections respectively, or in the notice given for holding such Elections, or in the time when, or the place where, such Elections were respectively held, the said Municipal Elections and all proceedings had thereon, shall be and the same are hereby ratified and confirmed, any thing in the said Act to the contrary notwithstanding; and that for and notwithstanding any such defect of substance or form in the persons who appointed the times and places of meeting of the Town Councillors returned at such Elections, for the purpose of organizing the Common Councils of such Towns respectively, or in the notice given for holding such meetings, or in the time when or the place where the same were held for that purpose, the organization of such Common Councils and all proceedings had thereon, shall be, and the same are hereby ratified and confirmed, any thing in the said Act to the contrary notwithstanding: Provided always, nevertheless, that nothing in this Section contained shall render valid or otherwise affect any such proceeding which shall have been made the subject of proceedings at law actually instituted before the passing of this Act, and still pending before the proper tribunal, any thing herein contained to the contrary notwithstanding. 10 15 20 25 30 35

Proviso.

And as to property qualification of Councillors, &c.

VI. And be it enacted, That for and notwithstanding any want of qualification in respect of property in any person elected a Councillor of any Township, Village or Town, or an Alderman or Councillor of any City, at the annual Municipal Elections for the different Townships, Villages, Towns and Cities, held in January last, the election of every such Councillor and Alderman, if in other respects sufficient, shall be and the same is hereby ratified and confirmed: Provided always, nevertheless, that nothing, in this Section contained, shall render valid or otherwise affect the claim of any such person whose election shall have been made the subject of proceedings at law, actually instituted before the passing of this Act, and still pending before the proper tribunal, any thing herein contained to the contrary notwithstanding. 40 45 50

Proviso.

VII. And be it enacted, That the powers and duties, by the thirtieth and thirty-first Sections of the Act passed in the last Session of Parliament, chapter thirty-five, and intituled, "*An Act to repeal certain Acts therein mentioned,*"

5 "*and to make better provision respecting the admission of*
 "*Land Surveyors and the Survey of Lands in this Province,*" conferred and imposed upon the Municipal Councils of the different Counties therein called Districts in Upper Canada, and on the Treasurers and other officers

10 thereof, shall be and the same are hereby transferred to, and imposed upon, the different Township Municipalities in Upper Canada, and upon their Treasurers and Officers respectively, to be exercised and performed by such Township Municipalities, their Treasurers and other Officers in

15 the like cases and in the like manner as is therein provided with respect to such corresponding Municipal Counties, their Treasurers and other Officers; and no such powers or duties shall henceforth belong to, or be required of, the Municipal Councils of the different Counties or Unions

20 of Counties in Upper Canada, their Treasurers or other Officers or any of them.

Certain powers, &c., as to Surveys vested in Township Municipalities.

VIII. And whereas by the third Section of the said first-mentioned Act, provision was made for the union of Townships having less than one hundred resident free-

25 holders and householders on the Collector's Roll, to any adjacent Township having that number of such freeholders and householders, but not for the union of several Townships having each less than the prescribed number of such freeholders and householders, but which, if formed into a

30 union, would together have more than such prescribed number; And whereas, in the newly settled parts of the country, the want of such a provision has been found to occasion great inconvenience, Be it therefore enacted, That it shall and may be lawful for the Municipal Council of any County or Union of Counties in Upper Canada,

35 at any time before the thirty-first day of December, in the year of our Lord one thousand eight hundred and fifty, by a By-law to be passed for that purpose, to dissolve all or any of the Unions of Townships formed or to be formed

40 under the authority of the said third Section of the said Act, and to form such other Unions of the Townships within these Counties or Unions of Counties, as they may think most convenient for the accommodation of the people of such Townships: Provided always, nevertheless, that

45 it shall be lawful for any such Municipal Council, in forming such Unions, to attach together any two or more Townships lying within the same County, but not when they shall be within different Counties of such Unions of Counties: Provided, that the Townships to be thus formed

50 into any such Union shall together have had not less than one hundred freeholders and householders on the Collector's Rolls for the last year that the same shall have been respectively made up prior to the passing of such

New provision as to Unions of Townships.

Proviso.

Proviso.

Proviso.

By-law: Provided always, nevertheless, that every such By-law shall designate the order of seniority of the Townships forming every such Union of Townships, which shall in every such By-law be arranged (unless, in the opinion of such Municipal Council, there may appear some special reason to arrange them otherwise) according to the relative number of freeholders and householders on such Collector's Rolls respectively, those having the greater number on such Rolls being placed senior to those having the less.

In what cases and for what purposes Towns and Cities shall or shall not form part of the Counties in which they lie.

