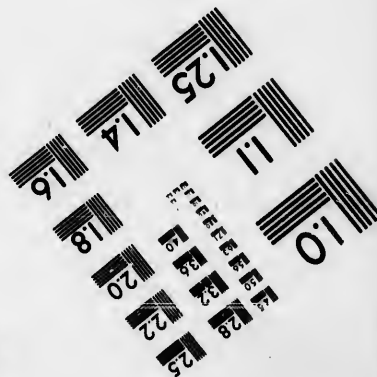
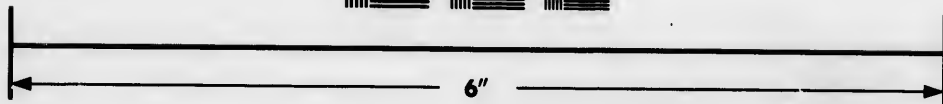
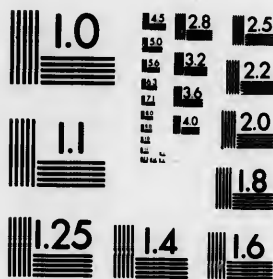


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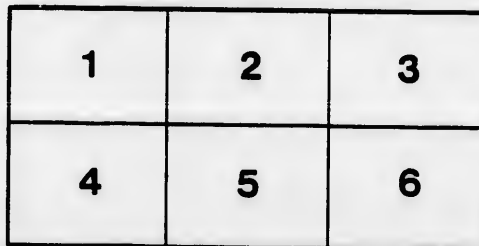
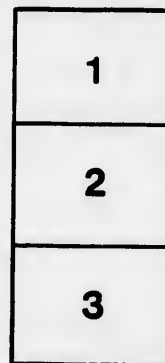
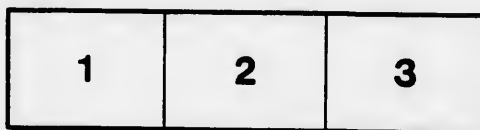
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INSTRUCTIONS

FOR

TOWNSHIP OFFICERS,

COMPILED FROM

THE BY-LAWS OF THE WESTERN DISTRICT,

AND OTHER SOURCES.

BY JAMES M. COWAN, DISTRICT CLERK.

SANDWICH.

1847.

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SCHOOL TRUSTEES, SCHOOL HOUSES, &c.

All the heretofore called Common School Districts on record in the Western District, are now called School Sections, according to the Statute in such case made and provided. By-Law.
Feb. 1847.

In each and every instance when it shall be deemed necessary by any portion of the inhabitants of a School Section to make any alteration, or make any new Section from one or more Sections, it shall in such case be the duty of the Trustees of such School Section, or of any of the inhabitant householders residing within the said Section, to put up, in the most public places of such School Section or locality, at least twenty-one days before the meeting of the Council, three notices, in which shall be stated the limits of the proposed new Section, or the alterations intended in any old Section; and that application will be made at the next sittings of the District Council for authority so to make or alter the same. do

Whenever it may be necessary that the Trustees of any School Section should raise a sum exceeding the amount of ten pounds, for the purpose of building, repairing, or furnishing any school-house, it shall be the duty of the said Trustees to put up a notice in at least three of the most public places, not less than twenty-one days before the meeting of the Council, within the said School Section, in which said notice shall be stated the amount and for what purposes the same is to be expended, and that they intend to apply to the Council at its next session for a By-Law for raising the same. do

Before it shall be lawful for any School Trustees for any School Section in the Western District to procure a By-Law for the purposes aforesaid, it shall be the duty of the said Trustees to prepare and exhibit, for the approval of the District Council, a plan and specification of the proposed building, an estimate of the probable cost of the said building and its appendages, and the do

COLLECTORS.

sum required to be raised by such By-Law, together with a description of the school site and the title had or to be had thereto.

Before the Trustees of such School Section shall make any rate bill for the purpose of building, repairing, or furnishing any schoolhouse, or for the purchase of any school site, they shall procure from the Township Assessor, who is required to furnish the same, at the rate of 2s 6d, currency, for every fifty names on the list furnished, a certified list of all real and personal property in the said School Section subject to assessment according to law in such case made and provided, and according to the then last assessment roll; and such rate shall be after the following manner, that is to say—that when the rate is one penny per acre, it shall be one penny in the pound on all chattel property, and so in proportion, more or less; and that the same shall be collected according to the power given to the Trustees under the statute in such case made and provided: *Provided always*, That no more than one rate be, for the purposes by this By-Law provided for, imposed within the year; and that no petition shall be receivable under the provisions of this By-Law, which shall be signed by any other than the residents within such School Section or locality.

