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No. 40

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2D SESSION, 3D PARLIAMENT, 12 VICTORIA, 1849.

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BB II LL L.

An Act to provide, by one general law, for the erection of Municipal Corporations, in and for the several counties, cities, towns, townships and villages in Upper Canada.

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Received and read first time,

Second reading,

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[ 750 Copies. ]

Honble. Mr.

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S. Desbrière and G. Desbrière, Queen's Printer.

MUNICIPAL CORPORATIONS BILL.

UPPER CANADA.

SYNOPSIS.

TITLE.—Preamble, — Act to commence on 1st January, 1850.

ENACTMENTS.

I. Townships.

Section 2—Inhabitants of Townships in Upper Canada incorporated.

3—Townships which have had their last Township Meeting as being united to an adjacent Township, to be first represented in the said adjacent Township. — Townships not containing fifty resident freeholders may be united to an adjacent Township in the same County.

4—When a Township united to another shall contain fifty resident freeholders, it shall be incorporated by itself.

5—No part of Cities, &c. to form part of Townships.

6—Present officers, &c. of Townships to continue in office until fourth Monday in January, 1850.

7—Place of first election of Township Councillors, to be that at which the last annual Township Meeting for election of District Councillors, &c. has been held, until otherwise provided by Township Municipality.

8—Township Clerk to be Returning Officer at first election held under this Act.—In the absence of Township Clerk, voters may appoint from themselves a Returning Officer.

9—Election of Township Councillors to be held on the first Monday in January, 1850.

10—Production of roll of freeholders and householders by Township Collector.

11—New Townships established by Acts passed during the present Session, to be considered for the purposes of this Act, as Townships in which a Township Meeting shall have been held before the passing of this Act.

- 12—Five Councillors to be elected annually.
- 13—Place and time of meeting of newly elected Municipality.—Appointment of a Townreeve.
- 14—Municipalities may adjourn their meetings, and the Townreeve may summon special meetings.
- 15—Meetings to be held in such places as Townships Municipalities shall appoint.
- 16—Townreeve to preside at Meetings, or in his absence the Township Clerk.
- 17—Three Assessors and one Collector to be appointed for each Township by the Municipality thereof.
- 18—Municipality, on report of Auditors, to audit all accounts chargeable against the Township.
- 19—Boundary line of Townships to be hereafter established under the authority of Act of Upper Canada, 3S Geo. 3, cap. 1, or of any Act to be passed hereafter.
- 20—Township Municipalities authorized to make By-laws for—
1. Purchase of real property.
  2. Erection of Town Hall, &c.
  3. School Houses.
  4. Public Pounds.
  5. Appointment of Pound-keepers, &c.
  6. Regulating duties of Township Officers.
  7. Their remuneration.
  8. Regulating bonds, &c. to be given by them.
  9. Erection and repair of drains and water courses.
  10. Opening and improvement of highways, roads, &c.
  11. Making provisions with respect to highways passing through woods.
  12. Protection of timber, stone, &c.
  13. Regulating driving over bridges.
  14. Regulating inns, taverns, &c.
  15. Making regulations as to pits, precipices, &c.
  16. Granting of money for improving roads, &c.
  17. Regulating manner of granting to joint-stock road companies, &c. licenses to proceed with roads, &c. in the jurisdiction of Municipality.

18. Taking stock of road or bridge companies.
19. Restraining the running at large of Animals, &c.
20. Imposing tax on Dogs, &c.
21. Destruction of weeds.
22. Regulating Exhibitions, puppet shows, &c.
23. Appraising damages payable by owners of animals trespassing.
24. Sale of animals impounded.
25. Settling height of fences.
26. Establishment of boundary lines.
27. Compounding of statute labor.
28. Enforcing statute labor.
29. Imposing fines and penalties.
30. Borrowing monies.
31. Levying monies.
32. Making local regulations.
33. Repealing, &c. by-laws.

## II. Counties.

Section 21—Counties of Upper Canada incorporated.

- 22—Townreeves of Townships, &c. in each County to constitute Municipal Council of such County.
- 23—Meetings of County Municipal Councils to take place annually on the fourth Monday in January.
- 24—Municipal Council to elect a County Warden at first meeting after the fourth Monday in January.
- 25—Keeping and repairing of Shire Hall, &c. to be charged upon each County.
- 26—County Municipal Council to improve roads and bridges, &c. assumed by them as County roads or bridges, and after such assumption the Township Municipalities shall cease to have control over such roads, &c.—Proviso: the mere laying out of County money on a road lying between two Townships, not deemed an assumption of the road.
- 27—Roads, &c. to be under jurisdiction of Counties through which they run.
- 28—Roads, &c. running between two Counties to be under the jurisdiction of both.

29.—Audit of accounts chargeable against County.

30.—Councils may make By-laws for—

1. Purchase of real property.
2. Erection, &c. of Shire Hall, &c.
3. Erection of School Houses, &c.
4. Meeting expenses of pupils attending at the University of Toronto, &c. whose parents are unable to incur such expenses.
5. Endowment of Fellowships, &c. in University of Toronto, &c.
6. Appointment of Inspectors of House of Industry.
7. Remuneration of County Officers.
8. Regulation of Ferries, &c.
9. Remuneration of Townreeves.
10. Erection, &c. of drains.
11. Opening, &c. of roads, &c.
12. Protection, &c. of timber, &c.
13. Regulation of driving on bridges.
14. Prevention of immoderate driving on highways, &c.
15. Regulations as to pits, &c.
16. Granting loans to towns, &c.
17. Attaching Townships to others.
18. Granting Licenses to Road or Bridge Companies.
19. Taking Stock in Road or Bridge Companies.
20. Imposing fines.
21. Borrowing monies.
22. Levying monies.
23. Repeal, &c. of by-laws.

### III. *Police Villages.*

Section 31—County Municipal Councils to define limits of Villages, &c.

32—Until a Village is incorporated under this Act, a meeting of resident freeholders shall take place on second Monday of January, annually, for election of Police Trustees.

- 33—Township Collector to deliver roll of freeholders to person presiding at the election.
- 34—Trustees of preceding year to appoint person to preside at new election.
- 35—In absence of person appointed to preside at election, inhabitant freeholders may nominate a person to preside.
- 36—In case of vacancy among the Police Trustees, remaining Trustees may appoint another.
- 37—Penalty of twenty shillings against Trustees for neglect of duty.
- 38—Penalties to be sued for within ten days after offence.
- 39—Penalties to be sued for and recovered by Inspecting Trustee.
- 40—Police regulations to be enforced with respect to —
1. Ladders on roofs.
  2. Buckets.
  3. Bakers, Brewers, &c.
  4. Stove pipes.
  5. Entering certain places with candles, &c.
  6. Lighting fires in wooden houses, &c.
  7. Vessels for conveying fire.
  8. Hay, straw, &c.
  - 9 & 10. Keeping and sale of gunpowder.
  11. Deposit of ashes, &c.
  12. Quick lime.
  13. Lighting fires in streets.
  14. Charcoal furnaces.
  15. Filth, rubbish, &c.

#### IV. *Incorporated Villages.*

- Section 41—Inhabitants of Villages mentioned in Schedule A incorporated.
- 42—Election of Village Councillors to take place on first Monday in January in each year.
- 43—Clerk of Board of Police or Town Clerk to act as Returning Officer.
- 44—The Governor may appoint a Returning Officer when there is no Board of Police or Town Clerk, &c.

- 45—Place of holding election to be appointed by Returning Officer.
- 46—Returning Officer to procure copy of Collector's roll. *Proviso*: qualification of Village Councillors, real estate assessed at £250.
- 47—When a Village, &c. is found to contain over one thousand inhabitants, it may be incorporated by Proclamation of Governor in Council.
- 48—Duties and liabilities of Municipalities of incorporated Villages, similar to those of Township Municipalities.
- 49—Village Municipalities may make by-laws for—
1. Opening, &c. roads, &c.
  2. Regulating highways, &c.
  3. Removing steps, &c.
  4. Fixing boundary lines, &c.
  5. Granting loans to Counties.
  6. Regulating markets, &c.
  7. Regulating harbours, &c.
  8. Actsize of bread.
  9. Observance of Sabbath, &c.
  10. Public nuisances, &c.
  11. Lock-up houses, &c.
  12. Public fountains, &c.
  13. Gunpowder, &c.
  14. Examining dwelling houses, &c. with respect to fire.
  15. Health of Village, &c.
  16. Public cemeteries, &c.
  17. Immoderate driving, &c.
  18. Fishing with nets, &c.
  19. Inns, taverns, &c.
  20. Injuring of tress, &c.
  21. Borrowing monies.
  22. Levying monies.
  23. By-laws for carrying powers herein vested into execution.
  24. Repeal, &c. of by-laws.



Section 50—Inhabitants of Towns mentioned in schedule B, &c. incorporated.

- 51—Three Councillors to be chosen for every ward.
- 52—Election to take place annually on first Monday in January.

## V. *Towns.*

Section 53—Appointment of Returning Officer for each ward. Election to be held every year on first Monday in January.

- 54—Collector's roll to be furnished to Returning Officer; qualification of Councillors, real property assessed at £500; that of Electors, male freeholders, proprietors, or tenants, assessed at £25.
- 55—Election of Mayor to take place on second Monday after yearly election.
- 56—Powers, &c. of Town Council, similar to those of incorporated Village Municipalities.
- 57—Gaol, court house, &c. of the County to continue as such for the Town.
- 58—A police office established in each Town.
- 59—Police Magistrates to be barristers in Upper Canada of not less than three years standing, with a salary not less than £100 per annum. *Proviso:* Police Magistrate not to be appointed until petitioned for by Corporation.
- 60—Police Magistrates may suspend Chief Constables and others. *Proviso:* and may appoint others temporarily during such suspension.
- 61—Offences against by-laws may be prosecuted before Police Magistrate.
- 62—Clerks of Town Councils to be clerks of police offices, unless otherwise provided by acts of town courts.
- 63—Appointment of one chief constable for each ward, to hold office during pleasure of Town Council.
- 64—Nothing herein to affect power of Governor with respect to appointment of Justices of the Peace.
- 65—Oath of office of subordinate officers to be taken before Mayor or Police Magistrate, or before a Justice of the Peace.
- 66—Appointment of Townreeve by Town Council.
- 67—Three Assessors and one Collector to be appointed for each ward.

- 68—When an incorporated Village is found to contain over three thousand inhabitants, Governor in Council may, by proclamation, erect the same into a town.
- 69—Town Council to be composed of Councillors elected for the different wards.
- 70—Power granted to Town Councils to make by-laws for —
1. Establishing police, alms houses, &c.
  2. Purchase of land for industrial farm, &c.
  3. Lighting with gas, oil, &c.
  4. Livery stable licenses, &c.
  5. Assessments on real property.
  6. Sweeping and watering streets, &c.
  7. Borrowing monies.
  8. Raising monies.
  9. Making laws for carrying into execution powers herein vested, &c.
  10. Repeal, &c. of by-laws.

## VI. *Cities.*

Section 71—Inhabitants of Cities mentioned in Schedule C, &c. incorporated.

- 72—Election of one Alderman and two Councillors for each ward. Proviso: Mayor to be elected from among Aldermen. Proviso: qualification of Aldermen—real estate assessed at £750. Proviso: qualification of Councillors—real estate assessed at £500. Proviso: qualification of Electors, proprietors or tenants assessed at £50.
- 73—When an incorporated Town is found to contain over fifteen thousand inhabitants, it may, by proclamation of Governor in Council, be erected into a City.
- 74—Each incorporated City to be a County of itself for municipal purposes. Proviso: nothing to prevent County municipal councils to hold their public offices in cities, &c.
- 75—Justices of the Peace of the County to have no jurisdiction within City. Proviso: quarter sessions of County may be held in City. Proviso: nothing to prevent indorsement of warrants as now provided by law.
- 76—Commissions of the Peace to cease from time of erection of a town into a city.
- 77—Chief Constable and High Bailiff to be appointed for each city.

- 78—Corporation may erect any part of liberties of city into outer wards.
- 79—When an outer ward is found to contain a certain number of inhabitants, it may be annexed to the city by proclamation of Mayor.
- 80—As soon as an outer ward is annexed, it shall cease to form part of the liberties. Proviso: no election for charter officers for such ward to take place until next general election.
- 81—Present gaol, court house, &c. to continue as such for city and county.
- 82—A Recorder's court to be established for each city. Jurisdiction of the court same as Quarter Sessions.
- 83—Recorder's court to hold four sessions in each year.
- 84—Inhabitants of city and liberties exempted from serving on certain juries after a certain date.
- 85—Grand jurors of Recorder's courts, twenty-four in number, to be summoned by the High Bailiffs.
- 86—Petit jurors; not less than thirty-six nor more than sixty in number, to be summoned by High Bailiffs.
- 87—Grand and petty jurors to consist only of persons residing in city and liberties.
- 88—Authority of grand juries similar to those of grand juries for Quarter Sessions.
- 89—Powers of courts of Quarter Sessions vested in Recorder's courts.
- 90—On acquittal of a defendant, costs to be paid out of city funds, when a reasonable cause for prosecution has existed.
- 91—Recorder may suspend High Bailiff, Chief Constable, &c. from their duties.
- 92—Clerks of common councils to be clerks of Recorder's courts.
- 93—Qualifications of Recorders—to be Barristers of Upper Canada, not less than five years standing. Proviso: not to be appointed unless asked for by the corporation.
- 94—Offices of Recorder and Police Magistrate may be vested in the same person.
- 95—Powers of city councils similar to those of town councils.
- 96—City councils may make by-laws for—
1. The erection of a City Hall, &c.
  2. Regulating the erection of wooden buildings.

3. Borrowing monies.
4. Raising monies.
5. Carrying into execution powers vested in them.
6. Repeal, &c. of by-laws.

## VII. *Miscellaneous Provisions.*

- Section 97—Mayor to be head of City and Town Council, and Townreeves heads of Township and Village Councils.
- 98—Vacation of office by head of corporation after an absence of more than three months at a time without leave.
- 99—Heads of corporations may resign.
- 100—Members of corporations becoming insolvent, cease to become members.
- 101—Power given to head of corporation to administer certain oaths.
- 102—Notwithstanding proclamation incorporating Villages, &c. municipal corporations existing at the time of proclamation, to continue to exercise their powers until fourth monday in January of the year in which such proclamation shall take effect.
- 103—Governor in council may add to boundaries, &c. of a Town or Village, on petition from the corporation thereof.
- 104—Municipal corporation not to grant exclusive rights to exercise any trade or calling.
- 105—When a Police Magistrate shall be appointed in a Town or City, powers of granting tavern licenses vested in him.
- 106—Tavern-keepers keeping disorderly houses to be tried before the Mayor or Police Magistrate and two Aldermen or Justices of the Peace.
- 107—Affirmation allowed in certain cases instead of taking the oath.
- 108—Voters to be subjects of Her Majesty, of the age of twenty-one.
- 109—Persons appearing on collector's roll as qualified to vote, only required to take oath of qualification.
- 110—False swearing, &c. perjury.
- 111—Returning officers authorized to administer oaths.
- 112—Heads of corporations, &c. authorized to administer oaths.

- 113—Officers appointed under this Act to take oath of office.
- 114—Before whom the head of a municipal corporation shall be sworn.
- 115—An oath of qualification to be taken by persons holding offices requiring a qualification.
- 116—Penalty for refusal to take office or oaths, &c. not more than £20, nor less than £2. Proviso: Persons who have already served, not obliged to serve again.
- 117—Certain persons exempted from serving in any corporate office.
- 118—Certain persons disqualified from being elected Aldermen or Councillors.
- 119—Qualification of an assessor, sufficient property to qualify him for election, as a Councillor for such place as he may be appointed assessor for.
- 120—A person may be appointed assessor for more than one ward.
- 121—Qualification of Justices of the Peace of Towns, same as required of other Justices of the Peace. No property qualification required by a warden, mayor, &c. to act as Justice of the peace.
- 122—Appointment of one or more coroners for each City and Town.
- 123—Police trustees, &c. to be health officers under Act of U. c. 5. Will. 4. c. 10.
- 124—Existing market places to remain as such until otherwise directed by competent authority.
- 125—Corporations may purchase property beyond limits of Towns; &c. for industrial farms, which shall however be considered with regard to jurisdiction as within the limits of such Town.
- 126—Mayor, &c. may commit to hard labor on industrial farms.
- 127—Corporations may purchase real property for cemeteries. Proviso: the title to a cemetery to be obtained under a by-law. Proviso: the corporation not to repeal any by-law passed for that purpose. Proviso: cemeteries though lying beyond limits of Towns, &c. to become a part of such Towns, &c.
- 128—Corporations of Cities, &c. may purchase property beyond limits of such Cities, &c. for Powder Magazines.
- 129—Two auditors to be appointed by every Municipal corporation. Proviso: Members, Clerks or Treasurers of corporations, &c. disqualified from being appointed Auditors. Proviso: Auditors to take an oath of office.

- 130—Auditors to examine all accounts against corporation. To publish a statement of expenditures and liabilities of corporation. And file a duplicate report thereon with the Clerk of the corporation.
- 131—Governor in Council to regulate Ferries over which this act does not confer jurisdiction upon Municipal Councils.
- 132—Writ of *quo warranto* to be issued for the trial of controverted elections.
- 133—On first day of court after judgment rendered, Judge shall deliver writ and judgment into court, and the same shall be enforced by peremptory mandamus, &c.
- 134—When the party keeps out of the way, copy of the writ may be left at his domicile with his wife or other grown person there.
- 135—When several writs to try the same election shall be returnable, separate judgments to be given thereon.
- 136—Judge may cause collectors Rolls, Poll books, &c. to be brought before him by *certiorari*.
- 137—Writs of execution not to issue until it has been in possession of Court four days after judgment, in term time.
- 138—Judgments shall be examinable in term time on application made within four days, and may be reversed, altered or affirmed, as may be necessary.
- 139—Court of Q. B. to settle forms of writs of summons, &c.
- 140—Parties entitled to require of Town Clerks, &c. copies of by-laws on paying a reasonable fee therefor.
- 141—Returning Officers to act as conservators of the peace during elections.
- 142—Penalty against persons refusing to serve as special constables.
- 143—Hours of holding elections, from eleven to four on first day, and from ten to four on second day.
- 144—Returning Officers to keep Poll book, and enregister notes therein. Proviso: he shall only vote in case of equality of votes.
- 145—Returning Officer to return Poll book to Town Clerk, &c. after election.
- 146—If the person elected refuse to take office, the person having the next greater number of votes shall be deemed to be elected.
- 147—Vacancies in Municipal corporations to be filled up by corporations.

- 148—In case of no election being held on an appointed day, corporation may supply number wanting from amongst Freeholders of the Township, &c.
- 149—Vacancies in offices of Warden, Mayor, &c. to be filled up by Municipal corporations from among their own number.
- 150—Corporations in office on day of election to hold office until successors are elected and sworn in.
- 151—A majority of the whole number to form a quorum.
- 152—County Clerks, &c. to be appointed to be paid by salary levied upon ratable property.
- 153—Clerk to keep records of proceedings of corporation, &c.
- 154—A treasurer to be appointed for each County, &c. and a Chamberlain for each City. Their salary to be levied on ratable property.
- 155—Duty of Treasurers and Chamberlains to receive and pay out as directed by corporations, all monies belonging to County, City, &c.
- 156—Clerks, &c. to hold office until removed by corporation.
- 157—Books, &c. of present district Treasurers to be deemed chattels belonging to the different Municipal corporations.
- 158—Corporations created under this act to be substituted for corporations theretofore existing—and all suits commenced by former corporations may be continued by the new corporations.
- 159—Corporations to take charge of debts due by localities under their jurisdiction and provide for their liquidation.
- 160—A sufficient sum to be levied by assessment for payment of all debts of Municipal corporations.
- 161—By-laws for repealing other by-laws, for raising loans, or for paying debts contracted for any loan and interest thereon, null and void.
- 162—Sheriffs to serve writs of execution against Municipal corporations, by leaving a copy thereof with the Chamberlain or Treasurer of corporation. Proviso: surplus in hands of Sheriff after satisfying execution, to be paid over to Chamberlain, &c. Proviso: Clerk and Assessors, &c. of corporation to be considered as officers of court from which writ issued, for the purpose of assisting Sheriff to carry it into execution.

- 163—An annual account of debts of corporation to be submitted to Governor General.
- 164—Governor in Council, may appoint a commission to investigate financial affairs of corporations whose debts have been due over a certain time.
- 165—No Municipal corporations may act as bankers.
- 166—Persons guilty of issuing Bills, Notes, &c. guilty of a misdemeanor. 7 W. 4 c. 13. cited.
- 167—Proviso: for the Punishment of persons offending against by-laws. Proviso: prosecution may be brought in name of corporation.
- 168—Officers, &c. of corporation, competent witnesses and jurors in trials in which the corporation shall be a party.
- 169—Corporations not to pass by-laws stopping up original allowances for roads.
- 170—When any road is altered, the site of the old road may be sold by corporation to the party near whose land it runs.
- 171—Roads not to exceed sixty feet nor be less than forty feet in breadth. Proviso: not to affect roads now established.
- 172—Powers, &c. of Magistrates in Quarter Sessions with respect to highways, &c. vested in Municipal corporations.
- 173—Corporation may authorize persons to plank, &c. roads or build bridges within their jurisdiction. Proviso: tolls to be fixed by corporation. Proviso: tolls not leviable until it is declared by by-law that the work is completed. Proviso: tolls not to be granted for more than ten years. Proviso: persons having right to tolls, to keep roads, &c. in repair.
- 174—Corporation not to stop up roads, &c. without one month's notice, &c. Proviso: no power given to corporations to interfere with roads, &c. vested in Her Majesty, &c.
- 175—In case it shall be necessary for roads to pass over, &c. private property—arbitrators appointed. Proviso: awards subject to Court of Q. B. Proviso: in case of neglect of head of corporation to appoint arbitrator, &c. party interested may sue corporation, &c.
- 176—If a lawful tender be proven by defendant, all costs subsequent thereto to be borne by plaintiff.
- 177—In estimating damages, juries to take into consideration benefit to be derived by plaintiff from widening of road, &c.



- 178—All by-laws to be authenticated by seal of corporation, &c.
- 179—Original by-laws to be kept in clerk's office and open to the public, &c.
- 180—Corporations of Cities using gaols, &c. of Counties within the limits whereof they are situate, to pay to the corporations of such Counties for the use of the said gaols, &c. a fair compensation, to be settled by arbitrators in case of disagreement. Proviso: after 5 years, governor may order a new agreement. All awards subject to court of Q. B. Proviso: existing agreements to remain in force as if settled under this act.
- 181—Villages, Towns, &c. in the different schedules to have different boundaries therein set forth.
- 182—Certain Towns in schedule D, to remain Towns as heretofore, but not subject to provisions of this Act applicable to Towns only.
- 183—Towns mentioned in first division of Schedule D, incorporated.
- 184—When Towns mentioned in second division of Schedule D, contain 1000 inhabitants, Governor may by proclamation incorporate them apart from Townships in which they are situate.
- 185—When certain Towns in Schedule D, contain 5000 inhabitants, Governor in Council may divide them into wards, and the provisions of this Act with respect to Towns in Schedule B, shall apply to them.
- 186—Corporations, &c. of Counties, &c. existing immediately previous to 1st January, 1850, to remain in office until 4th monday of that month.
- 187—Proclamation incorporating Villages, &c. to take effect 1st January next after three months from date of proclamation.
- 188—Provisions of this Act respecting property qualifications not to take effect, unless some Act be passed for the regulating of assessments in U. C., &c.
- 189—Qualification of voters for Cities or Towns: to be assessed at a rental or yearly value of £5.—that of councillors, at a rental or yearly value of £60.
- 190—Acts, &c. inconsistent with this Act, repealed.
- 191—Interpretation of word "Governor" &c.
- 192—Act may be amended, &c. in this Session.

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# MUNICIPAL CORPORATIONS

## BILL.

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### UPPER CANADA.

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## BILL.

An Act to provide, by one general law, for the erection of Municipal Corporations, in and for the several counties, cities, towns, townships and villages in Upper Canada.

2 **W**HEREAS it will be of great public benefit and advantage that  
4 provision should be made by one general  
6 law for the erection of municipal corporations in and for the several counties, cities,  
8 towns, townships and villages in Upper  
10 Canada: And whereas, with a view to this  
12 object, certain Acts of the Parliament of this Province, and certain others of the  
Parliament of the late Province of Upper  
Canada, have, by an Act passed during this  
present Session of Parliament been re-  
pealed: Be it therefore enacted, &c.

Preamble.

14 And it is hereby enacted by the authority  
16 of the same, That this Act shall commence  
18 and have force and effect upon, from and  
20 after the first day of January, in the year  
22 of our Lord, one thousand eight-hundred  
24 and *fifty*, and not before; excepting  
always such of its provisions as may require  
that any thing be done preparatory to the  
elections to be held under it, which provi-  
sions shall be in force immediately upon,  
from and after the passing thereof.

Commence-  
ment of this  
Act.

## I. TOWNSHIPS.

Inhabitants of  
Townships  
incorporated.

Their powers.

II. And be it enacted, That the inhabitants of each township in Upper Canada, in which a township meeting hath been heretofore held, shall be a body corporate, and as such shall have perpetual succession and a common seal, with power to break, renew and alter the same at pleasure, and shall be capable of suing and being sued, of pleading and being impleaded in all courts and places whatsoever, of purchasing acquiring and holding lands and tenements, and other real and personal property within such township for the use of the inhabitants thereof, in their corporate capacity, and of making and entering into such contracts as may be necessary for the exercise of their corporate functions, and that all such powers shall be exercised by, through and in the name of the Municipality of each township respectively.

Provisions as  
to townships  
which have  
had their last  
township  
meeting as  
being united  
to an adjacent  
township.

III. And be it enacted, That if any Township shall have had its last Township meeting as being united to or as having its inhabitants reputed as belonging to an adjacent township, such township shall be first represented in the said adjacent township, and the male resident freeholders and householders in such township shall vote at the first election to be held in such adjacent township, and the councillors to be chosen shall be chosen from amongst the persons qualified for office in either township, and thereafter any township not having within it fifty resident freeholders and householders on the collector's roll may, by a Bye-law of the municipal council of the county in which such Township is situate, be united for the purposes of this Act, to any adjacent township in such county, at the discretion of such Municipal council, and that all such townships shall, while they shall continue so united, be called the united Townships of

, mentioning their names, and the word township shall for the purposes of this

## I. TOWNSHIPS.

Act, be held and considered to apply to,  
2 and include, townships so united as well  
as single townships.

4 IV. And be it enacted, That whenever  
any township so attached or united to another  
6 shall have within it, fifty resident freehold-  
ers, and householders on the collector's  
8 roll, such township shall, for the year fol-  
lowing the making up such roll and thence-  
10 forth, be incorporated by itself, and such  
township, and that to which it shall have  
12 been so united, shall thenceforth to all  
intents and purposes whatsoever be held  
14 and considered as separate townships.

When a  
township  
united to  
another shall  
be incorporat-  
ed by itself.

V. And be it enacted, That no part of  
16 any incorporated city or of the liberties  
thereof, or of any incorporated town or  
18 village, although lying within the boundaries  
of a township, shall, for the purposes of this  
20 Act, be held to form any part of such  
township.

No part of  
cities, &c. to  
form part of  
townships.

22 VI. And be it enacted, That without  
any new election, the officers and persons  
24 elected or appointed in each and every  
township in Upper Canada, or to be elect-  
26 ed or appointed under the laws now in  
force therein, shall continue in office until  
28 the fourth Monday of January, in the year  
of our Lord, one thousand eight-hundred  
30 and *fifty*, and until their successors shall be  
elected and sworn into office.

Continuation  
in office of  
present offi-  
cers, &c. of  
townships.

32 VII. And be it enacted, That the place  
where the last annual township meeting, for  
34 the election of district councillors and the  
appointment of parish and town officers,  
36 was held in each township, shall be the  
place where the first election for township  
38 councillors under this Act shall be held,  
and such place shall continue to be the  
40 place for holding such elections under this  
Act in such township, until it shall be other-  
42 wise appointed by the township municipali-

Place of first  
election of  
township  
councillors.

## I. TOWNSHIPS.

ty by any Bye-law or Bye-laws to be passed for that purpose. 2

Returning officer.

VIII. And be it enacted, That the township clerk shall be the Returning Officer, at such first election to be held under this Act, after which the township clerk to be appointed under this Act, shall be such Returning Officer, and if any such township clerk shall be absent at the time appointed for any such election, it shall be lawful for the voters then and there assembled to appoint from amongst themselves a Returning Officer who shall forthwith proceed to hold such election in lieu of such township clerk. Provided always, that the appointment of such persons shall not be made until at least one hour after the hour appointed by law or common practice, for commencing the proceedings at such annual township meetings. 4  
6  
8  
10  
12  
14  
16  
18  
20

Proviso:

Election of township councillors when to be held.

IX. And be it enacted, That on the first Monday in January, in the year of our Lord, one thousand eight hundred and fifty, and on the first Monday in the same month, in each succeeding year, there shall be held an election for township councillors in each township in Upper Canada. 22  
24  
26

Production of the roll of freeholders and householders by township collector.

X. And be it enacted, That it shall be the duty of the collector for the township; who shall be in office at the time of any such election, whether appointed under this Act or before the passing thereof, to produce, at the opening of every such election either by himself or by some other person, a fair copy of the collector's roll made up next before such election, so far as such Roll contains the names of the freeholders and householders of such township, with the amount for which they shall be respectively assessed on such roll, which said copy shall be verified by affidavit or affirmation of such collector, appended to or endorsed upon such copy, and sworn or affirmed 28  
30  
32  
34  
36  
38  
40  
42

## I. TOWNSHIPS.

before any Justice of the Peace for the  
 2 county, to the effect that the same is a true  
 copy of such Roll, so far as the same re-  
 4 lates to the place for which such election is  
 to be held, and that it contains the names  
 6 of all the freeholders and householders in  
 such township, and the amount for which  
 8 they shall have been assessed, as entered  
 upon such roll; and the persons entitled  
 10 to vote at such election, shall be those whose  
 names are upon the said Roll, thus verified,  
 12 and who shall at the time of the election be  
 resident in the township; **Provided** always,  
 14 firstly, that the holder or occupier of any  
 separate portion of a house having a dis-  
 16 tinct communication with a road or street,  
 by an outer door, shall be considered a  
 18 householder within the meaning of this Act,  
 in case he shall be assessed therefor as a  
 20 house upon such collector's roll, as afore-  
 said. **Provided** also, secondly, that no  
 22 person shall be qualified to be elected at  
 any such election who shall not have been  
 24 entered upon the said Roll as aforesaid,  
 for rateable property held in his own right  
 26 or that of his wife, as proprietor or tenant  
 to the value of one hundred pounds of  
 28 lawful money of Canada.

Proviso.

Proviso.

XI. And be it enacted, That each and  
 30 every new township, formed by any Act  
 passed during the present session, shall,  
 32 for the purposes of this Act, be deemed to  
 be a township in which a township meeting  
 34 shall have been held before the passing  
 thereof, and the district councillor or  
 36 councillors for the township, out of which  
 the greater part of such new township shall  
 38 be formed, or in case of his or their refusal  
 or neglect, the district councillor or  
 40 councillors for the township, out of which  
 the lesser part of such new township shall  
 42 be formed, shall, for the purposes of this  
 Act, be deemed to be the district council-  
 44 lor or councillors for such new township;  
 and shall appoint the returning officer for

Provision  
with respect  
to new town-  
ships under  
acts passed  
during the  
present  
session.

## I. TOWNSHIPS.

the first election to be held under this Act, for such new township and the place in such township where such election shall be held, and the persons entitled to vote or be elected at such election shall be those whose names are upon the assessment roll or rolls of the township or townships from which such new township shall be formed, and shall continue at the time of the election to be resident in such new township, and the collector or collectors of the township or townships, out of which such new township shall be formed, shall furnish the returning officer thereof, with a fair copy of that part of the collector's roll of their townships respectively, which relates to persons resident within such new township verified as in, and by the next preceding section of this Act is provided.

Five councillors to be elected annually.

XII. And be it enacted, That at each of the said yearly township elections, there shall be elected five councillors for the township, who shall hold office until the third Monday in January, in the year next after that for which they shall have been elected.

Place and time of meeting of newly elected municipality.

XIII. And be it enacted, That the person holding such election shall, when no place is appointed for that purpose by by-law of the municipality of such township, appoint the place for the first meeting of the newly elected municipality after such election, which meeting shall be held on the second monday next after such election, or if not held on that day, then on some day thereafter, of which appointment he shall give notice to the members of the municipality; and at such first meeting the councillors shall proceed to elect from amongst themselves a Townreeve for such Township for such year.

Townreeve.

Adjournment of meetings.

XIV. And be it enacted, That the said township municipalities shall and may

## I. TOWNSHIPS.

severally adjourn their meetings, from  
 2 time to time, at their pleasure, and the  
 townreeve shall have power at any time to  
 4 summon a special meeting thereof.

XV. And be it enacted, That the meet-  
 6 ings of each township municipality shall  
 be held at such place within the township  
 8 as they shall themselves from time to time  
 appoint by adjournment or by any by law  
 10 to be passed for that purpose.