IX. And be it enacted, That upon, from, and after the day on which any Proclamation, already issued or to be hereafter issued, under the authority of the said first-mentioned Act or of this Act, for erecting any village, hamlet, or place into an Incorporated Village, or any Incorporated Village into a Town, shall have come into force and taken effect, or shall hereafter come into force or take effect, every such Incorporated Village or Town, with the boundaries in such Proclamation prescribed for the same, shall be and be held to have been, and shall continue to be part of the County to which it shall by such Proclamation be declared to belong, as well for the purpose of representation in the Commons House of Legislative Assembly of this Province as for all other purposes whatever, except only when any such Town shall be entitled to be represented in such Legislative Assembly by a member or members of its own, in every which last case, such Town with the boundaries in such Proclamation prescribed for it, shall, for the purpose of Representation in such Legislative Assembly, cease to be or form part of such or any other County; and that upon, from and after the day on which any Proclamation already issued or to be hereafter issued, under the authority of the said first-mentioned Act or of this Act, for erecting any Town into a City, shall have come into force and taken effect or shall hereafter come into force and take effect, such City and the liberties thereof, with the boundaries in such Proclamation prescribed for such City and the liberties thereof, shall, (if such City, when a Town, shall have been entitled to be represented by a member or members in the said Legislative Assembly) for all the purposes of Representation in such Legislative Assembly, altogether cease to be or form a part of the County or Counties out of the territory of which it shall have been formed, and shall be, and be deemed to have been, from the time aforesaid, in the relative position to the County on the borders whereof it shall be situate, provided and prescribed by the eighty-fifth Section of the said first-mentioned Act, and the other provisions thereof.

Lock-up-Houses.

And be it enacted, That it shall be lawful for the Municipal Councils of the several Counties and Unions of Counties in Upper Canada, to establish a Lock-up

House in any Town, Incorporated Village, or Police Village, within the Jurisdiction of such Municipal Councils, and to establish and provide for such salary or fees to be paid to the Constable to be placed in charge of
 5 every such Lock-up-House, as they may deem just and reasonable, and to direct the payment of such salary out of the funds of such County or Union of Counties; and that every such Lock-up-House shall be placed in the charge and keeping of a Constable to be specially ap-
 10 pointed for that purpose by the Magistrates of such County or Union of Counties, at any General Quarter Sessions of the Peace for the same; and such Constable shall be resident in such Town or Village, and be one of the Constables of such Town or of the Township
 15 in which such Village may be situate.

And be it enacted, That the Provisional Municipal Councils in Upper Canada shall have, and shall be deemed to have had at all times since provision was made for their establishment, the like power and authority to
 20 make By-laws for borrowing all necessary sums of money for the purchase of the necessary County property and the executing of the necessary County buildings, and other County works within their jurisdiction and the scope of their authority, as is or shall by law be vested in
 25 Municipal Councils generally, in that section of the Province, subject always, nevertheless, to the restrictions, limitations and other provisions for securing the payment of loans made to such Municipal Councils, within a limited time, and otherwise securing and insuring the recovery
 30 and payment thereof, as are or may by law be imposed upon such Municipal Councils, and upon the By-laws to be passed by them for that purpose.

And be it enacted, That upon, from and after the day on which the union between any two or more
 35 Counties in Upper Canada, theretofore forming a Union of Counties, shall be dissolved, the Townreeves and Deputy Townreeves of the Junior County of such Union who shall have been in office on the day preceding the dissolution of such Union, shall, until replaced by new elec-
 40 tions held under the said first mentioned Act, form and be to all intents and purposes whatsoever the Municipal Council of such Junior County, which Municipal Council and their successors shall to all intents and purposes whatsoever be substituted for the Provisional Municipal Council of such County, which shall have been thereby
 45 dissolved, and the Provisional Warden of the said Provisional Municipal Council shall be and continue the Warden of such Junior County, until the election of his successor under the said first mentioned Act, and all the By-laws
 50 of such Provisional Municipal Council shall be and continue in force until amended, altered or repealed according to law, by some By-law or By-laws to be passed for that

Provisional
Municipal
Councils may
borrow money.

Municipal
Council sub-
stituted for
Provisional
M. C. after
dissolution of
union.

purpose by the Municipal Council of such Junior County, as such By-laws would be and remain in force had the same been By-laws of such Municipal Council.

And to be liable for debts, &c.

And be it enacted, That every Municipal Corporation so substituted for the Provisional Municipal Corporation of any County in Upper Canada, shall become charged with and liable to all debts, liabilities and obligations of such Provisional Municipal Corporation, as if such debts, liabilities and obligations had been contracted by such Municipal Corporation themselves; and all actions at law and suits in Equity wherein such Provisional Municipal Corporation shall have been a party, and pending at the time of the dissolution of such Provisional Municipal Corporation, shall be continued in the name of such substituted Municipal Corporation, as if such Municipal Corporation had been the party thereto originally. 5 10 15

Certain By-laws not to be repealed.

