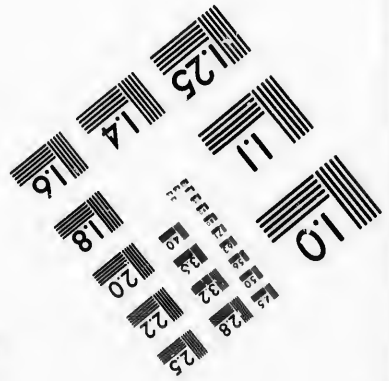
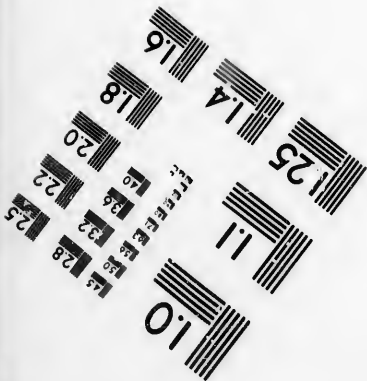
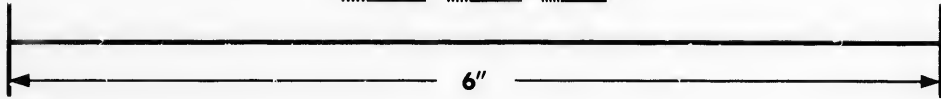
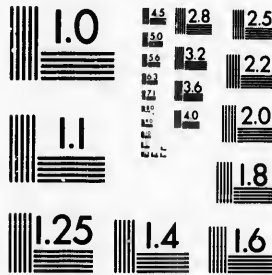


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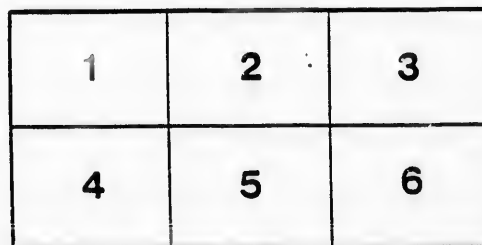
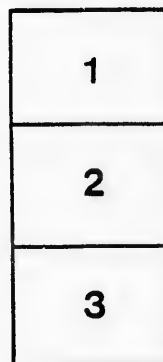
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CONSOLIDATED
Standing By-Laws

—OF THE—

MUNICIPALITY

—OF THE—

TOWNSHIP OF BRANTFORD

*For the Instruction and Guidance of Magistrates
and Municipal Officers.*

PASSED 1864, 1869, 1880, AND 1884.



BRANTFORD :

PRINTED AT THE DAILY COURIER OFFICE, DALHOUSIE STREET.

1886.

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BY-LAWS.

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BY-LAW No. 71.

For restraining the running or being at large of Geese, Turkeys, Common Fowls, and all kinds of Poultry, and for rendering liable the owners thereof for any damage done to others by reason of their being allowed and permitted to run and be at large.

Whereas it is absolutely necessary, for the protection of property against damage and injury, that such a By-Law should be passed:—Be it therefore enacted by the Municipal Corporation of the Township of Brantford, now in Council assembled, and it is hereby enacted by authority of the same, as follows, that is to say:—

1st—That from and after the passing of this By-Law, it shall not be lawful, within the said Municipality, for the owners of any geese, turkeys, common fowls, or any kind of poultry, to allow or permit the same to run or to be at large, and the same are hereby restrained and prohibited from so running or being at large.

2nd—That all geese, turkeys, common fowls and poultry of every description, which shall be allowed or permitted to run or be at large, contrary to this By-Law, and shall do or cause to be done any damage or injury of any kind to the property or possessions of any person or persons, the owner or owners thereof shall be liable to the extent of such damage or injury as may be proved to have been done, not exceeding twenty dollars; and the same may be recovered and enforced, with costs, by summary conviction, under the Summary Convictions Act, before any Justice of the Peace of the County of Brant, and in default of payment or a sufficient distress the owner or owners may be committed to the common gaol of the said County, there to be imprisoned for any time in the discretion of the convicting and committing Justice, not exceeding fourteen days, unless the damage and costs, including the costs of committal, be sooner paid.

PASSED in Council this 22nd day of February, A. D. 1864,

WM. TURNBULL, Reeve. [L.S.]

JNO. CAMERON, Township Clerk.

-4-

BY-LAW No. 120.

To repeal all By-Laws heretofore passed relating to Pounds and Pound Keepers within the Township of Brantford, and to make other provisions in that behalf.

The Municipal Corporation of the said Township of Brantford, in Council assembled, enacts as follows, that is to say:—

1st—That all By-Laws heretofore passed relating to Pounds and Pound Keepers within the said Township shall be, and the same are hereby repealed.

2nd—That every Pound Keeper shall provide sufficient yards or enclosures for the safe keeping of all such animals as may be distrained and brought to him for unlawfully running at large, or for trespassing or doing damage within the said Township, and it shall be the duty of all persons distraining any such animals to impound the same in one of the nearest pounds to where such distress is made.

3rd—That every pound keeper shall daily, at proper times furnish all animals impounded with good and sufficient food, water and shelter during the period that any such animals may be impounded, and in default thereof shall, for every day he refuses or neglects to do so, forfeit and pay a fine or penalty of not less than one dollar, nor more than four dollars, to be recovered as hereinafter provided.

4th—That every person distraining or impounding any animal or animals, shall at the time or within 24 hours thereafter, deliver to the Pound keeper a statement in writing, setting forth the nature and extent of his demand against the owner for damages, if any, not exceeding \$20, alleged to have been done by such animal or animals. And if the Pound keeper is not so furnished with such statement within the time aforesaid he shall release such animal or animals on the payment of his lawful fees or charges, and every person impounding any animal or animals, shall also at the time of such impounding deliver to the Pound keeper his written agreement with a sufficient surety, if required by such Pound keeper, in the form following or in words to the same effect, viz:—

“I (or we, as the case may be) do hereby agree that I (or we) will pay to the owner of the (here describe the animal or animals) by me, A. B., this day impounded all costs to which the said owner may be put to, in case the distress by me, the said A. B., proves to be illegal, or in case the claim for damages now put in by me, the said A. B., fails to be established in whole or in part.”