Meetings to be  
 held in such  
 places as  
 township  
 municipalities  
 shall appoint.

XVI. And be it enacted, That the town-  
 12 reeve shall preside at all meetings of the  
 township municipality, except only when  
 14 there shall be no townreeve, in which case  
 the township clerk, or in his absence some  
 16 member of such municipality to be ap-  
 pointed by them for that purpose, shall pre-  
 18 side in such municipality.

Who shall  
 preside at  
 meetings.

XVII. And be it enacted, That the  
 20 municipality for each township shall, so  
 soon as conveniently may be after their  
 22 own election or appointment, nominate and  
 appoint three assessors for the township  
 24 and one collector for the same; and that  
 the said assessors and collector shall hold  
 26 office from the time of their appointment  
 respectively, until the third monday in  
 28 January of the year next after their ap-  
 pointment as aforesaid, and until the muni-  
 30 cipality of such township shall appoint new  
 assessors or a new collector in their place  
 32 or in the place of any one of them, and in  
 case of a vacancy in the office of any as-  
 34 sessor or collector by death or removal of  
 residence from the township, the township  
 36 municipality shall fill up the vacancy by a  
 new appointment, at its then next meeting,  
 38 or as soon thereafter as conveniently may  
 be.

Appointment  
 of assessors  
 and collectors.

XVIII. And be it enacted, That the  
 40 municipality of each township shall, upon  
 42 the report of the auditors of the township,

Audit of  
 accounts.



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finally audit and allow all accounts chargeable against the township, and in case any such charges shall not be specially regulated by law, it shall be their duty to allow for the same such sums as may be just and reasonable, and they shall in like manner also audit and allow the accounts of the township treasurer and of the township collector, except so far as respects any county rate collected by such collector.

Boundary lines  
of townships.

Act of U. C. 38  
Geo. 3. c. 1.

Proviso.

By-laws.

Purchase of  
real property.

XIX. And be it enacted, That the boundary lines of the different townships in Upper Canada shall hereafter be ascertained and established upon a permanent footing under the authority of an Act of the Parliament of that Province, passed in the thirty-eighth year of the reign of His late Majesty King George the Third, intitled, *An Act to ascertain and establish on a permanent footing the boundary lines of the different townships of this Province*, or under the authority of any Act of the Parliament of this Province, to be passed in the present or any future session of Parliament for that purpose, upon the application of the municipality of each township respectively, or as such other Act may direct, and not upon that of the Quarter Sessions of the Peace, as required by such first mentioned Act: Provided always nevertheless, that no application of freeholders shall be necessary to enable such municipality to make the necessary application for such purpose.

XX. And be it enacted, That the municipality of each of the townships in Upper Canada, shall have power and authority to make a by-law or by-laws for each, all or any of the following purposes, that is to say:

1stly. For the purchase and acquirement of all such real and personal property within the township as may be re-

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quired for the use of the inhabitants thereof as a corporation, and for the sale and disposal of the same, when no longer required.

- 4 2ndly. For the erection, security, preservation, improvement or repair of a town  
6 hall, and of all other houses and buildings  
8 required by or being upon any land ac-  
quired by or belonging to such township  
as a corporation. Town hall.
- 10 3rdly. For building common school  
12 houses, and providing for the establishment  
of common schools according to law. School houses.
- 14 4thly. For the erection and establish-  
16 ment of one or more public pounds in such  
township, and settling the fees to be taken  
by pound-keepers. Public pounds.
- 18 5thly. For the appointment, under the  
20 corporate seal of such township, of a suffi-  
22 cient number of pound-keepers, fence  
24 viewers, overseers of highways, road sur-  
veyors, and of such and so many other  
26 officers as may be necessary for carrying  
28 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  
30 Upper Canada, or of any by-law or by-  
laws of the municipality of such township,  
32 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. Pound-keepers, &c.
- 34 6thly. For regulating and prescribing  
36 the duties of all officers acting under the  
authority of the corporation of such town-  
ship, and the penalties on their making  
default in the performance of such duties. Duties of township officers.
- 38 7thly. For settling the remuneration of  
40 all township officers in all cases where  
the same is not or shall not be settled by Their remuneration.

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- Act of the Legislature, and for providing for the payment of the remuneration by such Act of the Legislature or by the by-laws of the said municipality provided and appointed for all township officers whatsoever. 2 4 6
- Bonds, &c. to be given by them. 8thly. For regulating the bonds, recognizances or other securities to be given by all township officers for the faithful discharge of their duties; for inflicting reasonable penalties for refusing to serve in any township office, and for the infringement of any and every by-law of the municipality of the township, 8 10 12 14
- Drains and water courses. 9thly. For the erection, construction or repair of such drains and water-courses as the interests of the inhabitants of such township shall in the opinion of the municipality require to be so erected, constructed or repaired at the public expence of such township. 16 18 20
- Highways, roads, &c. 10thly. For the opening, constructing, making, levelling, pitching, raising, lowering, gravelling, macadamizing, planking, repairing, planting, improving, preserving and maintaining of any new or existing highway, road, street, side-walk, crossing, alley, lane, bridge or other communication within such township, and for the stopping up, pulling down, widening, altering, changing or diverting of any such highway, road, street, side-walk, crossing, alley, lane, bridge, or other communication within the same: Provided always, nevertheless, that no such new, widened, altered, changed or diverted highway, road, street, side-walk, crossing, alley, lane, bridge or other communication, shall be laid out as to run through or encroach upon any dwelling-house, barn, stable, or outhouse or any orchard, garden, yard or pleasure ground, without the consent in writing of the owner thereof. 22 24 26 28 30 32 34 36 38 40 42
- Proviso.

## I. TOWNSHIPS.

11thly. For providing, that on each side  
 2 of any highway which shall pass through  
 a wood, the timber shall be cut down for a  
 4 space not exceeding twenty-five feet on  
 each side of such highway, by the pro-  
 6 prietor of the land on which such timber  
 shall be, or in his default by the overseer  
 8 of highways or other officer in whose di-  
 vision such land shall lie, such timber to  
 10 be removed by the proprietor within a  
 time to be appointed by the by-law, or in  
 12 his default by such overseer of highways, or  
 other officer in which last mentioned case  
 14 it may be used by the overseer or other  
 officer as aforesaid for any purpose  
 16 connected with the improvement of the  
 highways and bridges in his division, or  
 18 sold by him to defray the expenses incur-  
 red in carrying the by-law into effect :  
 20 Provided always, that no such by-law shall  
 authorize or compel the cutting down of  
 22 any orchard or shrubbery, or of any trees  
 planted expressly for ornament or shelter.

Highways  
 passing  
 through  
 woods.

Proviso.

24 12thly. For the protection and pre-  
 26 servation of any timber, stone, sand or  
 gravel growing or being upon any allow-  
 28 ance or any appropriation for any public  
 road or roads within such township.

Protection of  
 timber, stone,  
 &c.

30 13thly. For regulating the driving and  
 riding on or over any bridge erected or to  
 be erected within such township.

Driving over  
 bridges.

32 14thly. For regulating inns, taverns, ale  
 houses, victualling houses, ordinaries and  
 34 all houses where fruit, oysters, clams, vic-  
 tuals or spirituous liquors, or any other  
 36 manufactured beverage may be sold, to be  
 eaten or drank therein, and all other places  
 38 for the reception and entertainment of the  
 public within the jurisdiction of the cor-  
 40 poration of such township and to limit the  
 number of them, and in all cases when there  
 42 exists no other provision by law for the  
 licensing of such houses, to provide for the

Inns, taverns,  
 &c.

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proper licensing of the same, at such rates as to the corporation of such township may seem expedient, the proceeds of such license, in cases not otherwise appropriated by law, to form part of the public funds of such township and to be disposed of as the said corporation may consider advisable.

Pits, precipices, &c.

15thly. For making regulations as to pits, precipices and deep waters, or other places dangerous to travellers. 10

Granting of money for improving roads, &c.

16thly. For granting money to the municipal council of the county in which such township shall be situate or to that of any adjoining county, to aid in the making, opening, building, maintaining, widening or improving any highway, road, street, bridge or communication lying between such township and any other township in the same or any adjoining county, or in the making, opening, building, maintaining, widening or improving any highway, road, street, bridge or communication within such township, assumed by the municipal council of the county as a county work, or agreed to be assumed by such municipal council on the condition of such grant. 26

Joint stock road companies, &c.

17thly. For regulating the manner of granting to associated joint stock road or bridge companies licenses to proceed with any roads or bridges within the jurisdiction of such municipality, and the manner of afterwards ascertaining and declaring according to law the completion of the works undertaken by such companies respectively, so as to entitle such incorporated companies to levy tolls upon such works, and of all examinations, enquiries and investigations necessary for the proper efficient and judicious exercise of such power. 40

Taking stock of road or

18thly. For taking stock in or lending money to any incorporated road or bridge 42

## I. TOWNSHIPS.

company to which such municipality shall  
 2 have granted a license to proceed with bridge compa-  
 such work in accordance with the require- nies.  
 4 ments of the statute in that behalf, or in or to  
 any other such incorporated road or bridge  
 6 company in whose road or bridge the in-  
 habitants within the jurisdiction of such  
 8 municipality shall in the opinion of such  
 municipality be sufficiently interested to  
 10 warrant them in taking such stock or lend-  
 ing such money for the advancement of  
 12 such enterprize. All dividends, interest  
 and proceeds to arise or be received from  
 14 such stock or loan being at all times appli-  
 cable to the general purposes of such mu-  
 16 nicipality, and to go in reduction of the  
 rates required to be levied for such pur-  
 18 poses.

19thly. For restraining and regulating Running at  
 20 the running at large of horses, cattle, large of  
 sheep, goats, swine, and other animals, animals.  
 22 geese, turkeys and other poultry, and  
 to impound or provide for the impounding  
 24 of the same, and for fixing the periods of  
 the year during which such animals or  
 26 poultry shall be permitted to run at large,  
 and those during which they shall be  
 28 restrained from doing so.

20thly. For imposing a tax on the Tax on Dogs.  
 30 owners, possessors or harbourers of dogs ;  
 for regulating or preventing such dogs  
 32 from being allowed to run at large at  
 improper times, and for killing and destroy-  
 34 ing such as are found running at large con-  
 trary to such by-law.

36 21stly. For the destroying or suppress- Destruction of  
 38 ing the growth of weeds detrimental to weeds.  
 good husbandry.

22ndly. For preventing, restraining or Exhibitions,  
 40 regulating exhibitions of wax figures, puppet shows,  
 wild animals, puppet shows, wire-dancing, &c.  
 42 circus-riding, and other idle acts or feats

## I. TOWNSHIPS.

which common showmen, circus-riders, mountebanks or jugglers usually exhibit, 2 practice or perform, and requiring the payment of a sum not exceeding *five* pounds 4 to the township treasurer before any and every such exhibition shall be allowed to 6 be held or to take place ; for imposing a fine upon the proprietors or persons in 8 charge of such exhibition, in case they shall exhibit without such payment, and 10 for the levying thereof by summary distress to be levied upon the goods and chat-12 tels of such showmen, or belonging to such exhibition, whether the owners shall 14 be known or not, or for the imprisonment of the parties offending, for any time 16 not exceeding *one* calendar month, and for the appropriation of such sums as may 18 be received or recovered under any regulation or by-law to be passed for that pur-20 pose.

Damages payable by owners of animals trespassing.

23rdly. For appraising the damages to 22 be paid by the owners of horses, cattle and other animals trespassing, contrary to 24 the by-laws or regulations of such township. 26

Sale of animals impounded.

24thly. For causing such horses, cattle or other animals as shall be impounded, 28 to be sold, in case the same are not claimed within a reasonable time, or in case the 30 damages, fines and expenses shall not be paid according to such by-laws or regu-32 lations.

Height of fences.

25thly. For settling the height and des-34 cription of lawful fences.

Establishment of boundary lines.

26thly. For procuring, in case the same 36 hath not been already done, the ascertaining and establishment by public authority 38 according to law, of the boundary lines of such township, and providing for the pe-40 riodical inspection and preservation of the durable monuments by law required to be 42

## I. TOWNSHIPS.

erected for evidencing the same, and for  
 2 procuring the necessary estimates, and  
 making the necessary application for the  
 4 same according to law.

27thly. For empowering the landholders  
 6 in such township, to compound for the  
 statute labour by them respectively per-  
 8 formable, for any term not exceeding *five*  
 years, at any rate not exceeding *two shil-*  
 10 *lings and six* pence for each day's labour,  
 and at any time before the labour com-  
 12 pounded for ought to be performed, and by  
 any such regulations to direct to what offi-  
 14 cer in each township such composition  
 money shall be paid, and how such money  
 16 shall be applied and accounted for, and to  
 regulate the manner and the divisions in  
 18 which the statute labour shall be per-  
 formed.

Compounding  
 of statute  
 labor.

20 28thly. For enforcing the performance  
 of statute or road labour, or payment of a  
 22 commutation in money therefor.

Enforcing sta-  
 tute labor.

29thly. For the imposing reasonable  
 24 penalties and fines not exceeding in any  
 case *five* pounds currency, and reasonable  
 26 punishment by imprisonment, not exceed-  
 ing *twenty* days, for the breach of all or any  
 28 of the by-laws or regulations of such muni-  
 cipality.

Fines and  
 penalties.

30 30thly. For borrowing under the restric-  
 tion, and upon the security hereinafter  
 32 mentioned, all such sums of money as shall  
 or may be necessary for the executing of  
 34 any township public work within their  
 jurisdiction, and the scope of the authority  
 36 by this Act conferred upon them.

Borrowing  
 monies.

31stly. For raising, levying, collecting  
 38 and appropriating such monies as may be  
 required for all or any of the purposes  
 40 aforesaid, either by way of tolls to be paid  
 on any township bridge, road, or other town-  
 42 ship work, to defray the expense of making,

Levying  
 monies.



## I. TOWNSHIPS, &amp;c.

repairing or maintaining the same, or by means of a rate or rates to be assessed 2 equally on the whole rateable property of such township, liable to assessment accord- 4 ing to any law which shall be in force in Upper Canada, concerning rates and as- 6 sessments.

Local regu-  
lations.

32ndly. For making such other local 8 regulations not contrary to any law of this Province, or to any by-law of the municipi- 10 pal council of the county within which such township shall lie, and which shall by law 12 extend to and be in force within such town- ship, as the good of the inhabitants of such 14 township may in their opinion require.

Repeal, &c.  
of by-laws.

33rdly. For the repeal, alteration or 16 amendment, from time to time, of all or any of such by-laws, and the making others in 18 lieu thereof, as to them may seem expedient for the good of the inhabitants of such 20 township.

## II. COUNTIES.

Counties  
incorporated.

Their powers.

**XXI.** And be it enacted, That the 22 inhabitants of each and every county in Upper Canada, shall be a body corporate, 24 and shall have perpetual succession and a common seal, with power to break, renew 26 or alter the same at pleasure, and shall be capable of suing and being sued, of plead- 28 ing and being impleaded, in all courts and places whatsoever, of purchasing, ac- 30 quiring and holding lands and tenements and other real and personal property 32 within such county, for the use of the inhabitants thereof in their corporate capa- 34 city, and of making and entering into such contracts as may be necessary for the 36 exercise of their corporate functions, and that the powers of the corporation shall 38 be exercised by and through and in the

## II. COUNTIES.

name of the Municipal council of such  
2 county.

XXII. And be it enacted, That the  
4 Townreeves of the several townships, vil- Townreeves of  
lages and towns within each county shall in each county  
6 constitute the municipal council for such to constitute  
county. municipal  
council of  
such county.

§ XXIII. And be it enacted, That the mu- Meetings of  
nicipal council of each county shall meet county muni-  
10 at the shire hall, if there be one, or other- cipal councils.  
wise at the county court house annually,  
12 on the fourth monday in January, or if not  
on that day, then on some day thereafter,  
14 and their meeting may be adjourned from  
time to time, and to the same place, or to any  
16 other place within the county, or any city  
lying within the boundaries of such county,  
18 although such city may be a county in  
itself for municipal or other purposes, or  
20 within the liberties of any such city, and  
any municipal council may hold special  
22 meetings, (to be summoned at any time  
by the county warden) at the place where  
24 the then last meeting of such council shall  
have been held; and such special meet-  
26 ings may be adjourned from time to time,  
and to the same place, or to any other  
28 place within the county as aforesaid.

XXIV. And be it enacted, That the  
30 municipal council of each county shall, at Election of  
their first meeting on or after the fourth county  
32 monday in January in each year, choose warden.  
from amongst themselves a county War-  
34 den, who shall thenceforth preside at all  
meetings of such municipal council.

36 XXV. And be it enacted, That the Keeping and  
keeping and repairing of the shire hall, &c.  
38 county court house and gaol, and of any to be charged  
house of correction that may be erected upon each  
40 and established by the municipal council, county.  
shall be charged upon each county in  
42 Upper Canada, and it shall be the duty of

## II. COUNTIES.

the municipal council to cause the same to be repaired and kept in repair at the expense of the county, and to raise by rate upon the county all sums of money which shall be necessary for such purposes, and for every other purpose, the expense whereof shall be by law chargeable upon the county. 2  
4  
6  
8

Duty of council with respect to the planking, &c. of highways, &c.

XXVI. And be it enacted, That whenever any new or existing highway, road, 10 street, bridge or other communication within any township, shall by any by-law of 12 the municipal council of the county in which such township is situate, be assumed 14 by such municipal council as a county road or bridge as being one in which more than 16 one township or the whole county is interested, it shall be the duty of such 18 municipal council, and they are hereby required with as little delay as reasonably 20 may be, and at the expense of the county, to cause such road to be planked, graveled 22 or macadamized, or such bridge to be built in a good and substantial manner, and 24 from the time of the passing of the by-law assuming such road or bridge as a county 26 work as aforesaid, and so long as the same shall remain unrepealed, the municipalities 28 of the townships in which such road or bridge shall be situate, shall cease to have 30 any jurisdiction or control over the same or any part thereof as respects the making, 32 maintaining or improving the same, or the stopping up, altering or diverting the same, 34 or the protection or preservation of any timber, stone, sand or gravel growing or 36 being thereon, or the regulating the driving or riding thereon, or other use thereof: 38  
Provided always, nevertheless, that the mere laying out of county money upon 40 any road lying between any two or more townships for the improvement thereof, or 42 exercising the other powers by this act conferred upon them with respect to such 44 line roads, shall not be deemed an assump-

Proviso.

## II. COUNTIES.

tion of the same as county roads, so as to  
 2 render it obligatory upon the said county, to  
 cause the same to be planked, graveled or  
 4 macadamized as hereinbefore provided, and  
 this notwithstanding that the line of such  
 6 roads may occasionally deviate from its  
 course between such townships, or any two  
 8 of them, so as in some places to lie wholly  
 or in part within one of such townships only.

10 XXVII. And be it enacted, That all  
 roads and bridges running, lying or being  
 12 between different townships, situate in the  
 same county, shall be exclusively within  
 14 the jurisdiction and subject to the control  
 of the municipal council of such county as  
 16 far as respects the making, maintaining or  
 improving the same, or the stopping up,  
 18 altering or diverting the same, or the pro-  
 tection and preservation of any timber,  
 20 stone, sand or gravel growing or being  
 thereon, or the regulating the driving or  
 22 riding thereon, or other use of the same,  
 and this notwithstanding that the line of  
 24 such road or bridge shall or may occasi-  
 onally deviate from its course between  
 26 such townships, and in some parts thereof  
 may lie wholly within one of such town-  
 28 ships.

Roads, &c.  
 to be under  
 jurisdiction of  
 counties  
 through which  
 they run.

XXVIII. And be it enacted, That all  
 30 roads and bridges running, lying or being  
 between different counties or between a  
 32 county and a city lying within the boun-  
 daries of such county or on the bounds of  
 34 a town or incorporated village within such  
 county, shall be within the jurisdiction and  
 36 subject to the control of the municipal cor-  
 porations of both such counties, or of such  
 38 county and city or town and village as far  
 as respects the making, maintaining or im-  
 40 proving the same, or the stopping up, alter-  
 ing or diverting the same, or the protection  
 42 of any timber, stone, sand or gravel growing  
 or being thereon, or the regulating the  
 44 driving or riding thereon, or other use of

Roads, &c.  
 running  
 between two  
 counties to be  
 under the  
 jurisdiction of  
 both.

## II. COUNTIES.

the same, and this notwithstanding that the line of such road or bridge shall or may occasionally deviate from its course between such counties or such county and city, or along the bounds of such town or village, and in some parts thereof wholly within one or the other of such counties, city, town or village, and no by-law to be passed by any of such municipal corporations with respect to any such road or bridge, for any of the purposes aforesaid, shall have any force or effect whatsoever until the passing of a by-law in similar or corresponding terms as nearly as may be by the other of such corporations.

Audit of  
accounts  
chargeable  
against  
county.

XXIX. And be it enacted, That the municipal council of each county shall, upon the report of the auditors of the county, finally audit and allow all accounts chargeable against the county; and in case any such charges shall not be specially regulated by law, it shall be their duty to allow for the same such sums as may be just and reasonable; and they shall in like manner also audit and allow the accounts of the county treasurer, and of the collectors of the several townships within their county, so far as the accounts of such collectors shall relate to county purposes.

Councils may  
make by-  
laws.

XXX. And be it enacted, That the municipal council of each county shall have power and authority to make a by-law or by-laws for each, all or any of the following purposes, that is to say:

Purchase of  
real property.

1stly. For the purchase and acquirement of all such real and personal property, within the county, as may be required for county purposes, and for the sale and disposal of the same when no longer required.

Erection, &c.  
of shire hall,  
&c.

2dly. For the erection, preservation improvement or repair of a shire hall, court house, gaol, house of correction, house of

## II. COUNTIES.

industry, and of all other houses and other  
 2 buildings required by or being upon any  
 land acquired by or belonging to such  
 4 county as a corporation.

3rdly. For the erection, preservation, im-  
 6 provement and repair of county school  
 houses for the use of grammar schools in  
 8 such parts of the county, or within any city  
 or the liberties thereof, lying within the  
 10 boundaries of such county, as the wants of  
 the people most require, and for making such  
 12 provision in aid of such grammar schools  
 as they may deem expedient for the ad-  
 14 vancement of education in the same.

Erection, &c.  
 of school hou-  
 ses, &c.

4thly. For making some permanent pro-  
 16 vision for defraying out of the public funds  
 of such county, the expense of the attendance  
 18 at the seat of the University of Toronto, and  
 of that of Upper Canada College, and Royal  
 20 Grammar School there, of such and so  
 many of the Pupils of the different public  
 22 Grammar Schools of such county, as shall  
 be desirous of, and in the opinion of the  
 24 respective Masters of such Grammar  
 Schools shall be of competent attainments  
 26 for entering into competition for any of the  
 Scholarships, Exhibitions or other similar  
 28 prizes offered by such University or College  
 to competition amongst such Pupils, but  
 30 which Pupils from the inability of their  
 Parents or Guardians to incur the necessary  
 32 expense of such attendance, might otherwise  
 be deprived of the opportunity of competing  
 34 for the same.

Making a pro-  
 vision for the  
 expenses of  
 Pupils attend-  
 ing at the  
 University of  
 Toronto, &c,  
 whose Parents  
 are unable to  
 incur such  
 expenses.

5thly. For the endowment of such and so  
 36 many Fellowships, Scholarships, Exhibitions  
 and other similar prizes in the University of  
 38 Toronto, or in Upper Canada College and  
 Royal Grammar School there, to be open  
 40 to competition amongst the Pupils of the  
 different public Grammar Schools of such  
 42 county, as they shall deem expedient for the  
 encouragement of learning amongst the  
 44 youth of such county.

Endowment  
 of Fellowship  
 in the Univer-  
 sity of Toron-  
 to, &c.

## II. COUNTIES.

Appointment  
of Inspectors  
of House of  
Industry.

6thly. For the appointment of the inspectors of the county house of industry and of such and so many 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. 2  
4  
6  
8  
10

Remuneration  
of county  
officers.

7thly. For the settling the remuneration to all county officers in all cases where the same is not or shall not be settled by Act of the Legislature, and for providing for the payment of the remuneration by such Act of the legislature or by the by-laws of the said municipal council provided and appointed for all county officers. 12  
14  
16  
18

Regulation of  
ferries, &c.

8thly. For regulating all ferries between any two places in such county, and for establishing the rates of pay or hire to be taken by the owners or conductors of the boats or vessels employed on such ferries, but no by-law for any such purpose shall have any force or effect until the same shall have been assented to by the Governor of this Province in Council. 20  
22  
24  
26  
28

Remuneration  
of townreeves.

revises.

9thly. For settling and paying a rate at which the Townreeves forming such municipal council shall be remunerated for their attendance at such council: Provided always, nevertheless, that no by-law to be passed for this latter purpose after the year of our Lord, one thousand eight hundred and fifty, shall be valid, unless the same shall by the terms of it be limited to take effect two whole years at least from the passing thereof. 30  
32  
34  
36  
38  
39

Erection, &c.  
of drains.

10thly. For the erection, construction or repair of such drains and water courses as the interests of the inhabitants of such 40  
42

## H. COUNTIES.

county at large shall in the opinion of the  
 2 municipal council require to be so erected,  
 constructed or repaired at the public ex-  
 4 pense of such county.

11thly. For the opening, constructing, Opening, &c.  
of roads, &c.  
 6 making, levelling, pitching, raising, low-  
 ering, gravelling, macadamizing, planking,  
 8 repairing, planting, improving, preserving  
 and maintaining of any new or existing  
 10 highway, road, street, side-walk, crossing,  
 alley, lane, bridge or other communication  
 12 running, lying or being within one or more  
 townships or between two or more town-  
 14 ships of such county, or between such  
 county and any adjoining county or city,  
 16 or on the bounds of any town or incorpo-  
 rated village lying within the boundaries  
 18 of such county, as the interests of the in-  
 habitants of such county at large shall in  
 20 the opinion of the municipal council re-  
 quire to be so opened, constructed, made,  
 22 widened, changed, diverted, levelled, pitch-  
 ed, raised, lowered, gravelled, macada-  
 24 mized, planked, repaired, planted, im-  
 proved preserved or maintained at the  
 26 public expence of such county; and for  
 entering into, performing and executing  
 28 any arrangement or agreement with the  
 municipal corporation of any such adjoin-  
 30 ing county or counties, city or cities, or  
 of any such town or incorporated village  
 32 as aforesaid, for the execution of any such  
 work at the joint expense and for the  
 34 joint benefit of the municipal corporation  
 of such counties, cities, towns or villages  
 36 and the people they represent respective-  
 ly; and for the stopping up, pulling down,  
 38 widening, altering, changing or diverting  
 of any such highway, road, street, bridge  
 40 or communications within the same; Provido.  
 42 new, widened, altered, changed or diverted,  
 highway, road, street, side-walk, crossing,  
 44 alley, lane, bridge or other communication,  
 shall be laid out so as to run through or



## II. COUNTIES.

encroach upon any dwelling house, barn, stable or outhouse, or through any orchard, garden, yard or pleasure ground, without the consent in writing of the owner thereof. 4

Protection,  
&c. of timber,  
&c.

12thly. For the protection and preservation of any timber, stone, sand or gravel growing or being upon any allowance or appropriation for any of such county roads. 6  
8

Regulation of  
driving on  
bridges.

13thly. For regulating the driving and riding on or over any county bridge erected or to be erected under the authority of such municipal council. 10  
12

Prevention of  
immoderate  
driving on  
highways, &c.

14thly. For preventing the immoderate riding or driving of horses or cattle in any of the public highways in such county, whether such highways be township or county roads. 14  
16

Regulations as  
to pits, &c.

15thly. For making regulations as to pits, precipices and deep waters or other places dangerous to travellers in the immediate neighbourhood of any county road or bridge. 18  
20  
22

Granting  
loans to towns,  
&c.

16thly. For granting to any town, township or village, in such county, by way of loan or otherwise, such sum or sums of money in aid of such other monies as may be raised by the municipal corporation of such town, township or village, or by voluntary subscription, for or towards the making, opening or erecting of any new road or bridge in such town, township or village, in cases where such municipal council shall deem such town, township or village work of sufficient importance to justify the affording such assistance to it, with a view to the general interest possessed by the county at large in such town, township or village, and yet where such work is not of a character in their opinion to justify them, in at once assuming the same as a county work to be executed wholly at the expense of the county at large. 24  
26  
28  
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40  
42

## II. COUNTIES.

17thly. For attaching any new township  
 2 or townships within such county not having  
 a sufficient population for a separate muni-  
 4 cipal organization of their own under the  
 provisions of this Act, to such of the older  
 6 townships of such county as they shall  
 deem best for the convenience of the inha-  
 8 bitants of such new township or townships,  
 and for thus forming them into a union of  
 10 townships for the purpose of such municip-  
 al organization.

Attaching  
 townships to  
 others.

12 18thly. For regulating the manner of  
 granting to associated joint stock road or  
 14 bridge companies, licenses to proceed with  
 any roads or bridges within the jurisdiction  
 16 of such municipal council, and the manner  
 of afterwards ascertaining and declaring  
 18 according to law the completion of the  
 works undertaken by such companies res-  
 20 pectively, so as to entitle such incorporated  
 companies to levy tolls upon such works,  
 22 and of all examinations, enquiries and in-  
 vestigations necessary for the proper, effi-  
 24 cient and judicious exercise of such power.

Granting  
 licenses to  
 road or bridge  
 companies.

19thly. For taking stock in or lending  
 26 money to any incorporated road or bridge  
 company to which such municipal council  
 28 shall have granted a license, to proceed  
 with such work in accordance with the  
 30 requirements of the statute in that behalf,  
 or in or to any other such incorporated road  
 32 or bridge company in whose road or bridge  
 the inhabitants within the jurisdiction of  
 34 such municipal council shall in the opinion  
 of such municipal council be sufficiently  
 36 interested to warrant them in taking such  
 stock or lending such money for the ad-  
 38 vancement of such enterprize; all divi-  
 dends, interest and proceeds to arise or be  
 40 received from such stock or loan being at  
 all times applicable to the general purposes  
 42 of such municipal council, and to go in  
 reduction of the rates required to be levied  
 44 for such purposes.

Taking stock  
 in road or  
 bridge compa-  
 nies.

## II. COUNTIES, &c.

- Fines. 20thly. For the imposing fines not exceeding in any case *ten* pounds, currency, for the breach of all or any of the by-laws or regulations of such municipal council. 4
- Borrowing monies. 21stly. For borrowing under the restriction and upon the security hereinafter mentioned, all such sums of money as shall or may be necessary for the execution of any county work within their jurisdiction and the scope of the authority by this Act conferred upon them. 6  
8  
10
- Levying monies. 22ndly. For raising, levying, collecting and appropriating such monies as may be required for all or any of the purposes aforesaid, either by way of tolls to be paid on any county bridge, road or other public work, to defray the expense of making, repairing or maintaining the same, or by means of a rate or rates to be assessed equally on the whole rateable property of such county liable to assessment according to any law which shall be in force in Upper Canada concerning rates and assessments. 12  
14  
16  
18  
20  
22
- Repeal, &c. of by-laws. 23rdly. For the repeal, alteration or amendment from time to time of all or any of such by-laws, and the making others in lieu thereof as to them may seem expedient for the good of the inhabitants of such county. 24  
26  
28

## III. POLICE VILLAGES.

- County municipal councils to define limits of villages, &c. XXXI. And be it enacted, That it shall and may be lawful for the municipal council of any county, by by-law to be passed upon the petition of any number of the inhabitants of any unincorporated village or hamlet, situate in such county, or for the municipal councils of any two or more counties; upon any such petitions from the inhabitants of any unincorporated village or hamlet situate partly within one of such counties and 30  
32  
34  
36  
38

### III. POLICE VILLAGES.

partly within another or others of them, to  
 2 define the limits within which in respect to  
 such village or hamlet there is, in the opi-  
 4 nion of such municipal council or municipal  
 councils, a resident population sufficient to  
 6 make it expedient that the provisions of  
 this Act for the regulation and police of  
 8 unincorporated villages should be applied  
 to such village or hamlet, and in every  
 10 such by-law such municipal council or  
 councils, shall fix the place in such village  
 12 or hamlet, where the first annual election  
 of police trustees, under the authority of  
 14 this Act, shall be held for such village, the  
 person who shall preside at such meeting,  
 16 and the hour at which such meeting shall  
 be opened for that purpose.

18 XXXII. And be it enacted, That on the  
 second monday in January next after the  
 20 end of three calendar months from the pas-  
 sing of such by-law or by-laws, as the case  
 22 may require, and annually, on the second  
 monday of January in each and every year  
 24 thereafter, until such village shall be incor-  
 porated under the provisions of this Act, it  
 26 shall and may be lawful for the resident  
 freeholders and householders of such unin-  
 28 corporated village to assemble at the time  
 and place appointed for that purpose, and  
 30 to proceed to elect from among themselves  
 three police trustees for such village, which  
 32 three trustees, or any two of them, by a me-  
 morandum in writing under their hands to  
 34 be filed with the township clerk of the  
 township in which such village is situate,  
 36 or when such village is situate within two  
 or more townships, then to be filed with  
 38 the township clerk of some one of such  
 townships, shall, within a reasonable time  
 40 after the election, nominate and appoint one  
 of their number to be the inspecting trustee  
 42 of such village.