And be it enacted, That no By-law passed or to be passed by any Provisional Municipal Council, in accordance with the requirements of the one hundred and seventy-seventh Section of the said first mentioned Act, for imposing a special rate to be levied in each year, for the payment of the debt created by any loan, shall be repealed by the Municipal Council which shall thereafter be substituted for such Provisional Municipal Council until the debt so created and the interest thereon shall be fully paid and discharged; And provided also, that no such Bylaw as aforesaid, whether passed by any Municipal Council, or by any Provisional Municipal Council, shall be held to be repealed by the Act passed in the present Session of the Provincial Parliament, and intituled, "*An Act to repeal the Acts and provisions of Law relative to Assessments and matters connected therewith in Upper Canada,*" but notwithstanding any thing in the said last mentioned Act, every such By-law shall remain in force until the debt to which it relates, and the interest thereon, shall be fully paid up and discharged. 20 25 30 35

Proviso: as to effect of Assessment repealing Act of this Session.

Case of equality of votes for Mayor, &c. provided for.

And be it enacted, That in case of there being an equality of votes in the Municipal Corporation of any Township or Village, on the Election of Townreeve for such Township or Village, or in the Municipal Corporation of any Town or City, on the Election of Mayor for such Town or City, the member of such Municipal Corporation who, according to the Collector's Roll or Rolls of such Township, Village, Town or City, for the year next preceding that for which such Election shall be held, shall be assessed for the highest amount, shall have a second or casting vote on such Election. 40 45

SCHEDULE A,

Referred to in the First Section of this Act.

No. Words, Phrases, and Sentences, of 12 Vict., chap. 51, repealed by this Act.	Sections, Sub-Sections and Provisions, of 12 Vict., cap. 51, and the parts thereof, respectively, in which the repealed Words, Phrases, and Sentences, are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
1. To divide such Townships anew, into several Wards, as aforesaid.	Section 8.—Between the words, "for that purpose," and the words "re-arranging the same,"	To divide such Townships into several Wards, or where the same shall have been previously so divided by Act, either of the District or County Municipal Council, or of the Municipality of the Township, then to divide the same anew into several Wards as aforesaid, arranging or
2. Fifty.	Section 16.—Between the words "within it" and the word "resident,"	one hundred
3. For the year following.	Section 16.—After the words "Township shall"	for the year next but one following.
4. Three Assessors for the Township, and one Collector for the same.	Section 28.—After the word, "appoint"	Such and as many Assessors and Collectors for the said Township as shall or may be permitted or prescribed by the Laws for the assessment of property, and the levying and collecting of rates for local purposes, in force in Upper Canada for the time being.
5. By imprisonment.	Section 31.—Sub-Section 29, between the words "reasonable punishment" and the words "not exceeding,"	by imprisonment either in any Lock-up House in any Town or Village situate within the Township or in the County Gaol or House of Correction for any period,
6. The Municipal Council for such County.	Section 33.—After the words, "shall constitute"	the Municipal Council for such County: Provided always, nevertheless, firstly.—That no Townreeve shall be entitled to take his seat in such Municipal Council, until he shall have filed with the Clerk of such Municipal Council, a certificate under the hand and seal of the Town Clerk of the Township, Village or Town for which he shall be entitled to sit in such Municipal Council, of his having been duly elected, and taken the Oath of Qualification and Office as such Townreeve; And provided also, secondly.—That no Deputy Townreeve shall be entitled to take his seat in such Municipal Council until he shall have filed a similar certificate with the Clerk of such Municipal Council, and also a copy of the Collectors' Roll or Rolls for such Township, Village or Town for the previous year, verified by the affidavit or affirmation of the Collector, appended to or endorsed upon such copy, and sworn or affirmed before some Justice of the Peace for the County, to the effect that the same is a true copy of such Roll or Rolls, and that it contains the names of all the freeholders and householders in such Township, Village or Town as they appear upon such Roll or Rolls.