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5th—That if the owner of the animal or animals so impounded shall within twenty four hours next after the delivery of the statement required by the next preceding section, dispute the amount of damages so claimed or the lawfulness of the fence within which the damage was done, the Pound-keeper shall forthwith call in three of the nearest Fence-viewers to determine the matter in dispute, and they or any two of them shall, within 24 hours after being so called on, deliver to such pound-keeper a statement in writing containing their award in the matter so referred to them. And for each of their services, if less than half a day engaged, shall receive and be paid the sum of 50 cents, and if more than half a day engaged the sum of \$1; and any such Fence-viewer refusing or neglecting to attend or perform his duties when so called on, shall incur and be liable to a fine or penalty of \$2, to be recovered as hereinafter provided.

6th—That in all cases where the damages so claimed shall exceed the sum of \$5, and no objection is made thereto by reason of the owner being unknown, and not aware of such impounding, it shall be the duty of the Pound-keeper to cause such damages to be ascertained in the same manner as provided in the next preceding section; but in all cases where the owner is known it shall be the duty of the Pound-keeper to notify him forthwith of the impounding, after which the proceedings provided for by this section shall be necessary unless such owner disputes the amount of damages or the lawfulness of the fence, in the manner provided for in the next preceding section of this By-Law.

7th—That upon payment of all damages claimed or awarded, as the case may be, and of all fees and charges due to such Pound-keeper and Fence-viewers it shall be the duty of the Pound-keeper to deliver to the owner or owners the animal or animals impounded; but in the event of the Fence-viewers finding the fence to be an unlawful one, and that the animal or animals were lawfully running at large, then he shall deliver the same to the owner or owners, on payment of the lawful fees and charges only, at the same time delivering to such owner or owners the agreement taken in pursuance of the 4th section hereof, together with a certified copy of the award of the Fence-viewers, and thereupon such owner or owners shall be entitled to recover from the person or persons impounding such animal or animals the amount of fees and charges so paid as aforesaid in the manner hereinafter provided.

8th—That if at the expiration of 15 days after the impounding of any animal or animals the same shall not have been redeemed

or replevied, written or printed notices for a public sale thereof shall be given and put up by the Pound-keeper in at least three of the most public places in the neighborhood of the pound in which the same are impounded; and in all cases when the owner or owners are unknown, and the value of the animal or animals to be sold shall in the judgement of the pound-keeper exceed in value the sum of \$⁵⁰, such notice of sale shall also be published for at least two weeks before such sale in a newspaper published at the Town of Brantford, such notice to specify the time and place of sale, if such animal or animals are not sooner redeemed or replevied as hereinbefore provided:—Provided always, that no such sale shall take place until after the expiration of 15 days from the time of putting up, or putting up and publication as the case may be, of such notice of sale.

9th—That at the time and place appointed for such sale, the Pound-keeper shall publicly sell such animal or animals (unless redeemed or replevied as aforesaid,) to the highest bidder; and after deducting from the amount realized therefor all damages, fees and charges against the same, shall pay the surplus, if any, to the owner or owners, or if not claimed at the time of sale, forthwith pay such surplus to the Treasurer of the said Township, to be by him held for the uses thereof unless claimed by the owner or owners of the animal or animals sold, within three months from the time of such sale.

10—That in the event of the amount realized at such sale being insufficient to pay all damages, fees and charges, the Pound-keeper may recover such deficiency from the owner or owners of the animal or animals so sold, (if known) in the manner hereinafter provided, and upon such recovery shall apply the amount so recovered in the manner and for the purposes hereinbefore indicated and provided.

11th—That if any person or persons shall be guilty of any Pound breach by the removal, without lawful authority, from any Pound of any animal or animals therein impounded, or shall in any other manner interfere with or obstruct any Pound-keeper in the discharge of his duties hereby imposed on him, such person or persons so offending shall be liable to a fine or penalty of not less than \$1, nor more than \$50, to be recovered on the complaint of such Pound-keeper in the manner hereinafter provided; and it shall be lawful for such Pound-keeper, and he is hereby authorized and required to retake, repossess and impound in furtherance of this By-Law, all such animal or animals as may by any such Pound breach be so unlawfully removed and taken therefrom. And all the provisions

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therein contained shall apply and extend to any person or persons who shall be guilty of rescuing from any person or persons any animal or animals on their way to any Pound, or who shall in any manner obstruct or interfere with any such person or persons while engaged in the taking and conveying of any such animals thereto, and such person or persons shall have the same remedy against any such offender or offenders as is herein provided in the case of Pound keepers.

12—That in case any animal or animals unlawfully at large is or are distrained by any resident of the said Township for straying within his or her premises, such person, instead of delivering the same to a Pound-keeper may retain the same in his or her possession, provided no claim for damages done by such animal or animals be made, and such person duly gives the notices hereinafter required, that is to say, if the owner is known notice shall be forthwith given in writing to such owner of having taken up such animal or animals, and if the owner is not known, then within 48 hours from the taking up of the same, such person shall post up or affix in at least three public places in the neighborhood written notices announcing such taking up and retention and containing a description of the color, age, and natural and artificial marks of such animal or animals as near as may be, and such person shall during such retention provide such animal or animals with sufficient food, water and shelter, for which he shall receive the same remuneration as allowed to Pound-keepers; and in case of any neglect so to do, shall be liable to the same penalty as Pound-keepers under this By Law similarly neglecting.

13—That if at the expiration of six days the said animal or animals so retained shall not be claimed and the charges thereon paid, the person so retaining the same shall deliver the same, together with an account in writing of his charges thereon, to one of the nearest Pound keepers, who shall deal with the same, and in the event of a sale thereof, with the proceeds arising therefrom in the same manner as hereinbefore provided with regard to animals impounding for unlawfully running at large, or for trespassing and doing damage within the said Township, and as if the same had been originally impounded instead of being retained as aforesaid.

14—That the following fees shall be charged and received by Pound-keepers, that is to say :—

For every horse, mare or gelding, 50 cents for impounding the first time, and $12\frac{1}{2}$ cents per head for all over one, and $12\frac{1}{2}$

cents for every 12 hours after the first 12 hours for every such horse, mare or gelding.

For every bull, ox, steer, cow or heifer, the sum of 50 cents for impounding the first time, and 10 cents per head for all over one, and 10 cents per head for every 12 hours after the first 12 hours.

For every hog the sum of 25 cents per head and 7 cents per head for all over one, and 7 cents per head for every 12 hours after the first 12 hours.

For every sheep the sum of 25 cents, and 5 cents per head for all over the first, and $3\frac{1}{2}$ cents per head for every 12 hours after the first 12 hours.

For calling out Fence viewers the sum of 50 cents, for putting up notices of sale 50 cents, publishing such notices when required, the cost he may have to pay for such publication and for attending and carrying out sale, \$1 In addition to such fees, Pound-keepers shall be entitled to a poundage of 4 per cent on all sales affected by them.