All By-Laws heretofore passed under and by virtue of previous School Acts, are repealed.

COLLECTORS.

By-Law,
May, 1842.

The District Clerk shall extend the collection rolls in all cases. When the District Council shall have, by any By-Law, directed any rate, toll or assessment for the purpose of defraying the expenses of said District, to be levied to or for any police or corporate town or city, now or hereafter to be erected in the said District, it shall and may be lawful for the District Clerk, under the direction and supervision of the Warden, to divide and appropriate the same upon each and every person in the said assessment lists or rate rolls named, being liable to pay rates, according to their rateable property, real and personal, in accordance with any law of this Province now or hereafter to be made for that

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COLLECTORS.

purpose; and having ascertained the quota, dividend or sum of money for which every person is so assessed for the current year; the District Clerk shall transmit forthwith a certified copy of such assessment roll so rated and ascertained as aforesaid, to each and every collector within the District; and such certified copy shall be to each and every collector sufficient authority for collecting the proportions or dividends within his township.

Each and every collector in this District, so soon as he has received his collection roll, shall proceed with all due diligence to make his collections, and shall, at the end of each quarter from the receipt of his collection roll, transmit to the treasury all moneys collected by him up to that period; and in case of non-payment of such moneys so collected by such collector during the intervals between such periods, at the end of each quarter as aforesaid, the said collector shall be liable to, and shall forfeit, a sum of not less than five shillings nor more than five pounds, to be recovered before any two justices of the peace, as required by law.

By-Law,
May, 1848.

In all cases where such collector shall have paid in the amounts collected by him at the periods aforesaid, but shall not finally pay the balance due for amounts collected for the last period, nor completely close his accounts with the Treasurer by producing the necessary vouchers on or before the said ordinary period required by the Provincial Statute, he shall forfeit a like penalty, to be recovered in like manner as is last before mentioned.

do

The Collector must lodge his bond with the Treasurer before the July Quarter Sessions. ^{1 Vic. 21 § 15}

Having lodged his bond, he must apply to the District Clerk for the Collection Roll. ^{§ 17.}

The District Council may authorize the collector to collect the arrears of the previous year. <sup>1 Vic. 21 § 40
4 & 5 Vic. 10</sup>

If any person, rated in the assessment roll, shall refuse or neglect to pay his rate for fourteen days after demand duly made, the collector may obtain a distress warrant from a magistrate, at any time after the first Monday in November. <sup>1 Vic. 21 § 40
§ 19</sup>

The collector is authorized to execute the warrant, and sell the goods and chattels, giving eight days notice of the sale, in three public places in the township, and he may retain out of the money arising from the sale, besides the amount of the rate, the sum <sup>§ 46.
§ 54.</sup>

of three shillings and nine pence, as his fee for making the distress, advertising and selling.

§ 10. If the occupant of any house, farm or tenement, shall have left the township, the collector may recover from the owner such part of the rate as is assessed upon the house or land, provided it is demanded fourteen days before the second Monday in December. And he may recover from the tenant the whole rate, although such tenant may have left the township.

§ 10. If the collector has not demanded the rate from any person assessed at least fourteen days before the thirty-first of January, he is liable himself for the amount, and cannot claim abatement, by reason of his inability to collect the rate; but he may, nevertheless, recover the amount from the person rated.

50 Geo. III. 7 § 2. If any person shall bring a stone horse, covering mares for hire, into a township, after the assessment for the year has been made, the collector may, nevertheless, demand the rate for such horse, as if it had been duly returned on the assessment roll, unless the owner satisfy him, that the rate has been paid elsewhere.

6 Will. IV. 29 The collector must receive a certificate for the killing of a wolf, at the rate of thirty shillings, in the payment of rates.

1 Vic. 21, § 18 He is entitled to retain out of the rates collected, the following sums per centum upon the amount of his collection, viz :

| | | | |
|-------------------------------|------|-------------------------------|------|
| If the rate is below £50..... | £8 0 | Above 150 and under £200..... | £7 0 |
| Above 50 and under 100..... | 7 10 | Above 200 and under 250..... | 6 10 |
| Above 100 and under 150..... | 7 5 | Above £250..... | 5 0 |

4 & 5 Vic. 10 When an election for Councillor is to take place at any approaching township meeting, the collector is required to furnish the township clerk, at least six days before such meeting, with a certified list of all the inhabitant householders and freeholders, entered on the last assessment roll.