Meeting for  
 election of  
 police trustees.

XXXIII. And be it enacted, That it  
 44 shall be the duty of the collector and col-

Township  
 collector to  
 deliver roll of

## III. POLICE VILLAGES.

freeholders to  
the person  
presiding at  
the election.

lectors of the township or townships with- 2  
in which such unincorporated village shall 2  
be situate, whether appointed under this 4  
Act or before the passing thereof, to deliver 4  
to the person appointed to preside at any 6  
such election, or to any person by him 6  
appointed to receive the same, a fair copy 8  
of the collector's roll made up next before 8  
such election, so far as such roll contains 10  
the names of the resident freeholders and 10  
householders of such unincorporated vil- 12  
lage, with the amount for which they shall 12  
be assessed upon such rolls; which copy 14  
shall be verified by affidavit or affirmation 14  
appended to, or endorsed upon such copy, 16  
and sworn or affirmed before any Justice 16  
of the Peace for the county, to the effect, 18  
that the same is a true copy of such roll, 18  
so far as relates to the unincorporated vil- 20  
lage for which such election is to be held, 20  
and that it includes the names of all the 22  
resident freeholders and householders in 22  
such unincorporated village, and the amount 24  
for which they shall have been assessed as 24  
entered upon such roll, and the persons 26  
entitled to vote or be elected at such elec- 26  
tion shall be those whose names are upon 28  
the said roll or rolls thus verified, and who 28  
shall continue at the time of the election 30  
to be resident in such village; Provided 30  
always, firstly, that the holder or occupier 32  
of any separate portion of a house having 32  
a distinct communication with a road or 34  
street, by an outer door, shall be considered 34  
a householder within the meaning of this 36  
Act in case he shall be assessed therefor, 36  
as a house upon such collector's roll or 38  
rolls as aforesaid: And provided also, 38  
secondly, that no person shall be qualified 40  
to be elected at any such election of 40  
trustees who shall not have been entered 42  
upon such roll or rolls as aforesaid, for 42  
rateable property held in his own right or 44  
that of his wife as proprietor or tenant, to 44  
the value of one hundred pounds of lawful 46  
money of Canada. 46

Proviso.

Proviso.

### III. POLICE VILLAGES.

2 XXXIV. And be it enacted, That at every subsequent annual election of police trustees for such unincorporated village  
 4 after the first, the person to preside at such election, and the hour at which the same  
 6 shall commence, shall be appointed by the trustees for the preceding year or any two  
 8 of them under their hands, of which due notice shall by them be given by written or  
 10 printed notices thereof, to be put up in at least three of the most public places in  
 12 such unincorporated village.

Appointment of person to preside at election.

14 XXXV. And be it enacted, That if at the time and place appointed for any first or subsequent annual election of trustees,  
 16 for any such unincorporated village, the person appointed to preside thereat shall  
 18 not attend within one hour after the time appointed for commencing the proceedings,  
 20 the resident inhabitant freeholders and householders of such village, or a majority  
 22 of them may, if they think proper, proceed to nominate a person to preside at such  
 24 meeting, and the election of trustees for such year shall be held by such person, as  
 26 if he had been the person appointed by the municipal council of the county or by the  
 28 trustees for the preceding year as aforesaid.

Provision in case of absence of person appointed to preside at election.

30 XXXVI. And be it enacted, That upon the happening of any vacancy by death or  
 32 otherwise, amongst the police trustees of any such unincorporated village in the  
 34 course of the year for which they shall have been elected, it shall and may be lawful for  
 36 the remaining trustee or trustees by a memorandum in writing, to be filed with  
 38 such township clerk as aforesaid, to supply such vacancy by the appointment of trustees  
 40 or a trustee in their or his place, which trustees or trustee so appointed, shall hold  
 42 his office to the end of the term of office of the person in whose place he shall have  
 44 been appointed, and no longer, and shall,

Provision in case of vacancy among the police trustees.

## III. POLICE VILLAGES.

during the time he shall hold the same, possess all the authority of such person. 2

Penalty against trustees for neglect of duty.

XXXVII. And be it enacted, That any inspecting or other trustee of any of the 4 said unincorporated villages, who shall wilfully neglect or omit to fulfil any of the 6 duties hereby imposed upon him, or to prosecute any offender against the regulations of 8 police hereinafter established, for such unincorporated villages, at the request of any 10 inhabitant householder, offering to adduce proof of the offence, shall, on being thereof 12 convicted in manner hereinafter provided, incur a penalty of *twenty shillings*, currency. 14

Penalties to be sued for within a certain time.

XXXVIII. And be it enacted, That the 16 penalties prescribed in and by the next immediately preceding section of this Act, 18 or under that for the establishment of regulations of police for such unincorporated 20 villages, shall be sued for within *ten days* after the offence for which they shall have 22 been incurred shall have ceased, and not afterwards. 24

Penalties to be sued for and recovered by inspecting trustee.

XXXIX. And be it enacted, That all penalties incurred by any person or persons, 26 under any of the regulations of police, by the next succeeding section of this Act, 28 established for such unincorporated villages, shall be sued for and recovered by the inspecting trustee of police of such village, or in his absence, or when he shall be the 32 party complained against, then by some other of such trustees before any one justice 34 of the peace having jurisdiction and residing within five miles of such village, if any there 36 be, or else before any other justice of the peace having jurisdiction as such, in such 38 village, who shall hear and determine such information in a summary manner, and upon 40 the oath or affirmation, of one or more credible witnesses, and shall cause such 42 penalty to be levied by distress and sale of

### III. POLICE VILLAGES.

the goods of the offender; and the whole of  
 2 such penalty shall be applied to the repairs  
 and improvement of the streets and lanes of  
 4 such village, under the direction of the  
 police trustees thereof, and by the pathmas-  
 6 ter or pathmasters of the division or divi-  
 sions to which such village shall belong, to  
 8 whom or such of them as shall be appoint-  
 ed by such trustees for that purpose, such  
 10 penalty shall be paid over for that purpose.

XL. And be it enacted, That it shall be  
 12 the duty of the police trustees of every  
 such unincorporate village to execute and  
 14 enforce, and cause to be executed and en-  
 forced, within the limits of such village, the  
 16 regulations of police herein and hereby  
 provided and established for all such villages,  
 18 that is to say :

Police regula-  
 tions to be en-  
 forced with  
 respect to

1stly. All and every the proprietors and  
 20 proprietor of a house or houses of more than  
 one story in height, in any of the said villages,  
 22 shall place or cause to be placed a ladder or  
 ladders on the roof of their respective houses,  
 24 near to or adjoining the chimney or chimneys  
 thereof, and another ladder reaching from  
 26 the ground to the roof of each and every of  
 their respective houses as aforesaid, under  
 28 the penalty of *five* shillings currency, for  
 every neglect so to do, and of *ten* shillings  
 30 currency, for each and every week during  
 which they shall neglect to provide them-  
 32 selves with such ladder or ladders as afore-  
 said.

Ladders on  
 roofs;

34 2ndly. All and every householder or  
 householders in the said villages shall be  
 36 held to furnish and provide himself or them-  
 selves with two buckets, fit and proper for  
 38 carrying water, in case of accidents by fire,  
 under the penalty of *five* shillings currency,  
 40 for each bucket which may be deficient.

Buckets,

3rdly. It shall not be lawful for any baker,  
 42 potter, brewer, manufacturer of pot and

Bakers, brew-  
 ers, &c;



## III. POLICE VILLAGES.

pearl ashes, or any other person, to build, make or cause to be built and constructed, any oven or furnace within the limits of any of the aforesaid villages, unless the same adjoin and be properly connected with a chimney of stone or brick, which chimney shall rise at least three feet higher than the house or building in which the said oven or furnace may be, and three feet higher than any building within one chain of the said oven or furnace, under a penalty which shall not exceed *ten* shillings currency, and for non compliance with this regulation, the offender shall incur a penalty of *fifteen* shilling currency, for each week during which he shall neglect to comply therewith.

Stove pipes;

4thly. It shall not be lawful for any person in any of the said villages to conduct any stove pipe through any wooden or lathed partition or through any floor, unless there be a space of six inches between the pipe and the partition or floor, or the nearest wood-work, and the pipe of every stove shall be inserted into a chimney, and there shall be left at least ten inches in the clear between any stove and any wooden or lathed partitions, or other wood-work, and each and every person offending against this regulation shall incur a penalty of *ten* shillings currency.

Entering certain places with candles, &c.

5thly. Any person or persons who shall enter into any mill, barn, out-house or stable within the limits of any of the said villages with a candle or lamp, without having the same well inclosed in a lantern, shall for every such offence incur a penalty of *five* shillings currency, and any person or persons who shall enter into any mill, barn, stable or out-house, within the limits of any of the said villages with a lighted pipe or cigar, or carry fire not properly secured into such barn, stable or out-house, shall for every such offence incur a penalty of *five* shillings currency.

## III. POLICE VILLAGES.

6thly. No person or persons shall be  
2 allowed to light or have a fire in any wood-  
en house or out-house, of any description,  
4 within the limits of any of the said villages,  
unless the same be in a brick or stone chim-  
6 ney, or in a stove of iron or other metal,  
under a penalty of *five* shillings currency,  
8 for each offence.

Lighting fires  
in wooden  
houses, &c.

7thly. All and every person or persons  
10 who shall carry or convey fire into or  
through any street, lane, yard, garden or  
12 place, in any of the said villages; or cause  
fire to be so carried or conveyed without  
14 having the same confined in some copper,  
iron or tin vessel, shall for every such offence,  
16 incur a penalty of *two shillings and six*  
*pence* currency, and for every subsequent  
18 offence of a like nature, a further penalty of  
*five* shillings currency.

Vessel for  
conveying fire.

20 8thly. Any person or persons who shall  
put or cause to be put or placed any hay,  
22 straw or fodder, in any dwelling house, with-  
in the limits of any of the said villages,  
24 shall incur a penalty of *five* shillings cur-  
rency for the first offence, and a penalty of  
26 ten shillings currency for every week  
during which he or she shall neglect to  
28 remove the said hay or straw from the said  
dwelling-house.

Hay, straw,  
&c.

30 9thly. All and every person or persons  
who shall keep or have gun-powder for sale,  
32 in any of the said villages, shall keep the  
same in boxes of copper, tin or lead; and  
34 for every omission or neglect so to do such  
person or persons shall incur a penalty of  
36 *twenty* shillings for the first offence, and  
*forty* shillings for every subsequent offence.

Keeping of  
gunpowder.

38 10thly. Any person or persons in any of  
the said villages, who shall sell or permit  
40 gun-powder to be sold at night in his or  
their houses, store-houses or shops, out-  
42 house or other building, shall on being there-

Sale of gun-  
powder.

## III. POLICE VILLAGES.

of convicted, incur a penalty of *forty* shillings currency for the first offence, and of *sixty* shillings currency, for every subsequent offence. 4

Deposit of  
ashes, &c.

11thly. Any person or persons who shall in any of the said villages keep or deposit any ashes or cinders of any kind, (ashes in the possession of manufacturers of pot and pearl ashes excepted), in any wooden vessel, box or other thing not lined or doubled with sheet iron, tin or copper, so as to prevent all danger of fire or combustion from such ashes or cinders, shall for every such offence incur a penalty of *five* shillings currency. 6 8 10 12 14 16

Quick lime.

12thly. Any person or persons who shall in any of the said villages place or deposit any quick or unslacked lime in any house, out-house or building, so that such lime may be in contact with or touch any wood thereof, whereby there may be any danger of fire or combustion, shall for every such offence incur a penalty of *five* shillings currency, and a further penalty of *ten* shillings currency, for each day until such lime shall be removed or secured, to the satisfaction of such inspecting trustee, and in such manner as not to cause any danger of accident by fire. 18 20 22 24 26 28 30

Lighting fires  
in streets.

13thly. Any person who shall light a fire in any of the streets, lanes or public places of any of the said villages, shall for every such offence incur a penalty of *five* shillings currency. 32 34

Charcoal furnaces.

14thly. No person or persons shall erect or cause to be erected any furnace for making charcoal of wood within the limits of any of the said villages, under a penalty of *twenty* shillings currency. 36 38 40

Filth, rubbish,  
&c.

15thly. All and every person or persons who shall throw or cause to be thrown any 42

### III. POLICE VILLAGES, &c.

filth, rubbish or ordure into any of the  
 2 streets, lanes or public places within the  
 limits of any of the said villages, shall, for  
 4 every such offence, incur a penalty of *two*  
*shillings and six pence* currency, and of *five*  
 6 shillings currency for every week during  
 which they shall neglect to remove the same,  
 8 after notification to that effect by the inspect-  
 ing trustee, or some other person autho-  
 10 rized by him for that purpose.

### IV. INCORPORATED VILLAGES.

XXI. And be it enacted, That the inha-  
 12 bitants of every village in Upper Canada  
 mentioned in the Schedule to this Act  
 14 annexed, marked A, and intituled, "Incor-  
 porated Villages," and the inhabitants of  
 16 each and every other village, hamlet, or  
 place which shall hereafter by Proclamation  
 18 under the Great Seal of this Province be  
 erected into an incorporated village in the  
 20 manner prescribed by this Act, shall be a  
 body corporate apart from the township or  
 22 townships in which such village shall be  
 situate, and as such shall have perpetual  
 24 succession and a common seal, with such  
 powers within the limits of such village as  
 26 are by this Act conferred upon the inhabi-  
 tants of the different townships in Upper  
 28 Canada within the limits of such townships  
 respectively, and the powers of such corpo-  
 30 ration shall be exercised by, through, and  
 in the name of the municipality of such  
 32 village.

Inhabitants of  
 villages men-  
 tioned in sche-  
 dule A. incor-  
 porated.

XLII. And be it enacted, That on the  
 34 first monday in January in each year, and  
 in case of villages hereafter to be erected  
 36 and incorporated by Proclamation as afore-  
 said on the first monday in January next  
 38 after the end of three calendar months from  
 the teste of such Proclamation, and on each  
 40 succeeding first monday in January there-

Election of  
 township  
 councillors,  
 &c.

## IV. INCORPORATED VILLAGES.

after, there shall be held an election by voters qualified in like manner with the 2 voters at elections of township councillors, for five councillors for each of such villages; 4 and a Townreeve for each of the said villages shall be thereafter elected from 6 amongst the councillors of such village, in like manner as townreeves are appointed 8 by this Act to be chosen or elected for every township as aforesaid. 10

Returning officer.

XLIII. And be it enacted, That in each of the said villages which has been hereto- 12 fore incorporated, whether under the name of town or village, or for which there have 14 been police trustees appointed, the clerk of the board of police or town clerk, or the 16 inspecting trustee, as the case may be, shall be the returning officer for the first election 18 to be held under this Act, and at each succeeding election the village clerk of such 20 village, for the time being, shall be the returning officer. 22

Case in which the governor may appoint a returning officer.

XLIV. And be it enacted, That in case of an election in any village where there 24 shall not have been a clerk of the board of police or a town clerk, or an inspecting 26 police trustee, or which shall not have been before incorporated, it shall and may 28 be lawful for the Governor of this province to appoint a returning officer to hold the 30 first election for such village under this Act.

Place of holding election.

XLV. And be it enacted, That the re- 32 turning officer for every such village shall appoint the place for holding such village 34 election, of which appointment he shall give notice, by posting the same at least ten 36 days before the election, in at least three public places in such village. 38

Returning officer to procure copy of collector's roll.

XLVI. And be it enacted, That it shall be the duty of the returning officer, for 40 each of the said villages, to procure a correct copy of the collector's roll for such village 42

## IV. INCORPORATED VILLAGES.

or of the roll or rolls for the township in  
 2 which such village is situate, so far as such  
 rolls or either of them exhibit the names of  
 4 the freeholders and householders rated upon  
 such roll or rolls within the limits of such  
 6 village, with the amounts for which they  
 shall be respectively assessed upon such  
 8 roll or rolls, each of which said copies  
 shall be verified in like manner as the copies  
 10 of collectors' rolls produced at the township  
 elections, as hereinbefore provided: **Provido.**  
 12 always, that no person shall be qualified to  
 be elected as a village councillor who shall  
 14 not be possessed, to his own use, of real  
 estate held by him in fee or freehold,  
 16 situate within the village for which he is  
 elected, of the assessed value of two hun-  
 18 dred and fifty pounds, and the male free-  
 holders and householders upon such roll or  
 20 rolls and resident at the time of the election,  
 and who shall appear in the said roll or rolls  
 22 to have been assessed either as proprietor or  
 tenant for a house or houses, or for land or  
 24 for both, to the value of twelve pounds ten  
 shillings currency, within the limits of such  
 26 village, and none other, shall be entitled to  
 vote at such village election.

28 XLVII. And be it enacted, That when  
 and so often as any police or other village,  
 30 hamlet or place in Upper Canada not incor-  
 porated by name under this Act, together  
 32 with the immediate neighbourhood thereof,  
 shall be found by the census returns for the  
 34 same to contain over one thousand inhabi-  
 tants whose residences are or shall be col-  
 36 lected within a convenient neighbourhood  
 or proximity to each other, to form an incor-  
 38 porated village, it shall and may be  
 lawful for the police trustees of such  
 40 village, if the same shall be a police village,  
 or for any number of resident freeholders or  
 42 householders of such village, hamlet or  
 place, in case it shall have no police trustees,  
 44 not less than one hundred, to petition the  
 Governor of this province that such village,

Provision  
 with respect  
 to the incorpo-  
 ration of villa-  
 ges in certain  
 cases.

#### IV. INCORPORATED VILLAGES.

hamlet or place may be erected into or set apart as an incorporated village, and the inhabitants thereof incorporated under this Act; and upon such petition, it shall be lawful for the Governor of this province, by an order in council, to issue a proclamation under the great seal of this province erecting or setting apart such village, hamlet or place into or as an incorporated village, by a name to be given in and by such proclamation, and to set forth in such proclamation proper boundaries for such village, including within such boundaries any portion of the township or townships which, from the proximity of streets or buildings therein, may conveniently be attached to such village, hamlet, or place; and the inhabitants of such village shall, on, from and after the first day 18 of January next after the end of three calendar months from the teste of such proclamation, be incorporated, and the said village shall become an incorporated village apart from the township or townships in which it is situate, and the first election for such village shall be held in the manner hereinbefore prescribed on the first monday in that month, and such village shall from thenceforth be subject to the same regulations and provisions of law, and shall have the same immunities and privileges as a village named in the said schedule to this Act annexed marked A, as fully as if such village had been mentioned therein.

Duties, and liabilities of municipalities of incorporated villages, similar to those of township municipalities.

XLVIII. And be it enacted, That the municipality of every such village shall be formed in like manner as the municipality of any township, and shall have all such powers, duties and liabilities within and in respect of such village as the municipality of any township shall have in respect of such township, and the Townreeve of every such village, and the other officers thereof, shall have like powers, duties and liabilities within and in respect thereof as the townreeve or other officer of any township shall

## IV. INCORPORATED VILLAGES.

have within and in respect of such township, and the townships of each of such villages shall be a member of the municipal council of the county in which the same is situated.

6 XLIX. And be it enacted, That the municipality of each villogge, which shall be 8 or remain incorporated under the authority of this Act, shall moreover have power and 10 authority to make by-laws for each or any of the following purposes, that is to say:

Village municipalities may make by-laws for

12 1stly. For the opening, constructing, making, levelling, pitching, raising, lowering, 14 gravelling, macadamizing, planking, paving, flagging, repairing, planting, improving, pre- 16 serving and maintaining any new or existing highway, road, street, square, side-walk, 18 crossing, ally, lane, bridge or other communication, or any public wharf, dock, slip, drain, 20 sewer, shore, bay, harbour, river or water and the shores and banks thereof within 22 the jurisdiction of the corporation of such village, and for the entering into, perform- 24 ing and executing any arrangement or agreement with the municipal corporation 26 of the county or counties in which such vil- lage may lie for the execution of any such 28 work at the joint expense and for the joint benefit of the municipal corporations of such 30 county or counties, and of such village and the people they represent; and for the 32 stopping up, pulling down, widening, altering, changing or diverting of any such 34 highway, road, street, bridge or communication within the same: Provided always, 36 nevertheless, that no such new, widened, altered, changed or diverted highway, road, 38 street, side-walk, crossing, alley, lane, bridge, or other communication, shall be 40 laid out so as to run through or encroach upon any dwelling house, barn, stable or 42 out-house, or any orchard, garden, yard or pleasure ground, without the consent in 44 writing of the owner thereof.

Opening, &c. roads, &c.

Provido.



## IV. INCORPORATED VILLAGES.

Regulating  
highways, &c.

2ndly. For regulating or preventing the encumbering, injuring or fouling of any such highway, road, street, square, sidewalk, crossing, alley, lane, bridge or other communication, and of any such wharf, dock, slip, drain, sewer and shore, bay, harbour, river or water by any animals, wheelbarrows, cabs, carts, carriages or other vehicles, vessels, craft, lumber, stone building or other materials or things whatsoever, or in any other manner whatsoever.

Removing  
steps, &c.

3rdly. For directing and requiring the removal at any time of any door-steps, porches, railings or other erections, projections or obstructions whatsoever which may project into or over the boundary lines of any such highway, road, street, square, sidewalk, crossing, alley, lane, bridge or other communication, or of any such wharf, dock, slip, drain, sewer, shore, bay, harbour, river and water, or the shores and banks thereof, at the expense of the proprietor or occupant of the real property in or near which such projection or obstruction may be found.

Fixing bound-  
ary lines, &c.

4thly. For surveying, by competent persons, and fixing, marking, determining and settling the boundary lines of such highways, roads, streets, squares, alleys, lanes, bridges or other communications, and of all such public wharves, docks and slips, for giving names to the same, and affixing such names on boards or otherwise on the houses at the corners of the same.

Granting loans  
to counties.

5thly. For granting to the county or counties in which such village shall be situate, by way of loan, or otherwise, such sum or sums of money, in aid of such other monies as may be raised by the municipal corporation of such county or counties, or by voluntary subscriptions, for or towards the making, opening or erecting of any new road or bridge on the bounds of such village.

## IV. INCORPORATED VILLAGES.

6thly. For regulating and managing any Regulating  
markets, &c.  
 2 existing market, and for establishing, regula-  
 4 ting and managing any new market; for  
 6 preventing the selling or vending by retail  
 8 in the public highways any meat, vegeta-  
 10 bles, fruit, cider, beer or other beverage  
 12 whatsoever; for regulating the place and  
 14 manner of selling and weighing butchers'  
 16 meat, hay, straw, fodder, wood, lumber  
 18 and fish; for restraining and regulating the  
 20 purchase and manner of selling all vegeta-  
 22 bles, fruit, country produce, poultry, and all  
 24 other articles or things, or animals exposed  
 26 for sale, or marketed in the open air; for  
 28 preventing the forestalling, regrating or  
 30 monopoly of market grains, meats, fish,  
 32 fruits, roots and vegetables; for restraining  
 34 and regulating the purchase of any such  
 36 things by hucksters or runners living within  
 38 such village or within one mile distant  
 from the outer limits thereof; for regulating  
 the measurement, length and weight of  
 coal, lime, shingles, lath, cordwood and  
 other fuel; and for imposing penalties for  
 light weight, or short count or measure-  
 ment in any thing marketed; for regulating  
 weights and measures in the markets, and  
 within such village according to the lawful  
 standard, and for seizing and destroying  
 such as are not according to such standard;  
 for regulating all vehicles, vessels and other  
 things in which any thing may be exposed  
 for sale or marketed in any highway, street  
 or public place, and for imposing a reason-  
 able charge or duty thereon, and establishing  
 the mode in which it shall be paid, for  
 seizing and destroying all tainted and un-  
 wholesome meat, poultry, fish, or articles  
 of food; and for distraining butcher's meat  
 for the rent of market stalls, and for selling  
 the same after six hours' notice.

42 7thly. For regulating any harbour lying Regulating  
harbours, &c.  
 44 within the limits of such village, and the  
 vessels, crafts and rafts arriving in it; for  
 imposing and collecting such reasonable

## IV. INCORPORATED VILLAGES.

harbour dues thereon as may serve to keep such harbour in good order, and provide for the payment of a harbour master, and the erection and maintenance of the necessary beacons therein ; for regulating and providing for the erection and rent of wharves, piers and docks, in the said harbour, and for preventing the filling up or encumbering of any such harbour.

Assize of bread.

8thly. For regulating the assize of bread, and for providing for the seizure and forfeiture of bread baked contrary thereto.

Observance of sabbath, &c.

9thly. For enforcing the due observance of the sabbath ; for preventing vice, drunkenness, profane swearing, obscene language and any other species of immorality and indecency in the streets or other public places, and for preserving peace and good order ; for preventing the excessive beating or cruel and inhuman treatment of animals on the public highways of such village ; for preventing the sale of any intoxicating drink to children, apprentices or servants without the consent of their legal protectors ; for suppressing and imposing penalties on the keepers of low tippling houses and houses of ill fame visited by dissolute and disorderly characters ; for licensing and regulating victualling houses or other houses of refreshment where spirituous liquors are not sold, for the regulation of all public billiard tables, and for licensing, regulating or preventing bowling alleys or other places of amusement ; for regulating or preventing, restraining or suppressing horse-racing and gambling houses, and for entering into them and seizing and destroying faro-banks, rouge-et-noir, and roulette-tables, and other devices for gambling ; for restraining and punishing all vagrants, drunkards, vagabonds, mendicants and street beggars, and all persons found drunk or disorderly in any street or public place in such village ; for restraining or regulating the licensing of

## IV. INCORPORATED VILLAGES.

all exhibitions of natural or artificial curiosities, theatres, circuses, or other shows or exhibitions kept for hire or profit.

Public nuisances, &c.

4 10thly. For abating and causing to be removed all public nuisances; for regulating  
6 the construction of privy vaults; for causing vacant lots in central situations when they  
8 become nuisances to be properly enclosed; for regulating or preventing the erection or  
10 continuance of slaughter houses, gas works, tanneries, distilleries or other manufactories  
12 or trades which may prove to be nuisances; for preventing the ringing of bells, blowing  
14 of horns, shouting and other unusual noises in the streets and public places; for pre-  
16 venting or regulating the firing of guns or other fire-arms; for preventing or regulating  
18 the firing or setting off of fire balls, squibs, crackers or fire-works; for preventing or  
20 regulating the washing or bathing in any public water in or near such village; for  
22 preventing and punishing parties engaged in charivaries and other like disturbances of  
24 the peace; for preventing any indecent public exposure of the person, or other indecent  
26 exhibition whatsoever; for preventing profane swearing and the use of blasphemous,  
28 obscene or indelicate language.

Lock-up houses, &c.

11thly. For establishing, maintaining and  
30 regulating one or more public lock-up-houses in and for such village for the de-  
32 tention and imprisonment of all persons sentenced to an imprisonment of not more  
34 than ten days, under any of the by-laws of such village, and of all other persons law-  
36 fully detained in custody for examination before a Justice of the Peace or other com-  
38 petent authority on any charge of having committed any offence against the law or  
40 the by-laws of such village, or detained for the purpose of his transmission to any com-  
42 mon gaol or house of correction upon commitment or otherwise either for trial or in  
44 the execution of any sentence that may

## IV. INCORPORATED VILLAGES.

have been passed upon him, either by a Justice of the Peace or other competent authority in that behalf.

Public fountains, &c.

12thly. For the establishing, protecting and regulating of public fountains, wells, pumps, cisterns, reservoirs and other conveniences for the supply of good and wholesome water or for the extinguishment of fires, and to make reasonable charge for the use thereof; and for preventing the waste and fouling of public water.

Gunpowder, &c.

13thly. For regulating the keeping and transporting of gunpowder and other combustible or dangerous materials; and for erecting, regulating and providing for the support by fees of a village magazine for the storing of gunpowder belonging to private parties, and for compelling persons to store therein; for preventing or regulating the use of fire, lights or candles in livery or other stables, cabinet-makers and carpenter's shops, and combustible places; for preventing or regulating the carrying on of manufactories or trades dangerous in causing or promoting fire; and for regulating the mode of removal and requiring the safe keeping of ashes in proper deposits; for regulating, removing or preventing the construction of any chimney, flue, fire place, stove, oven, boiler or other apparatus thing in any house, manufactory or business which may be dangerous in causing or promoting fire; for regulating the construction of chimnies as to dimensions and thickness, and the carrying of the same to a proper height above the roofs of buildings, and for enforcing the proper sweeping or cleaning of the same by licensed or other chimney sweepers; for guarding against the calamities of fire by regulating and enforcing the erection of party walls; for compelling the owners and occupants of houses to have scuttles in the roofs, and stairs and ladders leading to the same, and

## IV. INCORPORATED VILLAGES.

for authorising the officer to be appointed  
 2 for that purpose to enter at all reasonable  
 times or hours upon the property of any  
 4 party subject to such regulations for the  
 purpose of ascertaining that the same are  
 6 properly obeyed ; for requiring the inhabi-  
 tants of such village to provide so many  
 8 fire-buckets, in such manner and time as  
 they shall prescribe, and for regulating the  
 10 examination of them and the use of them  
 at fires ; for regulating the conduct and en-  
 12 forcing the assistance of the inhabitants  
 present at fires, and the preservation of pro-  
 14 perty thereat ; for making regulations for  
 the suppression of fires and the pulling  
 16 down or demolishing of adjacent houses,  
 buildings or other erections for that pur-  
 18 pose ; for purchasing and establishing and  
 regulating fire, hook, ladder and property  
 20 saving companies ; for providing medals or  
 rewards for persons who shall distinguish  
 22 themselves at fires, and for assisting the  
 widows and orphans of persons who may  
 24 be killed by accidents occurring at such  
 fires.

26 14thly. For entering into and examining  
 all dwelling houses, warehouses, shops,  
 28 yards and outhouses, for ascertaining whe-  
 ther any such places are in a dangerous  
 30 state with respect to fire or otherwise, and  
 for directing them to be put in a safe and  
 32 secure condition ; for appointing firewardens  
 and fire engineers ; for appointing and re-  
 34 moving firemen ; for making such rules and  
 regulations as may be thought expedient for  
 36 the conduct of such fire companies, hook  
 and ladder companies and property saving  
 38 companies as may be raised with the sanc-  
 tion of the corporation of such village.

Examining  
 dwelling houses,  
 &c. with  
 respect to fire.

40 15thly. For providing for the health of  
 the village and against the spreading of con-  
 42 tagious or infectious diseases ; for regulat-  
 ing the interment of the dead, and for  
 44 directing the returning and keeping of bills

Health of the  
 village, &c.

## IV. INCORPORATED VILLAGES.

of mortality; and for imposing penalties on physicians, sextons and others for default in the premises; and for providing and regulating one or more public cemeteries for the interment of the dead.

Public cemeteries, &c.

16thly. For laying out, improving and regulating any public cemetery for the burial of the dead that they may obtain and establish for such village and for selling or leasing such portions thereof as they may think proper, and for declaring in the conveyance thereof to the purchasers or lessees, the terms on which such portions are to be held, and for making such other regulations for the improvement, ornament and protection of such cemetery as they may think necessary and proper.

Immoderate driving, &c.

17thly. For preventing the immoderate riding or driving of horses or cattle in any of the public highways or streets of such village; and for preventing the leading, riding or driving of horses or cattle upon the side-walks of the streets of such village or other improper places therein.

Fishing with nets, &c.

18thly. For regulating or preventing the fishing with nets or seines, the use of fishing lights, or the erection or use of weirs for eels or other fish in any harbour, river or public water within the limits of the jurisdiction of the corporation of such village.

Inns, taverns, &c.

19thly. For regulating inns, taverns, ale houses, victualling houses, ordinaries and all houses where fruit, oysters, clams, victuals or spirituous liquors, or any other manufactured beverage may be sold, to be eaten or drank therein, and all other places for the reception and entertainment of the public within the jurisdiction of the corporation of such village, and to limit the number of them, and in all cases when there exists no other provision by law for the licensing of such houses, to provide for the

#### IV. INCORPORATED VILLAGES.

proper licenasing of the same, at such rates  
2 as to the corporation of such village may  
seem expedient, the proceeds of such li-  
4 cense, in cases not otherwise appropriated  
by law, to form part of the public funds of  
6 such village, and to be disposed of as the  
said corporation may consider advisable.

8 20thly. For preventing the injuring or  
destroying of trees planted or growing for  
10 shade or ornament in such village, and for  
preventing the pulling down or defacing of  
12 sign boards.

Injuring of  
trees, &c.

21stly. For borrowing under the restric-  
4 tions, and upon the security hereinafter  
mentioned, all such sums of money as shall  
16 or may be necessary for the execution of  
any village work within the jurisdiction and  
18 the scope of the authority by this Act con-  
ferred upon them.

Borrowing  
monies.

20 22ndly. For raising, levying and appro-  
priating such monies as may be required for  
22 all or any of the purposes aforesaid, by  
means of a rate or rates to be assessed  
24 equally on the whole rateable property of  
such village, according to any law which  
26 shall be in force in Upper Canada, concern-  
ing rates and assessments.

Levying  
monies.