15—That all Pound-keepers shall keep a full and regular account of all stock or animals impounded, and of all monies, fees and penalties by them received in the course of their duties, and shall report the same to the Township Clerk at the end of each year, and shall deliver over the same accounts or books in which the same are entered, and all instructions and By-Laws in their possession to their successors in office; and each and every Pound keeper failing to discharge the duties imposed by this or any other section to which no penalty has as yet been attached shall forfeit and pay a fine or penalty of not less than \$1 nor more than \$50, to be recovered as hereinafter provided.

16—That every fine or penalty imposed by, or sum of money authorized to be recovered under this By-Law, may be recovered and enforced by summary proceedings under the Summary Convictions Act now in force or that hereafter may be in force, before any Justice of the Peace having jurisdiction within the said Township; and in default of payment the offender or person who shall be guilty of such default may be committed to the common gaol of the County of Brant, there to be imprisoned for any time in the discretion of the convicting and committing Justice, not exceeding fourteen days, unless such fine, penalty or sum of money and costs, including the costs of committal, are sooner paid, and upon the hearing of any information or complaint for or on account of any infraction of, or non-payment of any sum of money authorized to be recovered under this By-Law,

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PASSED in Council the 31st day of May, 1869.

WM. TURNBULL, Reeve. [L.S]

JNO. CAMERON, Township Clerk.

BY-LAW No. 246,

To repeal all By-Laws heretofore passed relating to the restraining or regulating the running at large of horses and other animals within the Township of Brantford, and to substitute and make other provisions in that behalf.

The Corporation of the Township of Brantford, in Council assembled, enacts as follows, that is to say:—

1st—That all By-Laws heretofore passed as aforesaid, shall be and the same are hereby repealed, and the following provisions are hereby enacted and substituted instead thereof:

2nd—That it shall not be lawful for the owners of any horses, bulls, cattle, sheep, boars, pigs or swine of any age or description to allow or permit the same to run at large.

3rd—That all persons having the charge, care or control, whether as owners or otherwise, of any animal hereby prohibited from running at large, who shall permit or suffer the same to run at large, shall be liable to a fine or penalty for every such offence of not exceeding the sum of \$5, and the imposition of any such fine or penalty, shall not relieve such animals themselves from the operation of any By-Law of the said Township relating to Pounds and Pound-keepers for or on account of any trespass or damage committed or done by them by reason of their being so permitted and suffered to run at large.

4th—That all fines or penalties imposed under the authority of this By-Law may be recovered and enforced, in case of non-payment, by summary proceedings, under the Summary Convictions Act before any Justice of the Peace having competent jurisdiction within the said Township, and in the event of their being no sufficient distress, the offender may be committed to the common gaol

of the County of Brant, there to be imprisoned for any time in the discretion of the said Justice, not exceeding 21 days, unless such fine or penalty and costs, including costs of committal, are sooner paid.

5th—That upon the hearing of any information or complaint for any violation or infraction of this By-Law, any person including the person making or giving such information or complaint, shall be a competent witness, whether entitled to any part of the fine or penalty involved in the adjudication or not,

PASSED in Council the sixth day of December, A. D., 1880.

JOHN STRICKLAND, Reeve, [L. S.]

R. M. WILLSON, Township Clerk.

BY-LAW No. 274.

To provide for the protection and regulation of Highways within the Township of Brantford.

The Corporation of the Township of Brantford enacts as follows that is to say:—

1st—That on each or either side of a highway passing through a wood, the trees unless they form part of an orchard or a shrubbery, or have been planted or reserved expressly for ornament or shelter, shall for a space not exceeding twenty-five feet on each side of the highway be cut down and removed by the proprietor within six months after he shall have received notice from the Overseer having jurisdiction over such highway, requiring him so to do; but no such notice shall be given unless expressly authorized by special resolution or By-Law of the Municipal Council of the said Township, and in case of the neglect or default of the said proprietor so to do, it shall be the duty of the Overseer of Highways or other officers in whose division the land lies, and he is hereby authorized and required after the expiration of the said six months to cut down and remove such trees, in which last mentioned case the wood and timber thereof may be used by such overseer or other officer for any purpose connected with the improvement of the highways and bridges in his division, or the same may be sold by him to defray the expenses of carrying this By Law into effect.

2nd—That any person neglecting, after notice, forthwith to remove an obstruction in any highway, arising from a tree having fallen or been cut down from the land in his occupation, shall be

liable to such fine or penalty as may hereinafter be authorized to be imposed for every day during which such obstruction shall remain.

3rd—That any person who shall wilfully stop up or obstruct any highway, or destroy any railing, guard, or finger or mile post, shall be liable to such fine or penalty as may hereinafter be authorized to be imposed.

4th—That after ten days notice, any person who shall maintain or keep any obstruction in or upon any highway, or who shall deposit or keep any nuisance in or upon the same, or who shall in any way obstruct or injure the full and entire use and enjoyment of any highway, he shall for each such offence be liable to such fine or penalty as may hereinafter be authorized to be imposed.

5th—That from and after the passing of this By-Law all trees or timber, growing, standing or lying, and all stones or gravel lying or being upon the public highways of the said municipality shall be and the same are hereby appropriated and set apart for the improvement of the said highways, and for the uses and purposes thereof, but subject to the provisions of the "Ontario Tree Planting Act of 1883."

6th—That any person or persons committing any trespass on any of the public highways of the said municipality, by cutting any trees or timber, or carrying or removing any trees or timber, stone, gravel or sand from the said highways, or any portion thereof shall, upon conviction thereof, be liable to such fine or penalty as may hereinafter be authorized to be imposed, on the complaint of any householder, freeholder or resident of the said municipality,

7th—That any person or persons who shall make any excavation in any of the highways of the said municipality without the consent of the Municipal Council thereof shall be guilty of trespass, and besides being liable to any person or persons who may suffer any damage or loss occasioned thereby, or in any manner resulting therefrom, he or they shall be liable to such fine or penalty as may hereinafter be authorized to be imposed, besides being liable to the said Corporation for any damage or loss it may suffer or be put to in consequence thereof.

8th—That any person or persons who shall obtain the consent of the said Municipal Council to make any such excavation in any highway for the purpose of obtaining stone, gravel or sand shall at all times keep the same properly guarded, and shall when such stone, gravel or sand shall have been removed, immediately, safely and carefully fill up such excavation, and such consent shall not relieve or be construed to relieve any person or persons who may obtain the same from liability to travellers and others on account

of any damage or injury they may sustain or suffer by reason of any such excavation, nor shall such consent free the person to whom it is given from the payment of any liability or damages which the said Corporation may incur or suffer by reason of any such excavation.