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Chap. xciii.—4 & 5 Victoria.

By the above act the following coins are a legal tender for the sums set forth in the following table, and received and paid out by the Treasurer at such value.

CURRENCY TABLE.

| | £. | s. | d. |
|---|----|----|----|
| British Sovereign and Pound Sterling, | 1 | 4 | 4 |
| United States Eagle, coined before July 1st, 1834, and weighing 11 dwts. and 6 grs. troy, | 2 | 13 | 4 |
| Do. do. coined after the above date, and before the year 1841, and weighing 10 dwts. 18 grs. troy, | 2 | 10 | 0 |
| Multiples or divisions of the above coins, of pro- portionate weight, to pass for proportionate sums. In a payment above £50, if required by either party, the gold coins of Britain, and the gold coins of the Uni- ted States coined before July 1st, 1834, to be a legal tender at the rate per ounce troy, | 4 | 14 | 10 |
| Milled dollar of Spain, dollar of the United States, Peru, Chili, Central America, and the States of South America and Mexico, weighing 17 dwts. 4 grs. troy, to be a legal tender to any amount, | 0 | 5 | 1 |
| Half dollars of the above proportionate weight, to be a legal tender to any amount, at | 0 | 2 | 6½ |
| Quarter dollars as above, 1s. 3d., eighth do. 7 1-2d., sixteenth do. 3 1-2d. The three last mentioned coins are only a legal tender to the amount of | 2 | 10 | 0 |
| French five-franc piece weighing 16 dwts., a legal tender to any amount at | 0 | 4 | 8 |
| British crown 6s. 1d.; British half crown 3s. 1-2d.; British shilling 1s. 2 3-4d.; British sixpence 7d. 3-10th. (The four last mentioned are only a legal tender to the amount of | 2 | 10 | 0 |

ASSESSORS.

The assessors for each and every town and township of this District, when ordered by the Council, in assessing said towns and townships, shall place on the assessment rolls the names of

By-Law,
Nov. 1842.

each person liable to assessment under separate heads, according to the locality or school division in which he shall reside and is liable to be assessed, with the number of such school division or locality legibly placed at the head of the same in rotation.

The District Clerk shall furnish the assessors aforesaid with correct descriptions of the school divisions and localities, to enable them to comply with the above provision.

By-Law,
Feb. 1843.

When any rate or assessment which is now, or may hereafter be imposed by any By-Law, shall be in force, and ought to be collected in the year for which the same may be imposed upon any piece, parcel or tract of land in the Western District, shall, from any cause, be suffered to remain in arrear and unpaid after the end of the present year in which the same became first payable, the assessment on the same in force, under and by virtue of such by-law so remaining in arrear and unpaid, after the end of such year, shall be increased the further sum of one half penny per acre on the amount of the rate and assessment of such year.

By-Law,
Feb. 1846.

It shall be incumbent upon all persons to make a true return to the Assessor or Assessors of their respective townships, when required so to do, of *all* dogs owned by them; and in case of neglect or refusal to make such return, the person so refusing shall be subject to a fine of not more than five pounds, nor less than five shillings, to be collected in the same manner as other fines and forfeitures are collected for neglect or refusal to make a true return of their rateable property by statute law; and that all such fines and forfeitures shall be applied towards the repairs of the roads and bridges in the several townships in which the same may be collected, in like manner as is provided for the expenditure of money for such purposes by the By-Law chapter three of the seventeenth session.

By-Law,
Oct. 1846.

It shall be the duty of each and every assessor for the several townships of the Western District to put up, before sending the original roll to the clerk of the peace, at the door of the several school houses in each township, a list or roll of the rate payers, with the amount of property they have severally returned to him as assessor in and for such school section. And where there is no school house in any section, he shall put up the list in the most public place in such section: *Provided, nevertheless*, That the said assessor shall still be required to put up and exhibit as

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provided by statute, a full copy of the assessment roll transmitted to the Clerk of the Peace.

For the aforesaid lists each assessor shall receive, in addition to what he is now entitled to receive by statute or by-law, the sum of one shilling three pence currency for each portion of his assessment roll so put up.

The Assessor must apply to the District Clerk for blank forms, in which to enter his assessment. § 10

He must make out his roll between the first Monday in January and the April Quarter Sessions. § 14.

He must make personal application to each rateable inhabitant in the Township, and demand from him a true list of all his land, tenements, and rateable personal property, which, together with his own property, he must enter correctly on his Assessment Roll. § 14.