28 23rdly. For making all such other by-  
laws as may be necessary and proper for  
30 carrying into execution the powers herein  
vested or hereafter to be vested in the cor-  
32 poration of such village, or in any depart-  
ment or office thereof, for the peace, wel-  
34 fare, safety and good government of such  
village, as they may from time to time deem  
36 expedient, such by-laws not being repug-  
nant to this or any other Act of the Par-  
38 liament of this Province or of the Parlia-  
ment of Upper Canada, or to the general  
40 laws of that part of this Province: Provi-  
ded always, nevertheless, firstly, that no  
42 person shall be subject to be fined more

By-laws for  
carrying pow-  
ers herein  
vested into  
execution.

Proviso.



## IV. INCORPORATED VILLAGES, &amp;c.

than *five* pounds, exclusive of costs, or to be imprisoned more than *thirty* days for the breach of any by-law or regulation of such village: And provided also, secondly, that no person shall be compelled to pay a greater fine than *ten* pounds for refusing or neglecting to perform the duties of any municipal office ~~which~~ duly elected or appointed thereto.

24thly. For the repeal, alteration or amendment: from time to time of all or any of such by-laws and the making others in lieu thereof as to them may seem expedient for the good of the inhabitants of such village.

## V. TOWNS.

Inhabitants of towns mentioned in schedule B, &c. incorporated.

L. And be it enacted, That the inhabitants of each of the towns mentioned in the Schedule to this Act annexed, marked B, 18 and intituled, "Towns," and the inhabitants of all such villages in Upper Canada as 20 shall be erected into towns by and under any proclamation to be issued in that behalf under this Act, shall severally be a Body Corporate, with the same corporate 21 powers as the inhabitants of villages incorporated under this Act, except in so far as 25 such powers may be hereby increased, lessened or otherwise modified; and such 23 powers shall be exercised by, through and in the name of the Town Council of each of 30 such towns respectively.

Three councillors to be chosen for every ward.

LI. And be it enacted, That for every ward within the limits of any such town, there shall be chosen three councillors, by the male resident freeholders and householders of such ward.

Election when to take place.

LII. And be it enacted, That the elections for each of the said wards shall take place on the first monday in January in 40 each year.

## V. TOWNS.

LIII. And be it enacted, That the municipality, town council or board of police in office in each of the said towns or villages when this Act shall come into force, or who shall be in office when the proclamation shall issue, erecting such village into a town as aforesaid, shall appoint a returning officer for each ward, to hold the first election therein; and such returning officer shall fix the place for the said election, and give notice thereof by posting the same in at least three public places within his ward, at least ten days next before the election; and that on the first monday in January in every succeeding year, a like election shall be held, and the returning officers and places within each ward for such elections, shall be chosen and appointed by the town council in office next before such election, and public notice shall in like manner be given by such returning officer of the place of holding such election.

Appointment  
of returning  
officer.

LIV. And be it enacted, That it shall be the duty of any person having custody of the collector's roll including any ward or portion of a ward of any such town, to furnish to the returning officer, and it shall be the duty of each returning officer, at least *twenty* days before any such election, to procure from such officer having custody of the collector's roll or rolls as aforesaid, a true copy thereof, so far as the same shall contain the names of the freeholders and householders within the ward of such returning officer, with the amount for which they are respectively assessed upon such roll, and every of which said copies shall be verified in like manner as the copies of the collector's rolls to be procured at the township elections as hereinbefore provided: Provided always, that no person shall be qualified to be elected at such election, who shall not be seized to his own use of real estate held by him, in

Collector's roll  
to be furnished  
to returning  
officer.

## V. TOWNS.

fee simple or in freehold, within the town for which he is elected, of the assessed value of five hundred pounds; and the councillors aforesaid shall be chosen by the male freeholders and householders who shall be entered on such roll, and who shall continue to reside within such ward at the time of the election, and who shall appear upon the said roll to have been assessed either as proprietors or tenants for a house or for land, or for both, to the value of twenty-five pounds, and by none other.

Election of mayor.

LV. And be it enacted, That on the second monday next after the said yearly election, the councillors so elected in any town shall meet and choose from amongst themselves a mayor for such town, who shall have the same powers within such town as are hereinbefore vested in the Townreeve of a village; and the Mayor and councillors shall form the council of such town; and the said first meeting shall be held at the place where the municipality board of police or town council for such town shall have held their usual meetings.

Powers, &c. of town council.

LVI. And be it enacted, That the council for such town shall have all and singular the powers, duties and liabilities within and in respect of such town which the municipality of any village incorporated under this Act may or can lawfully use or exercise therein.

Provision with respect to gaol, court house, &c.

LVII. And be it enacted, That the gaol, court house, and house of correction of the county within the limits or on the borders of which every such town shall be situate, shall be and continue to be the gaol, court house and house of correction of such town as well as of such county, and the sheriff, gaoler and keeper of such county gaol and house of correction, shall be bound to receive and safely keep until duly discharged, all persons committed thereto by any competent power or authority of such town.

## V. TOWNS.

LVIII. And be it enacted, That there shall be in each of such towns a police office, at which it shall be the duty of the police magistrate for such town, or in his absence from sickness or other causes, or when there shall be no police magistrate for such town, then it shall be the duty of the mayor thereof, to attend daily for such period as shall be necessary for the disposal of the business to be brought before him as a justice of the peace for such town: Provided always, firstly, that no such attendance shall be required on Sunday, Christmas-day or Good-friday, or on any day appointed by proclamation for a public fast or thanksgiving, unless in cases of urgent necessity; and provided also, secondly, that it shall and may be lawful for any justice of the peace having jurisdiction within such town, at the request of the mayor thereof, to sit for such mayor at such police office, in every of which cases the required attendance of the said mayor at such police office shall be dispensed with.

A police office established in each town.

Provido.

LIX. And be it enacted, That the police magistrates for the several towns which shall be and remain incorporated as such under this Act shall be barristers of Upper Canada of not less than three years standing, and shall be appointed by the crown during pleasure; and every such police magistrate shall be ex officio a justice of the peace in and for the town for which he shall be appointed, and shall receive a salary of not less than one hundred pounds per annum, payable quarterly out of the municipal funds of such town: Provided always, nevertheless, that a police magistrate shall not in the first instance be appointed for any of such towns, until after the corporation of such town shall have communicated to the Governor General of this Province through the Provincial Secretary thereof, their opinion that such an officer was required for the better conduct

Who shall be police magistrates.

Provido: Police magistrates not to be appointed until petitioned for by corporation.

## V. TOWNS.

of the affairs of such town and administration of justice therein. 2

Police Magistrates may suspend chief constable.

LX. And be it enacted, That every such 4  
 police magistrate shall have the power of 5  
 suspending from the duties of his office any 6  
 chief constable or constable of the town of 7  
 which he is the police magistrate for any 8  
 period in his discretion, and that immedi- 9  
 ately after such suspension, he shall report 10  
 the same with the cause thereof if he deem 11  
 such chief constable or constable deserving 12  
 of dismissal for the cause of such suspen- 13  
 sion to the town council of such town, and 14  
 the town council thereof shall thereupon in 15  
 their discretion dismiss such chief constable 16  
 or constable or direct that he shall be 17  
 restored to the duties of his office after the 18  
 period of such suspension shall have ex- 19  
 pired, and during such suspension no such 20  
 chief constable or constable shall be capa- 21  
 ble of acting in his said office except by the 22  
 express permission of the police magistrate 23  
 of such town in writing, nor shall such 24  
 chief constable or constable be entitled to 25  
 any salary or remuneration for the period 26  
 of such suspension: Provided always, that 27  
 it shall be in the power of such police ma- 28  
 gistrate, to appoint some fit and proper 29  
 person to act as chief constable or constable 30  
 during the period of such suspension of 31  
 any chief constable or constable as afore- 32  
 said.

Proviso.

Offences against by-laws may be prosecuted before police magistrate.

LXI And be it enacted, That all offences 34  
 against the by-laws of any of the said 35  
 towns, and all penalties for refusal to 36  
 accept or be sworn into office in such 37  
 towns, and all other offences over which 38  
 one or more justices of the peace have or 39  
 shall have jurisdiction committed within 40  
 any such town, may be prosecuted and sued 41  
 for, tried and recovered before the police 42  
 magistrate of such town, either acting alone 43  
 or assisted by one or more justices of the 44  
 peace for such town as the case may re-

## V. TOWNS.

quire ; and such police magistrate shall ex  
2 officio be a justice of the peace for such  
town, and it shall be his duty and that of  
4 the justices for such town to be the con-  
servators of the peace in and for the same.

6 LXII. And be it enacted, That the clerks  
of the town councils of the said towns shall  
8 be clerks of the police offices of such towns,  
and perform the same duties and receive  
10 the same emoluments as now appertain to  
clerks of justices of the peace in Upper  
12 Canada, unless by act of the town councils  
of such town, another officer be appointed  
14 for such purpose.

Clerks of  
town councils  
to be clerks of  
police offices,  
unless other-  
wise provided  
by acts of  
town Courts.

LXIII. And be it enacted, That there  
16 shall be in and for each of the towns which  
shall be or remain incorporated as such  
18 under the authority of this Act, one chief  
constable, and one or more constables for  
20 each ward of such town who shall respect-  
ively hold their offices during the pleasure  
22 of the town council, but shall be liable to  
be suspended and dismissed as hereinbefore  
24 provided.

Appointment  
of chief constables,  
&c.  
who will hold  
office during  
pleasure of  
town council.

LXIV. And be it enacted, That nothing  
26 in this Act contained shall be construed to  
limit the power of the Governor of this  
28 Province to appoint under the Great Seal  
thereof, any number of justices of the peace  
30 for any such town.

Nothing here-  
in to affect  
power of  
Governor  
with respect  
to appointment  
of justices of the  
peace.

LXV. And be it enacted, That all oaths  
32 of office of the subordinate officers of such  
town, shall be taken before the mayor or  
34 police magistrate thereof, or before any one  
of the justices of the peace for such town,  
36 who are hereby authorized to administer  
the same.

Oath of office  
of subordinate  
officers to be  
taken before  
mayor or police  
magistrate or  
before a justice  
of the  
peace.

38 LXVI. And be it enacted, That it shall  
and may be lawful for the town council of  
40 each of the said towns, to select from  
amongst themselves one Townreeve for such

Appointment  
of Townreeve.

## V. TOWNS.

town, who shall be a member of the Municipal Council of the county in which such town is situate.

Appointment  
of assessors  
and collectors.

Proviso.

Proviso.

Provision with  
respect to the  
erection of an  
incorporated  
village into a  
town.

LXVII. And be it enacted, That the town council for each of the said towns shall appoint three assessors and one collector for each ward of the said town, whose duty it shall be to make assessments and collect taxes within such ward, in like manner as the assessors and collectors in the several townships aforesaid are to perform the same duties in the said townships respectively; Provided always, firstly, that none of the town councillors shall be eligible to be appointed to such offices; and provided also, secondly, that no person shall be appointed such assessor, unless he shall be rated on the collector's roll for the year preceding his appointment, to the amount of 20 five hundred pounds and upwards.

LXVIII. And be it enacted, That whenever any incorporated village in Upper Canada, shall be found by the census returns to contain within its limits upwards of three thousand inhabitants, then upon petition of the municipality of such village, it shall and may be lawful for the Governor of this Province by an Order in Council to issue a Proclamation under the great seal of the Province erecting such village into a town, and including within the boundaries thereof any portion of the township or townships within which it may be situate, which from the proximity of streets or buildings thereon may conveniently be attached to such town and dividing the said town into wards by appropriate names, and boundaries; but no town shall be so divided into less than three wards, and none of such wards shall have less than five hundred inhabitants; and such town shall have an election by wards on the first monday in the month of January next after the end of three calendar months from the teste of

## V. TOWNS.

such Proclamation; and such town shall  
 2 from thenceforth be subject to the same  
 regulations and provisions of law and shall  
 4 have the same immunities and privileges as  
 a town named in the said Schedule to this  
 6 Act annexed marked B, as fully as if such  
 town had been mentioned therein.

8 LXIX. And be it enacted, That the  
 town council of any such town shall be  
 10 composed of the councillors elected by and  
 for the different wards of such town, and  
 12 shall have all such powers, duties and  
 liabilities within and in respect of such  
 14 town as the municipality of any village shall  
 have in respect of such village, and the  
 16 mayor of such town and the other officers  
 thereof shall have the like powers, duties  
 18 and liabilities respectively within and in  
 respect thereof as the townreeves and other  
 20 officers of any incorporated village shall  
 have within and in respect of such village.

Town council  
 to be composed  
 of councillors  
 elected for the  
 different  
 wards.

22 LXX. And be it enacted, That the  
 town council of each of the towns which  
 24 shall be or remain incorporated under the  
 authority of this Act, shall moreover have  
 26 power and authority to make by-laws for  
 each or any of the following purposes, that  
 28 is to say :

Power of  
 town councils  
 to make by-  
 laws for—

1stly. For establishing and regulating a  
 30 police for such town; for establishing and  
 regulating one or more alms-houses and  
 32 houses of refuge for the relief of the poor  
 and destitute; for erecting and establishing  
 34 and also providing for the proper keeping  
 of any work-house or house of correction  
 36 that may hereafter be erected in and for  
 such town.

Establishing  
 police.

38 2ndly. For the purchase of such lands as  
 they may deem necessary, for the purpose  
 40 of an industrial farm for such town of not  
 less than two hundred acres in extent  
 42 within such convenient distance of such

Purchase of  
 land for indus-  
 trial farm, &c.



## V. TOWNS,

town as they may deem expedient, and for erecting or building thereon such houses, 2 buildings, yards and other inclosures as may be deemed proper for the purposes of such 4 farm.

Lighting with gas, oil, &c.

3rdly. For defraying out of the funds of 6 such town, if necessary, the expense of lighting the same or any part thereof with 8 gas, oil, or other substances, and the performing any kind of work required for the 10 purpose, and for obliging the proprietors or occupiers of real property to allow such 12 work to be done, and such fixtures placed in or about their premises as may be neces- 14 sary for that purpose ; such work and fixtures to be done at the expense of such 16 town.

Livery stable licenses, &c.

4thly. For regulating and licensing the 18 owners of livery stables, horses, cabs, hackney coaches, omnibuses, carts and other car- 20 riages used for hire in such town, and for establishing the rates of pay or hire to be 22 taken by the owners or drivers thereof, and for preventing runners, stage drivers and 24 others in the streets or public places from soliciting and teasing passengers and others 26 to travel in any boat, vessel, stage or vehicle.

Assessments on real property.

5thly. For assessing the proprietors of 28 such real property in any such town as may be immediately benefited by such improve- 20 ments, for such sum or sums as may at any time be necessary to defray the expense of 32 making or repairing any common sewer, drain, flagging, posts or pavement in any 34 public highway, street, square or place immediately opposite or near to such real 36 property, and for regulating the time and manner in which such assessment shall be 38 collected and paid.

Sweeping and watering streets, &c.

6thly. For raising, levying and appropri- 40 ating at and upon the petition of two-thirds or upwards of the freeholders and house- 42

## V. TOWNS.

holders resident in any particular street,  
 2 square, alley or lane of such town, such  
 sum or sums of money as may be necessary  
 4 to defray the expense of sweeping and  
 watering such street, square, alley or lane  
 6 by means of a special rate to be assessed  
 equally on the whole rateable property in  
 8 such street, square, alley or lane.

7thly. For borrowing under the restric-  
 10 tion and upon the security hereinafter men-  
 tioned, all such sums of money as shall or  
 12 may be necessary for the execution of any  
 town work within their jurisdiction and the  
 14 scope of the authority by this Act conferred  
 upon them.

Borrowing  
 monies.

16 8thly. For raising, levying and appro-  
 priating such monies as may be required  
 18 for all or any of the purposes aforesaid by  
 means of a rate to be assessed equally on  
 20 the whole rateable property in such town  
 according to any law which shall be in force  
 22 in Upper Canada concerning rates and  
 assessments.

Raising  
 monies.

21 9thly. For making all such laws as may  
 be necessary and proper for carrying into  
 26 execution the powers herein vested or here-  
 after to be vested in the corporation of such  
 28 town or in any department or office thereof,  
 for the peace, welfare, safety and good  
 30 government of such town as they may from  
 time to time deem expedient, such laws not  
 32 being repugnant to this or any other Act of  
 the Parliament of this Province, or of the  
 34 Parliament of Upper Canada, or to the  
 general laws of that part of this Province:  
 36 Provided always nevertheless, firstly, that no  
 person shall be subject to be fined more  
 38 than *five* pounds, exclusive of costs, or to be  
 imprisoned more than *thirty* days, for the  
 40 breach of any by-law or regulation of such  
 town: and provided also, secondly, that no  
 42 person shall be compelled to pay a greater  
 fine than *twenty* pounds for refusing or

Making laws  
 for carrying  
 into execution  
 powers herein  
 vested, &c.

Proviso.

## V. TOWNS, &amp;c.

neglecting to perform the duties of any municipal office when duly elected or appointed thereto. 2

Repeal, &c. of  
by-laws.

10thly. For the repeal, alteration, or amendment, from time to time, of all or any of such by-law or by-laws, and the making others in lieu thereof, as to them may seem expedient for the good of the inhabitants of such town. 4  
6  
8

## VI. CITIES.

Inhabitants of  
cities mention-  
ed in  
Schedule C.  
&c. incorpo-  
rated.

LXXI. And be it enacted, That the inhabitants of each of the cities mentioned in the Schedule to this Act annexed marked C, and intituled, "Cities," and the inhabitants of all such towns in Upper Canada as shall from time to time be erected into cities by and under any Proclamation to be issued in that behalf under this Act, shall be Bodies Corporate with all the powers, privileges and immunities, duties, and liabilities of the incorporated inhabitants of towns as aforesaid, except in so far as such powers may be hereby increased, lessened, or otherwise modified, and such powers shall be exercised by, through, and in the name of the Mayor, Aldermen and Commonalty of each of such cities respectively. 10  
12  
14  
16  
18  
20  
22  
24  
26

Election of  
one alderman  
and two coun-  
cillors for each  
ward.

LXXII. And be it enacted, That for every ward, within the limits of any such city, there shall be chosen by the male resident freeholders and householders of such ward, one alderman and two councillors for such ward, for which purpose copies of the assessments Rolls shall be furnished, verified and procured by the like persons and within the like times as is hereinbefore provided with respect to towns and the common council of each such city shall be formed of such aldermen and councillors in the same manner as the town 28  
30  
32  
34  
36  
38

## VI. CITIES.

council of any such town shall have in  
 2 and with regard to the same, and all the  
 rules, regulations, provisions and enactments  
 4 contained in this Act, as applied to incor-  
 porated towns, by way of reference to those  
 6 provided for incorporated villages or other-  
 wise, shall apply to each of the said cities:  
 8 Provided always, firstly, that the Mayor of  
 every such city shall be elected from among  
 10 the aldermen thereof; and provided always,  
 secondly, that no person shall be qualified  
 12 to be elected an alderman for any such  
 ward who shall not at the time of the election  
 14 be seized, to his own use, of real estate  
 held by him in fee simple, or in freehold,  
 16 within the city for which he is elected  
 or the liberties thereof of the assessed  
 18 value of seven hundred and fifty pounds;  
 and provided always, thirdly, that no person  
 20 shall be qualified to be elected a councillor  
 for any such ward, who shall not, at the  
 22 time of his election, be in like manner seized  
 to his own use of like real estate, to the value  
 24 of five hundred pounds, and provided always  
 fourthly and lastly that the aldermen and  
 26 councillors aforesaid shall be chosen by the  
 male freeholders and householders who shall  
 28 be entered on such roll and who shall con-  
 tinue to reside within such ward at the time  
 30 of the election and who shall appear upon  
 the said roll to have been assessed either as  
 32 proprietors or tenants for a house or for  
 land, or for both to the value of fifty-pounds  
 34 and by none other.

Proviso:  
 Mayor to be  
 elected from  
 among alder-  
 men.

Proviso: qua-  
 lification of  
 aldermen.

Proviso: qua-  
 lification of  
 councillors.

LXXIII. And be it enacted, That when-  
 36 ever any of the said towns incorporated or  
 to be incorporated as aforesaid shall be  
 38 found by the census returns to contain more  
 than fifteen thousand inhabitants, then, on  
 40 petition from the town council of such town,  
 it shall and may be lawful for the Governor  
 42 of this Province, by an Order in Council to  
 issue a Proclamation under the great seal of  
 44 the Province erecting such town into a city,  
 setting forth the boundaries of such city and

Provision with  
 respect to the  
 erection of  
 incorporated  
 towns into  
 cities.

## VI. CITIES.

of the liberties thereof respectively, with  
 the portions of the liberties to be attached 2  
 to each of such wards respectively, and  
 including within such boundaries any por- 4  
 tion of the township or townships adjacent  
 which from the proximity of streets or 6  
 buildings therein, or the probable future  
 exigencies of such city it may appear desir- 8  
 able in the opinion of the Governor in  
 Council should be attached to such city or 10  
 the liberties thereof; and to make new divi-  
 sions of such city into wards in like manner 12  
 as is provided in the case of the said towns;  
 and the first election in such place as a city 14  
 shall take place on the first monday of the  
 month of January next after the end of 16  
 three calendar months from the teste of  
 such Proclamation. 18

Each incor-  
 porated city to  
 be a county of  
 itself for mu-  
 nicipal purpo-  
 ses.

Proviso: not  
 to prevent  
 county mu-  
 nicipal councils  
 to hold their  
 public offices  
 in cities, &c.

LXXIV. And be it enacted, That each  
 of the cities which shall be or remain incor- 20  
 porated as such under the authority of this  
 Act, with the liberties thereof, shall, for all 22  
 municipal purposes, and such judicial pur-  
 poses as are herein or hereby specially 24  
 provided for, but no other, be a county of  
 itself: Provided always, nevertheless, that 26  
 nothing herein contained shall prevent the  
 municipal council of the county within or 28  
 on the borders of the territorial limits  
 whereof such county of a city, shall lie, to 30  
 hold their sittings, keep their public offices  
 and transact all their business and that of 32  
 their officers, and servants within the limits  
 of such city or the liberties thereof, and to 34  
 purchase and hold all such real property  
 within such limits as may be necessary or 36  
 convenient for such purposes or any of  
 them. 38

Justices of the  
 peace of the  
 county to have  
 no jurisdiction  
 within city.

LXXV. And be it enacted, That the  
 justices of the peace in and for the county 40  
 within or on the borders of which such city  
 shall lie, shall as such neither have nor 42  
 exercise any jurisdiction over offences com-  
 mitted within such city or the liberties 44

## VI. CITIES.

thereof; any law or usage to the contrary  
 2 thereof notwithstanding: Provided always,  
 nevertheless, firstly, that nothing herein  
 4 contained shall be construed to prevent the  
 general or adjourned quarter sessions of  
 6 the peace for such county being held within  
 the limits of such city or the liberties  
 8 thereof, and having and exercising all the  
 jurisdiction and authority necessarily inci-  
 10 dent to the power of holding such sessions:  
 And provided always, also, secondly, that  
 12 nothing herein shall prevent or be construed  
 to prevent the indorsement of warrants as  
 14 now provided for by law, nor to alter or  
 interfere with the effect of such indorse-  
 16 ment.

Proviso:  
 Quarter ses-  
 sions of county  
 may be held in  
 city.

Proviso with  
 respect to in-  
 dorsement of  
 warrants as  
 provided  
 by law.

LXXVI. And be it enacted, That from  
 18 the time of the erection of any town into a  
 city, any and every commission of the peace  
 20 that may have been issued for such town,  
 shall cease and determine.

Commissions  
 of the peace to  
 cease from  
 time of erection  
 of a town into  
 a city.

LXXVII. And be it enacted, That there  
 22 shall be in and for each of the cities which  
 24 shall be or remain incorporated as such  
 under the authority of this Act, besides a  
 26 chief constable as provided with respect to  
 incorporated towns as aforesaid, one high  
 28 bailiff, who shall be appointed annually by  
 the corporation of such city.

Chief consta-  
 ble and high  
 bailiff to be  
 appointed for  
 each city.

LXXVIII. And be it enacted, That it  
 30 shall and may be lawful for the corporation  
 32 of any city which shall be or remain incor-  
 porated under authority of this Act, by act  
 34 of common council, from time to time, as it  
 may seem expedient, to erect any part of  
 36 the liberties contiguous to such city, as  
 their boundaries shall stand at the time,  
 38 into one or more outer wards; and may  
 from time to time, as it may seem expedi-  
 40 ent, alter and vary the boundaries of such  
 outer wards, or any of them, before they  
 42 shall be annexed to the said city, as herein-  
 after provided.

Corporation  
 may erect any  
 part of liber-  
 ties of city into  
 other wards.

## VI. CITIES.

Provision for annexing an outer ward to a city.

**LXXIX.** And be it enacted, That so soon as it shall appear by the census of any such city, that any one of its outer wards contains as many inhabitants as by the census first taken after the passing of this Act, or after the erection of such city, as the case may be, shall be found to be contained in the least populous of the wards erected by this Act, or by the proclamation erecting such city, and by the general assessment rolls of such city, that such outer ward contains as much assessed property as by the first assessment of the said city made after the passing of this Act or after the issuing of such proclamation as aforesaid, shall be found to be contained in the least wealthy 16 of the wards erected by this Act or by such proclamation, it shall and may be lawful 18 for the mayor of such city, for the time being, and he is hereby required forthwith 20 to issue a proclamation under the seal of the said city, setting forth the same, and 22 annexing such ward to such city, calling it by such name as the common council 24 thereof shall think fit.

As soon as an outer ward is annexed, it shall cease to form part of the liberties.

**LXXX.** And be it enacted, That from 26 the date of any such last mentioned proclamation, such ward shall cease to be a part 28 of the liberties, and shall from thenceforth constitute a ward of such city, and have 30 incident to it, and its inhabitants every thing by this Act or any future Act of par- 32 liament, or any act of common council, incident to the wards of such city, or the 34 inhabitants thereof, in general, and every such Act shall extend to such ward as it 36 does or shall to the other wards of such city in general: Provided always, that no 38 election for charter officers for any such ward, shall take place until the general 40 election for such officers next ensuing the issuing of any such last mentioned procla- 42 mation.

PROVISO.

## VL CITIES.

LXXXI. And be it enacted, That the  
 2 gaol, court house and house of correction  
 of the county within the limits or on the  
 4 borders of which any such city shall be  
 situate, shall be and continue to be the gaol,  
 6 court house and house of correction of such  
 city, as well as of such county, until such  
 8 city shall by act of common council other-  
 wise direct; and the sheriff, gaoler and  
 10 keeper of every such county gaol and house  
 of correction shall be bound to receive and  
 12 safely keep until duly discharged, all per-  
 sons committed thereto by any competent  
 14 power or authority of such city.

Present gaol,  
 court house,  
 &c. to conti-  
 nue as such  
 for city and  
 county.

LXXXII. And be it enacted, That be-  
 16 sides a police office and police magistrate as  
 provided with respect to incorporated towns  
 18 as aforesaid, and which shall have the like  
 duties and powers in all respects in such  
 20 city and the liberties thereof as is herein  
 provided with respect to the Police Officers  
 22 and Magistrates for incorporated towns as  
 aforesaid, there shall moreover be a court of  
 24 record in each of the cities, which shall be or  
 remain incorporated as such under the autho-  
 26 rity of this Act, which court shall be called  
 the Recorder's Court of such city, and  
 28 wherein the recorder for the time being  
 shall preside, assisted by one or more of the  
 30 aldermen of such city, or in the absence of  
 such recorder from sickness or other causes,  
 32 or when there shall be no recorder, one of  
 the aldermen of such city, to be elected by  
 34 the aldermen from among themselves, shall  
 preside; and that such court shall in all  
 36 cases possess the like powers and have the  
 like jurisdiction as to crimes, offences and  
 38 misdemeanors committed in such city and  
 the liberties thereof as the courts of quarter  
 40 sessions of the peace now have or hereafter  
 may have by law in Upper Canada, as to  
 42 crimes, offences and misdemeanors com-  
 mitted within their local jurisdiction, as well  
 44 as in all those matters of civil concern not  
 belonging to the ordinary jurisdiction of a

A Recorder's  
 court to be es-  
 tablished for  
 each city.

Jurisdiction of  
 the court.



## VI. CITIES.

court of justice as have been or may here-  
after be by law vested in such courts of  
quarter sessions of the peace. 2

Recorder's  
court to hold  
four sessions in  
each year.

LXXXIII. And be it enacted, That the  
said Recorder's Court shall hold four ses-  
sions in each year, which sessions shall  
commence on the second monday in the  
months of January, April, July and October  
in each year. 4  
6  
8  
10

Inhabitants of  
city and liberties  
exempted  
from serving  
on certain  
juries after a  
certain date.

LXXXIV. And be it enacted, That the  
inhabitants of every such city erected or to be  
erected under the authority of this Act, and  
of the liberties thereof, at all times after the  
passing of this Act, or after the first day of  
January next after the end of the three  
calendar months from the teste of the pro-  
clamation erecting such city, as the case  
may be, shall be exempt from serving on  
juries at any other than the city courts and  
the courts of assize and nisi prius, oyer and  
terminer and general gaol delivery for the  
county within the limits or on the borders  
of which such city shall be situate. 12  
14  
16  
18  
20  
22  
24

Who shall be  
the grand ju-  
rors of the re-  
corder's courts  
—to be sum-  
moned by the  
high bailiffs.

LXXXV. And be it enacted, That the  
grand juries of such Recorder's Courts shall  
consist of twenty-four persons to be sum-  
moned by the high bailiffs of each of the  
said cities, under precepts signed by the  
recorders or aldermen elected to sit for such  
recorders, in the same manner as grand  
juries of the quarter sessions are now or  
hereafter may be by law summoned by the  
different sheriffs in Upper Canada. 26  
28  
30  
32  
34

Petit jurors to  
be summoned  
by high  
bailiffs.

LXXXVI. And be it enacted, That the  
panels of the petit jurors for such Courts  
shall consist of not less than thirty-six nor  
more than sixty jurors to be summoned by the  
high bailiffs of each of the said cities, under  
precepts signed by the recorders or aldermen  
elected to sit for such recorders in the same  
manner as petit jurors of the quarter sessions  
now are or hereafter may be by law sum- 36  
38  
40  
42

## VI. CITIES.

moned by the different sheriffs in Upper  
2 Canada.

LXXXVII. And be it enacted, That such  
4 persons only residing in the said cities or  
the liberties thereof, shall be summoned to  
6 compose the grand and petit jurors of such  
Recorder's Courts as are at present or  
8 hereafter may be liable to be summoned as  
grand and petit jurors respectively in any  
10 court of Upper Canada.

Grand and  
petit jurors to  
consist only of  
persons resi-  
ding in city  
and liberties.

LXXXVIII. And be it enacted, That  
12 the respective grand juries shall have all  
the power and authority over offences com-  
14 mitted in the said cities and the liberties  
thereof, which grand juries for the general  
16 quarter sessions of the peace in Upper Ca-  
nada now have or hereafter may have.

Authority of  
grand jurica.

LXXXIX. And be it enacted, That the  
18 like process and proceedings now had in the  
20 said general quarter sessions of the peace  
in criminal cases, shall and may be used in  
22 the said Recorder's Courts when exercising  
criminal jurisdiction, and the like power to  
24 take recognizances and all other powers and  
duties incidental to such jurisdiction, and  
26 which the said courts of general quarter  
sessions now or hereafter may possess by  
28 law, together with the powers granted by  
this Act, are hereby vested in the said Re-  
30 corder's Courts as far as regards any offen-  
ces, crimes and misdemeanors arising or  
32 committed within such cities and the liber-  
ties thereof respectively.

Powers of  
courts of  
quarter ses-  
sions vested in  
recorder's  
courts.

XC. And be it enacted, That upon the  
34 acquittal of any defendant or defendants in  
36 any of the said Recorder's Courts, the re-  
corder or presiding alderman thereof, shall  
38 upon its appearing to the satisfaction of the  
said court, that there was a reasonable and  
40 probable cause for such prosecution, order  
the costs thereof to be taxed by the clerk  
42 of the said court to be paid out of the city  
funds.

On acquittal of  
a defendant,  
costs to be  
paid out of  
city funds,  
when a rea-  
sonable cause  
for prosecution  
has existed.

## VI. CITIES.

Recorder may suspend high bailiff, chief constable, &c. from their duties.

XCI. And be it enacted, That every such recorder shall have the power of suspending from the duties of his office any high bailiff, chief constable or constable of the city of which he is the recorder, for any period in his discretion, and that immediately after such suspension he shall report the same with the cause thereof if he deem such high bailiff chief constable or constable deserving of dismissal for the cause of such suspension, to the common council of such city, and the said common council shall thereupon in their discretion, dismiss such high bailiff, chief constable or constable, or direct that he shall be restored to the duties of his office after the period of such suspension shall have expired, and during such suspension no such high bailiff, chief constable or constable shall be capable of acting in his said office except by the express permission of the recorder of such city in writing, nor shall such high bailiff, chief constable or constable be entitled to any salary or remuneration for the period of such suspension: Provided always, that it shall be in the power of such recorder to appoint some fit and proper person to act as high bailiff, chief constable or constable during the period of such suspension of any high bailiff, chief constable or constable as aforesaid.