9th—That any person or persons whomsoever who shall disregard, contravene, or in any manner violate this By-Law, and shall be convicted thereof before any one or more Justices of the Peace having jurisdiction within the said municipality, upon the oath or affirmation of one or more credible witness or witnesses, shall pay a fine or penalty not exceeding fifty dollars, nor less than one dollar, current money, for each offence, in the discretion of the said Justice or Justices, together with the costs and charges attending the proceedings and conviction, one-half of which fine or penalty shall go to the complainant or informer, and the other half shall be paid into the Treasury of the said municipality for the uses thereof.

10—That in default of payment of such fine or penalty and costs, it shall be lawful for the Justice or Justices before whom such conviction was had, to issue his or their warrant to any constable commanding him to levy the same of the goods and chattles of such offender or offenders, and in case no goods and chattels of such offender or offenders can be found whereof such fine and costs can be levied as aforesaid, it shall be lawful, and the said Justice or Justices are hereby authorized and empowered to commit such offender or offenders to the common gaol of the county of Brant, there to be imprisoned at hard labor for any term not exceeding twenty-one days in the discretion of the said Justice or Justices, unless such fine and costs shall be sooner paid.

11th—By-Law No. one hundred and twenty-two of the said Township is hereby repealed.

PASSED in Council this 17th day of January, A. D., 1884.

WILLIAM RODDICK, Reeve. [L. S.]

R. M. WILLSON, Township Clerk.

BY-LAW No. 275.

RESPECTING SNOW FENCES.

The Corporation of the Township of Brantford in Council assembled enacts as follows, that is to say :—

1st—That from and after the passing of this By-Law it shall and may be lawful for the municipal Council of the said Township of Brantford from time to time to require any owners or occupiers of lands bordering upon any public highway within its jurisdiction,

to take down, alter or remove any fence or fences found to cause an accumulation of snow or drift so as to impede or obstruct the travel on such public highway or any part thereof and to make such compensation to such owners or occupants for the taking down, alteration or removal of such fence or fences and for the construction of some other description of fence approved of by the said Council, in lieu of the one so required to be taken down, altered or removed as may be mutually agreed upon between the said Council and such owners or occupants, and if the said Council and the owners or occupants cannot agree in respect of the compensation to be paid by the said Council then the same shall be settled by arbitration in the manner provided by the Municipal Act, and the award so made shall be binding upon all parties.

2nd—That in case of such owners or occupants as hereinbefore mentioned shall refuse or neglect to take down, alter or remove such fence or fences as required by the said Council, the said Council may, after the expiration of two months from the time the compensation to be paid by the said Council has been agreed upon or settled by arbitration as hereinbefore mentioned proceed to take down alter or remove the old fence, and construct the other description of fence which has been approved of by the said Council and the amount of all costs and charges thereby incurred by the said Council over and above the amount of compensation agreed or settled by arbitration may immediately be recovered from such owners or occupiers by action in any Division Court having jurisdiction in the locality, and the amount of the judgment in favor of the said Township obtained in such Court shall, if not sooner paid, be by the Clerk of the said Township placed upon the next Collector's roll as taxes against the lands upon or along the boundaries of which such fence or fences is or are situate, and after being placed upon the Collector's roll shall be collected and treated in all respects as other taxes imposed by other By-Laws of the said Township. That when a tenant or occupant other than the owner or owners shall be required to pay the sum mentioned in the last preceding section or any part thereof and shall pay the same ; such tenant or occupant may deduct the same and any costs paid by him from the rent payable by him, or may otherwise recover the same unless such tenant or occupant shall have agreed with the owner or owners to pay the same.

3rd—That any notice to be given under this By-Law to any owner or owners or occupier or occupiers of lands bordering upon any highway requiring any fence or fences to be taken down, altered or removed as hereinbefore mentioned, shall be signed by the Clerk of the said Township, and may be served personally on such owner or owners or occupier or occupiers addressed to him or

them, or may be left with any grown up person or persons at his or their places of abode; and such notice shall fix a time and place at which the said Council and such owner or owners, occupier or occupiers, may confer as to the amount of compensation to be paid by the said Council for the taking down, alteration or removal of such fence or fences, and for the construction of some other description of fence approved by the said Council in lieu of the one so required to be taken down, altered or removed, as may be mutually agreed upon.

4—This By Law is passed in terms of the Act passed by the Legislative assembly of the Province of Ontario, in the forty-fourth year of the reign of Her Majesty, Queen Victoria, chaptered twenty-six, and entitled "An Act Respecting Snow Fences."

PASSED in Council this seventeenth day of January, A. D., 1884.

WILLIAM RODDICK, Reeve, [L. C.]

R. M. WILLSON, Township Clerk.

BY-LAW No. 276.

To repeal By-Law No. 78, relating to the destruction of dogs and to make other provisions instead thereof.

The Corporation of the Township of Brantford, in Council assembled, enacts as follows, that is to say:—

1st—That By-Law number seventy eight of the said Township of Brantford entitled "By-Law No. 78, to repeal all By-Laws relating to the destruction of dogs found running at large without being properly and securely muzzled, or accompanied by some ostensible owner or person in charge thereof, within the limits of the Township of Brantford, and to make other provisions in that behalf" is hereby repealed, and the repeal of said By-Law No 78 shall not revive any By-Law repealed by said By-Law No 78.

2nd—That there shall annually be levied and collected within the said Township upon every dog one dollar, and upon every bitch two dollars.

3rd—That any person in possession of any dog or bitch, or who shall suffer any dog or bitch to remain about his or her house or premises shall be deemed the owner of such dog or bitch for all the purposes of this By-Law.

4th—That no dog or bitch shall be permitted at any period of the year to run at large within the said township without a collar about the neck with a tag or check attached thereto,

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numbered and bearing thereon the name of the said Township, and every dog or bitch found at large without such collar and tag or check as aforesaid, may be destroyed or sold for the benefit of the said Township, and of the person capturing and selling the same; one half of the proceeds arising from such sale shall be paid over by the person affecting the sale to the Treasurer of the said Township for the uses thereof, and the other half may be retained by such person for his own use.

5th—That it shall be the duty of the owner of every dog or bitch within the said Township to register such dog or bitch in the office of the Clerk of the said Township, who shall record the name of such owner, the number of such dog or bitch and furnish a tag or check required by the fourth clause of this By-Law to be attached to the collar of such dog or bitch.