If he has reason to believe, that any person is giving him a false or incorrect return of his property, he must nevertheless take the return as given to him; but he is, in that case, bound to report such person to a Magistrate, at least fourteen days before he returns his roll to the Clerk of the Peace. § 14.

He must affix, at some conspicuous place in the Township, a correct copy of his roll, and lodge another copy with the Township Clerk. § 14.

He must, at the time of making his assessment, make out a census roll in the following form: § 15.

| Names of families. | Number of each family. | | | | | | Deaf & Dumb | Insane | Religion |
|--------------------|-------------------------|----------------|----------|-------------------------|----------------|----------|-------------|--------|----------|
| | MALES. | | | FEMALES. | | | | | |
| | under 5 y ^{rs} | between 5 & 16 | above 16 | under 5 y ^{rs} | between 5 & 16 | above 16 | | | |
| | | | | | | | | | |

He must make out a list of all lands in the Township, which are not included in the Assessment Roll. § 41.

He must return to the Clerk of the Peace his Assessment Roll, signed and verified upon oath, the Census Roll, and the list of lands, before the April Quarter Sessions. § 14.

The Assessor having returned his Roll according to law, is en- § 10.

titled to receive from the Treasurer the following sums per centum according to the amount of the assessment, viz :

| | | | |
|-------------------------------|------|-------------------------------|-------|
| If under £50..... | £7 0 | Above 200 and under £250..... | £4 15 |
| Above 50 and under £100..... | 6 10 | Above 250 and under £300..... | 4 5 |
| Above 100 and under £150..... | 6 0 | Above 300 and under £350..... | 4 0 |
| Above 150 and under £200..... | 5 5 | Above 350..... | 3 10 |

4, 5 V. 45 § 4. The Assessor in every fifth year will receive from the Warden two blank forms for the Government Census, which he must fill up by personal inquiry at each house, and return the same to the Warden, verified upon oath.

§ 5. He may demand the necessary information from any member of the family above twenty-one years of age, and if they refuse to answer, or he has reason to believe their answer to be incorrect, he must report them to a Magistrate.

§ 8. An Assessor neglecting to make a return, or making a false one, is liable to a fine of £25.

§ 9. The Assessor, for making out the Government Census, is entitled to demand from the Treasurer one quarter of the amount, which he receives for making the ordinary assessment.

The following instructions will be a guide in doubtful points,
—A house with two rows of windows in the front is a two storied house.

A house must be taken to be built of such materials, as the principal part of such house is built of.

A log house clap-boarded or plastered is, nevertheless, only a log house.

50 Geo. III. 7 § 2. All fire-places above two are additional fire-places and must be counted, whether in use or not.

§ 2. A stove in any room without a fire-place is counted an additional fire-place.

A store and dwelling house in one building are to be both rated separately.

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 300.....4 5
 350.....4 0
3 10

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COUNCILLORS.

The Councillor for each township, &c. is authorized to super-^{By-Law, 14 May, 1842.} intend, oversee and direct, within the township, all matters heretofore (before May 14, 1842,) under the direction of the justices within the same; and which now or hereafter may be placed under the supervision of any person or persons, respecting all roads, streets, bridges, and matters and things connected therewith, whether for the performance of statute labor, or the expenditure of any moneys, which may, by any law, be appropriated for that purpose.

Each Councillor, for each township, must make a correct and clear aggregate return to the council, on the last sitting of the council in each and every year. ^{do} Penalty for neglect, not less than five nor more than twenty shillings.

As often as it shall happen that any Councillor shall neglect to attend at the quarterly legal sitting of the council for this district, without a sufficient and reasonable excuse, he shall be liable to a fine of not less than five shillings, nor more than five pounds, to be prosecuted for by the District Clerk, and paid into the treasury in the usual manner. ^{By-Law, Feb. 1844.}

No such prosecution shall take place unless under a resolution of the Council.

District Councillors are allowed six shillings and three pence ^{By-Law, Oct. 1846.} per day for every day's actual attendance at the sessions of the council.

TOWNSHIP CLERKS.

The township clerks must, on or before the first day of November, in each and every year, make a true, sufficient and clear ^{By-Law, 14 May, 1842.} return, duly signed by them, to the Councillor for their townships, reputed townships or places, embodying all the returns furnished by the said pathmasters, which return shall contain all moneys

received by the township clerk from magistrates for fines, or from any other source whatever. Penalty for neglect, not less than five nor more than twenty shillings.

Blanks for these returns are furnished from the District Council Office.

By-Law,
14 Feb. 1842.