Clerks of common councils to be clerks of recorder's courts.

XCII. And be it enacted, that the clerks of the common councils of the said cities shall be clerks of the Recorders' Courts, and perform the same duties and receive the same emoluments as now appertain to the clerks of the peace in Upper Canada.

Qualification of recorders.

XCIII. And be it enacted, That the recorders for the several cities which shall be or remain incorporated as such under the authority of this Act, shall be barristers of Upper Canada of not less than five years' standing, and shall be appointed by the crown during pleasure, and every such recorder shall be ex-officio a justice of the

## VI. CITIES.

peace, in and for the city and the liberties  
 2 thereof, for which he shall be appointed,  
 and shall receive a salary of not less than  
 4 *two hundred and fifty pounds* per annum,  
 payable quarterly out of the municipal  
 6 funds of such city: Provided always, ne-  
 vertheless, that a recorder shall not in the  
 8 first instance be appointed for any of such  
 cities until after the corporation of such  
 10 city shall have communicated to the Gover-  
 nor General of this Province through the  
 12 Provincial Secretary thereof, their opinion  
 that such an officer was required for the  
 14 better conduct of the affairs of such city  
 and administration of justice therein.

Proviso: not  
 to be appoint-  
 ed unless  
 asked for by  
 the corpora-  
 tion.

16 XCIV. And be it enacted, That it shall  
 and may be lawful for any such common  
 18 council in any such communication to de-  
 clare their opinion that the said offices of  
 20 recorder and police magistrate may be ves-  
 ted in the same person for some time there-  
 22 after, in every which case the same person  
 shall be appointed to both of such offices, and  
 24 the said offices shall remain united in such  
 person and his successors until such com-  
 26 mon council shall have further communi-  
 cated to the Governor General of this Pro-  
 28 vince, their opinion that such offices should  
 no longer continue united, from which time  
 30 the same shall be held separately: Pro-  
 vided always, that during the union of such  
 32 offices the person holding the same shall  
 not be entitled to any other than the salary  
 34 herein provided for the office of recorder.

Offices of re-  
 corder and po-  
 lice magistrate  
 may be vested  
 in the same  
 person.

36 XCV. And be it enacted, That the com-  
 mon council of such city shall have all  
 and singular the powers and authority  
 38 within such city and the liberties thereof,  
 which the town council of any town incor-  
 40 porated under the authority of this Act,  
 may or can lawfully use or exercise therein.

Powers of  
 city councils  
 similar to  
 those of town  
 councils.

42 XCVI. And be it enacted, That the  
 common council of each of the cities which

City councils  
 may make by-  
 laws for—

## VI. CITIES.

shall be or remain incorporated under the authority of this Act shall moreover have power and authority to make by-laws for each of the following purposes, that is to say :

- The erection of a city hall, &c;      1stly. For erecting and establishing and also providing for the proper keeping of a city hall, court house, gaol, house of correction and house of industry in and for such city and the liberties thereof, and appointing the inspectors of any such house of industry.      6  
8  
10  
12
- Regulating the erection of wooden buildings;      2ndly. For regulating the erecting of buildings and preventing wooden buildings from being erected in thickly built parts of such city.      14  
16
- Borrowing monies,      3rdly. For borrowing under the restrictions and upon the security hereinafter mentioned all such sums of money as shall or may be necessary for the execution of any city work within their jurisdiction, and the scope of the authority by this Act conferred upon them.      18  
20  
22
- Raising monies,      4thly. For raising, levying, and appropriating such monies as may be required, for all or any of the purposes aforesaid by means of a rate to be assessed equally on the whole rateable property of such city according to any law which shall be in force in Upper Canada, concerning rates and assessments.      24  
26  
28  
30
- Carrying into execution powers vested in them,      5thly. For making all such laws as may be necessary and proper for carrying into execution the powers herein vested or hereafter to be vested in the corporation of such city or in any department or office thereof for the peace, welfare, safety and good government of such city as they may from time to time deem expedient, such laws not being repugnant to this or any other Act of the parliament of this Province, or      32  
34  
36  
38  
40

## VI. CITIES, &amp;c.

of the parliament of Upper Canada, or to  
 2 the general laws of that part of this Pro-  
 vince: Provided always nevertheless, firstly, Proviso.  
 4 that no person shall be subject to be fined  
 more than *five* pounds exclusive of costs,  
 6 or to be imprisoned more than *thirty* days  
 for the breach of any by-law or regulation  
 8 of such city: And provided also, secondly, Proviso.  
 that no person shall be compelled to pay a  
 10 greater fine than *twenty* pounds, for re-  
 fusing or neglecting to perform the duties  
 12 of any municipal office, when duly elected  
 or appointed thereto.

14 6thly. For the repeal, alteration or Repeal, &c. of  
 amendment, from time to time, of all or by-law.  
 16 any of such by-laws, the making others in  
 lieu thereof, as to them may seem expe-  
 18 dient for the good of the inhabitants of  
 such city.

## VII. MISCELLANEOUS PROVISIONS.

20 XCVII. And be it enacted, That of the Who shall be  
 municipal corporations erected or to be the heads of  
 22 erected under the authority of this Act, the the different  
 Warden of each county shall be the head of corporations.  
 24 the Municipal Council or Corporation of  
 such county, the Mayor of each city and  
 26 town shall be the head of the town or com-  
 mon council or corporation of such city or  
 28 town respectively, and the Townreeve of  
 each township and village, the head of the  
 30 municipality or corporation of such town-  
 ship or village respectively.

32 XCVIII. And be it enacted, That in the Vacation of  
 event of the absence of the head of any office head of  
 34 such municipal corporation from the duties corporation  
 of his office for a period exceeding at one after an ab-  
 36 time three calendar months, without having sence of more  
 been first authorized so to absent himself than three  
 38 by a resolution of such municipal corpora- months at a  
 tion, he shall vacate his office; and in such time without  
 case.

## VII. MISCELLANEOUS PROVISIONS.

case, it shall and may be lawful for such municipal corporation, at a special meeting thereof for that purpose, to be convened within three days after such office shall become vacant, to elect from among themselves, a successor to such head of such municipal corporation, who shall hold office for the remainder of the time of service of his immediate predecessor, which head of such corporation shall be sworn into office as is in and by this Act provided.

Resignation of heads of corporations.

XCIX. And be it enacted, That it shall and may be lawful for the head of such municipal corporation, at any time, by and with the consent of such municipal corporation, to resign his office ; and his successor shall in such case be elected within the time and in the manner, and for the same period as is provided in the next preceding section of this Act. 20.

Members of corporations becoming insolvent, cease to become members.

C. And be it enacted, That if any of the members of any of such municipal corporations; erected or to be erected under the authority of this Act, shall be declared bankrupt, or shall apply to take the benefit of any Act for the relief of insolvent debtors, or shall compound by deed with his creditors, then and in every such case, such person shall thereupon immediately become disqualified, and shall cease to be a member of such municipal corporation, for the residue of the time for which upon such bankruptcy, insolvency, or composition with his creditors, such member of such municipal corporation was liable to serve ; and the vacancy thereby created shall be filled as in the case of the natural death of such member of such municipal corporation. 38

Power given to head of corporation to administer certain oaths.

CI. And be it enacted, That the head of every such municipal corporation, or in his absence, the chairman thereof, shall have power to administer an oath or oaths, affirmation or affirmations to any person or per-

## VII. MISCELLANEOUS PROVISIONS.

sons concerning any account or other matter which shall be submitted to such municipal corporation.

4 CII. And be it enacted, That for and notwithstanding the issue of any proclamation under the authority of this Act for the incorporation of any village or for the erection of any village into a town, or of any town into a city, the municipal corporation existing in or having authority over such village or town, or the hamlet or place of which by such proclamation, such village, town or city shall be made to consist immediately previous to the first day of January next after the end of three calendar months from the date of such proclamation, and all and singular the members, officers and servants of the same respectively shall upon, and from such last mentioned first day of January, until the fourth monday of the same month, continue to have, exercise and perform all and singular the municipal and other powers, functions and duties which, immediately previously to such last mentioned first day of January, shall or may by law have been vested in them respectively, to all intents and purposes as if such proclamation had not been issued.

Notwithstanding proclamation incorporating villages, &c. municipal corporations existing at the time of proclamation, to continue to exercise their powers for a certain time.

30 CIII. And be it enacted, That it shall and may be lawful for the Governor of this Province, by any order in council, made upon the petition of the municipal corporation of any town or village, by proclamation under the great seal of the Province, to add to the boundaries of such town or village, and to make a new division of the wards of any such town, and to alter the boundaries and number of such wards, but so that there be not less than three wards therein, and that no ward shall by such division contain less than the number of inhabitants contained in the least populous ward of such town by the first census taken after the first erection of such town; and the first election,

Governor in council may add to boundaries, &c. of a town or village, on petition from the corporation thereof.



## VII. MISCELLANEOUS PROVISIONS.

under such enlargement or new division of such town or village, shall take place on the first day of January next, after the end of three calendar months from the teste of such proclamation.

Municipal corporation not to grant exclusive rights to exercise any trade or calling

CIV. And be it enacted, That nothing herein contained shall be construed to authorize any municipal corporation erected under the authority of this Act to give any person or persons an exclusive right or privilege to exercise within the locality over which it has jurisdiction any trade or calling concerning which such municipal corporation may be hereby empowered to make regulations, or to require that a license to exercise the same be taken from such municipal corporation or any officer thereof, or to impose any special tax on any person or persons exercising the same except only such reasonable fee, not in any case exceeding *five* shillings, as may be necessary for remunerating the proper officer for issuing or granting to any such person a certificate of his having complied with any such regulations as aforesaid; Provided always nevertheless, that nothing herein contained shall affect the right of any municipal corporation to the exclusive privilege of any ferry now vested in the present corporation of such county, city, town or village.

Proviso.

When a police magistrate shall be appointed in a town or city, powers of granting tavern licenses vested in him.

CV. And be it enacted, That whenever there shall be a police magistrate for any town or city erected or to be erected under the authority of this Act, the power of granting licenses to innkeepers, and the keeping of ale and beer houses within such town or city, or the liberties thereof, under such by-laws as may be made for that purpose by the municipal corporations thereof, shall be vested in and belong to such police magistrate.

## VII. MISCELLANEOUS PROVISIONS.

CVI. And be it enacted, That the mayor  
 2 or police magistrate, with any two aldermen  
 or justices of the peace for any town or city  
 4 erected or to be erected under the authority  
 of this Act, shall have full power and autho-  
 6 rity upon complaint made to them or any  
 one of them, upon oath, of any riotous or  
 8 disorderly conduct in the house of any inn  
 or tavern-keeper in any such town or city,  
 10 to enquire summarily into the matter of  
 such complaint, and for the mayor or police  
 12 magistrate of such town or city, to summon  
 such inn or tavern-keeper to appear to  
 14 answer such complaint, and thereupon it  
 shall be lawful for the mayor or police  
 16 magistrate, with any two aldermen or justi-  
 ces of the peace, to investigate the same,  
 18 and to dismiss the same with costs, to be  
 paid by the complainant, or to convict the  
 20 said inn or tavern-keeper of having a riotous  
 or disorderly house, and to abrogate  
 22 the license, or to suspend the benefit of the  
 same for any period not exceeding *sixty*  
 24 days; and during the period of such sus-  
 pension, such inn or tavern-keeper shall  
 26 lose all the powers, privileges and protec-  
 tion that would otherwise have been  
 28 afforded him by his said license.

Tavern keep-  
 ers keeping  
 disorderly  
 houses, to  
 be tried before  
 the mayor or  
 police magis-  
 trate and two  
 aldermen or  
 justices of the  
 peace.

CVII. And be it enacted, That in every  
 30 case in which an oath is required to be ad-  
 ministered or taken under this Act, the per-  
 32 son required to take such oath, if by law  
 permitted to affirm instead of swear in judi-  
 34 cial cases in Upper Canada, shall be enti-  
 tled and required to make solemn affirma-  
 36 tion to the same effect as the oath,  
 which would otherwise be required.

Affirmation  
 allowed in  
 certain cases  
 instead of  
 taking the  
 oath.

CVIII. And be it enacted, That no per-  
 38 son shall be qualified to vote, or to be  
 40 elected or appointed under this Act, who  
 shall not at the time of his voting, election  
 42 or, appointment be a natural born or natura-  
 lized subject of Her Majesty, Her Heirs or  
 44 Successors, and of the full age of twenty-  
 one years.

Qualification  
 of voters.

## VII. MISCELLANEOUS PROVISIONS.

Persons appearing on collector's roll as qualified to vote, only required to take oath of qualification.

CIX. And be it enacted, That in all elections of members of any of the municipal corporations erected or to be erected under the authority of this Act, whether for townships, villages, or wards, each and every person whose name shall appear upon the collector's roll, or copy thereof, hereinbefore required to be procured for the purposes of such election, as having been taxed as a freeholder or householder in any such township, village, or ward, to an amount sufficient to entitle him to vote at such election, shall be entitled to vote at such election for the same, without any other enquiry and without taking any oath or affirmation other than that he is the person named in such collector's roll, that he is of the full age of twenty-one years, and is a natural born, or naturalized subject of Her Majesty, that he is resident within such township, village or ward, and that he has not before voted at such election. 22

False swearing, &c. perjury.

CX. And be it enacted, That every person wilfully swearing or affirming falsely in any oath or affirmation required to be taken under this Act, shall be liable to the pains and penalties of wilful and corrupt perjury. 28

Returning officers authorized to administer oaths.

CXI. And be it enacted, That every returning officer, or person holding any elections under this Act, shall have power to administer all oaths or affirmations required to be administered or taken at any such election. 34

Heads of corporations &c. authorized to administer oaths in certain cases.

CXII. And be it enacted, That the heads of the several municipal corporations created or to be created under the authority of this Act, and also the aldermen of the said cities and the justices of the peace for the several towns, and also every county, city, town, township and village clerk, appointed under the authority of this Act, shall have authority to administer any oath or affirma- 42

### VII. MISCELLANEOUS PROVISIONS.

tion required to be taken under this Act,  
 2 and relating to the business of the place in  
 which he shall hold such office as aforesaid,  
 4 except where it is or shall be otherwise  
 specially provided, or except where he shall  
 6 be the party required to take such oath or  
 affirmation ; and it shall be the duty of any  
 8 person administering such oath or affirma-  
 tion to preserve the same, duly certified by  
 10 him and subscribed by the party taking or  
 making the same, and to deposit the same  
 12 in the office of the county, city, town, town-  
 ship or village clerk, for the county, city,  
 14 town, township or village in which the said  
 oath or affirmation shall be taken or made,  
 16 and to the business and affairs of which it  
 shall properly belong, within eight days  
 18 after such oath or affirmation shall be ad-  
 ministered, on pain of being deemed guilty  
 20 of a misdemeanor.

CXIII. And be it enacted, That each  
 22 township, village, town or city council-  
 lor, and each township, county, village,  
 24 town or city clerk, and each justice of  
 the peace for any of the towns aforesaid,  
 26 and each assessor and collector, and each  
 returning officer and returning officer's  
 28 clerk, and each constable or other officer,  
 who shall be appointed under this Act, by  
 30 any municipal corporation, shall, before  
 entering on the duties of his office, take  
 32 and subscribe an oath or affirmation to the  
 effect following, that is to say :

Officers ap-  
 pointed under  
 this Act to  
 take oath of  
 office.

34 " I, A. B. do solemnly swear, (or affirm,  
*where the party is entitled to affirm instead*  
 36 *of swear*) that I will truly, faithfully and  
 impartially, to the best of my knowledge  
 38 and ability, execute the office of (*inserting*  
*the name of the office*) to which I have  
 40 been elected (*or appointed*) in this town-  
 ship (county, &c.) and that I have not re-  
 42 ceived and will not receive any payment or  
 reward, or promise of such for the exercise  
 44 of any partiality or malversation, or other

The oath.

## VII. MISCELLANEOUS PROVISIONS.

undue execution of the said office. So help  
me God.”

2

Before whom  
the head of a  
municipal  
corporation  
shall be sworn.

CXIV. And be it enacted, That the head  
of every municipal corporation erected, or 4  
to be erected under the authority of this  
Act, shall be sworn or affirmed into office 6  
by the highest Court of Law or Equity  
whether of general, or only of local juris- 8  
diction, which shall at the time be sitting  
within the limits of such corporation, or by 10  
the chief justice or other justice or judge  
of such court at his chambers, or if there 12  
be no such court, justice or judge within  
the limits of such corporation at the time, 14  
then before the recorder or police magis-  
trate of such city or town, or any justice 16  
of the peace of the county or town in or  
over which such corporation shall have 18  
jurisdiction, or in the case of townships and  
villages, by any justice of the peace for 20  
the county in which such township or  
village shall be situate, or in case there 22  
shall be no such court, justice, judge, or  
justice of the peace within such limits at 24  
the time, then before the clerk of such  
municipal corporation, in the presence of a 26  
meeting of such corporation, which several  
courts, justices, judges, recorders, and 28  
police magistrates, and justices of the  
peace, and clerks are hereby severally 30  
authorized and required to administer such  
oath or affirmation, and to give the neces- 32  
sary certificate of the same having been duly  
taken and subscribed. 34

An oath of  
qualification to  
be taken by  
certain offi-  
cers.

CXV. And be it enacted, That every  
person who shall be elected or appointed 36  
under this Act, to any office which requires  
a qualification of property in the incumbent, 38  
shall, before he shall enter into the duties  
of his office, take and subscribe an oath or 40  
affirmation to the effect following, that is  
to say: 42

## VII. MISCELLANEOUS PROVISIONS.

1 " I, A. B. do swear (*or affirm, where the* The oath.  
 2 *party is entitled to affirm instead of swear*)  
 3 that I am a natural born (*or naturalized*)  
 4 subject of Her Majesty; that I am truly  
 5 and *bonâ fide* seized to my own use and  
 6 benefit, of such an estate (*specifying the*  
 7 *nature of such estate, and if land, designa-*  
 8 *ting the same by its local description, rents,*  
 9 *or otherwise*) as doth qualify me to act in  
 10 the office of (*naming the office*) for (*nami-*  
 11 *ng the place for which such person is*  
 12 *elected or appointed*) according to the true  
 13 intent and meaning of a certain Act of the  
 14 Parliament of this Province, passed in the  
 15 year of the reign of  
 16 Her Majesty Queen Victoria, chaptered (*in-*  
 17 *serting the chapter of this Act*) and intituled,  
 18 An Act, &c. (*inserting the title of this Act*),  
 19 So help me God."

20 CXVI. And be it enacted, That each Penalty for  
 21 and every qualified person duly elected or refusal to  
 22 appointed to be a police trustee of any take office or  
 23 police village, or councillor or townreeve oaths, &c.  
 24 of any township or village, or a coun-  
 25 cillor, alderman, or mayor of any town  
 26 or city, or a township, village, town, or  
 27 city Assessor or collector, who shall re-  
 28 fuse such office, or who shall refuse or  
 29 neglect to take the oath or affirmation of  
 30 office and that of qualification, under this  
 31 Act, within twenty days after he shall be so  
 32 elected or appointed, and have had notice  
 33 of such election or appointment, and every  
 34 person duly authorized to administer such  
 35 oath or affirmation who shall refuse to ad-  
 36 minister the same when such administration  
 37 is reasonably demanded of him, shall, upon  
 38 conviction thereof before any court of com-  
 39 petent jurisdiction, forfeit and pay not more  
 40 than *twenty pounds*, and not less than *two*  
 41 *pounds*, at the discretion of the court; and  
 42 to the use of Her Majesty, Her Heirs and  
 43 Successors, together with such costs of pro-  
 44 secution as shall be adjudged by the court:  
 45 Provided always, that no person who shall Provido.

## VII. MISCELLANEOUS PROVISIONS.

have served in any of the said offices for the year next before any such election or appointment shall be obliged to serve or be sworn into the same or any other of the said offices for the year succeeding such service. 2  
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6

Certain persons exempted from serving in any corporate office.

**CXVII.** And be it enacted, That all persons over sixty years of age, all members of the legislative council, and of the legislative assembly, all officers and others in the service of the crown, either civil or military on full pay, all judges, sheriffs, coroners, gaolers, and keepers of houses of correction, all persons in priest's orders, clergymen and ministers of the gospel of any denomination, all members of the Law Society of Upper Canada, whether students or barristers, all attornies and solicitors in actual practice of their professions, all officers of courts of justice, all members of the medical profession, whether physicians or surgeons, and all professors, masters, teachers, and other members of any university, college or school in Upper Canada, and all officers and servants thereof, and all millers, and firemen belonging to any regular fire company, shall be and are absolutely free and exempt from being elected or appointed to any corporate office whatsoever. 8  
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22  
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Certain persons disqualified from being elected aldermen or councillors.

**CXVIII.** And be it enacted, That no judge of any court of civil jurisdiction, no naval or military officer on full pay, and no person receiving any allowance from the township, county, village, town, or city, (except in the capacity of councillor, or in capacities incident thereto), and no person having by himself or partner any interest or share in any contract with or on behalf of the township, county, village, town or city in which he shall reside, shall be qualified to be or be elected alderman or councillor for the same, or for any ward therein. 32  
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44

## VII. MISCELLANEOUS PROVISIONS.

CXIX. And be it enacted, That no person shall be qualified to be appointed assessor for any township, village or ward, who shall be a councillor of such township or village, or of the town or city in which such ward shall be situate, or an alderman or councillor of the city in which such Ward is situate, nor shall any person be appointed such assessor unless he shall, at the time of his election or appointment, be seized or possessed to his own use, of property sufficient to qualify him to be elected a councillor for such township or village, or the town or city in which such ward shall be situate.

Who may not be an assessor, and what is the qualification of an assessor.

CXX. And be it enacted, That nothing in this Act contained, shall prevent any person from being appointed assessor or collector for more than one ward in any city or town.

A person may be appointed assessor for more than one ward.

CXXI. And be it enacted, That each and every justice of the peace for any of the said towns shall be qualified in the same amount of property, and shall take the same oaths as are required of other justices of the peace. But no warden of any county, mayor, recorder, police magistrate, or alderman of any city, mayor or police magistrate of any town, or townreeve of any township or village, shall require any property qualification to enable him lawfully to act as a justice of the peace, nor shall any other oath be required of him than his oath of office as such warden, mayor, recorder, police magistrate, alderman, or townreeve, and the oath of qualification for such office; any law to the contrary notwithstanding.

Qualification of Justices of the peace.

No property qualification required by a warden, mayor, &c. to act as justice of the peace.

CXXII. And be it enacted, That one or more coroners shall and may be appointed for every city and town that shall be or continue incorporated as such under the authority of this Act.

Appointment of one or more coroners for each city and town.



## VII. MISCELLANEOUS PROVISIONS.

Police trustees, &c. to be health officers under

CXXIII. And be it enacted, That the police trustees of every unincorporated police village, and the members of the municipal corporation of every incorporated village, and of every township, town and city in Upper Canada, shall be health officers within the jurisdiction of such police villages or municipal corporations, within and under the provisions of the Act of the parliament of the late Province of Upper Canada, passed in the fifth year of the reign of His late Majesty King William the Fourth, intituled, "An Act to promote the Public Health, and to guard against infectious diseases in this Province," and under any Act that may be hereafter passed in the present or any future Session of the parliament of this Province for the like purpose: Provided always, nevertheless, that the municipal corporation of any of such townships, villages, towns or cities shall and may by a By-Law to be passed for that purpose, delegate the powers hereby conferred upon them, either to a committee of their own members, or to some of their own members and others, or wholly to persons who are not members of such Corporation, as in their discretion they shall think best.

Act of U. C. 5 Will. 4. c. 10.

Proviso.

Provision with respect to existing market places.

CXXIV. And be it enacted, That the places already established by competent authority as markets or market places in the several villages, towns and cities in Upper Canada, shall be and remain markets and market places with all the privileges attached thereto until otherwise directed by competent authority in that behalf, and all market reservations or appropriations which by Act of parliament or otherwise shall have been and shall then continue vested in the municipal authority of any such village, town or city, or in trustees for their use and benefit at the time this Act shall come into force, shall be and the same are hereby vested in the municipal corporation of such village, town or city erected under this Act.

## VII. MISCELLANEOUS PROVISIONS.

CXXV. And be it enacted, That notwithstanding anything herein contained, it shall and may be lawful for the municipal corporation of any town or city to purchase, have and hold, and at their pleasure to sell, dispose of and convey such landed property beyond the limits of such town or city and the liberties thereof as shall or may, in their judgment, be necessary for the purpose of an industrial farm for such town or city, which industrial farm with all the buildings, erections and improvements so to be purchased as aforesaid shall with regard to jurisdiction only, be deemed and taken to be within the limits of such town in the case of towns, and within the liberties of such city, in the case of cities, and within the jurisdiction of such town or city for all such purposes.

Corporations may purchase property beyond limits of towns, &c. for industrial farms, which shall however be considered with regard to jurisdiction as within the limits of such towns.

CXXVI. And be it enacted, That it shall and may be lawful for the mayor, recorder, police magistrate, or any two aldermen or justices of the peace for any town or city erected or to be erected under the authority of this Act, to commit to hard labour at or send to such industrial farm, under such regulations as shall be established for the government thereof, any or such description of persons as may by the by-laws of the corporation of such town or city, from time to time, be adopted or declared expedient or necessary.

Mayor, &c. may commit to hard labor on industrial farms.

CXXVII. And be it enacted, That notwithstanding any thing hereinbefore contained, it shall and may be lawful for the municipal corporation of any village, town or city to purchase, have and hold such and so much real property lying as well beyond as within the limits of such village, town or city, or the liberties thereof, as in their judgment shall or may from time to time be or become necessary for the purpose of one or more public cemeteries for the interment of the dead: Provided always, nevertheless,

Corporations may purchase real property for cemeteries.

proviso: the

## VII. MISCELLANEOUS PROVISIONS.

title to a cemetery to be obtained under a by-law.

Proviso: the corporation not to repeal any by-law passed for that purpose.

Proviso cemeteries though lying beyond limits of towns, &c. to become a part of such towns, &c.

Corporations of cities, &c. may purchase property beyond limits of such cities, &c. for powder magazines.

Two auditors to be appointed by every mu-

firstly, that the title to every such cemetery shall be obtained or accepted by such municipal corporation under the authority of a by-law of such corporation to be passed for that purpose, in which by-law such property shall in express terms be appropriated for the purpose of such cemetery, and no other; and provided also, secondly, that it shall not be in the power of any such municipal corporation, at any time thereafter, to repeal any such by-law or to make or suffer to be made any other use of the property so obtained or accepted than for the purpose of such cemetery; and provided also, thirdly, that every such cemetery although lying beyond the limits of such village, town or city as settled by this or any other Act of parliament, or by any proclamation to be issued under the authority of the same, shall from the time that the title shall become vested in such corporation, cease to be a part of the township within which it shall lie, and shall become and be a part of such village, town or city to all intents and purposes as if such cemetery lay within the limits of such village, town or city as settled by such Act or proclamation.

CXXVIII. And be it enacted, That notwithstanding, any thing herein contained, it shall and may be lawful for the municipal corporation of any village, town or city, to purchase, have and hold, and at their pleasure to sell, dispose of and convey such landed property as well beyond as within the limits of such village, town or city or the liberties thereof, as shall or may in their judgment be necessary for the purpose of one or more magazines for the deposit and safe keeping of gunpowder, so as to prevent danger therefrom to any such village, town or city.

CXXIX. And be it enacted; That every municipal corporation erected or to be erected under the authority of this Act; at the

## VII. MISCELLANEOUS PROVISIONS.

1 first meeting of such corporation in each  
 2 year next after the head of such municipal  
 3 corporation for such year shall have been  
 4 elected and sworn into office, shall appoint  
 5 two persons to be and to be called auditors  
 6 of such corporation, one of whom shall be  
 7 appointed on the nomination of the head of  
 8 such corporation, and the other in the same  
 9 manner as other municipal officers are  
 10 appointed: Provided always, firstly, that  
 11 no person shall be appointed such auditor  
 12 who shall be a member of such corporation  
 13 or the clerk or treasurer thereof, or who  
 14 shall have been such member, clerk or  
 15 treasurer for the preceding year, nor any  
 16 person who then shall have had for such  
 17 preceding year, or shall then have directly  
 18 or indirectly, by himself or in conjunction  
 19 with any other person, any share or interest  
 20 in any contract or employment with, by or  
 21 on behalf of such corporation; and provided  
 22 also, secondly, that no person appointed an  
 23 auditor for such corporation shall be capable  
 24 of acting as such, until he shall have pre-  
 25 viously made and subscribed before the  
 26 head of such corporation an oath or affir-  
 27 mation in the words or to the effect follow-  
 28 ing, that is to say:

municipal corpo-  
 ration.

Proviso who  
 shall be dis-  
 qualified from  
 being appoint-  
 ed auditors.

Proviso: au-  
 ditors to take  
 an oath.

I, A. B. having been appointed to the  
 30 office of auditor for the municipal corpo-  
 31 ration of                    do hereby promise and  
 32 swear, that I will faithfully perform the  
 33 duties of such office according to the best  
 34 of my judgment and ability; and I do  
 35 swear and declare, that I had not directly  
 36 or indirectly any share or interest whatever,  
 37 in any contract or employment with, by, or  
 38 on behalf of such municipal corporation dur-  
 39 ing the year preceding my appointment, and  
 40 that I have not any such contract or  
 41 employment for the present year: So help  
 42 me God.

The oath.

CXXX. And be it enacted, That it shall  
 44 be the duty of such auditors to examine,  
 45                    Auditors to ex-  
                   amine all ac-

## VII. MISCELLANEOUS PROVISIONS.

counts against  
Corporation.

To publish a  
statement of  
expenditures  
and liabilities  
of corporation.

And file a du-  
plicate report  
thereon with  
the clerk of the  
corporation.

Governor in  
council to re-  
gulate ferries  
over which this  
act does not  
confer juris-  
diction upon  
municipal  
councils.

settle and allow or report upon all accounts  
which may be chargeable upon or may  
concern such corporation, and which may  
relate to any matter or thing under the  
control of or within the jurisdiction of such  
corporation for the year ending on the  
thirty-first day of December preceding their  
appointment as such auditors; and to pub-  
lish a detailed statement of the receipts and  
expenditures and liabilities of such corpo-  
ration in two newspapers published within  
the jurisdiction thereof, or in those nearest  
thereto, at least a fortnight before such  
annual election. And to file their report  
thereon in duplicate in the office of the  
clerk of such municipal corporation which  
they shall do in at least one month after  
their appointment, and from thenceforth  
of such duplicate reports shall at all  
seasonable hours be open to the inspection  
of any inhabitant of such township, county,  
village, town or city, with power to take  
by himself, or his clerk or agent, but at  
his own expense, a copy or copies or an  
extract or extracts from the same at his  
pleasure.

CXXXI. And be it enacted, That as to  
all ferries over which jurisdiction is not by  
this Act conferred either upon the municip-  
al council of some county or the common  
council of some city, and in all cases in  
which such jurisdiction is hereby conferred  
but on which no by-law shall have been  
passed by such municipal council or com-  
mon council, and assented to as hereinbefore  
provided, for the regulations of such ferry,  
and until such by-law shall be passed and  
assented to as aforesaid, it shall and may be  
lawful for the Governor of this province in  
council, from time to time, to regulate such  
ferries and to establish the rates of pay or  
hire to be taken by the owners or conduc-  
tors of the boats or vessels employed on  
such ferries.

## VII. MISCELLANEOUS PROVISIONS.

CXXXII. And be it enacted, That at  
 2 the instances of any relator having an inter-  
 4 est as a candidate or voter in any elec-  
 6 tion to be held under the authority of this  
 8 Act, a writ of Summons, in the nature of a  
 10 *quo warranto*, shall lie to try the validity  
 12 of such election, which writ shall issue out  
 14 of Her Majesty's court of Queen's Bench  
 16 for Upper Canada, upon an order of that  
 18 court in term time, or upon the fiat of a  
 20 judge thereof in vacation, upon such relator,  
 22 shewing upon affidavit to such court or  
 24 judge reasonable grounds for supposing that  
 26 such election was not conducted according  
 28 to law, or that the party elected or returned  
 30 thereat, was not duly or legally elected or  
 32 returned. And upon such relator entering  
 34 into a recognizance before the said court  
 36 or any judge thereof or before any commis-  
 38 sioner, for taking bail in such court himself  
 40 in the sum of *fifty* pounds and two sureties,  
 42 to be allowed as sufficient upon affidavit  
 44 by such court or judge in the sums of  
 46 *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 there-  
 upon, 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 state-  
 ment and answer, and without formal plead-  
 ings, 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.

Writ of sum-  
 mons in nature  
 of *quo warranto*  
 to issue for  
 the trial of  
 controverted  
 elections.

## VII. MISCELLANEOUS PROVISIONS.

On first day of court after judgment rendered, judge shall deliver writ and judgment into court, and the same shall be enforced by peremptory mandamus, &c.