6th—That the owner of any dog or bitch within the said Township who shall refuse or neglect to register such dog or bitch as hereinbefore required shall, upon conviction thereof before any Justice of the Peace for the County of Brant, on the oath or affirmation of any credible witness forfeit and pay at the discretion of such Justice a penalty not exceeding the sum of five dollars, together with the costs of prosecution, and in default of payment of the fine or penalty imposed and costs it shall be lawful for the convicting Justice to issue his warrant to any constable of the said County, commanding him to levy the same of the goods and chattels of such offender, and in case no such goods and chattels can be found whereof such fine and costs can be levied as aforesaid, it shall be lawful for such Justice to commit such offender to the common gaol of the said County for any term not exceeding fourteen days in the discretion of such Justice, unless such fine and costs of committal shall be sooner paid.

7th—That this By-Law shall come into force and take effect on and after the fifteenth day of February now next.

PASSED in Council this seventeenth day of January, A D. 1884

WILLIAM RODDICK, [Reeve, L. S.]

R. M. WILLSON, Township Clerk.

BY-LAW No. 277.

To repeal all By-Laws relating to the height and description of lawful fences within the Township of Brantford, and to make other provisions instead thereof.

The Corporation of the Township of Brantford in Council assembled, enacts as follows, that is to say:—

1st—That all By-Laws of the said Corporation heretofore pass-

ed relating to the height and description of lawful fences shall be and the same are hereby repealed, and the following provisions substituted therefor.

2nd—That a rail fence which shall be of the height of five feet and if slanting staked, double-ridered, and if npright-staked wired at the top shall be a lawful fence; provided always that the first three rails of such fence shall not be more than four inches apart.

3rd—That a post and rail fence which shall be of the height of four feet and six inches shall be a lawful fence. provided always that the first three rails of such fence shall not be more than four inches apart; and provided further that if a bank, ridge or dyke six inches in height be made or thrown up a post and rail fence of the description hereinbefore mentioned and of the height of four feet built on the top of such bank, ridge or dyke shall be a lawful fence.

4th—That a board fence which shall be of the height of four feet and three inches, and the posts whereof shall not be more than eight feet apart, shall be a lawful fence, provided always that the first two boards of such fence shall not be more than four inches apart.

5th—That a picket fence which shall be of the height of not less than four feet, the pickets whereof shall not be more than four inches apart, and the posts whereof shall not be more than eight feet apart shall be a lawful fence.

6th—That a wire fence which shall be of the height of four feet and three inches composed of five barbed wires and a cap, the first wire to be not more than five inches from the top of the ground, the second wire to be not more than six inches from the first wire, the third, fourth and fifth wires to be placed at convenient and desirable distances from each other from the second wire and from the cap, the cap to be composed of a board not less than eight inches in width or of a scantling two by four inches in measurement, or of a pole not less than three inches in diameter, at its smallest place shall be a lawful fence; provided always that the said wires and cap shall be attached to or placed on posts not more than twelve feet apart, and provided further that this B-L shall not apply to any wire fences built within the said Township of Brantford before the passing of this By-Law, provided such fences are of the height of four feet, but any renewals of such fences shall come within the provisions of this By-Law and be governed thereby.

7th—That any gate or bars which shall be of the height of four feet and three inches shall be deemed a lawful fence; provided always that if such gate be made of rails or bars the first three rails or bars thereof shall not be more than four inches apart, and if

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8th—That in all cases of line or division fences between adjacent lands, the same shall be kept up and maintained at either of the heights aforesaid by the respective owners or occupants thereof, as the law requires, and when it has been mutually agreed upon as to the portions of such line or division fences which each of such owners or occupants shall so keep up and maintain, or the same has been determined by Fence-viewers according to law, it shall be the duty of the respective owners or occupants properly to keep up and maintain their respective portions as aforesaid, and in the event of the failure or neglect of either so to do, and any animal or animals by reason of such failure or neglect shall escape from the lands of the owner or occupant so failing or neglecting into the lands of the other and commit any trespass or damage there, such animal or animals shall be liable to be impounded, and the damages so committed may be recovered in the same manner as if such fence so neglected to be kept up and maintained were a lawful one.

PASSED in Council this seventeenth day of January, A.D., 1884.

WILLIAM RODDICK, Reeve, [L.S.]

R. M. WILLSON, Township Clerk.

BY-LAW No. 278.

To repeal all By-Laws relating to Statute Labor, and to make other provisions instead thereof.

The Corporation of the Township of Brantford, in Council assembled, enacts as follows, that is to say:—

1—That all By-Laws heretofore passed by the said Corporation relating to the performance of Statute Labor within the said Township shall be and the same are hereby repealed.

2nd—That no person in Her Majesty's naval or military service in full pay or in actual service, nor any commissioned officer or private of the volunteer force, certified by the officer commanding the company as being an efficient volunteer, nor any immigrant not resident six months in this Province (unless the last two named classes are assessed for property) shall be liable to perform statute labor or to commute therefor.

3—That, save and except as aforesaid every male inhabitant of the age of twenty one years and upwards and under sixty years

of age, who is not assessed for any property, shall be liable to and shall perform two days Statute Labor.

4—That also save and except as aforesaid every person assessed for property shall if his or her property is assessed at not more than \$400, be liable to and shall perform two days statute labor, and if at more than \$400 and not more than \$1,400, three days; if at more than \$1,400 and not more than \$2,500, four days; if at more than \$2,500 and not more than \$3,700, five days; if at more than \$3,700 and not more than \$5,000, six days; and if at more than \$5,000 and not more than \$6,300 seven days; and for every \$1,300 or fraction thereof above \$6,300, one day.

5—That the Council shall have power at all times to exonerate and relieve any person or persons who by reason of age, sickness or other misfortune may be in indigent circumstances from the performance of statute labor.

6—That a days statute labor shall consist of eight hours faithful work exclusive of the time spent in going to and returning from work, and a team of oxen or horses with a wagon, plough or other conveyance, and a competent person to drive them shall count and be allowed by the Overseers as 3 days work and no more.

7—That no person shall on any account after being warned out to work his or her statute labor by the Overseer of Highways neglect or refuse to perform such labor, or to send a sufficient substitute to perform the same, or to furnish such carriage, team or implements as he or she may have in his or her possession and as such overseer may require at such time or times as such overseer may name and appoint for that purpose, of which such overseer shall either verbally or in writing give at least six days notice at the usual place of residence of the person so required to perform such statute labor, of the day, hour and place when the same is to be performed.