No.	Words, Phrases, and Sentences, of 12 Vict., chap. 81, repealed by this Act.	Sections, Sub-Sections and Provisos, of 12 Vict., cap. 81, and the parts thereof respectively, in which the repealed Words, Phrases, and Sentences, are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
7.	Of the Inspectors of the County House of Industry, and of such and so many other Officers as may be necessary for carrying into effect, any of the provisions of this Act, or of any other Act of the Legislature of this Province, or of the late Province of Upper Canada, the erection or maintenance of such Houses of Industry, or of any By-law or By-laws of the Municipal Council of such County, respecting the same.	Section 41.—Sub-Section 6, after the words, "for the appointment,"	under the Corporate Seal of such County Council, one or more County Enquirers, one or more Inspectors of the County House of Industry, one or more Overseers of Highways, Road Surveyors, and such and so many other Officers as may be necessary for carrying into effect any of the provisions of this Act or of any other Act of the Legislature of this Province, or of the late Province of Upper Canada, or of any By-law or By-laws of the Municipal Council of such County, and in like manner to displace all or any of them, and appoint others in their room, and to add to or diminish the number of them, or any of them, as often as the said Corporation shall see fit.
8.	And the Townreeve.	Section 59.—Between the words, "as the Municipal-ity of any Township shall have in respect of such "Township," and the words, "of every such Village,"	And the Townreeve and Deputy Townreeve, where from the number of freeholders and householders on the Collectors' Roll, such Village Municipality shall be entitled to elect such Deputy Townreeve.
9.	Townreeve.	Section 59.—Between the words, "as the," and the words "or other Officers,"	Townreeve, Deputy Townreeve.
10.	Townreeve.	Section 59.—Between the words, "and the," and the words, "of each"	Townreeve and Deputy Townreeve.
11.	For any such Town.	Section 75.—After the words, "Justices of the Peace,"	For any such Town; provided always, nevertheless, that no such appointment shall be held to limit, determine or otherwise interfere with the jurisdiction, powers, duties or liabilities of the Justices of the Peace for the County within which such Town shall be situate in respect of such Town, or in, over or with respect to offences committed within the same.
12.	One Alderman.	Section 83.—Between the words "of such Ward," and the words, "and two "Councillors."	Two Aldermen.
13.	From the time of the erection of any Town into a City.	Section 87.—Between the word, "that," and the words, "any and every "Commission of the "Peace,"	the Aldermen of each City which shall be or remain incorporated as such under the authority of this Act, shall by virtue of their respective offices be Justices of the Peace in and for such City and the Liberties thereof, and that from the time of the erection of any Town into a City,
14.	By the Corporation of such City.	Section 88.—After the words, "who shall be appointed annually,"	by the Corporation of such City, who may by By-law if they shall deem it expedient so to do, provide that the offices of High Bailiff and Chief Constable may be united in and held by the same person.
15.	Officer and Police Magistrate as provided with respect to incorporated Towns as aforesaid and which shall have the like duties and powers in all respects in such City and the liberties thereof as is herein provided with respect to the Police Officers.	Section 93.—Between the words, "besides a police," and the words "Magistrates "for incorporated Towns."	Officer and Police Magistrate as provided with respect to incorporated Towns as aforesaid, and which Police Magistrate shall have the like duties and powers in all respects in such City and the liberties thereof as is herein provided with respect to the Police

No.	Words, Phrases, and Sentences, of 12 Vict., chap. 81, repealed by this Act.	Sections, Sub-Sections and Provisos, of 12 Vict., chap. 81, and the parts thereof, respectively, in which the repealed Words, Phrases, and Sentences, are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
16.	The City Courts and.	Section 93.—Between the words, "at any other than," and the words, "the Courts of Assize and "Nisi Prius,"	The City Courts or on trials at the Bar of either of Her Majesty's Superior Courts of Common Law at Toronto or at
17.	Shall be vested in, and and belong to such Police Magistrate.	Section 117.—After the words, "by the Municipal Corporations thereof,"	shall be vested in and belong to such Police Magistrate, and whenever there shall be no Police Magistrate for any such Town or City, such power under such By-laws as aforesaid, shall be vested in and belong to the Mayor of such Town or City.
18.	Shall have full power and authority, upon complaint made to them, or any one of them upon oath, of any riotous or disorderly conduct, in the house of any Inn or Tavern Keeper, in any such Town or City, to enquire summarily into the matter of such complaint, and for the Mayor or Police Magistrate of such Town or City to summon such Inn or Tavern Keeper to appear, to answer such complaint, and thereupon, it shall be lawful for the Mayor or Police Magistrate, with any two Aldermen or Justices of the Peace, to investigate the same, and to dismiss the same with costs, to be paid by the complainant, or to convict the said Inn or Tavern Keeper, of having a riotous and disorderly house, and to abrogate the license, or to suspend the benefit of the same, for any period not exceeding sixty days.	Section 118.—Between the words "under the authority of this Act," and the words, "and during the period of such suspension,"	and the Townreeve of any Township or Village incorporated or to be incorporated under the same, with any two Justices of the Peace for the County or Union of Counties within which such Township or Village shall be situate, shall have full power and authority upon complaint made to them or any one of them upon oath of any riotous or disorderly conduct in any Inn, Tavern, Ale or Beer House, situate within such Town or City or the Liberties thereof, or within such Township or Village respectively, to enquire summarily into the matter of such complaint, and for such Mayor, Police Magistrate or Town-reeve to summon the keeper of such Inn, Tavern, Ale or Beer House to appear to answer such complaint, and thereupon it shall be lawful for such Mayor, or Police Magistrate with any two of such Aldermen or Justices of the Peace, or for such Town-reeve with any two of such Justices of the Peace, to investigate the same, and to dismiss the same with costs to be paid by the complainant, or to convict the said keeper of such Inn, Tavern, Ale or Beer House of having a riotous or disorderly house, and to abrogate the license for keeping the same or to suspend the benefit of the same for any period not exceeding sixty days.
19.	Of the said office.—So help me God.	Section 127.—After the words, "or other undue execution,"	of the said office, So help me God," and in default thereof shall forfeit the sum of Ten Pounds to the use of Her Majesty, Her Heirs and Successors, together with such costs of prosecution as shall be adjudged by the Court.
20.	Instances of any relator having an interest as a candidate or voter in any election to be held under the authority of this Act, a writ of summons in the nature of a <i>quo warranto</i> , shall lie to try the validity of such election, which writ shall issue out of Her Majesty's Court of Queen's Bench for Upper Canada, upon an order of that Court in term time, or upon the fiat of a Judge thereof in vacation, upon such Relator shewing upon	Section 146.—After the words, "that at the," at the commencement of the Section	instance of any Relator having an interest as a municipal voter in or for any Township or Village or in or for any ward of any Township, Town or City, for which any election shall be held under the authority of this Act or having such interest as a candidate at such election, a writ of summons in the nature of a <i>quo warranto</i> shall lie to try the validity of such election, and also where it shall be alleged by such Relator that himself or some other person was duly elected and ought to have been returned at such election, then to try as well the validity of the election complained against as the validity of the alleged election of such Relator or other person, both which objects shall be embraced in the same writ, which writ shall issue out of either of Her Majesty's Superior Courts of Common Law at Toronto, upon an order of such Court in Term time or upon the fiat of a Judge thereof in Vacation, upon such Relator