CXXXIII. And be it enacted, That on the first day on which such court shall sit after such judgment shall be given by such judge, whether such day shall be in the same or the following term, the said judge shall deliver such writ and judgment with all things had before him touching the same into such court, there to remain of record as a judgment of the said court, as other judgments rendered therein, and such judgment shall thereupon be enforced by peremptory mandamus and by such writs of execution for the costs awarded by such judgment as occasion shall or may require. 2  
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When the party keeps out of the way, copy of the writ may be left at his domicile with his wife or other grown person there.

CXXXIV. And be it enacted, That in case the party against whom such writ of Summons shall be brought shall keep out of the way to avoid personal service thereon of on him as aforesaid, it shall and may be lawful for the judge, before whom the same is returnable upon being satisfied thereof upon affidavit, to make an order for the service of such writ either by the leaving a copy thereof at the dwelling house of such party with his wife or other grown up person there, or in any other manner that such judge shall deem the ends of justice to require according to the circumstances laid before him upon affidavit for that purpose, and upon service of such writ being made according to such order and proof thereof by affidavit, it shall be lawful for such judge and he is hereby required to proceed thereupon as if the said writ of summons had been served personally on the party. 16  
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Provisions when several writs to try the same election shall be returnable.

CXXXV. And be it enacted, That where two or more of such writs shall be brought to try the validity of the same election, all such writs after the first shall be made returnable before the same judge before whom such first writ shall have been made returnable, and such judge shall proceed upon such writs by giving separate judgments upon each or one judgment upon all 36  
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## VII. MISCELLANEOUS PROVISIONS.

as the justice of the case may in his opinion  
2 require.

CXXXVI. And be it enacted, That it  
4 shall be lawful for every such judge to cause  
the collector's rolls, poll books and any other  
6 records of such election to be brought be-  
fore him by certiorari; and upon the trial of  
8 the validity of such election upon any such  
writ, such judge shall enquire into the facts  
10 to be established by personal evidence either  
by affidavit or affirmation, or by oral testi-  
12 mony taken before him as at *nisi prius*, or by  
issues to be framed by him for that purpose  
14 and to be sent to be tried by jury by writ of  
trial to be directed to such inferior court of  
16 civil jurisdiction as shall be named by such  
judge for that purpose, not however being  
18 one having jurisdiction in or over the locality  
for which such election shall have been held,  
20 or by one or more of those methods of en-  
quiry as such judge shall deem the ends of  
22 justice to require.

Judge may  
cause collec-  
tor's rolls, poll  
books, &c. to  
be brought be-  
fore him by  
*certiorari*.

CXXXVII. And be it enacted, That  
24 no mandamus or other writ of execution  
shall issue upon any such judgment until  
26 the same shall have been in the posses-  
sion of the court for four days in term  
28 time, one of such days being that on  
which the same shall have been so delivered  
30 in as aforesaid, nor while any rule shall be  
pending for the reversal or alteration of  
32 such judgment by such court as hereinafter  
provided.

Writs of ex-  
ecution not to  
issue till four  
days in term  
time after judg-  
ment.

34 CXXXVIII. And be it enacted, That  
every such preliminary judgment, so to be  
36 given by any such judge as aforesaid, shall  
be examinable by such court in term time,  
38 on an application for that purpose made  
within such four days, either by the party  
40 against whom such preliminary judgment  
was given or by any other party interested  
42 either as voter or candidate in such election,  
and the same may be thereupon reversed,

Judgments  
shall be  
examinable in  
term time on  
application  
made within  
four days, and  
may be rever-  
sed, altered or  
affirmed, as  
may be neces-  
sary.



## VII. MISCELLANEOUS PROVISIONS.

altered or affirmed by such court either  
with or without costs to be paid by the party 2  
against whom the decision of the court upon  
such application shall be given, as in the 4  
judgment of such court the law of the land  
shall require. 6

Court of Q. B.  
to settle forms  
of writs of  
summons, &c.

CXXXIX. And be it enacted, That it 8  
shall and may be lawful for Her Majes-  
ty's said court of Queen's Bench 10  
for Upper Canada, by any rule or rules  
to be by such court made for that purpose 12  
in term time, to settle the forms of such  
writs of summons, certiorari, mandamus 14  
and execution as aforesaid, and to regu-  
late the practice respecting the suing out 16  
service and execution of such writs, and  
the punishment of those guilty of contempt 18  
in disobeying the same, and also generally  
for the regulation of the practice as well at 20  
chambers as in banc, in hearing and deter-  
mining the validity of such elections as afore- 22  
said, and the allowance of costs thereupon,  
and also from time to time by any new rule 24  
or rules to be made as aforesaid, to rescind,  
alter or amend such rule or rules or make 26  
others in lieu thereof, in like manner as they  
are now by law empowered to do for the 28  
regulation of the practice of the court in  
matters within its ordinary jurisdiction. 30

Parties enti-  
tled to require  
of town clerks,  
&c copies of  
by-laws on  
paying a rea-  
sonable fee  
therefor.

CXL. And be it enacted, That it shall  
be lawful and competent to and for any re- 32  
sident of any township, village, town, city,  
or county in Upper Canada aforesaid, in 34  
which any by-laws shall be passed, or for  
any other person having an interest in the 36  
provisions of such by-law, to apply by him-  
self, or by his attorney, for a certified copy 38  
of such by-law, and the township, town, vil-  
lage, county or city clerk shall, upon such 40  
application and upon payment to him of his  
fee therefor, within a reasonable time, fur- 42  
nish a copy of such by-law certified under  
his hand and the seal of the municipal cor- 44  
poration of which he is the officer, and the

## VII. MISCELLANEOUS PROVISIONS.

2 court of Queen's bench for Upper Canada  
 4 may be moved, upon production of such  
 6 copy, and upon affidavit that the same is the  
 8 copy received from such township, town,  
 10 village, county or city clerk, to quash such  
 12 by-law; and if it shall appear to the said  
 14 court, that such by-law is in the whole or in  
 16 part illegal, it shall and may be lawful upon  
 18 proof of service of a rule upon the corpora-  
 20 tion, to shew cause, within not less than  
 22 eight days after such service, why such by-  
 24 law should not be quashed in the whole or  
 26 in part, to order such by-law to be quashed  
 28 in the whole or in part: and if it shall appear  
 30 to the said court that such by-law is legal,  
 32 in the whole or in the part complained of,  
 34 to award costs in favor of the corporation,  
 36 or otherwise against such corporation; and  
 that no action shall be sustained for or by  
 reason of any thing authorized to be done  
 under any such by-law, unless such by-law  
 or the part thereof under which the same  
 shall be done, shall be quashed in manner  
 aforesaid *one* calendar month previously to  
 the bringing such action; and if such cor-  
 poration, or any person sued for acting under  
 such by-law, shall cause amends to be ten-  
 dered to the plaintiff or his attorney, and up-  
 on such tender being pleaded, no more than  
 the amends tendered shall be recovered, it  
 shall and may be lawful for the said court  
 to award no costs in favor of the plaintiff,  
 and to award costs in favor of the defen-  
 dant, and to adjudge that the same shall be  
 deducted out of the amount of the verdict.

Proceedings  
 with respect  
 to quashing  
 by-laws.

CXLI. And be it enacted, That each  
 38 and every returning officer who shall hold  
 40 any election under this Act, shall, during such  
 42 election, act as a conservator of the peace  
 44 for the county in which such election shall  
 46 be holden, and he or any justice of the peace  
 for such county, or for the town or city in  
 which such election shall be holden, shall  
 and may arrest or cause to be arrested, and  
 may try summarily, imprison or bind over

Returning offi-  
 cers to act as  
 conservators  
 of the peace  
 during elec-  
 tions.

## VII. MISCELLANEOUS PROVISIONS.

to keep the peace or for trial, or cause to be summarily punished by fine or imprisonment, or both, any rioters or disorderly person or persons who shall assault, beat, molest or threaten any voter or elector coming to or going from such election; and when thereunto required, all constables and other persons present at such election, are enjoined to be assisting such returning officer and such justice or justices of the peace, on pain of being held guilty of a misdemeanor; and such returning officer or such justice or justices shall and may, when he or they consider it necessary, appoint and swear in any number of special constables to assist in preserving the peace and order at such election.

Penalty  
against persons  
refusing to  
serve as special  
constables:

CXLII. And be it enacted, That any person liable to serve the office of constable, and so required to be sworn in as special constable by any such returning officer, shall, if he shall refuse to be sworn in as such, be liable to a penalty of *five* pounds currency, to be recovered to his own use in any court of competent jurisdiction, by him who will sue for the same.

Time of holding  
elections.

CXLIII. And be it enacted, That each election to be held under this Act shall commence at the hour of eleven of the clock in the forenoon of the day for which such election is appointed, and may be held until the hour of four of the clock in the afternoon of the same day, and may then be adjourned until ten of the clock in the forenoon of the next day, and continue until four of the clock in the afternoon of such second day, unless the returning officer shall see that all the electors intending to vote have had a fair opportunity of being polled; and one full hour at one time shall have elapsed; and no qualified elector shall, during such time, give or tender his vote, free access being allowed to electors for such purpose, in which case he may close the election at four o'clock of

## VII. MISCELLANEOUS PROVISIONS.

the first day, or at any time before that  
2 hour on the second day.

CXLIV. And be it enacted, That the  
4 returning officer at each of the said elec-  
6 tions at which a poll shall be called for,  
8 shall keep a poll book, in which he, or his  
10 sworn poll clerk, shall enter in separate  
12 columns the names of each of the persons  
14 proposed and seconded as candidates by any  
16 electors present at such election; and oppo-  
18 site to such columns he shall write the  
20 names of the several electors offering to  
22 vote at such election, and in the respective  
24 columns in which are entered the name of  
26 the candidate voted for by each voter, he  
28 shall set the number 1; and at the close of  
30 the poll such returning officer shall add up  
32 the number of voters for each candidate set  
34 down in their respective columns, and he  
36 shall declare which of the said candidates  
38 have the highest number of votes, begin-  
40 ning with the one having the greatest num-  
ber, and so on until the whole number of  
candidates to be elected, at such election  
having a greater number of votes in favor  
of each respectively than the remaining  
candidates shall appear, and he shall pub-  
licly declare the requisite number of candi-  
dates duly elected; and if any two or more  
candidates shall appear to have an equal  
number of votes, by reason of which equal  
number the election appears undecided, the  
returning officer, whether otherwise quali-  
fied or not, shall give a vote for one or  
more of the candidates having equal num-  
bers, so as to decide the election: Provided  
always, that no returning officer under this  
Act shall vote at any election which it shall  
be his duty to hold, except in the case of  
such equality of votes as aforesaid.

Returning offi-  
cers to keep  
poll books.

Proviso.

CXLV. And be it enacted, That after  
42 the close of any such election, the re-  
turning officer shall return the poll book to  
44 the township, village, town or city clerk of

Returning offi-  
cer to return  
poll book to  
town clerk,  
&c. after  
election.

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the township, village, town or city in which the election has been holden, with an affidavit or affirmation thereto annexed, that such poll book contains a faithful and true statement of the poll, and with a certificate that certain persons, naming them, have been duly elected.

If the person elected refuses to take office, the person having the next greater number of votes shall be deemed to be elected.

CXLVI. And be it enacted, That in case any of the persons so declared to be elected, shall neglect or refuse to accept office, or to be sworn or affirmed into office, within the time in which the oath or affirmation of office is required to be taken as hereinbefore provided, then the person who shall appear to have had the next greatest number of votes on the poll book, shall be deemed to have been elected to the office, and shall be entitled and bound to be sworn or affirmed as councillor, in the place of the person refusing office, or neglecting or refusing to be sworn or affirmed as aforesaid.

Vacancies in municipal corporations how to be filled.

CXLVII. And be it enacted, That all vacancies which may occur in any of such municipal corporations, by death or otherwise, shall be filled by an appointment to be made by such municipal corporation, from among such persons as shall be qualified to be elected to such place in such corporation: Provided always, that the person so appointed shall hold his seat in such corporation by virtue of such appointment for the residue of the term for which his immediate predecessor was elected, and no longer.

Proviso.

Provision in case of no election being held on an appointed day.

CXLVIII. And be it enacted, That if in any year there shall be no election held in any township, village, town or ward, on the appointed day, or if a requisite number 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 refu-

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sal of office, or neglect or refusal to be  
 2 sworn in, then, and in every such case, it  
 shall and may be lawful for the members of  
 4 the municipal corporation in which such  
 default of members shall occur, or if none  
 6 be elected, then, for the members of such  
 municipal corporation for the next preced-  
 8 ing year, or the majority of them respec-  
 tively, and they are hereby required to  
 10 supply the deficiency by appointing the  
 whole number of aldermen and councillors,  
 12 when the whole number shall be deficient,  
 from amongst the qualified freeholders and  
 14 householders of the township, village, town  
 or city, or by appointing such a number of  
 16 qualified freeholders and householders of  
 such township, village, town or city as will  
 18 complete the full number of aldermen and  
 councillors for the same, and the persons  
 20 so appointed shall be bound to accept office,  
 and to be sworn in, under the same penalty  
 22 as if elected.

CXLIX. And be it enacted, That if there  
 24 shall be any vacancy or vacancies in the  
 offices of warden, mayor, or townreeve by  
 26 reason of the death or removal of residence  
 of any such officer, the respective municipi-  
 28 pal corporations in which such vacancy  
 shall occur, shall and may respectively  
 30 choose, from amongst their own number,  
 a qualified person to be a warden, mayor,  
 32 or townreeve, as often as the case may  
 occur.

Vacancies in  
 offices of  
 warden, may-  
 or, &c. to be  
 filled up by  
 municipal cor-  
 porations from  
 among their  
 own number.

CL. And be it enacted, That the muni-  
 34 cipal corporation in office on the day  
 36 of general annual municipal elections, in-  
 cluding all councillors so appointed to make  
 38 up deficiencies, shall hold office until their  
 successors shall be elected or appointed and  
 40 sworn into office; and the new municipal  
 corporation shall be completed:

Corporations  
 in office on  
 day of election  
 to hold office  
 until succes-  
 sors are elect-  
 ed and sworn  
 in.

CLI. And be it enacted, That at any  
 42 session or meeting of any municipal corpo-

A majority of  
 the whole

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number to  
form a quo-  
rum.

ration under this Act, a majority of the whole  
number of those who shall by law form 2  
such corporation, shall be a quorum for the  
despatch of business; and if the person who 4  
ought to preside at any such meeting shall  
be absent, it shall and may be lawful for 6  
those present to appoint from amongst them-  
selves a chairman to preside at such meet- 8  
ing, and the chairman so appointed shall  
have the same functions and authority in 10  
presiding at such meeting as the person who,  
if present, would preside at such meeting; 12  
and all votes, resolutions and proceedings of  
such meetings shall be carried by the ma- 14  
jority of votes of the persons composing  
such meeting, other than the person pre- 16  
siding, who, in case of an equality of votes,  
shall have the casting vote. 18

County clerks,  
&c. to be ap-  
pointed to be  
paid by salary  
levied upon  
rateable pro-  
perty.

CLII. And be it enacted, That it shall  
be the duty of each of such municipal cor- 20  
porations to appoint a county, city, town,  
township, or village clerk, as the respective 22  
cases may require, who shall hold office dur-  
ing their pleasure, and who shall be paid 24  
by such salary as they shall appoint, to be  
taxed and levied upon the whole rateable 26  
property in such county, city, town, town-  
ship, or village respectively, according to 28  
the assessment laws then in force in Upper  
Canada. 30

Clerk to keep  
records of  
proceedings of  
corporation,  
&c.

CLIII. And be it enacted, That it shall  
be the general duty of such clerk to record 32  
in a book to be provided for that purpose,  
all the proceedings of the municipal corpo- 34  
rations of which he shall be clerk, and to  
make regular entries of all resolutions and 36  
decisions, and to record the vote of every  
person present entitled to vote on every ques- 38  
tion submitted, if required by any member  
present, and to preserve and file all accounts 40  
acted upon by the body to which he is clerk,  
and to keep the books, records and accounts 42  
of such body, which shall be open without  
fee or reward to the inspection of all per- 44  
sons, at all seasonable times and hours.

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CLIV. And be it enacted, That it shall  
 2 be the duty of the municipal corporation  
 of the respective counties, towns, townships  
 4 and villages to appoint a treasurer, and of  
 the municipal corporations of the respective  
 6 cities to appoint a chamberlain of the same  
 respectively, who shall hold office during  
 8 their pleasure, and shall be paid by such sa-  
 lary or per centage as they shall appoint,  
 10 (to be raised and levied rateably upon the  
 whole rateable property of such county, city,  
 12 town, township, or village respectively, ac-  
 cording to the assessment laws then in force  
 14 in Upper-Canada,) and who shall give such  
 security for the faithful performance of the  
 16 duties of his office, and more especially for  
 the due accounting for and paying over all  
 18 monies which shall come into his hands by  
 virtue of his office, as the municipal corpo-  
 20 ration by which he was appointed shall di-  
 rect.

A treasurer to  
 be appointed  
 for each coun-  
 ty, &c. and a  
 chamberlain  
 for each city.

Their salary  
 to be levied on  
 rateable pro-  
 perty.

CLV. And be it enacted, That it shall  
 be the duty of each of such treasurers  
 24 and chamberlains to receive and safely keep  
 all monies belonging to the county, city,  
 26 town, township or village for which he shall  
 be appointed, and to pay out the same to such  
 28 persons and in such manner as he shall be  
 directed to do by any lawful order of the  
 30 municipal corporations thereof, or by any  
 law in force or to be in force in Upper Ca-  
 32 nada, and strictly to conform to and obey  
 any such law or any by-law lawfully made  
 34 by any such municipal corporation, and  
 faithfully to perform all such duties as may  
 36 be assigned to him by any such law or by-  
 law.

Duty of treasurers and  
 chamberlains  
 to receive and  
 pay out as di-  
 rected by cor-  
 porations, all  
 monies belong-  
 ing to county,  
 city, &c.

CLVI. And be it enacted, That the  
 clerk, treasurer and chamberlain so to be  
 40 appointed by any municipal corporation as  
 aforesaid, as well as all other officers to be  
 42 appointed in like manner, and with regard  
 to whose period of service no other provi-  
 44 sion is made by this Act or in any other law

Clerks, &c. to  
 hold office  
 until removed  
 by corporation.



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or by-law, shall hold their offices until re-  
 moved therefrom by the municipal corpora- 2  
 tion for the time being, notwithstanding any  
 change in the persons of whom such muni- 4  
 cipal corporation shall be composed, occa-  
 sioned by any new election or appointment. 6

Books, &c. of  
 present dis-  
 trict treasu-  
 rers to be  
 deemed chat-  
 tels belonging  
 to the different  
 municipal cor-  
 porations.

CLVII. And be it enacted, That all the  
 books of the present district treasurers, and 8  
 all books, papers, accounts or documents of  
 what kind soever, which shall have been 10  
 kept by or shall have come into the posses-  
 sion of any person or officer to be appointed 12  
 or employed by any municipal corporation,  
 by virtue of his office or employment, shall 14  
 be deemed to be chattels belonging to such  
 municipal corporation; and all monies or 16  
 valuable securities which shall have been  
 lawfully received or taken into his posses- 18  
 sion by virtue of his office or employment,  
 shall be deemed to be monies or valuable 20  
 securities belonging to such municipal cor-  
 poration; and if any such officer or person 22  
 shall at any time fraudulently embezzle any  
 such chattel, money or valuable security, 24  
 (and any refusal or failure to pay over or  
 deliver up any such chattel, money or valu- 26  
 able security to such municipal corporation,  
 or to any officer or person by them authori- 28  
 zed to demand the same, shall be held to be  
 a fraudulent embezzlement thereof,) he may 30  
 be indicted and proceeded against, and be-  
 ing convicted thereof, shall be liable to be 32  
 punished in the same manner as any servant  
 who having fraudulently embezzled any 34  
 chattel, money or valuable security received  
 or taken into his possession, by virtue of his 36  
 employment, for and in the name and on the  
 account of his master, may be indicted, pro- 38  
 ceeded against and punished: Provided al-  
 ways, that nothing herein contained shall 40  
 prevent, lessen or impeach any remedy which  
 such municipal corporation, or any other 42  
 party may have against such offender or his  
 sureties, or against any other party whom- 44  
 soever; but nevertheless, the conviction of

Proviso.

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any such offender shall not be received in evidence in any suit or action at law or in equity against him.

4 CLVIII. And be it enacted, That the corporation created or to be created in and for  
6 any county, city, town, township or village, by this Act, or under any provision therein  
8 contained, shall be substituted for and shall be in the place and stead of the corporation  
10 theretofore existing in and for the same county, city, town, township, village or  
12 place by virtue of any Act or law in force immediately before the commencement of  
14 this Act, and so that any suit, action, prosecution or other act, matter or thing, commen-  
16 ced or continued by such former corporation, or to which it shall have been a party,  
18 shall not abate, but may be continued and completed by, with or against such new cor-  
20 poration, in like manner and as validly to all intents and purposes as it might have  
22 been continued or completed by, with or against such former corporation; and so that  
24 all estates and property, real or personal, and all debts and obligations of any kind,  
26 theretofore vested in or belonging to or due, or owing to, or contracted in favor of such  
28 former corporation, shall thereafter be vested in and belong to and shall be due and  
30 owing to, and may be held, possessed and enjoyed, recovered and enforced by such new  
32 corporation, and all debts, liabilities and obligations of such former corporation, of  
34 what kind soever, or in what manner soever secured, shall become debts, liabilities  
36 and obligations of such new corporation, secured and payable in like manner, and  
38 upon the same terms and conditions, and to be recovered and enforced if not paid or  
40 performed in the same manner as they would have been recovered from or might have  
42 been enforced against such former corporation or otherwise, as by this act is provided.

Corporations created under this act to be substituted for corporations theretofore existing—and all suits commenced by former corporations may be continued by the new corporations.

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Corporations to take charge of debts due by localities under their jurisdiction, and provide for their liquidation.

CLIX. And be it enacted, That it shall be the duty of every such municipal corporation to take charge of any debt which may be due by the locality over which it has jurisdiction, and to direct the levy by tax upon the same, of such sum in each year as shall be necessary for the payment of the interest thereon, and as shall be sufficient to pay off the principal, according to the contracts and obligations which shall have been entered into in that behalf: and where any sum of money in the pound is by any Act of the Parliament of Upper Canada or of this province directed to be levied for the payment of any such debt or for any other special purpose, it shall be the duty of such municipal corporation, until the debt shall be paid or the purpose fully served for which such Act was passed, or until the service contemplated by such Act shall be otherwise provided for, or the Act repealed, to cause to be levied in each year upon such locality, a sum at least equal to the highest sum which shall have been raised for the same purpose in any one year before the passing of this Act. 26

A sufficient sum to be levied by assessment for payment of all debts of municipal corporations.

CLX. And be it enacted, That it shall be the duty of such municipal corporations respectively, to cause to be assessed and levied upon the whole rateable property in 30 their counties, cities, towns, townships and villages respectively, a sufficient sum of 32 money in each year, to pay all debts incurred or which shall be incurred, with the 34 interest which shall fall due or become payable within the year; and no by-law 36 hereafter to be passed for the creation of any such debt, or for the negotiation of any loan, 38 shall be valid or effectual, to bind any such municipal corporation, unless a special rate 40 per annum over and above, and in addition to all other rates whatsoever shall be settled 42 in such by-law, to be levied in each year for the payment of the debt to be created by 44 the loan to be negotiated, nor unless such

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special rate shall be sufficient according to  
 2 the amount of rateable property in such  
 county, city, town, township or village, as  
 4 the case may be, as shall appear by the  
 then last assessment returns of such county,  
 6 city, town, townships or villages, to satisfy  
 and discharge such debt, with the interest  
 8 thereof, within twenty years from the  
 passing of such by-law, and it shall not be  
 10 competent to any such municipal corpo-  
 ration, to repeal such by-law, or to discon-  
 12 tinue such rate, until the debt so to be  
 incurred and the interest thereon shall be  
 14 fully paid and discharged; nor to apply  
 the proceeds thereof to any other purpose  
 16 than the payment and satisfaction of the  
 same; Provided always, nevertheless, that  
 18 in the event of there being any part of such  
 special rate on hand, and which cannot be  
 20 immediately applied towards the payment  
 and satisfaction of such debt by reason of  
 22 no part thereof being then payable, it shall  
 be the duty of such municipal corporation,  
 24 and they are hereby required to invest such  
 money in the government securities of this  
 26 province or in such other securities as the  
 Governor of this province shall by order in  
 28 council direct or appoint, and to apply all  
 interest or dividends to arise or be received  
 30 upon the same to the like purpose, as the  
 amount so levied by such special rate, and  
 32 no other.

Proviso.

CLXI. And be it enacted, That any by-  
 34 law by which it shall be attempted to re-  
 peal any such by-law for raising any such  
 36 loan, or for the payment and satisfaction of  
 the debt contracted for any such loan or to  
 38 alter any such last mentioned by-law so as  
 to diminish the amount to be levied for the  
 40 payment and satisfaction of such loan or  
 the interest thereof, until such loan and  
 42 interest shall be fully redeemed, paid and  
 satisfied, shall be and the same is hereby  
 44 declared to be absolutely null and void to  
 all intents and purposes whatsoever, and if

By-laws for  
 raising loans,  
 &c. cannot be  
 repealed or  
 altered until  
 loans and in-  
 terest thereon  
 are fully re-  
 deemed.

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any of the officers of such municipal corporation shall, under pretence of such pretended by-law, neglect or refuse to carry into effect and execution the said by-law for levying the necessary monies to redeem, satisfy and discharge such loan and the interest thereof, every such officer shall be deemed guilty of a misdemeanor, and shall be punished by fine or imprisonment, or both, at the discretion of the court whose duty it shall be to pass the sentence of the law upon such offender. 12

Duty of sheriffs with respect to writs of execution against municipal corporations.

CLXII. And be it enacted, That it shall be the duty of every sheriff who shall receive a Writ of execution against any municipal corporation created or to be created under the authority of this Act, if such Writ shall be endorsed with a direction to such sheriff, to levy the amount thereof by rate, to deliver a copy of such Writ of execution and indorsement to the chamberlain or treasurer of such municipal corporation, or to leave such copy at the office, place of business or dwelling house of such chamberlain or treasurer, with a statement in writing of his fees, and the whole amount for principal, interest and costs required to be paid to satisfy such execution, calculated to the day of the service of such copy as aforesaid, or some day as near as conveniently may be to the same, and in case such amount, with interest thereon from the day mentioned in such statement, shall not be paid to such sheriff within one calendar month after such service, it shall be the duty of such sheriff to examine the adjusted and settled assessment rolls of such municipal corporation, on file in the office of the clerk of such corporation, and to strike a rate upon the same in like manner as rates may be struck by such municipal corporation for the general municipal purposes of such corporation, which rate shall be of a sufficient amount in the pound according to such assessment rolls to cover

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the amount so due on such execution, with  
 2 such addition to the same as in the judg-  
 ment of such sheriff shall be sufficient to  
 4 cover the interest, sheriff's fees and col-  
 lector's per centage to accrue thereon to  
 6 the time when such rate shall probably be  
 available for the satisfaction of the same:  
 8 And thereupon, such sheriff shall, by a pre-  
 cept or precepts under his hand and seal of  
 10 office, directed to the different collectors of  
 such municipal corporation respectively,  
 12 reciting such writ of execution, and that  
 such municipal corporation had neglected  
 14 to make provision according to law for the  
 satisfaction thereof, and containing the roll  
 16 of such rate in a Schedule to be annexed to  
 such precept, command such collectors res-  
 18 pectively, to levy and collect such rate  
 within their respective jurisdictions, at the  
 20 time and in the manner that they are by  
 law required to levy and collect the annual  
 22 rates for the general purposes of such mu-  
 nicipal corporation, and if at the time for  
 24 levying and collecting such annual rates  
 next after the receipt of any such precept,  
 26 such collectors shall have a general rate  
 roll delivered to them for such year, it shall  
 28 be their duty to add a column thereto,  
 headed: "Execution rate in A. E. vs. The  
 30 Township," (*or as the case may be, adding  
 a similar column for each execution if  
 32 more than one,*) and to insert therein the  
 amount by such precept required to be  
 31 levied upon each person respectively ac-  
 cording to the requirements of such precept,  
 36 and to levy and collect the amount of such  
 execution rate from such persons respect-  
 38 ively, in the same manner as such general  
 annual rate is by law directed to be levied  
 40 and collected by such collectors, and to re-  
 turn such precept with the amount so levied  
 42 and collected thereon, after deducting his  
 per centage therefrom, to such sheriff within  
 44 the same time as such collectors are or shall  
 by law be required to make the returns of  
 46 the general annual rate aforesaid to the

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Proviso: Surplus in hands of sheriff after satisfying execution, and to be paid over to chamberlain, &c.

Proviso: clerk and assessors, &c. of corporation to be considered as officers of court from which writ issued, for the purpose of assisting sheriff to carry it into execution.

An annual account of debts of corporation to be submitted to governor general.

chamberlain or treasurer of such municipal corporation; Provided always, nevertheless, firstly, that any surplus that shall remain in the hands of such sheriff upon any such precept or precepts, after satisfying such execution, and all interest, costs and fees thereon, shall by such sheriff be paid over to the chamberlain or treasurer of such municipal corporation within ten days after the same shall be received by him, and be applicable to the general purposes of such municipal corporation as the surplus of any other rate: And provided also, secondly, that the clerk and assessors and collectors of such corporation, shall, for all purposes in any way connected with the carrying into effect or permitting or assisting such sheriff to carry into effect the provisions of this Act, with respect to the satisfaction of any such execution, be taken and deemed to be officers of the court out of which such writ of execution issued, and as such shall be amenable to such court, and may be proceeded against them by attachment or otherwise to compel the performance of the duties hereby imposed upon them as any other officers of such court may by law be proceeded against for a similar purpose. 30

CLXIII. And be it enacted, That every such municipal corporation shall, annually on or before the thirty-first day of January in each year, transmit to the Governor General of the province, through the Provincial Secretary thereof, in such form as shall from time to time be prescribed for that purpose, by any order of the Governor in council, an account of the several debts of such corporation as they may have stood on the thirty-first day of December preceding, specifying in such account the original amount of every such debt of which a balance remained due at that day, the date when such debt was contracted, the day of

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payment, the amount of interest to be paid  
 2 therefor, the amount of the rate provided  
 for the redemption and satisfaction of such  
 4 debt and interest, the proceeds of such rate  
 for the year ending on such thirty-first day  
 6 of December, the amount of such original  
 loan redeemed and satisfied during such  
 8 year, the amount of interest, if any, unpaid  
 on such day, and the balance still due on  
 10 the principal of such loan.

CLXIV. And be it enacted, That upon  
 12 the petition of one third or upwards of the  
 members of any municipal corporation cre-  
 14 ated or to be created under the authority of  
 this Act, or upon the petition of any one  
 16 or more of the creditors of any such muni-  
 cipal corporation, and in the latter case  
 18 upon such petitioner or petitioners shewing  
 to the satisfaction of the Governor in coun-  
 20 cil, that the debt or debts due by such mu-  
 nicipal corporation to him, her or them, or  
 22 that some part of such debt or debts, or that  
 the interest thereon or on some part thereof,  
 24 hath or have remained in arrear and unpaid  
 by such municipal corporation for six cal-  
 26 endar months or upwards after the same  
 shall have been payable and shall have been  
 28 demanded at the office of the chamberlain or  
 treasurer of such municipal corporation, it  
 30 shall and may be lawful for the Governor  
 of this Province by order in Council to  
 32 issue one or more commission or commis-  
 sions under the great seal of this Province  
 34 directed to such person or persons as he  
 shall think fit, empowering them to inquire  
 36 into the financial and monetary affairs of  
 such municipal corporation and all things  
 38 connected therewith, and the person or  
 persons so named in such commission or  
 40 commissions, or as many of them, as shall be  
 thereby empowered to act in the execution  
 42 thereof, shall have all such powers for  
 the conducting such inquiry now by law  
 44 vested in commissioners of inquiry appointed  
 under the Act of the Parliament of this pro-

Provision for  
 the appoint-  
 ment of a  
 commission to  
 investigate  
 financial af-  
 fairs of corpo-  
 rations whose  
 debts have  
 been due over  
 a certain time.



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Act of Canada  
9 Vict. c. 38,  
cited.

vince passed in the ninth year of the reign  
of Her Majesty Queen Victoria, chapter 38 2  
intituled, "*An Act to empower commission-*  
*ners for inquiring into matters connected* 4  
*with the public business to take evidence on*  
*oath ;*" and the expense of executing every 6  
such commission of inquiry to be settled  
and allowed by the inspector general of this 8  
province for the time being or his deputy,  
shall be borne by such municipal corpora- 10  
tion, and so soon as the same shall be so  
settled and allowed as aforesaid, shall be a 12  
debt due to the commissioner or commis-  
sioners named in such commission, to be 14  
provided for and paid by such municipal  
corporation as any other debt due by them 16  
in their corporate capacity, and upon de-  
fault in payment of the same within three 18  
calendar months from the same having been  
demanded by such commissioner or com- 20  
missioners, or any one of them, at the office  
of the chamberlain or treasurer of such 22  
municipal corporation, shall be recoverable  
against such municipal corporation as any 24  
other debt.

Municipal  
Corporations  
not to con-  
tinue as bank-  
ers or to issue  
bonds, &c.