8—That it shall be in the power of any person assessed or otherwise liable to perform statute labor to commute such labor at the rate of seventy-five cents per diem for every day he or she may have such labor to perform; provided always that such commutation money in lieu of such statute labor shall be paid to the Overseer of Highways of the division at the time when such overseer warns him or her out to perform the same, failing which payment the right to commute shall cease, and such person shall perform his or her statute labor as if no such right to commute had been created, unless such overseer shall find it to be advantageous in the discharge of his duties within six days after such warning out to accept the same in lieu of such labor.

9—That any person or persons other than those mentioned or referred to in the third clause of this By-Law, who disregard or violate any of the provisions of this By-Law, upon conviction

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thereof before any Justice of the Peace for the County of Brant, shall pay a fine or penalty not exceeding ten dollars nor less than one dollar for every such offence in the discretion of such Justice together with the costs of such conviction, one half of which fine or penalty shall be paid to the complainant as provided by statute, and the other half to the Treasurer of the said Township for the uses thereof; and the offender or offenders shall still be liable to carry out and comply with the requirements of this By-Law, as if no such conviction had taken place, and shall be so liable to be fined from time to time, and as often as such offender or offenders shall refuse and neglect to comply with and carry out such requirements.

10—That upon any such conviction in default of payment of the fine or penalty imposed and costs, it shall be lawful for the Justice before whom the same was heard to issue his warrant to any constable of the said County, commanding him to levy the same of the goods and chattels of such offender, and in case no such goods and chattels can be found whereof such fine and costs can be levied as aforesaid, it shall be lawful for such Justice to commit such offender to the common gaol of the said County for any term not exceeding fourteen days in the discretion of such Justice, unless such fine and costs of committal shall be sooner paid.

11—That every person liable to perform statute labor under the third clause of this By-Law, who shall not pay the commutation in lieu thereof, and who shall refuse or neglect to perform the same when required to do so by the overseer of highways after six days notice requiring him to do the same shall incur a penalty of five dollars, and upon summary conviction thereof before a Justice of the Peace for the said County of Brant, such Justice shall order the same together with the costs of prosecution and distress to be levied by distress of the offender's goods and chattels and in case there is no sufficient distress such offender may be committed to the common gaol of the said County and there put to hard labor for any term not exceeding ten days unless such penalty and costs, and the costs of the warrant of commitment and of conveying the said person to gaol are sooner paid.

12—That all sums and penalties other than costs recovered under and by virtue of the authority of the next preceding clause of this By-Law, shall be paid to the Treasurer of the said Township, and form part of the Statute Labor fund thereof.

PASSED in Council this seventeenth day of January, A. D., 1884.

WILLIAM RODDICK, Reeve, [L. S.]

R. M. WILLSON, Township Clerk.

BY-LAW No. 279.

To repeal all By-Laws relating to and defining the duties of Overseers of Highways within the Township of Brantford, and to make other provisions in that behalf.

The Corporation of the Township of Brantford, in Council assembled, enacts as follows, that is to say:—

1st—It shall be the duty of every Overseer of Highways within the said Township, after public notice of their appointment to attend at the office of the Township Clerk on the 3rd Monday in May in each year at the hour of ten o'clock in the forenoon, and there take and subscribe the oath or declaration appertaining to the said office, and they shall, with the statute labor or money which may be placed under their control, carefully superintend and safely keep in repair the roads and bridges within their respective divisions.

2nd—That it shall be their imperative duty, and they are hereby strictly enjoined and required upon their appointment to office, and from time to time and as often as it may be necessary during their continuance therein, carefully to examine and inspect with a view to the prevention of all accidents, the roads and bridges within their respective beats or road divisions, and the said roads and bridges in a safe and substantial manner to amend and repair, by the prompt and proper use and exercise of all the lawful ways and means placed within their power and under their control for such purposes, and the same so safely amended and repaired shall keep and continue during their continuance in office, and until their successors are lawfully appointed and have accepted office on the third Monday in May in each year.

3rd—That they shall cause at least two thirds of all statute labor or money in commutation of statute labor to be carefully and judiciously expended and laid out in so amending and repairing the roads, bridges, and highways within their respective beats or divisions between the third Monday of May, and the tenth day of July, and the remainder on or before the first day of October in each year.

4th—That they shall, after the assessors shall have made their returns, obtain from the Township Clerk a list or statement containing the names and number of days' labor each person in their respective divisions has to perform, and notify to each, either verbally or in writing, at his or her usual place of residence, the day, hour and place where such statute labor is to be performed, of which at least three days notice shall be necessary.

5th—That they shall call out in a like manner all persons of the age of twenty-one years residing in their respective divisions

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although such persons are not on the Assessment Rolls or the Township Clerk's list, and require them to do two days statute labor each; provided always that such persons shall not be above the age of sixty years, or emigrants not residing six months in this Province.

6th—That a day's statute labor shall consist of eighty hours faithful work, exclusive of the time spent in going to and returning therefrom, and a team of oxen or horses with a wagon, plow or otherwise, and a competent driver shall count and be allowed by the Overseers as three days' work and no more.

7th—That it shall be in the power of persons to commute their statute labor at the rate of seventy-five cents per diem for every day's statute labor they may have to perform; provided always that such commutation money in lieu of statute labor shall be paid to the Overseers of Highways in their respective divisions at the time such Overseers warn them out to perform the same, failing which payment the right to commute shall cease, unless the Overseers shall within six days find it to be advantageous in the discharge of their duties afterwards to accept the same in lieu of such labor; and provided further that all statute labor not performed on or before the first day of October in each year (except that of non-residents, a return of which shall be made by the fifteenth day of August) shall be returned by the Overseers of Highways in their respective divisions immediately after the said first day of October to the Clerk of the said Township, by whom the same shall be placed on the Collector's Roll at seventy-five cents commutation per diem, and such commutation shall be collected in the same manner as other taxes due the Municipality.

8th—That Overseers shall have the power to direct any persons liable to perform statute labor to bring such tools and implements, and such teams of oxen or horses as they may be possessed of, and that may be necessary in the performance of the work to be done, and if any person or driver shall refuse and neglect to work faithfully, or to carry sufficient loads, the Overseer shall have the power to discharge such persons so refusing and neglecting, and the person shall be liable to the due performance of his statute labor as if no such person had attended.