No.	<i>Sections, Sub-Sections and Provisos, of 12 Vict., chap. 81, and the parts thereof, respectively, in which the repealed Words, Phrases, and Sentences, are contained.</i>	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
20.	<p>affidavit to such Court or Judge, reasonable grounds for supposing that such election was not conducted according to law, or that the party elected or returned thereat, was not duly or legally elected or returned, and upon such relator entering into a recognizance before the said Court or any Judge thereof, or before any Commissioner, for taking bail in such Court, himself in the sum of fifty pounds, and two sureties to be allowed as sufficient upon affidavit, by such Court or Judge, in the sums of twenty-five pounds each, conditioned to prosecute with effect the writ to be issued upon such order or fiat, and to pay to the party against whom the same shall be brought, his executors or administrators, all such costs as shall be adjudged to such party against him the said relator, thereupon such writ shall be issued accordingly: and the said writ shall be returnable upon the eighth day after that on which it shall be served on such party by the delivery of a copy thereof to him personally, or in the manner hereinafter provided for, before some one of the Judges of the said Court at Chambers, which Judge shall have power, upon proof by affidavit of such personal or other service, and he is hereby required to proceed in a summary manner upon statement and answer, and without formal pleadings, to hear and determine the validity of such election, and to award costs against the relator or defendant upon such writ, as he shall deem just.</p>	<p>showing upon affidavit to such Court or Judge, reasonable grounds for supposing that such election was not conducted according to law, or that the party elected or returned thereat, was not duly or legally elected or returned, and upon such Relator entering into a recognizance before the said Court or any Judge thereof, or before any Commissioner for taking bail in such Court, himself in the sum of fifty pounds, and two sureties to be allowed as sufficient, upon affidavit, by such Court or Judge, in the sum of twenty-five pounds each, conditioned to prosecute with effect the writ to be issued upon such order or fiat, or to pay to the party against whom the same shall be brought his Executors or Administrators, all such costs as shall be adjudged to such party, against him the said Relator, thereupon such Writ shall be issued accordingly, and the said writ shall be returnable upon the eighth day after that on which it shall be served on such party by the delivery of a copy thereof to him personally or in the manner hereinafter provided for, before some one of the Judges of either of the said Courts, at Chambers, which Judge shall have power—upon proof by affidavit of such personal or other service—and he is hereby required to proceed in a summary manner upon statement and answer, and without formal pleadings, to hear and determine the validity of the election complained against, and where the sufficiency or legality of such other election shall have been so alleged as aforesaid then the validity of such last mentioned election, and in case of such first mentioned election being adjudged invalid, and such last mentioned election being adjudged valid, then by a writ adapted to that purpose, to cause the person returned upon such invalid election to be removed, and the person lawfully elected and who ought to have been returned, to be admitted in his place, and in case of neither of such alleged elections being adjudged valid, then by a like writ, to cause the person returned upon such invalid election to be removed, and a new election to be held to supply the vacancy thus created, in all which cases it shall and may be lawful for such Judge, if the facts in evidence before him render it proper so to do, to make the Returning Officer at such election a party to such proceedings by a writ of summons to be served upon him for that purpose in the same manner as the writ of summons hereinbefore mentioned. And it shall and may be lawful for such Judge, and he is hereby required in disposing of every such case, to award costs for or against the Relator or Defendant upon such writ or for or against the Returning Officer, when he shall be so made a party to such proceedings as aforesaid, as to such Judge shall seem just: Provided always, nevertheless; firstly—That whatever the grounds of objection against any such election shall apply equally to all or any number of the members of any such Municipal Corporation, it shall and may be lawful for the Relator to proceed by one writ of summons against all such members; and in case of the elections of all the members of any such Municipal Corporation being adjudged invalid, the writ for the removal of the members so adjudged to have been illegally elected and returned, and the admission of those so adjudged to have been legally elected, shall be directed to the Sheriff of the County or Union of Counties within the limits of which the locality in or over which such Municipal Corporation shall be established, shall be situate, who, for the purpose of causing an election to be held under the authority of this Act, shall have all the powers and authority hereby conferred upon Municipal Corporations for supplying such vacancies as are occasioned by death; And provided also, secondly—That all such original writs of summons shall be sued out within one month after the election complained</p>