Nor give any  
bond, &c. of  
a less amount  
than £25.

CLXV. And be it enacted, That it shall 26  
not be lawful for any of the municipal cor-  
porations to continue or be incorporated 28  
under the authority of this Act to act as bank-  
ers, or to issue any bond, bill, note, debenture 30  
or other undertaking, of what nature or  
kind soever, or in what form soever, in the 32  
nature of a bank bill or note, or for the  
payment of any money intended to form a 34  
circulating medium to supply the place of  
specie, or otherwise pass as money; nor 36  
shall it be lawful for any of such municipal  
corporations to make or give any bond, bill, 38  
debenture or other undertaking for the pay-  
ment of any loan contracted by such corpo- 40  
ration, or of any debt due by such corpora-  
tion, or of any part of such loan or debt, of a 42  
less amount than *twenty-five* pounds of law-  
ful money of Canada; and if any such first 44  
mentioned bond, bill, note, or debenture or

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other undertaking shall be issued or put in  
 2 circulation by any such municipal corpora-  
 tion, or under its direction or authority, or  
 4 under the direction or authority of any of  
 its officers or servants, or of any other per-  
 6 son or persons whomsoever; or if any such  
 last mentioned bond, bill, debenture or other  
 8 undertaking, shall be made or given by any  
 such municipal corporation for the payment  
 10 of a less amount of money than *twenty-five*  
 pounds as aforesaid, every such bill, bond,  
 12 note, debenture or undertaking, shall be  
 absolutely null and void to all intents and  
 14 purposes whatsoever.

Any bond, &c.  
 given by any  
 corporation of  
 a less amount  
 than £25, to  
 be null.

CLXVI. And be it enacted, That every  
 16 person who shall issue or make, or assist in  
 the issuing or making of any of such bonds,  
 18 bills, notes, debentures, or undertakings for  
 the payment of money contrary to the pro-  
 20 visions of the next preceding section of this  
 Act, and every person who shall knowingly  
 22 utter or tender in payment or in exchange,  
 any of such bonds, bills, notes, debentures  
 24 or undertakings for the payment of money,  
 shall be guilty of a misdemeanor, as pro-  
 26 vided in and by the third section of the Act  
 of the Parliament of the late Province of  
 28 Upper Canada, passed in the seventh year of  
 the reign of His late Majesty King William  
 30 the Fourth, chapter thirteen, and intituled,  
 "An Act to protect the public against injury  
 32 "from private banks."

Any person  
 issuing or  
 making bonds,  
 &c. for pay-  
 ment contrary  
 to this Act to  
 be guilty of  
 misdemeanor.

CLXVII. And be it enacted, That all per-  
 34 sons committing any offence against any  
 by-law lawfully made by any municipal  
 36 corporation under the authority of this Act,  
 and with regard to prosecutions for which,  
 38 no other provision is hereby made, may be  
 prosecuted in a summary way before any  
 40 one or more justices of the peace, having  
 jurisdiction within the locality in which the  
 42 offender shall be resident, or within that in  
 which the offence was committed, and such  
 44 justice or justices, or other authority, before

Punishment of  
 persons offend-  
 ing against by-  
 laws.

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whom any conviction for any such offence shall be had: (and any such offender may be convicted on the oath or affirmation of any competent witness other than the prosecutor or informer) shall have full power and authority to award the penalty or the imprisonment, as the case may be, imposed by the by-law under which the conviction shall be had, with the costs of prosecution, against the offender, and to commit the offender to the common gaol if the offence be punishable by imprisonment, and to cause the penalty to be levied with costs, if not forthwith paid, by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of such justices or one of them, or of the chairman or presiding officer of the court before whom such conviction was had; and one moiety of any such pecuniary penalty shall go to the informer or prosecutor, and the other moiety shall be paid to the treasurer or chamberlain of the corporation against the by-law whereof the offence shall have been committed, and shall form part of the funds at the disposal of such corporation: Provided always, firstly, that any such prosecution may be brought in the name and on the behalf of such corporation as aforesaid, and in that case the whole of such pecuniary penalty shall be paid to the treasurer or chamberlain of such corporation, and form part of such funds as aforesaid: And provided also, secondly, that any member of the municipal corporation, under the by-law whereof any such prosecution as aforesaid shall be brought, being, *ex officio* or otherwise, a justice of the peace within such locality, may act as such with regard to such prosecution.

Proviso: prosecution may be brought in name of corporation.

Proviso.

Officers, &c. of corporation, competent witnesses and jurors in trials in which the corporation

CLXVIII. And be it enacted, That as well with regard to any such prosecution as to any suit, action or proceeding to which any corporation created or to be created by or under this Act shall be a party, no member,

## VII. MISCELLANEOUS PROVISIONS.

officer or servant of such corporation shall  
 2 be deemed an incompetent witness, nor shall his testimony be objected to on the  
 4 ground of his being interested in the matter, as such member, officer or servant of such  
 6 corporation, nor shall he be liable to challenge on such ground as a juror, if he have  
 8 no more direct interest in the issue of such suit or prosecution, or be not otherwise ren-  
 10 dered incompetent ; any law, usage or custom to the contrary notwithstanding.

shall be a party.

12 CLXIX. And be it enacted, That it shall not be competent to the municipality of any  
 14 township or to the municipal council of any county, to pass any by-law for stopping up  
 16 any original allowance for roads in any township or county, nor on the limits of  
 18 any village town or city therein.

Corporations not to pass by-laws stopping up original allowances for roads.

CLXX. And be it enacted, That on the  
 20 alteration of any road under the authority of this Act where the road thus altered shall  
 22 not have been an original allowance for road or where the same shall lie within any incor-  
 24 porated village, town, or city or the liberties thereof, the site of such old road shall and  
 26 may be sold and conveyed by the municipal corporation under whose authority the  
 28 alteration was made to the party or parties through or near whose land or lands the  
 30 same shall have run, or in case of his her or their refusal to become the purchaser or  
 32 purchasers thereof at such price or prices respectively as such municipal corporation  
 34 shall think reasonable then to any other person or persons whomsoever ; provided  
 36 always, nevertheless, that it shall not be lawful for any such municipal corporation  
 38 to sell and convey any such old road or any part thereof to any other than the  
 40 person or persons first mentioned at any given price until such first mentioned person  
 42 or persons shall have refused to become the purchaser or purchasers thereof at such  
 44 price.

When any road is altered, the site of the old road may be sold by corporation to the party near whose lands it runs.

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Roads not to exceed 66 feet nor be less than 40 feet in breadth.  
 Proviso: not to affect roads now established.

CLXXI. And be it enacted, That no road to be hereafter laid out, under the authority 2  
 of this Act shall be more than sixty-six feet 4  
 nor less than forty feet in width; provided 4  
 always that nothing in this clause shall extend or be construed to extend to affect any 6  
 road now established under the provisions of any Act heretofore in force in Upper- 8  
 Canada, nor when any road shall be altered under the authority of this Act to prevent 10  
 such altered road from being laid out of the same width as the old one. 12

Powers, &c. of magistrates in quarter sessions with respect to highways, &c. vested in municipal corporations.

CLXXII. And be it enacted, That all powers, duties or liabilities vested in or be- 14  
 longing to the magistrates in quarter sessions, with respect to any particular high- 16  
 way, road or bridge in Upper-Canada at the time this Act shall come into force, shall, 18  
 from, thenceforth become and be vested in and belong to the municipal corporation of 20  
 the county in which such highway, road or bridge shall lie or in case of such highway, 22  
 road or bridge lying within two or more counties, shall be vested in and belong to the 24  
 municipal corporations of both such counties, subject always to the provisions of this Act 26  
 as to the mode and manner of exercising, performing and meeting such powers, duties 28  
 and liabilities, and all rules and regulations made and directions given by such municipi- 30  
 pal corporation or corporations in the premises shall have the like force and effect to 32  
 all intents and purposes whatsoever as those which such magistrates had previous- 34  
 ly the power of making or giving respecting the same, and neglect of or disobedience to 36  
 any such rules, regulations or directions so to be made or given by such municipal cor- 38  
 poration or corporations, shall subject the defaulter or defaulters in the premises to 40  
 the like penalties forfeitures and other consequences both civil and criminal as such 42  
 neglect of or disobedience to similar rules, regulations or directions of such magistrates 44  
 would have subjected them previous to this Act coming into force. 46

## VII. MISCELLANEOUS PROVISIONS.

CLXXIII. And be it enacted, That it shall  
 2 and may be lawful for any of the municipal  
 4 corporations, created or to be created  
 6 under the authority of this Act, to authorize  
 8 by by-law any person or persons who may  
 10 be willing to contract with them, for that  
 12 purpose, to plank, gravel or macadamize  
 14 any road or to build any bridge, which, under  
 16 the provisions of this Act, any such mu-  
 18 nicipal corporation would themselves have  
 20 a legal right to plank, gravel, macadamize  
 22 or build, and to grant to such person  
 24 or persons in consideration or part con-  
 26 sideration of the execution of such work  
 28 the tolls to be levied on the same after it  
 30 shall have been completed; Provided al-  
 32 ways, firstly, that the rate of tolls to be taken  
 34 upon such work shall in all cases be fixed  
 36 by by-law of such municipal corporation,  
 38 and not be in the discretion of such person  
 or persons so contracting as aforesaid; And  
 provided also, secondly, that no such tolls  
 shall be leviable until such municipal coun-  
 cil shall by a subsequent by-law have de-  
 clared that the work contracted for has been  
 completed, and that the tolls may be col-  
 lected thereon accordingly; And provided  
 also, thirdly, that the grant of such tolls  
 shall in no case be for a longer period than  
 ten years from the time of the passing of  
 such last mentioned by-law by which the  
 levying of such tolls shall become lawful:  
 And provided also, fourthly, that it shall be  
 the duty of such person or persons during  
 the period that his or their right to levy  
 tolls under such by-law shall continue to  
 keep and maintain such road or bridge in  
 good and proper repair.

Corporation  
 may authorize  
 persons to  
 plank, &c.  
 roads, or build  
 bridges within  
 their jurisdic-  
 tion.

Proviso: tolls  
 to be fixed by  
 corporation.

Proviso: tolls  
 not leviable  
 until it is de-  
 clared by by-  
 law that the  
 work is com-  
 pleted.

Proviso: tolls  
 not to be  
 granted for  
 more than ten  
 years.

Proviso: per-  
 sons having  
 right to tolls, to  
 keep roads, &c.  
 in repair.

CLXXIV. And be it enacted, That it shall  
 40 not be lawful for any of such municipal  
 42 corporations to make any by-law for the  
 44 stopping up, altering, widening or diverting  
 any public highway, road, street, or lane  
 until they shall have caused at least one  
 calendar month's notice to have been given

Corporation  
 not to stop up  
 roads, &c.  
 without one  
 month's notice,  
 &c.

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by written or printed notices put up in the six most public places in the immediate neighbourhood of such highway, road, street or lane, nor until they shall have heard in person or by counsel or attorney, any person through whose land such highway, road, street or lane, or proposed highway, road, street or lane shall run, and who may claim to be so heard before them: Provided always, nevertheless, that nothing either in this section or in any other of the provisions of this Act shall extend or be construed to extend to give any power or authority whatsoever to any of the municipal corporations erected or to be erected, under the authority of the same, to interfere in any way with any of the public roads or bridges in Upper Canada, which by Act of parliament or otherwise, now are or hereafter may be vested in Her Majesty or in any public department or board of Her Majesty's provincial government as a provincial public work, with respect to all and every which provincial public works whether roads or bridges, all and singular the powers by this Act conferred upon or vested in such municipal corporations, with respect to other roads and bridges within the limits of their respective jurisdictions, shall be and the same are hereby vested in and shall and may from time to time and at all times hereafter be exercised by the Governor of this province in council with respect to such provincial public roads and bridges and every of them, by such orders in council as shall or may from time to time be made for that purpose.

Proviso: no power given to corporations to interfere with roads, &c. vested in Her Majesty, &c.

In case it shall be necessary for roads to pass over, &c. private property—arbitrators to be appointed.

CLXXV. And be it enacted, That upon the passing of any by-law, by any municipal corporation erected or to be erected under the authority of this Act for the purpose of authorizing the opening any road, street or other public thoroughfare, or of changing, widening or diverting any road, street or public thoroughfare so as to cause the same

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or any part thereof to go through or be  
 2 placed upon or injuriously to affect the  
 land or other real property of any person  
 4 or persons, it shall and may be lawful for the  
 person or persons who shall own such pro-  
 6 perty to name an arbitrator, and give notice  
 thereof in writing to the clerk of such cor-  
 8 poration, and the head of the corporation  
 shall, within three days after such notice,  
 10 name an arbitrator on behalf of such corpo-  
 ration, and give notice thereof to the person  
 12 or persons owning the said property and  
 appointing such arbitrator as aforesaid, and  
 14 the two arbitrators shall within three days  
 thereafter appoint a third arbitrator, and  
 16 the said three arbitrators, or the majority of  
 them, shall have power to determine upon  
 18 and award the amount of damages (if any)  
 to be paid to such person or persons as  
 20 aforesaid, and their award shall be binding  
 on such person or persons, and on the said  
 22 corporation respectively, so as such award  
 be made in writing within three calendar  
 24 months after the appointment of the third  
 arbitrator as aforesaid: Provided always,  
 26 nevertheless, firstly, that every such sub-  
 mission and award shall be subject to the  
 28 jurisdiction of Her Majesty's court of  
 Queen's Bench for Upper Canada, in the  
 30 same manner and to the same extent for all  
 purposes whatsoever as if there had been a  
 32 submission of the matters in difference by  
 bond between the parties containing an  
 34 agreement that such submission should be  
 made a rule of that court: And provided  
 36 also, secondly, that if the head of such cor-  
 poration shall neglect to appoint an arbi-  
 38 trator for the corporation within such time  
 as aforesaid, or the said two first mentioned  
 40 arbitrators shall be unable to agree, or shall  
 not agree upon and appoint a third as afore-  
 42 said, or the said three arbitrators or the  
 majority of them shall be unable to agree,  
 44 or shall not agree upon an award within the  
 time aforesaid, then and in every such case  
 46 it shall and may be lawful for such person

Proviso :  
 Awards sub-  
 ject to court of  
 Q. B.

Proviso : in  
 case of ne-  
 glect of head  
 of corporation  
 to appoint ar-  
 bitrator, &c.  
 party interest-  
 ed may sue  
 corporation,  
 &c.



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or persons so interested as aforesaid to institute a special action on the case at law against the municipal corporation by which such by-law shall have been passed, and such action shall be sustainable whether any entry shall be made under such by-law or not, or whether any use shall be made of such property under such by-law or not, and if no such entry or use other than for the purposes of survey shall be proved at the trial of any such action, then the judge who shall try the same shall certify the want of such proof upon the record, and in such case it shall and may be lawful for such municipal corporation, at any time after such trial, and until four calendar months after the rendering judgment upon such verdict, to repeal such by-law, and to tender and pay to the plaintiff in such action, or to the plaintiff's attorney, the taxed costs of 20 the said plaintiff in such action, and from and after such tender or payment, the municipal corporation against whom such action shall be brought shall be discharged from the 24 damages which shall be assessed in such action, and the land or other real property 26 which shall be proposed to be taken by any such first-mentioned by-law, shall be and 28 remain as if no such by-law had been passed: and no entry or other use of such land 30 or real property, for the purposes of such first-mentioned by-law, shall be lawful after the assessment of such damages by the jury, until the amount of the damages assessed, and the costs of the plaintiff in such action shall have been levied by the sheriff, 36 or paid, or discharged, or lawfully tendered to the plaintiff or the attorney for the plaintiff in such action. 38

If a lawful tender be proven by defendant, all costs subsequent thereto to be borne by plaintiff.

CLXXVI, And be it enacted, That if a 40 tender shall be pleaded, and if upon the trial of any such action it shall be proven 42 to the satisfaction of the jury that a lawful tender shall have been made to the plaintiff 44 or to the plaintiff's attorney of a compensa-

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tion or sum equal to or greater than the  
 2 amount of the damages assessed by such  
 jury, the said jury shall find such tender by  
 4 their verdict, and in case of such finding,  
 the costs of the defendant in such action,  
 6 incurred after such tender, shall be borne  
 by the plaintiff, and the plaintiff in such  
 8 case shall receive no costs, for any pro-  
 ceedings subsequent to such tender.

10 **CLXXVII.** And be it enacted, That as  
 well the arbitrators as the jury, in estima-  
 12 ting the damages or compensation in any  
 such submissions or actions, shall take into  
 14 consideration any benefit or advantage which  
 the plaintiff shall or may derive from the  
 16 opening, widening, or diverting any such  
 road, street, or other public thoroughfare,  
 18 and deduct the same from the damages or  
 compensation; and in case the said benefit  
 20 to be derived from the said opening, widen-  
 ing, or diverting such road, street, or public  
 22 thoroughfare, shall be greater than the  
 damages which shall be found to arise from  
 24 the taking of such land or other real pro-  
 perty, the award or verdict shall be for the  
 26 defendant.

In estimating  
 damages, ju-  
 ries to take  
 into considera-  
 tion benefit to  
 be derived by  
 plaintiff from  
 widening of  
 road, &c.

**CLXXVIII.** And be it enacted, That all  
 28 by-laws made and passed by any municipal  
 corporation under the authority of this Act,  
 30 shall be authenticated by the seal of the  
 corporation, and by the signature of the  
 22 head thereof, or of the person presiding at  
 the meeting at which the same shall have  
 34 been made and passed, and also by that of  
 the clerk of such corporation; and any copy  
 36 of any such by-law, written without erasure  
 or interlineation, sealed with the seal of the  
 38 corporation, and certified to be a true copy  
 by the clerk, and by any member of such  
 40 corporation for the time being, shall be  
 deemed authentic, and shall be received in  
 42 evidence in any court of law or equity in  
 this province, without its being necessary  
 44 to prove such seal or signatures, unless it

All by-laws to  
 be authentica-  
 ted by seal of  
 corporation,  
 &c.

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shall be specially pleaded or alleged that the same or any of them are forged or counterfeit; and all debts, bonds, obligations and other instruments to be executed on behalf of any corporation erected or to be erected by or under this Act, shall be valid if sealed with the seal of the corporation, and signed by the head of such corporation, or by such other person as shall by any by-law to be passed in that behalf, be authorized to sign the same on the behalf of the corporation.

Original by-laws to be kept in clerk's office and open to the public, &c.

CLXXIX. And be it enacted, That the originals or certified copies of all by-laws and regulations made by any municipal corporation under the authority of this Act, and of all minutes of the proceedings of any such corporation shall be kept in the office of their clerk, and shall be open at all reasonable times and hours to the inspection of the public; and the said clerk shall be bound to furnish copies thereof at the rate of six pence currency per hundred words, or at such lower rate as the corporation shall appoint; and all meetings and proceedings of any such corporation shall be held openly, and so that no person shall be prevented from being present thereat, except only when the public interest shall require the contrary.

Corporations of cities using gaols, &c. of counties within the limits whereof they are situate, to pay to the corporations of such counties for the use of the said gaols, &c. a fair compensation, to be settled by arbitrators in case of disagreement.

CLXXX. And be it enacted, That so long as any city or town erected or to be erected under the authority of this Act, shall use or continue to use the court house, gaol, and house of correction of any county within the limits or on the borders whereof such city or town shall be situate, or any of them, the municipal corporation of such city or town shall pay to the municipal corporation of such county, such annual sum of money for the same as shall be mutually agreed upon between them as a fair compensation for the use of such buildings or any of them, and in the event of such corporations being unable to agree as to the

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amount of such compensation, then the  
 2 same shall be settled by the award of three  
 arbitrators, or the majority of them, to be  
 4 appointed as follows, that is to say : one by  
 the municipal corporation of such city or  
 6 town, another by the municipal corporation  
 of such county, and the third by such two  
 8 arbitrators thus appointed, or in the event  
 of such two arbitrators omitting to appoint  
 10 such third arbitrator within ten days next  
 after their own appointment, then by the  
 12 Governor of this province in council, and  
 the amount so settled shall be deemed a  
 14 debt due by the municipal corporation of  
 such city or town to the municipal corpo-  
 16 ration of such county, and its payment  
 shall be provided for as is hereby directed  
 18 with respect to other debts of such municip-  
 al corporations in general, and in default  
 20 thereof may be sued for and recovered as  
 any such debts: Provided always, never-  
 22 theless, firstly, that in case either of such  
 corporations shall omit for one calendar  
 24 month after they shall have been called up-  
 on for that purpose by the other of such  
 26 corporations, to appoint an arbitrator on  
 their part as above provided, it shall and  
 28 may be lawful for the Governor in council  
 to appoint an arbitrator on the part and  
 30 behalf of such corporation so neglecting to  
 appoint such arbitrator, who shall in such  
 32 case have all the same powers as if he had  
 been appointed by such corporation: And  
 34 provided also, secondly, that whenever,  
 after the lapse of five years from the making  
 36 any such award, it shall appear reasonable  
 to the Governor in council, upon the appli-  
 38 cation of either of such municipal corpora-  
 tions, that the amount of such compensation  
 40 should be reconsidered, it shall and may  
 be lawful for him, by an order in council,  
 42 to direct that the then existing arrangement  
 respecting the same, whether it be by  
 44 agreement of the parties or by award, shall  
 cease after some time to be named in such  
 46 order, after which the said corporations

Proviso:  
 governor to  
 appoint arbi-  
 trators in case  
 corporations  
 shall omit for  
 one calendar  
 month to ap-  
 point them.

Proviso: after  
 5 years, gover-  
 nor may order  
 a new agree-  
 ment.

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shall proceed as at first, for the settlement  
 either by agreement or arbitration, of the  
 amount to be paid from the termination of  
 such previous settlement: Provided also,  
 thirdly, that every such submission and  
 award shall be subject to the jurisdiction of  
 Her Majesty's Court of Queen's Bench for  
 Upper Canada, in like manner as if the  
 same were by bond, with an agreement  
 therein that such submission might be made  
 a rule of that court: And provided always,  
 fourthly, that whenever at the time this Act  
 shall come into force there shall be any  
 subsisting agreement or other settlement,  
 whether by Act of parliament or otherwise,  
 of the amount to be paid by any such city  
 or town for such court house, gaol, or  
 house of correction, or any of them, the  
 same shall be and continue in force as if it  
 had been settled under the authority of this  
 clause at the time that this Act shall have  
 so come into force as aforesaid.

All awards  
 subject to  
 court of Q. B.

Proviso: exist-  
 ing agreements  
 to remain in  
 force as if set-  
 tled under this  
 act.

Villages,  
 towns, &c. in  
 the different  
 schedules to  
 have different  
 boundaries  
 therein set  
 forth.

CLXXXI. And be it enacted, That the  
 several villages mentioned and named in  
 the schedule to this Act annexed, marked  
 A, shall respectively have such boundaries  
 as shall or may be established and declared  
 for such villages respectively, in and by  
 any proclamation or proclamations, to be in  
 that behalf issued under the great seal of  
 this province, by order of the Governor  
 thereof in council, at any time on or before  
 the first day of October next, after the pas-  
 sing of this Act, and shall by such bound-  
 aries be incorporated villages under this  
 Act, and the several towns mentioned and  
 named in the schedule to this Act annexed,  
 marked B, shall respectively have the  
 boundaries set forth in the said schedule,  
 and shall be towns under the provisions of  
 this Act, and the wards of such towns shall  
 respectively have the names and boundaries  
 set forth in such schedule in respect of such  
 towns: and that the several cities men-  
 tioned and named in the schedule to this

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Act annexed, marked C, shall respectively  
 2 have the boundaries both as respects such  
 cities and the liberties thereof set forth in  
 4 the said last mentioned schedule, and shall  
 be cities under the provisions of this Act,  
 6 and the several wards of such cities shall,  
 with the liberties attached to each respect-  
 8 ively, have the names and boundaries set  
 forth in the said last mentioned schedule  
 10 in respect of such cities, and all and singular  
 the names and boundaries of all such  
 12 villages, towns and cities and of the wards  
 of such towns and cities shall continue until  
 14 the same shall be altered by competent  
 authority in the manner in this Act set forth  
 16 and provided.

CLXXXII. And whereas the places men-  
 18 tioned in the schedule to this Act annexed,  
 marked D, and intituled, "Towns with muni-  
 20 cipalities only or without any municipal  
 organisation," from having been the places  
 22 where the assizes have been usually held or,  
 from being the seats of the local courts or  
 24 from having been named as towns in Acts  
 of parliament, or from other causes are or  
 26 are generally reputed to be towns, and it is  
 inexpedient to deprive them of that dis-  
 28 tinction or to subject them to the more ex-  
 tensive organization in and by this Act pro-  
 30 vided for, either towns or villages in general  
 until by the increase of their inhabitants  
 32 they shall respectively become desirous of  
 and entitled to such extended organization  
 34 respectively as they would be under this  
 Act, were they only villages or hamlets  
 36 respectively: Be it therefore enacted, That  
 the several towns mentioned in the said  
 38 schedule, with such limits and boundaries as  
 shall by law belong to them respectively, at  
 40 the time this Act shall come into force,  
 shall be and continue to be towns as here-  
 42 tofore, but neither the provisions of this  
 Act applicable to towns only, nor any Act,  
 44 nor any of the provisions of any Act to be  
 passed this Session, or at any time hereafter

Provision with  
 respect to cer-  
 tain towns in  
 schedule D.

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referring to towns generally, shall thereby extend or be construed to extend to any of 2 such towns.

Towns mentioned in first division of Schedule D. incorporated.

CLXXXIII. And be it enacted, That the 4 inhabitants of each of the towns mentioned in the first division of the said schedule, 6 marked D, shall be a body corporate apart from the township or townships in which 8 such town shall be situate, and as such shall have perpetual succession and a common 10 seal, with all such powers within the limits of such town as are by this Act conferred 12 upon the inhabitants of incorporated villages, and the powers of the corporation of such 14 town shall be exercised by, through, and in the name of the municipality of such town, 16 and all the provisions of this Act, and of all other Acts hereafter to be passed appli- 18 cable to incorporated villages, and the municipalities thereof, shall apply to such town 20 and the municipality thereof.

Provision with respect to the incorporation of towns mentioned in second division of schedule D. on certain conditions.

CLXXXIV. And be it enacted, That each 22 of the towns mentioned in the second division of the said schedule, marked D, shall 24 be and continue a part of the township or townships within which the same shall be 26 respectively situate, and shall be and continue subject to the jurisdiction of the muni- 28 cipality or municipalities of such township or townships as if the same was an incor- 30 porated village or hamlet, and that when by the census returns it shall appear that any 32 of such last mentioned towns and any portion of a township or townships, which, 34 from the proximity of streets and buildings, may conveniently be attached to such town, 36 shall together contain one thousand inhabitants or upwards, it shall and may be lawful 38 for any number of the resident freeholders or householders of such town, not less than 40 one hundred, to petition the Governor of this province that the inhabitants of such 42 town may be incorporated, and upon such petition it shall be lawful for the Governor 44

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of the province by an order in council to  
 2 issue a proclamation under the great seal of  
 the province, setting forth the boundaries of  
 4 such town, and including within such bound-  
 aries any such portion or portions of the  
 6 said adjacent township or townships as from  
 the proximity of streets or buildings as  
 8 aforesaid may conveniently be attached to  
 such town as aforesaid, and the inhabitants of  
 10 such town as embraced within such new  
 and extended boundaries, shall, on from and  
 12 after the first day of January next after the  
 end of three calendar months, from the  
 14 teste of such proclamation, be incorporated  
 apart from the township or townships in  
 16 which it is situate, and shall no longer be  
 subject to the jurisdiction of the municipa-  
 18 lity or municipalities of such township or  
 townships, and as such corporation shall  
 20 have perpetual succession and a common  
 seal, with all such powers within the limits  
 22 of such town as are by this Act conferred  
 upon the inhabitants of any incorporated  
 24 village, and the powers of the corporation  
 of such town shall be exercised by, through  
 26 and in the name of the municipality of such  
 town; and all the provisions of this Act and  
 28 of all other Acts hereafter to be passed ap-  
 plicable to incorporated villages in general,  
 30 and the municipalities thereof, shall apply  
 to such town and the municipality thereof  
 32 as if the same were mentioned in the sche-  
 dule to this Act annexed, marked A.

34 CLXXXV. And be it enacted, That  
 whenever by the census returns it shall ap-  
 36 pear that any of the towns mentioned in the  
 said schedule, marked D, which shall have  
 38 been then already incorporated under the  
 provisions of this Act as aforesaid, and any  
 40 portions of the township or townships  
 which, from the proximity of streets and  
 42 buildings, may conveniently be attached to  
 such town, shall together contain five thou-  
 44 sand inhabitants or upwards, it shall and  
 may be lawful for the municipal corpora-

Provision with  
 respect to the  
 division into  
 wards of cer-  
 tain towns in  
 schedule D.  
 on certain  
 conditions.



## VII. MISCELLANEOUS PROVISIONS.

tion of such town to petition the Governor of this province that the limits of the said town may be extended, and that the same may be divided into wards, and upon such petition it shall be lawful for the Governor of the Province by an order in council, to issue a proclamation under the great seal of the province extending such limits and dividing such town into wards accordingly, and from and after the first day of January next, after the end of three calendar months from the teste of such proclamation, all the provisions of this Act and of all other Acts hereafter to be passed applicable to incorporated towns in general or to the town councils thereof, shall apply to such town and town council thereof, as if the same were mentioned in the schedule to this Act annexed, marked B.

Corporations  
&c. of counties,  
&c. existing  
immediately  
previous to 1st  
January, 1850,  
to remain in  
office until 4th  
monday of  
that month,

CLXXXVI. And be it enacted, That for and notwithstanding any thing in this Act contained, the municipal corporation or other municipal bodies or authorities of the several counties, cities, towns, townships and villages in Upper Canada, existing immediately previously to the first day of January which will be in the year of our Lord one thousand eight hundred and fifty, and all and singular the members, officers, and servants of the same respectively, shall, upon and from the said first day of January, in the year aforesaid, until the fourth monday of the same month, continue to have, exercise and perform all and singular the municipal and other powers, functions and duties which immediately previous to such first day of January shall or may by law have been vested in them respectively, to all intents and purposes, as if this Act had not been passed.

Proclamations  
incorporating  
villages, &c. to  
take effect 1st  
January next  
after 3 months

CLXXXVII. And be it enacted, That any proclamation to be issued under the authority of this Act, for the incorporation of any village, for erecting any village into a

## VII. MISCELLANEOUS PROVISIONS.

town, or for erecting any town into a  
 2 city, shall have force and effect upon,  
 from and after the first day of January next,  
 4 after the end of three calendar months from  
 the teste of such proclamation, and not be-  
 6 fore, except only as regards any thing to be  
 done preparatory to the election to be held  
 8 in consequence of such proclamation, with  
 regard to which such proclamation shall  
 10 have force and effect from the time of the  
 teste thereof.

from teste of  
 proclamation.

12 CLXXXVIII. And be it enacted, That no  
 provision in the foregoing enactments of  
 14 this Act, which requires that any person be  
 possessed of any property qualification, or  
 16 be assessed for any particular amount, in  
 order to his being elected or serving as a  
 18 councillor in any township or village muni-  
 cipality, or as assessor for any township or  
 20 village, shall have any force or effect, unless  
 or until some Act be passed by the parlia-  
 22 ment of this province, in the present or  
 some future session thereof, to provide for  
 24 the regulation of assessments and the levy-  
 ing and collecting of local taxes in Upper  
 26 Canada, and to repeal the general provisions  
 of the Acts heretofore in force for that pur-  
 28 pose.

Provisions of  
 this Act respect-  
 ing property qualifi-  
 cations not to  
 take effect  
 unless some  
 act be passed  
 for the regula-  
 ting of assess-  
 ments in U. C.  
 &c.

CLXXXIX. And be it enacted, That at  
 30 the first election to be holden under this Act  
 for any city or town in which assessment  
 32 on rental shall have been established before  
 the passing of this Act, all male resident  
 34 freeholders or householders in any ward  
 shall be entitled to vote who shall appear,  
 36 upon the assessment roll so to be furnished  
 as aforesaid, to have been assessed on his  
 38 own account and for his own use, for a house  
 or for land, or for both, to the rental or  
 40 yearly value of five pounds, and that all  
 male resident inhabitant freeholders of any  
 42 such ward shall be entitled to be elected,  
 who shall appear upon such roll to have  
 44 been assessed for like property to the rental

Qualification  
 of voters for  
 cities or towns.

## VII. MISCELLANEOUS PROVISIONS:

or yearly value of sixty pounds; and who shall actually occupy such premises, subject nevertheless to the same condition of residence, and to the elector's oath, as provided by this Act.

Acts, &c. in-  
consistent with  
this act, re-  
pealed.

CXC. And be it enacted; That all Acts and parts of Acts and provisions of law, either of the parliament of this province, or of the parliament of the late province of Upper Canada, and all Acts, by laws, rules and regulations thereupon passed by any township meeting, district council, board of police, town or city council in Upper Canada, in force in Upper Canada immediately before the time when this Act shall come into force, in so far as the same may be inconsistent with or contradictory to the provisions of this Act, or which make any provision in any matter provided for by this Act, other than such as is hereby made in such matter, shall be and they are hereby repealed, and shall cease to be in force upon, from and after the day when this Act shall come into effect.