The Warden of the district is authorized to issue his warrant, in favor of the township clerks of the several townships, for the several amounts paid into the treasury, for taxes of non-residents, in order that the several townships may have the benefit of the same; and the Councillors for the respective townships shall be advised with in the disposition of the same, by the person or persons having a right to direct and lay out the same, which said sums shall be accounted for as by law directed in that behalf.

do

All moneys in the hands of township clerks for fines under the trespass acts, are subject to the same authority and disposition as is mentioned in the preceding clause.

By-Law,
Nov. 1842.

The town clerks of the several townships shall make returns to the district clerk, after the township elections, in each and every year, of all persons chosen to fill any township office in this district; the said returns to be in addition to, and made in the same form, and at the same time, as returns are now made to the clerk of the peace.

By-Law,
Oct. 1846.

It shall be the duty of the clerk of each and every township, after the receipt of the general statute labor list for his township, to furnish to the respective pathmasters of his township, on application, and free of charge, a list of all persons liable to perform statute labor in their several divisions, and of the number of days labor that each person has to perform, as shown by the general list.

do

In addition to the names shown on the general list, as belonging to any particular division, he shall add the names of such persons as the pathmaster shall report as being liable to duty, but whose names do not appear on the general list, by reason of their not having been placed on the assessment roll.

do

In case any township clerk neglects or refuses to furnish said division lists, he shall, for each and every offence, forfeit and pay a sum not less than five shillings, nor more than one pound, with costs, to be recovered under the provisions of the By-Law, chapter five, session three.

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The township clerk, upon receiving a warrant from two magistrates, shall issue a notice, to be affixed at three public places in the township, giving at least six days previous notice of the township meeting, and if he has received no warrant ten days before the meeting, he should apply to the two nearest magistrates to issue one. 1 Vic. 21, § 3.

The township clerk's notice should be in the following form:

"Whereas, by virtue of a warrant from A. B. and C. D. Esquires, two of her Majesty's Justices of the Peace, I am required to assemble the inhabitants of the township of _____, on Monday, the _____ day of January next, for the purpose of choosing and nominating township officers for the ensuing year. Notice is hereby given, that the annual township meeting of the township of _____, will be holden at _____, on Monday, the _____ day of January next, at the hour of _____ o'clock, accordingly. And be it known, that the meeting to be held in pursuance hereof, is called in conformity with the provisions of the act of Parliament, of the seventh year of her Majesty's reign, chapter seven, intituled "*An Act to provide for the calling and orderly holding of public meetings in this Province, and for the better preservation of the public peace thereat;*" and the said meeting, and all persons attending the same, will therefore be within the protection of the said act, of all which premises, all manner of persons are hereby, in her Majesty's name, most strictly charged and commanded, at their peril, to take especial notice, and to govern themselves accordingly. § 3
7 Vic. 7 § 4.

E. F., Township Clerk.

Dated this _____ day of _____"

If the township clerk shall receive a warrant from a magistrate, or the warden, directing him to call an extraordinary meeting of the township, for the purpose of electing a Councillor, he must issue a similar public notice. 4 & 5 Vic. 10
§ 18 & 19.

The township clerk presides at meetings of the township until a chairman is chosen. 1 Vic. 21 § 2.

He must keep a record of all the proceedings at the township meetings, which record, together with all other papers, moneys, and property belonging to the township, are to be by him handed over to his successor. § 7.

He must allow free access to examine the records, to any in- § 37.

same to the district auditors, to be by them examined and approved of.

He must make out a list of all the persons in his township liable to perform statute labor, showing the number of days every person is liable to work, from which list the overseers have authority to make extracts. 1 Vic. 21 § 21

He must furnish to a magistrate in the vicinity, on or before the first of December, a list of overseers of highways, who have not passed their accounts. 1 Vic. 21 § 31

TOWNSHIP OFFICERS.

(GENERAL PROVISIONS.)

In the case of the death or departure from this district of any township officers, without having complied with the requisitions of the township officers' act, the District Council shall appoint others in their stead, in the same manner as they would have been appointed by the justices, where such officers had not taken their declaration of office. Upon receiving reasonable proof, on oath, of such death or departure only, without enforcing any fine. By-Law, Aug. 1842.