No.	Words, Phrases and Sentences of 12 Vic., cap. 81, Repealed by this Act.	Sections, Sub-Sections and Provisos of 12 Vic. cap. 81, and the parts thereof respectively in which the Repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
20.			<p>against, or within one month after the person whose election is questioned, shall have accepted the office and not afterwards; And provided, Thirdly—That no costs shall be awarded against any person against whom any such writ of summons in the nature of a <i>quo warranto</i> shall be brought, who shall, within one week after having been served with such writ, transmit, postpaid, through the Post Office, directed to the Clerk of Judges Chambers at Osgoode Hall, Toronto, a disclaimer of the office in the terms, or to the effect following, that is to say:</p> <p>“I, A. B., upon whom a writ of summons, in the nature of a <i>quo warranto</i>, has been served for the purpose of contesting my right to the office of Township Councillor (or as the case may be) for the Township of _____ in the County of _____ (or as the case may be), do hereby disclaim the said office, and decline all defence of any right I may have to the same.”</p> <p>And provided also, Fourthly—That it shall be the duty of every such person to deliver a duplicate of such Disclaimer to the Clerk of the Municipal Corporation, the seat in which shall be contested, who shall forthwith communicate the same to the other members of such Municipal Corporation; And provided also, Fifthly—That in any such case it shall be lawful for the Judge before whom such writ of summons is returnable to afford reasonable time and opportunity for the said Municipal Corporation, or to any person entitled as a Municipal voter of such Corporation, to intervene and defend the said election and return, in every which case such intervening party shall be liable and entitled to costs as any other party to such proceeding.</p>
21.	Her Majesty's said Court of Queen's Bench for Upper Canada, by any rule or rules to be by such Court made for that purpose, in Term time, to settle the forms of such writs of summons, <i>Certiorari</i> , <i>Mandamus</i> and Execution as aforesaid.	Section 153.—Between the words, “it shall and “may be lawful for,” and the words, “and to regulate”	The Judges of Her Majesty's two Superior Courts of Common Law at Toronto, or the majority of them, by any rule or rules to be by them for that purpose made from time to time in Term time, as occasion may require, to settle the forms of all such Writs, whether of <i>Summons</i> , <i>Certiorari</i> , <i>Mandamus</i> , Execution, or of or for whatever other kind or purpose, as aforesaid,
22.	Of the Court in matters within its ordinary jurisdiction.	Section 153.—After the words, “for the regulation “of the practice.”	Of the Courts in matters within their ordinary jurisdiction.
23.	And the Court of Queen's Bench for Upper Canada.	Section 155.—Between the words, “of which he “is the Officer,” and the words, “may be moved.”	And either of Her Majesty's Superior Courts of Common Law at Toronto,
24.	Of such Municipal Corporation, for the preceding year.	Section 162.—Between the words, “then the “Head,” and the words, “shall forthwith, by warrant,”	Of such Municipal Corporation for the preceding year, or in case of his absence or the vacancy of such office, then the Clerk of such Municipal Corporation; and in case of the like vacancy of such last mentioned office, any one of the members of such Municipal Corporation for the preceding year.
25.	By death or otherwise.	Section 163.—Between the words, “in any of such “Municipal Corporations,” and the words, “shall be “filled.”	By death, a judicial decision against the legality of any election, or otherwise however.