9th—That it shall be the duty of the Overseers to see that no person shall commit trespass by cutting any timber or trees growing on any highway within their respective divisions, or removing any fallen timber, stones, gravel or sand therefrom, and to prosecute any person who may be guilty of any such trespass according to law and it shall be the further duty of such Overseers, and they are hereby required, to cause all boars, pigs,

or swine of any age or description found injuring or doing damage of any kind to the roads or highways under their supervision either to be impounded, or the owners or persons having the charge or control thereof whether as owners or otherwise, to be prosecuted for permitting the same to be unlawfully at large, contrary to the By-Law of the said Township.

10th—Overseers, when ordered to do so by the Township Council, shall sell any timber, trees, stone or gravel standing or lying on the highways, and shall expend and lay out the money derived from such sale in repairing and improving the highways in their respective divisions, an account of which sale and expenditure they shall render to the Township Clerk.

11—Every Overseer, if required, shall grant a certificate to each person who has performed statute labor, or paid commutation money in lieu thereof, and shall also on or before the first day of October in each year make a return to the Township Clerk, verified on oath or affirmation, containing the names of all persons liable to perform statute labor in his division, and giving all and every such other and further information as shall be indicated and required by any printed form of return that may from time to time be furnished to them by the Township Clerk for that purpose.

12th—In case of any sudden obstruction or damage to any road or bridge, or for the purpose of putting up marks to guide travellers over any frozen waters, snow-drifts or dangerous places when it may be necessary, it shall be the duty of Overseers, and they are hereby required, to expend any money in their hands, or to call out any statute labor under their directions, at any other time than the times above indicated, and if they have no money or labor unexpended, they shall nevertheless call out persons residing in their divisions liable to perform statute labor, apportioning the same as equally as may be amongst them, and shall also immediately make a return of the statute labor so performed to the Township clerk in order that persons performing the same may have credit therefor.

13th—Should any of the highways or bridges at any time be found unsafe and dangerous to the public, it shall be the duty of the Overseers within their divisions, and they are hereby directed and required immediately to mark and obstruct such unsafe and dangerous places by putting up and continuing proper guards and barriers to warn and protect the public against the same, until such time as the same can be properly amended, repaired and rendered safe for the public use.

14th—That in the event of the ways and means and the powers above given to and vested in Overseers, being found inadequate or insufficient in any case, if properly and judiciously

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applied, to enable them within their respective divisions faithfully and properly to discharge and perform their aforesaid duties, they are hereby directed and required forthwith to notify the Councillors nearest to them of any dangerous defects or imperfections, that they may discover or have notice of, as existing in any road, highway or bridge in order that further and other proper and necessary ways and means may be devised and provided to enable them timely to remedy such evils, and thus prevent accidents.

15th. Every Overseer who shall have the management or charge of any bridge exceeding 30 feet in length, shall cause to be put and kept up in some conspicuous place on or near each end of the same, a notice legibly written, printed or painted, to the following effect, viz:—

“Any person riding or driving on this bridge at a rate faster than a walk, will be subject to a fine on conviction thereof, as provided by law.”

16th—Overseers shall have power to allow and permit non-residents who have been assessed to perform statute labor or pay commutation money in lieu thereof, in the same manner as residents are authorized to do, and in case of their failure to do either they shall return them as defaulters to the Township Clerk on or before the fifteenth day of August in each year.

17th—That the said Overseers shall in all things truly and faithfully perform and discharge all the duties imposed upon them by this or any other By-Law now passed or hereafter to be passed by the said Corporation having for their object the making, improving, protecting and maintaining the highways and bridges within their respective divisions, and the keeping the same at all times in a proper and safe state of repair, and in doing so shall cause all statute labor to be faithfully and judiciously employed and performed, and the money in commutation of statute labor in like manner expended upon such highways and bridges.

18th—That as the true and faithful performance of the very important duties of Overseers of Highways is essentially and absolutely necessary in order to the protection of the Corporation from actions for damages in cases of accidents happening therein, any Overseer who shall in any manner neglect or disregard any of those duties, any law, by-law or by-Laws relating thereto, shall upon conviction thereof before any one or more Justice or Justices of the Peace for the County of Brant, upon the oath or affirmation of one or more credible witness or witnesses, be subject to and shall pay a fine or penalty not exceeding \$50 nor less than one dollar of current money for each offence, in the discretion of the said Justice or Justices before whom such conviction may

be had, and in default of such payment such Justice or Justices shall issue his or their warrant of distress against the goods and chattels of the offender directed to any constable of the said County, commanding him to levy the said fine or penalty of the goods and chattels of such offender, such fine or penalty when collected to form part of the funds of the said municipality for the uses thereof.

19th—That it shall be the duty of the Clerk of the Township of Brantford to make a report to the council thereof at its first meeting after the first day of October in each year, of all Overseers of Highways who may have failed or omitted to make returns as required by this By-Law.

Lastly—That all By-Laws heretofore passed relating to and defining the duties of Overseers of Highways within the Township of Brantford, shall be and the same are hereby repealed.

PASSED in Council this 17th day of January, A. D., 1884.

WILLIAM RODDICK, Reeve. [L.S.]

R. M. WILLSON, Township Clerk.

BY-LAW No. 280.

TO ENCOURAGE THE PLANTING AND GROWING OF TREES.

Whereas by "The Ontario Tree Planting Act, 1883," it is enacted amongst other things that the Council of any Municipality may pass a By-Law for paying out of municipal funds a bonus or premium not exceeding 25 cents for each and every ash, basswood, beech, birch, butternut, cedar, cherry, chestnut, elm, hickory, maple, oak, pine, sassafras, spruce, walnut or whitewood tree which shall under the provisions of the said Act be planted within such municipality on any highway or on any boundary line of farms with the consent of the owner or owners of adjoining lands. And whereas, by the said Act it is further enacted that such By-Law shall provide for the appointment of an Inspector of Trees so planted, for their due protection against injury, and against removal by any person or persons, including the owner, excepting as authority may be given therefor by special resolution of the Council and for the condition on which bounties may be paid. And whereas it is expedient to pass a By-Law to encourage the planting and growing of trees and to appoint an Inspector thereof as authorized by the said Act. Be it therefore enacted by the Corporation of the Township of Brantford in Council assembled, as follows:—

1st—That from and after the passing of this By-Law any person owning land adjacent to any highway or to any public street,

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lane, alley, place or square within the said Township of Brantford may on the portion thereof contiguous to his land plant any one or more of the kinds of trees mentioned in the preamble to this By-Law, but no trees shall be so planted that the same is or may become a nuisance in the highway or other public thoroughfare, or obstruct the fair and reasonable use of the same, and the distance between any one tree and the tree nearest thereto shall not be less than thirty feet.