In all cases of nonfeasance, or neglect of duty, by any township or district officer—in all cases of misfeasance, or misdoing by any such officers—in all cases of malfeasance, or evil or improper doing, by any such officer, in any matter, order, duty or thing connected with and regarding the duties of any such offices as he may legally hold in the said district, or in any town or township thereof, without a reasonable or lawful excuse, any such officer, committing any such offence, shall be fined not less than the sum of five shillings, nor more than five pounds for each offence, with costs, to be levied as is specified in the acts in that behalf made and provided, by the clerk or the order of the council. do

And whereas, as it is necessary that the District Council, when assembled, should have the attendance of any of the district, township or town officers, to give information respecting their respective duties over which the council has control: when found necessary, the warden shall, on the order of the council, by a no- do

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tice under his hand, countersigned by the district clerk, require the attendance of any such officer before the said District Council, for which necessary attendance, such officer shall receive the sum of five shillings for every day's attendance before the council, and for every twenty miles going and returning; and in case of such officer refusing or neglecting to attend, (without a reasonable and legal excuse,) on such notice, he shall be subject to the penalties mentioned in this By-Law, to be recovered in the same manner.

do All such fines shall be paid into the treasury, for the general uses of the district; and a schedule of such fines shall be rendered by the treasurer to the council at its first session in each year.

By-Law,
Feb. 1842.

For the better execution of the duties of township officers, and to ensure proper checks on such officers, by effectually separating their offices, no person shall be elected for the same year, to hold for the same year, two or more offices in any township; and in case of any such election of any one person to such two or more offices, such second or other election shall be void; and acts done by such person in such second other capacity, by virtue of such second or other election, shall be deemed invalid and of none effect.

do All vacancies arising from such second or other elections being void, as aforesaid, shall be filled up according to the existing law, by the person or persons who previously held such second or other office for the preceding year: *Provided*, that such officer or officers of the preceding year shall not have been elected to hold any other township office for the same or current year; in which case, the Councillor or Councillors for the said township, are hereby empowered to fill up such vacancy or vacancies immediately, subject to the approval of the District Council, at its next meeting thereafter.

1 Vic. 21 § 5. No person is liable to serve a township office out of the township in which he resides. No magistrate is liable to serve. No person is liable to serve oftener than once in three years.

1 Vic. 21, § 5 When no township meeting is held, or for any other reason no new officers are elected, the officers of the previous year are obliged to continue to serve.

§ 9, § 36. Township officers must subscribe the following declaration within twenty days of their appointment, in default of which,

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or for subsequent neglect of duty, they are liable to a fine of five pounds :

"I, A. B. do sincerely promise and declare, that I will faithfully and diligently perform the duties of ——— for the township of ———, for the current year."

TOWNSHIP MEETINGS.

ANY township containing thirty inhabitant freeholders and ^{1 Vic. 21 § 6.} householders, may hold a township meeting, and any township, not having the requisite number of inhabitants, shall be taken to be part of such adjoining township, as the Magistrates granting the warrant for calling the meeting may deem most convenient.

Two Justices of the Peace must issue a warrant to the township clerk, at least ten days before the time of meeting, requiring him to assemble the inhabitant freeholders and householders of his township, on the first Monday in January, at 12 o'clock at noon, or if a Councillor is to be elected, at 10 o'clock, before ^{9 Vic. 40 § 1.}

At least eight days before the first Monday in January, the ^{1 Vic. 21 § 3.} township clerk must give public notice of the time and place of meeting; but if the township clerk neglects to issue the notice, the inhabitants may nevertheless assemble at the legal place of meeting, and having chosen a chairman, may proceed to business.

If there be an incorporated town, or town having police regulations, in any township, the township meeting shall not be held within the limits of such town. ^{§ 5.}

All township meetings shall be held at such place as may be ^{9 Vic. 40 § 2.} appointed by a By-Law of the District Council.

The township clerk presides at the meetings until a chairman is ^{1 Vic. 21 § 2.} chosen.

It is the duty of the chairman to commence the proceedings by ^{7 Vic. 7 § 10.} reading publicly the notice whereby the meeting was called.

If the notice is in conformity with the provisions of the public ^{§ 11.} meetings act, the chairman may cause any person interrupting or disturbing the meeting, to be removed; and may, by an instrument under his hand, on his own view, adjudge such person guilty

of such disturbance, upon which conviction, a magistrate may commit the offender.

§ 12. The chairman may command the assistance of the justices of the peace, constables and other persons, to preserve good order.

1 Vic 21 § 4. All questions at a township meeting are decided by a majority of the freeholders and householders present, above the age of twenty-one, and any person offering to vote, not being duly qualified, is liable to a fine of one pound.

4 & 5 Vic. 10 § 7. The township meeting shall first elect a Councillor or Councillors, if there be a vacancy.