Interpretation  
of word  
"governor,"  
&c.

CXCI. And be it enacted, That the word "governor" wherever it occurs in this Act, shall be understood to mean and include the governor, lieutenant-governor, or person administering the government of this province for the time being; the words "Upper Canada," shall be understood to mean and include all that part of this province which formerly constituted the province of Upper Canada; and words importing the singular number or the masculine gender only, shall be understood to include more than one person, matter or thing of the same kind, as well as one person, matter or thing, and females as well as males, unless it be otherwise expressly provided, or there be something in the subject or context repugnant to or inconsistent with such construction; and all other words, terms or phrases shall receive such fair and liberal

## VII. MISCELLANEOUS PROVISIONS, &c.

construction as shall be best adapted to carry out this Act according to its true intent, meaning and spirit.

4 CXCII. And be it enacted, That this Act may be amended, altered or repealed by 6 any Act to be passed in this present session of parliament.

Act may be amended, &c. in this session.

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### SCHEDULE A.

#### VILLAGES.

- |              |              |
|--------------|--------------|
| 1. Chippawa. | 4. Paris.    |
| 2. Galt.     | 5. Richmond. |
| 3. Oshawa.   | 6. Thorold.  |

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### SCHEDULE B.

#### TOWNS.

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

12 Commencing at the limits between lots  
numbers five and six in the first concession  
14 of the township of Thurlow, so as a line at  
right angles will run on the northerly side  
16 of Wonnacott's Bridge; thence, south,  
seventy-four degrees west, to the limit be-  
18 tween lots numbers two and three; thence,  
south, sixteen degrees east, to the Bay of  
20 Quinte; thence, easterly, following the  
winding of the Bay, to the limit between  
22 lots numbers five and six aforesaid; thence,  
north, sixteen degrees west, to the place of  
24 beginning; together with the Island op-  
posite the late Mr. Baldwin's wharf, and  
26 the harbour—

## SCHEDULE B.

## TOWNS.

And divided into two wards to be called the first and second ward, respectively. 2

All that part of the said town of Belleville, situate to the north and west of Bridge Street, to be and compose the first ward; and all that part of the said town lying to the south and east of Bridge Street aforesaid, to be and compose the second ward. 4  
6  
8

2. BRANTFORD—To consist of all that part of this Province situate within the County of Wentworth and lying within the following limits, that is to say: 10  
12

Commencing on the north side of Colborne Street, in the eastern limit of the said town as originally laid out by the authority of the government of the late Province of Upper Canada; then, north, eighteen degrees *thirty* minutes east, seventy-nine chains forty-five links, more or less, to the north-east angle of the said town as laid out by the government as aforesaid; then, south, eighty-four degrees thirty minutes west, eighty-two chains twenty-eight links more or less, to the north-west angle of the said town as laid out by the government as aforesaid, and to the eastern limit of a certain tract of twelve hundred acres of land originally granted by the Crown to Abraham Kennedy Smith and Margaret Kerby; then, south, twenty-seven degrees thirty minutes west, eight chains, more or less, to the south-east angle of a parcel of land belonging to Peter O'Banyon; then, north, sixty-two degrees thirty minutes west, sixty chains, more or less, to the western limit of the said lands granted by the Crown to the said Abraham Kennedy Smith and Margaret Kerby; then, south, twenty-seven degrees thirty minutes west, one hundred and eight chains, more or less, along the western limit of the said lands to the Grand River; then, across the Grand

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## TOWNS.

River obliquely with the stream in an  
 2 easterly direction, and passing south of the  
 large Island, about thirty chains, to the limit  
 4 between the farm lands of Thomas Mair  
 and the north part of the Brant Farm,  
 6 granted by the Crown to William Johnson  
 Kerr; then, south, twenty-seven degrees  
 8 twenty-five minutes west, forty-two chains,  
 more or less, to the rear of the lots on the  
 10 south side of Burford Street on the plank  
 road; then, south, sixty-eight degrees east  
 12 thirty-nine chains, more or less, to the east  
 side of the Mount Pleasant road and south  
 14 side of Walnut Street on the lands of  
 Daniel Mercer Gilkison; then, north, forty-  
 16 three degrees thirty minutes east, thirty-six  
 chains, more or less, along the south side of  
 18 Walnut Street to the Grand River; then,  
 easterly, along the south side of the Grand  
 20 River, with the stream about thirty chains to  
 opposite the mouth of the Cove; then, east,  
 22 across the Grand River to the south side of  
 the mouth of the said Cove; then, north-  
 24 easterly along the easterly side of the said  
 Cove about twenty chains to the southern  
 26 limit of the lands of the Grand River Naviga-  
 tion Company; then, easterly, along the south  
 28 boundary of the said Grand River Naviga-  
 tion Company's lands, about fifty-five  
 30 chains, to the western limit of the Mohawk  
 Parsonage Glebe; then, north, five degrees  
 32 thirty minutes west, forty-five chains more  
 or less, to the place of beginning—

34 And divided into seven wards to be called  
 respectively the west ward, the north ward,  
 36 the south ward, King's ward, Queen's ward,  
 Brant ward, and the east ward; and that  
 38 part of the said town lying south of the  
 Grand River shall constitute the west ward,  
 40 and that part of the said town lying north  
 of the Grand River (including the two large  
 42 islands in the river) and west of Cedar  
 Street and west Street, from its intersection

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## TOWNS.

with Cedar Street, shall constitute the north ward; and that part of the said town lying south of Colborne Street and west of Alfred Street, to the Grand River, shall constitute the south ward; and that part of the said town lying north of Colborne Street and between Cedar Street and West Street, from its intersection with Cedar Street and Queen's Street, shall constitute King's ward; and that part of the said town lying north of Colborne Street and between Queen's street and Market street to their intersection with West street, shall constitute Queen's ward; and that part of the said town lying north of Colborne street and between Market street and Alfred street, shall constitute Brant ward; and that part of the said town lying east of Alfred street shall constitute the East ward.

3. BROCKVILLE—To consist of all that part of this province situate within the county of Leeds, and lying within the following limits, that is to say:

Comprising that part of the county of Leeds heretofore known as the town of Brockville, extending into the waters of the river Saint Lawrence, and embracing such land with the wharves and buildings built thereon in such waters, as lies within three hundred yards in every direction of the water's edge in front of the present limits of the said town, together with the small island in front of the said town—

And divided into two wards, to be called the east ward and west ward respectively.

All that part of the said town lying east of Saint Andrew's street on the south side of the Queen's highway or Main street: and also that part lying east of a line commencing at the south-westerly angle of the court

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## TOWNS.

house ground, on the north side of the Queen's  
 2 highway, and from thence following the  
 westerly bounds and limits of the said  
 4 ground to the north-west angle thereof;  
 thence, running upon a line at right angles  
 6 with the Queen's highway or Main street, un-  
 til it intersects the rear or northerly limits  
 8 of the said town, together with the small  
 island in the harbour in front and adjacent  
 10 to the said town, shall comprise the east  
 ward; and that the remainder of the said  
 12 town shall comprise the west ward.

4. BYTOWN—To consist of all that part  
 14 of this province situate within the county  
 of Carleton, and lying within the following  
 16 limits, that is to say:

Commencing at the waters of the river  
 18 Rideau on the line which divides lots E and  
 F in concessions D and C, and thence, in a  
 20 continuous direct line, across lot number  
 forty, to the side line dividing lots numbers  
 22 thirty-nine and forty; thence, following the  
 said line northerly in the first concession to  
 24 the line dividing concession A and the first  
 concession, and in concession A embracing  
 26 the whole of the broken lot number thirty-  
 nine to the river Ottawa, including all the  
 28 islands down to the southerly end of the  
 chain bridge; thence, following the waters of  
 30 the Ottawa in the centre of the channel to  
 the western branch of the waters of the river  
 32 Rideau; thence, against the stream on the  
 river Rideau to the place of beginning; any  
 34 law, usage or proclamation to the contrary  
 notwithstanding—

36 And divided into three wards, to be called  
 respectively north ward, south ward, and  
 38 west ward.

That Lower Bytown shall consist of that  
 40 portion of the town lying easterly from the



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Rideau canal, which shall constitute two wards, by the names of north ward and south ward; and south ward shall consist of all that portion of the said Lower town south and east of the centre of York street to the centre of King street, following King street until it intersects the waters of the river Rideau; and from the west end of York street across Sussex street to the line dividing lots F and G on Sussex street, and continuing the bearing of that line to the canal locks; and north ward shall consist of all that portion of the said Lower town north and west of the line above described; and Upper Bytown shall consist of all that portion of the town lying westerly from the Rideau canal, which shall constitute one ward by the name of west ward.

5. COBOURG—To consist of all that part of this province situate within the county of Northumberland, and lying within the following limits, that is to say:

Commencing on the Lake shore, at the south-east angle of lot number fourteen, in concession B; thence, north, sixteen degrees west, to the centre of the first concession; thence, south, seventy-four degrees west, to the centre of lot number twenty-one, in the said concession; thence, south, sixteen degrees east, to the Lake shore; thence, along the water's edge, to the place of beginning—

And divided into three wards, to be called respectively, south ward, east ward and west ward.

That part of the said town south of King street, shall compose the south ward; all that part of the town east of the centre of the street between lots number, sixteen and seventeen, and north of King

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## TOWNS.

street, shall compose the east ward ; and all  
 2 that part of the town, west of the centre of  
 the street between lot, number sixteen and  
 4 seventeen, and north of King street, shall  
 compose the west ward.

6 6. CORNWALL.—To consist of all that  
 part of this Province situate within the  
 8 county of Stormont, and lying within the  
 following limits, that is to say :

10 Comprised within the limits or bounda-  
 ries heretofore reserved and set apart  
 12 by Government as a town plot, toge-  
 ther with the parcel or tract of ungranted  
 14 land in front thereof, and the harbour—

And divided into three Wards, to be  
 16 called respectively the East Ward, the West  
 Ward, and the Centre Ward.

18 That the East Ward shall consist of all  
 that part of the said town which lies between  
 20 Amelia street and the eastern limits of the  
 said town.

22 That the West Ward shall consist of all  
 that part of the said town which lies be-  
 24 tween Augustus street and the western  
 boundary of the said town.

26 That the Centre Ward shall consist of  
 all that remaining part of the said town  
 28 which lies between Amelia street and Au-  
 gustus street, and not included in either of  
 30 the before mentioned wards.

7. DUNDAS.—To consist of all that part  
 32 of this Province situate within the county  
 of Halton, and lying within the following  
 34 limits, that is to say :

Commencing on the division line between  
 36 the property of George Rolph, Esquire, and

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## TOWNS.

the property of the late Harker Lyons, on the York road; thence, following the said 2 road, westerly, to the road leading up the mountain to John Keagy's, the younger; 4 thence in a straight line by compass to a monument within a few feet of the 6 site of the old oat-meal mill; thence, across the creek or stream to a stone monument 8 placed at the distance of five hundred feet from the west bank thereof; thence, follow- 10 ing the said creek or stream at a distance throughout of five hundred feet from the 12 west and south bank thereof, to where a stone monument is placed south of Mr. 14 Ewart's mill-dam; thence, running in a straight line to a stone monument placed on 16 the boundary line between the property owned by John O. Hatt, Esquire, and the 18 estate of the late Manuel Overfield; thence, to a stone monument placed on the boun- 20 dary line between the property owned by Thomas Hatt and the said John O. Hatt; 22 thence, along the said boundary line to a stone monument placed in South street; 24 thence, following South street till it intersects East street; thence, descending the hill 26 in a northerly direction till it intersects the Governor's road; thence, following the said 28 road easterly to a stone monument placed in a line at right angles with the place of 30 beginning; thence, along the said line to the place of beginning— 32

And divided into four Wards to be called respectively, Ward Number One, Ward 34 Number Two, Ward Number Three, and Ward Number Four. 36

That Ward Number One shall consist of all that part of the said town described as 38 follows: commencing on the Sydenham road at the northern boundary of the said 40 town; thence, running along the said Sydenham road until it intersects King street; 42

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thence, along the said King street in an east-  
 2 erly direction until it intersects Main street;  
 thence, along the said Main street until it  
 4 intersects Baldwin or Flamboro' street;  
 thence, along the same to the Basin of the  
 6 Desjardin's Canal; thence, along the said  
 canal until the eastern boundary or limit of  
 8 the said town is intersected; thence, follow-  
 ing the said eastern boundary to the north-  
 10 ern boundary line of the said town; thence,  
 following the same to the place of beginning.

12 That Ward Number Two shall consist  
 of all that part of the said town described  
 14 as follows: commencing on King street at a  
 post planted between the lands owned by  
 16 Orlando Morley and John Walker; thence,  
 running south to the southern boundary of  
 18 the said town; thence, along the said bound-  
 ary to the eastern boundary until the Des-  
 20 jardin's canal is intersected; thence, along  
 the said canal in a westerly direction until  
 22 East street is intersected (Coote's Paradise);  
 thence, along Baldwin or Flamboro' street  
 24 to Main street; thence, along the said Main  
 street in a northerly direction till it inter-  
 26 sects King street; thence, along the said King  
 street to the place of beginning.

28 That Ward Number Three shall consist  
 of all that part of the said town described  
 30 as follows: commencing on King street at  
 a post planted between the lands owned by  
 32 Orlando Morley and John Walker; thence,  
 along the said King street west until it inter-  
 34 sects Peel street; thence, south, until James  
 street is intersected; thence, westerly, along  
 36 the said James street until it intersects the  
 western boundary of the said town; thence,  
 38 along the western and southern boundary of  
 the said town until the boundary between  
 40 Wards Numbers Two and Three is inter-  
 secte'd; thence, northerly, to the place of  
 42 beginning.

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That Ward Number Four shall consist of all that part of the said town described as follows: commencing at the northern boundary of the said town on the Sydenham road; thence, following the north-western limits of the said town to a stone monument within a few feet of the site of the old oatmeal mill; thence, across the stream or creek to a stone monument placed at the distance of five hundred feet from the west bank thereof; thence, along the western boundary of the said town to a stone monument placed on a line at right angles with James street; thence, along James street easterly until Peel street is intersected; thence, along Peel street to King street; thence, along King street to Sydenham road; thence, along Sydenham road to the place of beginning.

8. LONDON—To consist of all that part of this province situate within the county of Middlesex, and lying within the following limits, that is to say:

All the lands comprised within the old and new surveys of the said town, together with the lands adjoining thereto, lying between the said surveys and the river Thames, producing the northern boundary line of the new survey, until it intersects the north branch of the river Thames, and producing the eastern boundary line of the same new survey, until it intersects the east branch of the river Thames—

And divided into four wards by the names of Saint George's ward, Saint Patrick's ward, Saint Andrew's ward, and Saint David's ward, in manner following, that is to say:

All that part of the town lying north of the northern line and continuation of Hitchcock and Duke streets, shall comprise and

## SCHEDULE B.

## TOWNS.

be called Saint George's ward; all that part  
 2 of the town lying between King street and  
 Saint George's ward aforesaid, shall com-  
 4 prise and be called Saint Patrick's ward;  
 all that part of the town lying between  
 6 Horton street and Saint Patrick's ward  
 aforesaid, shall comprise and be called Saint  
 8 Andrew's ward; and all that part of the  
 town lying south of Horton street shall com-  
 10 prise and be called Saint David's ward.

9.—NIAGARA.—To consist of all that  
 12 part of this province situate within the  
 county of Lincoln, and lying within the fol-  
 14 lowing limits, that is to say:

Commencing at Missisagua Point, thence  
 16 westerly along lake Ontario to Crookston;  
 thence, along the rear or town line of Nia-  
 18 gara to the Black Swamp road; thence, along  
 the eastern limit of the lands of the late  
 20 Thomas Butler, Esquire, deceased, and the  
 lands of Garret Slingerland, to the north-  
 22 west angle of the lands of John Eccleston;  
 thence, easterly, to where the lands formerly  
 24 owned by the honorable William Dickson  
 and the late Martin McLennon, deceased,  
 26 come in contact; thence, easterly, along the  
 northern boundary of the lands of the said  
 28 Martin McLennon, deceased, to the river  
 Niagara; thence, northerly, down the said  
 30 Niagara river to the place of beginning—

And divided into five wards, by the name  
 32 of Saint Lawrence ward, Saint George's  
 ward, Saint Patrick's ward, Saint David's  
 34 ward, and Saint Andrew's ward, as follows,  
 that is to say:

36 All that part of the town south of  
 the centre of the street called King's  
 38 street, which runs directly from the river  
 Niagara, and commencing at the house now  
 40 occupied by Mr. Walter Elliott, or the lower

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## TOWNS.

ferry, and terminating at the western limit of the town, shall compose Saint Lawrence's 2 ward; and that part of the town north of the centre of the street forming the northern 4 boundary of Saint Lawrence ward, and south of the centre of the next parallel street, 6 shall compose Saint George's ward; that part of the town north of the street form- 8 ing the northern boundary of Saint George's ward, and south of the centre of the next 10 parallel street, shall compose Saint David's ward; that part of the town north of the 12 street forming the northern boundary of Saint David's ward, and south of the centre 14 of the next parallel street, shall form Saint Patrick's ward; and that part of the town 16 north of the street forming the northern boundary of Saint Patrick's ward, shall 18 compose Saint Andrew's ward.

10. PICTON—To consist of all that part 20 of this province situate within the county of Prince Edward, and lying within the follow- 22 ing limits, that is to say:

Commencing on the south side line on 24 the south side of lot letter A, fifty chains from the front; thence, at a right angle across 26 lot letter A and lot number one in the first concession, north of the carrying place, in 28 the township of Hallowell; thence, in a south-easterly direction along the side line be- 30 tween the said lot number one and lot number two, twenty-five chains; thence, at a 32 right angle across the said lot number two, number three, and number four; thence, on 34 the side line between the said lot number four and lot number five, to the water's 36 edge; thence, across the bay to the line between lots numbers seventeen and eighteen, 38 in the concession south-east of the carrying place; thence, along the water's edge to the 40 limits between lots numbers nineteen and twenty, in the said concession; thence, along 42

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the line between the said lots numbers nine-  
 2 teen and twenty, fifty-five chains; thence, at  
 right angles across lots numbers twenty,  
 4 twenty-one and twenty-two in the last men-  
 tioned concession; thence, along the line of  
 6 the south-west side of the said lot number  
 twenty-two, to the front of the lot; thence,  
 8 along the line on the east side of lot number  
 twenty-four in the third concession of the  
 10 Military tract, in a southerly direction  
 twenty-five chains; thence, at a right angle  
 12 across the said lot number twenty-four, and  
 lots numbered twenty-three and twenty-two,  
 14 thence along the westerly side of the said  
 lot number twenty-two to lot letter A,  
 16 including the harbour in the above men-  
 tioned boundaries—

18 And divided into three wards, in the fol-  
 lowing manner, that is to say:

20 All that part of the said town of Picton  
 situated west of Elizabeth street, shall be  
 22 and compose the first ward; and that  
 part of the town lying east of the said  
 24 Elizabeth street, and north of the bay,  
 shall be and compose the second ward;  
 26 and all that part of the said town lying on the  
 south side of the bay, shall be and compose  
 28 the third ward.

11. PORT HOPE—To consist of all that  
 30 part of this province situate within the  
 county of Durham, and lying within the  
 32 following limits, that is to say:

Composed of lots numbers four, five, six,  
 34 seven, and eight, in the first concession, in  
 the township of Hope, and the broken fronts  
 36 of the said lots—

And divided into four wards, in the fol-  
 38 lowing manner, that is to say:



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All that block of land south of Walton street and west of Port Hope river, shall comprise the first ward; and all that part of the town east of the river, and south of a line to be run due east from the centre of the bridge across the river at the termination of Walton street, shall compose the second ward; and all that part of the town east of the river, and north of the aforesaid line, shall compose the third ward; and all that part of the town north of Walton street and west of said river, shall compose the fourth ward.

12. PRESCOTT—To consist of all that part of this province situate within the county of Grenville, and lying within the following limits, that is to say:

Commencing at the south-eastern angle of the township of Augusta; thence, north, twenty-four degrees west to the rear of the first concession of the said township; thence, south-westerly, along the said concession line to the limit between the east and west half of lot number five in the first concession of Augusta aforesaid; thence, south, twenty four degrees east to the river St. Lawrence; thence, north-easterly, along the water's edge to the south-eastern angle of the said township to the place of beginning, and shall take in so much of the waters of the river St. Lawrence and the land under the wharves and buildings built in such waters, as lie within three hundred yards in every direction of the waters' edge in front of the present limits of the said town—

And divided into two wards, in the following manner, that is to say:

All that part of the town on the east side of the street called Centre street, leading from the river St. Lawrence to the rear

## SCHEDULE B.

## TOWNS.

line of the said town, shall compose the  
2 east ward ; and all that part of the town  
on the west side of the aforesaid street cal-  
4 led Centre street, shall compose the west  
ward.

6 13. SAINT CATHERINES—To con-  
sist of all that part of this province situate  
8 within the county of Lincoln, and lying  
within the following limits, that is to say :

10 Commencing at the south-east angle of  
lot number fifteen, in the fifth concession of  
12 the township of Grantham, on Charles  
Roll's farm ; thence, south-westerly, along  
14 the rear of the said fifth concession, one  
hundred and thirty-five chains, more or less,  
16 crossing the Welland at Ranney's mills, to the  
western limit of the Welland canal lands ;  
18 thence, southerly and easterly, along the Wel-  
land canal boundary until it intersects the  
20 allowance for road between the sixth and  
seventh concessions ; thence, south, sixty  
22 five degrees west along the rear of the sixth  
concession, to the limit between lots num-  
24 bers nineteen and twenty ; thence, south,  
crossing the main road to Hamilton, five  
26 chains ; thence, north, sixty degrees east,  
more or less to lot number sixteen, in the  
28 seventh concession ; thence, north, along the  
east side of the allowance for road between  
30 lots sixteen and seventeen to the allowance  
for road between the sixth and seventh con-  
32 cessions ; thence, north, sixty-five degrees  
east along the said allowance to the Welland  
34 canal ; thence, across the canal in a direct  
line to intersect the allowance for road bet-  
36 ween lots numbers fourteen and fifteen, in  
the sixth concession, on the north bank of  
38 the canal ; and thence, north, along the east  
side of the said allowance, more or less, to  
40 the place of beginning—

## SCHEDULE B, &amp;c.

## TOWNS.

And divided into four wards, by the names of ward number one, ward number two, ward number three and ward number four; with the limits heretofore assigned to the said wards respectively by the Board of Police of the said Town.

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## SCHEDULE C.

## CITIES.

1. HAMILTON—To consist of all that part of this province situate within the county of Wentworth and lying within the following limits, that is to say:

10

Commencing at the north-east corner of lot number twelve, in the township of Barton, on the waters of Burlington Bay; thence, following the line between the said lots numbers eleven and twelve, in a southerly direction to the rear of the third concession of the said township of Barton; thence, along the said concession, westerly, to the intersection of the line between lots numbers twenty and twenty-one of the said township; thence, in a northerly direction following the said line between the said lots numbers twenty and twenty-one until it reaches the Marsh at the head of Burlington Bay; thence, along the southerly and easterly margin of the said Marsh to the waters of Burlington Bay; thence, along the southerly margin of Burlington Bay, to the place of beginning, including the several Road allowances along the said boundary, and the harbour in front of the said town.

And divided into five wards in manner following, that is to say:

That the continuation of the street now known in the said town as King street to the

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## SCHEDULE C.

## CITIES.

easterly and westerly limits of the said city,  
 2 shall, together with the said King street, be  
 called King street, and all that part of the  
 4 said city lying south of King street, and west  
 of John street, shall compose the first ward  
 6 and shall be called Saint George's ward ;  
 all that part lying south of King street, and  
 8 east of John street, shall compose the  
 second ward, and shall be called Saint  
 10 Patrick's ward ; all that part lying north of  
 King street and east of John street shall  
 12 compose the third ward, and shall be called  
 Saint Lawrence's ward ; and all that part  
 14 lying north of King street, and between  
 John and Macnab streets shall compose the  
 16 fourth ward, and shall be called Saint  
 Andrew's ward ; and all that part of the  
 18 said city lying north of King and west of  
 Macnab streets shall compose the fifth  
 20 ward, and shall be called Saint Mary's  
 ward, of the said city.

22 2. KINGSTON—To consist of all that  
 part of this province situate within the  
 24 county of Frontenac and lying within the  
 following limits, that is to say :

26 Commencing at a point on a line pro-  
 duced five hundred feet from the shore  
 28 in the direction of the westerly side line of  
 the road running from the front through or  
 30 near the centre of lot number twenty, in  
 the first concession of the township of  
 32 Kingston, in the said county of Frontenac ;  
 thence, in a direct line, to the said westerly  
 34 side of the said road, and along the said  
 side to the north side of Union street ;  
 36 thence, east, to the centre of the said lot  
 number twenty ; thence, north, along the  
 38 said centre, to the front of the second con-  
 cession of the said township ; thence on  
 40 the northerly side of the concession road to  
 the south-easterly angle of lot number  
 42 twenty-four in the said second concession ;

## SCHEDULE C.

## CITIES.

thence, north, on the westerly side of the road, to a point directly opposite the boundary line dividing lots numbers two and three, on the west side of the great river Catarauqui: thence, along the said division line, to the waters' edge of the great river Catarauqui, thence in prolongation of the said division line across the said river to the waters' edge on the easterly side thereof, and along the water's edge at low water mark, to the extreme south-westerly point of Point Frederick, in the township of Pittsburgh; thence, southerly, parallel to the westerly boundary line of the said town, as hereinbefore set forth, to the distance of five hundred feet from the said south-westerly point of Point Frederick; thence, westerly, in a right line, to the place beginning—

And divided into five wards called respectively—Sydenham ward, Ontario ward, Saint Lawrence ward, Frontenac ward, and Catarauqui ward.

Sydenham ward consisting of all that part of the said city lying westward and southward of a line drawn from the foot of William street through the centre of the said street to the limits of the said city; Ontario ward consisting of all that part of the said city lying between the last mentioned line of Sydenham ward and a line drawn from the foot of Brock street through the centre of the said street to the limits of the said city; Saint Lawrence ward consisting of all that part of the said city lying between the last mentioned line of Ontario ward and a line drawn from the foot of Princess street, through the centre of the said street to the limits of the said city; Catarauqui ward consisting of all that part of the said city lying eastward and northward of a line drawn from the foot of

## SCHEDULE C.

## CITIES.

Princess street through the centre of said street to Montreal street; thence, through the centre of Montreal street aforesaid, and across the Artillery Reserve, to the present travelled road known as the "Montreal Road;" thence, through the centre of the said road to the limits of the said city; Frontenac ward consisting of all that part of the said city lying northward of the last mentioned line, running through the centre of Montreal street and the Montreal road to the city limits, and northward and eastward of a line extending from Montreal street (where it intersects Princess street) through the centre of Princess street, to the limits of the said city.

3. TORONTO, the City and Liberties thereof—To consist of all that part of the province situate within the county of York, and lying within the following limits, that is to say:

Commencing at the distance of one chain, on a course, south, sixteen degrees east from the south-westerly corner of lot number two, in the first concession, from the Bay in the township of York, in the County of York; thence southerly, in the direction of the side line between lots numbers two and three, in that concession, to the distance of five hundred feet from the point at which the said line intersects the margin of the water on the shore of Lake Ontario; thence, westerly, through the waters of Lake Ontario, following the direction of the curvatures of the shore, and keeping always at the distance of five hundred feet from the margin of the water till the point is attained, which is five hundred feet from the north-westernmost point of the Island or Peninsula, forming the harbor; thence, across the Bay or harbor of York, to a point where a line,

## SCHEDULE C.

## CITIES.

drawn southerly from the north-easterly corner of Park lot number twenty-nine, in 2  
the said township of York, in the direction  
of the easterly boundary line of the said 4  
Park lot, intersects the margin of the  
water on the shore of Lake Ontario; 6  
thence, northerly, in the direction of the  
said line so drawn from the said corner of 8  
the said Park lot through the said corner, to  
the point at which the said line so drawn 10  
through the said corner intersects the north-  
erly boundary line of the allowance for 12  
road between the Park lots and the second  
concession from the Bay in the said town- 14  
ship of York; thence, easterly, along the  
said northerly boundary line of the said 16  
allowance for road, to the easterly shore or  
water's edge of the River Don; thence, 18  
southerly, along the water's edge, on the  
eastern side of the said river, to the point 20  
where the said water's edge intersects the  
southerly boundary line of the allowance 22  
for road, in front of the said first conces-  
sion; thence, easterly, along the southerly 24  
boundary line of the allowance for road,  
in front of the said first concession, to the 26  
place of beginning—

The said city to consist of all that 28  
part of the tract of land above described ly-  
ing within the following limits, that is to say: 30

Commencing at the distance of one chain,  
on a course north, seventy-four degrees east, 32  
from the south-east angle of Park lot num-  
ber three, in the said township of York: 34  
thence, south, sixteen degrees east, upon a  
continuation of the allowance for road be- 36  
tween Park lots numbers two and three to  
the water's edge of the Bay in front of the 38  
said city; thence, westerly, along the water's  
edge of the said Bay to the point at which 40  
the westerly limit of the allowance for  
road between Park lots numbers eighteen 42

## SCHEDULE C.

## CITIES.

and nineteen, in the said township of York,  
 2 being produced southerly, intersects the said  
 water's edge; thence, northerly, in the di-  
 4 rection of the said westerly limit of the said  
 allowance for road to the distance of four  
 6 hundred yards north of the northerly boun-  
 dary line of Queen-street; thence, easterly,  
 8 parallel to Queen-street to the easterly  
 boundary line of the allowance for road  
 10 between Park lots numbers two and three;  
 thence, south, sixteen degrees east, along the  
 12 easterly boundary line of the said allow-  
 ance for road, four-hundred yards, more or  
 14 less, to the place of beginning. And the re-  
 mainder of the said tract, to constitute the  
 16 Liberties of the said city.

The said City to be divided into six  
 18 wards to be called respectively, the wards of  
 St. James, St. David, St. Lawrence, St.  
 20 George, St. Andrews and St. Patrick, and to  
 comprise the following portions of the said  
 22 City respectively, that is to say:

The said ward of St. James to comprise  
 24 all that part of the said city, lying between  
 the northerly boundary line of King street  
 26 east, the westerly boundary line of Yonge  
 street, the easterly boundary line of Nel-  
 28 son street, and the northerly boundary line  
 of Queen street east.

30 The said ward of St. David to comprise  
 all that part of the said city lying to the  
 32 eastward of the westerly boundary line of  
 Nelson street, and to the north of the  
 34 northerly boundary line of King street east.

The said ward of St. Lawrence to com-  
 36 prise all that part of the said city lying  
 to the southward of the northerly boundary  
 38 line of King street east, and to the eastward  
 of the westerly boundary line of Yonge  
 40 street;



## SCHEDULE C.

## CITIES.

The said ward of St. George to comprise all that part of the said city, lying to the southward of the northerly boundary line of King street, and to the westward of the westerly boundary line of Yonge street.

The said ward of St. Andrew to comprise all that part of the said city lying between the northerly boundary line of King street east, and the northerly boundary line of Queen street east, and west of the westerly boundary line of Yonge street.

And the said ward of St. Patrick to comprise all that part of the said city lying to the north of the northerly boundary line of Queen street west, and west of the westerly boundary line of Yonge street.

And so much of the Liberties of the said City as lies to the southward and eastward of the St. Lawrence ward, shall be and is hereby attached to the St. Lawrence ward; so much thereof as lies to the northward and eastward of the St. David's ward, shall be and is hereby attached to the said St. David's ward; so much thereof as lies to the northward of the said St. James's ward, shall be and is hereby attached to the said St. James's ward; so much thereof as lies to the southward and westward of the St. George's ward, shall be and is hereby attached to the said St. George's ward; so much thereof as lies to the westward of the St. Andrew's ward, shall be and is hereby attached to the said St. Andrew's ward; and so much thereof as lies to the northward and westward of the St. Patrick's ward, shall be and is hereby attached to the said St. Patrick's ward; the limits between the respective portions of the said Liberties hereby attached to the different wards of the said City being ascertained by the extension of

## SCHEDULE C., &c.

### CITIES.

the boundary lines between the said wards, 2 respectively, through the said Liberties, except the boundary line between the portions hereby attached to the St. Lawrence ward, and that hereby attached to the St. 6 David's ward, which shall consist of the northerly boundary line of King street east. 8 to the River Don.

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## SCHEDULE D.

TOWNS WITH MUNICIPALITIES ONLY, OR WITHOUT ANY MUNICIPAL ORGANIZATION:

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### FIRST DIVISION.

- |                  |                  |
|------------------|------------------|
| 1. Amherstburgh. | 5. Peterborough. |
| 2. Chatham.      | 6. Simcoe.       |
| 3. Guelph.       | 7. Woodstock.    |
| 4. Perth.        |                  |

### SECOND DIVISION.

- |               |               |
|---------------|---------------|
| 1. Barrie.    | 4. Queenston. |
| 2. Goderich.  | 5. Sandwich.  |
| 3. L'Orignal. |               |