2nd—That any owner of a farm or lot of land may with the consent of the owner or owners of adjoining lands plant on the boundary lines of his farm or lot any one or more of the kinds of trees mentioned in the preamble of this By-Law, but the distance between any one tree and the tree nearest thereto shall not be less than thirty feet.

3rd—That for each tree so planted and growing for a period of three years, and which shall be reported by the Inspector of Trees appointed under this By-Law, as alive, healthy, and of good form, and upon the adoption of such report the person or persons who planted such trees, his or their heirs, executors, administrators or assigns, as the case may be, shall be entitled to and receive from the funds of the said Township a bonus or premium of 25 cents,

4th—That Robert H Snider, of the said Township of Brantford yeoman, shall be and he is hereby appointed Inspector of Trees planted under the provisions of this By-Law to hold office during the pleasure of the Municipal Council of the said Township, and until his successor in office shall have been duly appointed.

5th—It shall be the duty of the said Inspector or his successor in office duly appointed to make a report to the said Council from time to time when required, of the particulars mentioned in the sixth section of the said Act.

6th—That the said Inspector or his successor in office shall from time to time obey and carry out the instructions from time to time given to him by the said Council for the carrying out of this By-Law and the performance of his duties as such Inspector.

7th—That the remuneration of such Inspector shall be such sum as the said Council may from time to time consider his services worth, in determining which the said Council will consider the time employed and the expenses incurred by him in the performance of his duties under this By-Law, the amount awarded by the said Council for his services and expenses shall be final and conclusive.

8th—That any person who ties or fastens any animal to, or injuries or destroys a tree planted and growing upon any road or highway, or upon any public street, lane, alley, place or square within the said Township of Brantford (or upon any boundary

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line of farms if any bonus or premium under this By-Law shall have been paid therefor) or suffers or permits any animal in his charge to injure or destroy, or who cuts down or removes any such tree without having first obtained permission to do so by special resolution of the said Council, shall upon conviction thereof before a Justice of the Peace for the County of Brant forfeit and pay such sum of money, not exceeding twenty-five dollars besides costs, as such Justice may award, and in default of payment, the same may be levied of the goods and chattels of the person offending, or such person may be imprisoned in the common gaol of the County of Brant for a period not exceeding thirty days.

9th—That one half of any fine imposed under the authority of this By Law shall go to the person laying the information, and the other half to the Treasurer of the said Township for the uses thereof,

10th—That By-Law No. 269 of the said Township relating to the planting of trees therein is hereby repealed.

PASSED in Council this 17th day of January, A. D., 1884.

WILLIAM RODDICK, Reeve. [L. S.]

R. M. WILLSON, Township Clerk.

BY-LAW No. 281.

FOR REGULATING PUBLIC SHOWS AND LICENSING THE SAME.

The Corporation of the Township of Brantford, now in Council assembled, under and by virtue of the authority therein vested, enacts as follows:

1st—That upon and immediately after the passing of this By-Law there shall be taken out by every person or persons opening any place for the exhibition of wax-work menageries, circus riding and other such like shows usually exhibited by showmen to be held for profit in the Township of Brantford, a license, for which said license the person or persons obtaining the same shall pay at the time of taking out such license the following sums, that is to say:

2nd—For exhibiting pictures or other works of Art, or natural or artificial curiosities, panoramas, tableaux or other exhibitions of a like nature, for each time of exhibiting the same the sum of five dollars.

3rd—For exhibiting every circus or menagerie the sum of fifty dollars per day, and for every side show or other entertainment connected or associated with such circus or menagerie the sum of five dollars.

4th—For every exhibition of circus riding, rope-dancing, tumbling or such like feats, where the price of admission shall be under the sum of twenty cents, and for every common show exhibition of novelties, wonderful animals or other shows usually exhibited by showmen, the sum of five dollars.

5th—For every exhibition of legerdemain or juggling the sum of five dollars.

6th—For each performance of any travelling troupe or company of actors, musicians or other travelling dramatic or musical performers not being residents of the said Township of Brantford, the sum of five dollars,

7th—That all licenses issued under the authority of this By-Law shall be issued by the Clerk of the said Township and countersigned by the Treasurer thereof, and the money chargeable therefor shall be paid to the said treasurer; and on each license for any amount not less than fifty dollars there shall be payable by the person or persons obtaining such license to the said Clerk and Treasurer respectively a fee of two dollars, and on each license for an amount less than fifty dollars, a fee of fifty cents shall be payable thereon to each of the said officers.

8th—That any person or persons found aiding and assisting in any performance at any exhibition, show or other place of public amusement as aforesaid, where a license shall not have been first obtained as aforesaid, shall be liable to a penalty of fifty dollars or to be imprisoned in the common gaol of the County of Brant for any term not exceeding one month, and for levying the said penalty the goods and chattels belonging to or used in such exhibition, show or other place of public amusement, whether owned by the offender or offenders or not, shall be liable to be distrained and sold.

9th—That no license granted under this By-Law shall be in force so as to permit any person or persons so licensed to have any of the performances, exhibitions or shows as aforesaid on the days of the exhibition of the Agricultural Associations of Ontario or of any Electoral District or Township Agricultural Society, either on the grounds of such Society or within the distance of three hundred yards from such grounds.

10th—That any person or persons guilty of an infraction of any of the provisions of this By-Law shall upon conviction before any Justice or Justices of the Peace for the said County of Brant, or before any Police Magistrate having jurisdiction therein, on the oath or affirmation of any credible witness, forfeit and pay at the discretion of such Justice or Justices or Police Magistrate a penalty not exceeding the sum of fifty dollars for each offence together with the costs of prosecution, and in default of payment

thereof it shall be lawful for the Justice, Justices or Police Magistrate convicting as aforesaid to issue a warrant under his hand and seal, or in case any two or more of them are acting together therein, then under the hand and seal of one of them, to levy the said penalty and costs, or costs only, by distress and sale of the offender or offenders' goods and chattels, and in case of no sufficient distress to satisfy the said penalty and costs it shall and may be lawful for the Justice or Justices or Police Magistrate convicting as aforesaid to commit the offender or offenders to the common gaol of the said County of Brant with or without hard labor for any period not exceeding six calendar months (except as is provided by the eighth section of this By-Law) unless the said penalty and costs be sooner paid.

11th--That all By-Laws heretofore passed for regulating public shows and licensing the same are hereby repealed.

PASSED in Council this seventeenth day of January, A. D., 1884.

WILLIAM RODDICK, Reeve. [L. S.]

R. M. WILLSON, Township Clerk.

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