1 Vic. 21, § 5. The meeting shall then elect a Township Clerk, an Assessor, a Collector, a sufficient number of persons to serve as Poundkeepers and Overseers of Highways, three Town Wardens, and not less than three nor more than twelve Fence-viewers.

1 Vic. 21 § 12. The meeting may pass By-Laws for regulating the period and manner in which cattle, horses and other animals may run at large; for imposing fines for the breach of such regulations; for the prevention of accidents by precipices, deep waters and other dangerous places; for the destruction of weeds detrimental to husbandry; for ascertaining the height and description of lawful fences; and for such other matters as may tend to promote the peace and welfare of the township.

STATUTE LABOR.

By-Law,
May, 1842.

The Municipal Councillor representing any township, reputed township, or place, is authorized to superintend, oversee and direct within the same, all matters heretofore under the direction of the justices within the same, and which now or hereafter may be placed under the supervision of any person or persons, respecting all roads, streets, bridges, and matters and things connected therewith, whether for the performance of statute labor, or the expenditure of any moneys which may, by any law, be appropriated for that purpose.

All pathmasters in this district, must, on or before the first day of October, in each and every year, make a clear return or list of labor laid out and expended in each division, together with a re-

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turn of all moneys expended by them, duly signed and sworn to before a magistrate; which return they shall file with the township clerk, on or before the time aforesaid.

In the return, the pathmaster must make a just, true and clear distinction between all those persons who do, and all those persons who do not, well and truly perform their statute labor. do

It shall and may be lawful, by and with the consent and appro-^{By-Law, Aug. 1842}bation of the councillors of the township, for the pathmasters and those who are liable to do statute labor under them, to complete the same at any time between the tenth day of May and the first day of October, in each year, in the same manner as is required by the existing, or hereafter to be made laws or By-Laws, and subject to the same penalties and provisions for neglect or non-performance of the same as may be contained now or hereafter in such laws or By-Laws: *Provided always*, that this extension of the time already fixed by law shall not be assented to by the councillor unless in cases of absolute necessity requiring the reservation of the statute labor for a longer period.

In case of the sickness or unavoidable absence of the pathmaster having the charge of such statute labor, he may, with the consent of the councillor for his township, appoint in his stead a fit person to superintend and lay out the same, by a writing under his hand and seal, during such sickness or unavoidable absence only, he being accountable for the acts of his said agent for the time being. do

In case that arrearages of statute labor shall remain, from any cause, without having been expended, or shall have been reserved for casualties, the same may, notwithstanding, be expended under the proper officers as aforesaid, at any time before the end of the year in which the same became due. do

The land owners in each township are enabled and empowered-^{By-Law, Feb. 1847}to compound for the statute labor by them respectively performed, for any time not exceeding five years, at a rate of two shillings and sixpence for each day's labor so by them respectively to be performed.

The said composition money shall be paid to and received by the pathmaster of each division of each township; and the said pathmaster shall expend and appropriate the said moneys in the several divisions in which the commutation money shall be paid, do

under the direction and supervision of the councillor or councillors of such township.

do It shall be competent for such councillor or councillors, to make out and define the manner and divisions in which the said statute labor shall be bestowed and performed, and to direct the laying out and performance of such statute labor within their own townships, except where town lines are concerned.

50 Geo. III. § 2. Every person included in the assessor's roll shall work on the highways in proportion to such assessment, after the following rate, viz:

| | | | |
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| If his property is rated at not more than £25, he shall work 2 days | | | |
| If more than £25 and not more than £50, | | " | 3 " |
| " 50, | " 75, | " | 4 " |
| " 75, | " 100, | " | 5 " |
| " 100, | " 150, | " | 6 " |
| " 150, | " 200, | " | 7 " |
| " 200, | " 250, | " | 8 " |
| " 250, | " 300, | " | 9 " |
| " 300, | " 350, | " | 10 " |
| " 350, | " 400, | " | 11 " |
| " 400, | " 450, | " | 12 " |
| For every £100 above £500 till it amount to £1,000 | | " | 1 " |
| " 200 " | 1,000 " | 2,000 " | 1 " |
| " 300 " | 2,000 " | 2,500 " | 1 " |
| " 500 " | 3,500 " | | 1 " |

§ 2. Every person possessed of a wagon, or cart, or a yoke of oxen, or team of horses, used to draw the same, shall work not less than three days.

3 Vic. 10. Every person above twenty-one years of age is liable to perform two days statute labor, whether he be on the assessment roll or not.

1 Vic. 21 § 9. Any person assessed under £25, who, by reason of age, sickness, or other misfortune, may be in indigent circumstances, may be relieved from statute labor by the town wardens.