No.	Words, Phrases, and Sentences, of 12 Vict., chap. 81, repealed by this Act.	Sections, Sub-Sections and Provisos, of 12 Vict., cap. 81, and the parts thereof respectively, in which the repealed Words, Phrases, and Sentences, are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
26.	Of the head of such Municipal Corporation.	Section 163.—Between the words, "under the "hand and Seal," and the words, "provided always."	Of the head of such Municipal Corporation, or in case of his absence or the vacancy of such office, then under the hand and seal of the Clerk of such Municipal Corporation; and in case of the like vacancy of such last mentioned office, then under the hand and seal of any one of the Members of such Municipal Corporation.
27.	So appointed, shall hold his seat in such Corporation, by virtue of such appointment.	Section 163.—Between the words, "that the portion," and the words, "for "the residue"	So elected shall hold his seat in such Corporation by virtue of such election,
28.	Of Candidates, shall not have been elected, or if there shall not be in the Poll Book, the names of a sufficient number of candidates to supply any deficiency arising from refusal of office, or neglect or refusal to be sworn in, then.	Section 165.—Between the words, "a requisite "number," and the words, "and in every such case,"	Of candidates shall not have been elected, then,
29.	All such duties as may be assigned to him by any such Law or By-law.	Section 172.—After the words, "faithfully to perform"	All such duties as may be assigned to him by any such Law or By-Law: Provided always, nevertheless, Firstly, That it shall moreover be the duty of every Township, Village and Town Treasurer, to receive from the Collector or Collectors of such Township, Village or Town, all monies collected by such Collector or Collectors for or on account of the County Rates, and to pay the same over to the County Treasurer within such time as may be prescribed by any By-Law of the Municipal Council of such County to be passed for that purpose: And provided also, Secondly, That the Municipal Corporation of such Township, Village, or Town, shall be responsible to the Municipal Council of such County, for all such County Rates as shall or may be so paid to such Township, Village or Town Treasurer, who shall, together with his sureties, be responsible to such Municipal Corporation for the same, as for monies received by him on account of Township, Village or Town Rates respectively: And provided also, Thirdly, That every such Township, Village or Town Treasurer shall keep an account in his books with the County Treasurer, and shall give receipts for all revenues received by him, on account of the County, and receive from the Treasurer of such County receipts for all such revenues as he shall pay over to him on account of such County Rates; And provided also, Fourthly, That nothing herein contained shall in any way exonerate any such Collector from his liability or limit his liability to the Municipal Council of such County for any of the County Rates, whenever they shall choose to proceed against him for the recovery thereof; And provided also, Fifthly, That for all County Rates so received and paid over to the County Treasurer, the Township, Village or Town Treasurer shall be entitled to receive and take to his own use a per centage of per cent. upon all such County Rates so received and paid over as aforesaid, and no more.
30.	Nor on the limits of any Village, Town or City therein.	Section 187.—After the words, "original allowance "for roads in any Township or County,"	Nor on the limits of any Village or Town, or City therein, or on the borders thereof; Provided always nevertheless, Firstly, That it shall and may be lawful for the Municipality of any Township within which any Police Village or any other Village or Hamlet consisting of not less than dwelling houses, standing within an area of not more than acres, shall be situate, upon the petition of the Trustees of

No.	Words, Phrases and Sentences of 12 Vic., cap. 81, Repealed by this Act.	Sections, Sub-Sections and Provisos of 12 Vic. cap. 81, and the parts thereof respectively in which the Repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
30.			<p>such Village in the case of a Police Village, and in other cases upon the petition of _____ of the inhabitant Householdors of such Village or Hamlet, accompanied by a certificate from the Register of the County within which such Township shall lie, that a plan of such Village or Hamlet had been duly deposited in his office according to the then existing requirements of the Registry Laws in force in Upper Canada in that behalf, by any By-law to be passed by such Municipality for that purpose, to stop up, sell and convey or otherwise deal with any original allowance for Road that may lie within the limits of such Village or Hamlet as the same shall be laid down on such plan, in the same manner as the Municipality of any Incorporated Village is empowered to stop up, sell, convey, or otherwise deal with any such original allowance for road within the limits of such Incorporated Village, but subject always nevertheless to all and singular the directions, limitations and restrictions, and other the provisions in the one hundred and eighty-eighth section contained respecting the same: Provided also, Secondly, That a Village or Hamlet situate partly within one Township, and partly within another, whether such Townships shall be within the same or different Counties, shall be a Village or Hamlet within the meaning of this section, and that in every such case the Municipality of each of such Townships shall have the powers hereby conferred as far as respects any original allowance for Road, lying within that part of such Village or Hamlet, which according to such plan so deposited in the Registry Office or Registry Offices of such County or Counties shall be situate within the respective limits of such Townships.</p>
31.	Or be elected at the annual elections of Parish and Township Officers for	Section 208.—Between the words, "heretofore" "had the right to vote," and the words, "the several Townships,"	or be elected, respectively, at the annual Township Elections for District Councillors in
32.	Provided also, that where the system of the registration of votes exists at the passing of this Act, in any City or Town, the same shall continue under the Act or Acts providing such registration, until altered by any Act as aforesaid; and provided also, that whether any such new Act for regulating assessments in Upper Canada, shall or shall not be passed, prior to this Act coming into force, the persons hereinbefore described, as entitled to elect and be elected under this Act, (until such new Assessment Law shall have passed as aforesaid,) shall be those entitled to elect and be elected respectively.	Sections 208.—Between the words, "for the year" "previous to such election," and the words, "at the first elections to be" "held under this Act.	Provided always, nevertheless, Firstly, That the value of the property by the provisions of this Section, required as the qualification of a Township Councillor, shall be one hundred, instead of three hundred pounds, as heretofore required for District Councillors; and provided also, Secondly, That in the case of all Township Councillors, it shall be a sufficient qualification, if in lieu of such one hundred pounds of real property, they shall be seized or possessed of real and personal property, which shall, together, amount to two hundred pounds; and provided also, Thirdly, That in the case of all such Towns and Villages as are lastly above mentioned, every person to be elected a Councillor for any such Town or Village, shall be seized and possessed to his own use in fee, of lands and tenements within the County or Union of Counties in which such Town or Village, shall be situate, or within some one or other of the Counties or Unions of Counties, next adjoining such first mentioned County or Union of Counties, of the real value of one hundred pounds currency, over and above all charges and incumbrances due and payable upon or out of the same; and provided also, Fourthly, That in the Cities and Towns in which, at the passing of this Act, a provision exists for the registering of votes, the same shall continue and be in force until repealed, altered, or amended by a By-law of the Corporation of such City or Town; And provided also, Fifthly, That whether any such new Act for regulating Assessments in Upper Canada, shall or shall not be passed prior to this Act coming into force, the persons hereinbefore in this section described as entitled to elect and be elected under this Act, until such new Assessment Law shall have been passed as aforesaid, shall be those entitled to elect and be elected respectively.

SCHEDULE B.

Towns.

1. *Belleville*.—To consist of all that part of this Province situate within the County of Hastings, and lying within the following limits, that is to say :—

Commencing at the limits between Lots numbers six and seven in the first concession of the Township of Thurlow, at low water mark of the Bay of Quinté ; thence northerly along the side line between lots numbers six and seven to the second concession road ; thence westerly along the said second Concession line to the westerly boundary of Lot number one in the first Concession of Thurlow ; thence southerly on the Town line between the Townships of Thurlow and Sidney, to the Bay of Quinté ; thence easterly along the shore of the said Bay to the place of beginning ; together with the harbour, islands and marshes in front of the said Town.

The said Town to be divided into four Wards, to be called respectively, " Sampson Ward," " Ketcheson Ward," " Baldwin Ward," and " Coleman Ward," and to comprise the following portions of the said Town respectively, that is to say :—

The said " Sampson Ward " to comprise all that part of the said Town which lies to the south of Bridge-street, to the limits between Lots numbers six and seven in the first Concession of the said Township of Thurlow, on the east side of the River Moira.

The said " Ketcheson Ward " to comprise all that part of the said Town which lies north of Bridge-street and west of Pinnacle-street, on the east side of the said River Moira.

The said " Baldwin Ward " to comprise all that part of the said Town which lies north of Bridge-street and on the east side of Pinnacle-street, to the said River Moira, and thence along the said River to the limits of the said Town.

And the said " Coleman Ward " to comprise all that part of the said Town which lies on the west side of the said River Moira.

SCHEDULE.

12. *Picton*.—To consist of all that part of this Province situate within the County of Prince Edward, and lying within the following limits, that is to say :—

Commencing on the south side line of lot letter A. at a distance of fifty chains from the front of the lot ; thence across the said lot, and across lot number one, north sixty-four degrees forty-five minutes east, to a post planted on the limit between lots numbers one and two in the first Concession, north of the Carrying-Place ; thence at a right angle across lots numbers two, three and four in the said Concession ; thence along the north-east side of Lot number four to the Bay ; thence directly across the Bay to the line between Lots numbers seventeen and eighteen in the first Concession east of the Carrying-Place ; thence along the water's edge to the limit between lots numbers nineteen and twenty in the said Concession ; thence along the limit between the

said lots in a south-easterly direction, twelve chains; thence at right angles across the easterly half of lot number twenty; thence in a south-easterly direction along the centre of the said lot number twenty, nine chains more or less, to the east side of John-street; thence along the east side of John-street, thirty chains; thence north eighty degrees twenty minutes west, fourteen chains, forty links more or less, to the east side of Church-street; thence south twelve degrees forty-five minutes east, one chain, sixty-five links; thence south, forty-nine degrees fifteen minutes west, fifteen chains, fifty links; thence south thirty-two degrees west, to the north-eastern limit of lot number one in the Concession south-east of the Carrying-Place; thence north, eighty degrees twenty minutes west along the north-east side line of the said lot number one to the front of the lot; thence north eighty-seven degrees forty-five minutes west, sixty chains more or less to a post on the limit between lots numbers twenty-one and twenty-two in the third Concession, military tract; thence along the westerly side line of the said lot number twenty-two, twenty-four chains seventy-four links more or less, to lot letter A. aforesaid; thence in a direct line to the place of beginning,—including the Harbour in the abovementioned boundaries.

SCHEDULE D.

Towns with Municipalities only, or without any Municipal organization:—

FIRST DIVISION.

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|------------------|---------------|
| 1. Amherstburgh, | 4. Perth, |
| 2. Chatham, | 5. Simcoe, |
| 3. Guelph, | 6. Woodstock. |

SECOND DIVISION.

- | | |
|---------------|---------------|
| 1. Barrie, | 3. Queenston. |
| 2. L'Orignal, | 4. Sandwich. |