§ 23. A day's statute labor consists of eight hours faithful work, exclusive of the time of coming and going.

§ 25. The work of a yoke of oxen or team, with a driver, counts as two days and no more.

ELECTION OF COUNCILLORS.

Any person neglecting, after due notice, to perform statute labor, or to send a sufficient substitute, or to furnish such carriage, team, or implements, as he may be possessed of, when duly called upon for them, shall forfeit five shillings for each day he shall so neglect, and he shall, nevertheless, be still subject to perform the labor at any time in the current year.

§ 7.

Persons failing to perform their agreement for compounding, are liable to the same penalty as those who neglect to perform statute labor.

1 Vic. 21 § 43

ELECTION OF COUNCILLORS.

The township meeting at which a Councillor is to be elected, shall commence at ten o'clock before noon.

9 Vic. 40, § 1.

Every township holding a township meeting, is entitled to elect one Councillor, and if there be three hundred persons assessed in the township, they may elect two Councillors.

A poll may be demanded by any candidate, or by three electors present, and such poll shall not be kept open longer than four o'clock in the afternoon.

§ 7.

9 Vic. 40 § 1.

It is the duty of the collector to furnish the township clerk, at least six days before the election, with a certified list of all the inhabitants entered on the last assessment roll, and no person, not on the roll, is entitled to vote; but if there be an equality of votes, the presiding officer, although he be not otherwise qualified, may give his casting vote.

§ 7.

Before proceeding to poll the votes, the presiding officer shall take and subscribe the following oath, before a justice of the peace of the district:

§ 8.

"I, A. B. do swear (or solemnly affirm,) that I have not, directly or indirectly, by myself, or any other person, received any fee, gift, gratuity, or reward, either in money or otherwise, or promise of any, as a consideration for my returning, or effecting the return of, any person as a member of the District Council of the Western District; that I will, to the best of my skill and ability, fairly, honestly and faithfully conduct the present election for the choice of a member (or members) of the said Council, and truly

NEW ROADS.

...the candidate (or candidates) who, at the final close, shall appear to have a majority of votes; and that I will use my best endeavors to preserve peace and order at such election, and to give all persons entitled to vote free and unmolested access to and from the poll."

§ 6. The township clerk may administer to any person, offering to vote, the following oath:

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

§ 7. The township clerk, or presiding officer, shall keep a poll list in the following form, and deliver the same to the Clerk of the Peace, immediately after the conclusion of such election.

| Names of Freeholders and Householders on the last Assessment Roll of the township of _____ | Names of the Candidates. | | | |
|--|--------------------------|-------|-------|-------|
| | A. B. | C. D. | E. F. | G. H. |
| John Bull..... | 1 | — | — | — |
| Patrick O'Neil..... | — | — | 1 | — |
| Dugald Scott..... | 1 | — | — | — |
| David Lloyd..... | — | — | — | 1 |

§ 9. The presiding officer is a conservator of the peace during the continuance of the poll, with power to swear in special constables; and he may, by notice in writing, require the attendance of any justice of the peace residing in the township.

§ 17. If the person elected as Councillor is not qualified, or refuses to serve, either of the justices who signed the warrant for the meeting at which he was elected, may issue another warrant, authorizing the township clerk to proceed to a new election, on a day named in the warrant, of which election the township clerk must give at least five days public notice.

§ 18. If a vacancy occurs from death, or other cause, the Warden issues his warrant, and the township clerk must give the like public notice of the meeting.

NEW ROADS.

By Law, Feb. 1842.

Before any application for amending or opening any new road in the district it is necessary that a requisition be first made to a surveyor of highways in and for this district, by at least twelve

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NEW ROADS.

inhabitant householders of the township through which said road is intended to pass, to survey and report thereon to the council; and said surveyor shall affix a public notice of the same in two or more conspicuous places of the said township, at least fourteen days previous to the then next meeting of the council, requiring all persons having objections to the said intended road, to oppose the same at the next quarterly meeting of the council; when the said application shall be made, in order that the council may have full information thereof.

Notwithstanding no opposition should be made to the said intended road, the council have not only full power and authority to enter into further examination of the necessity for said road, before any enactment concerning the same shall be passed, but have full power to direct such further petition, examination and report to be made to the council, by such person or persons as shall be by the council directed.

The council have full power to cause an estimate to be made of the compensation necessary, if any, to the person or persons through whose land the road shall pass, and receive such evidence of the same as shall be deemed necessary; and at the same time such land shall be so estimated, take into mature consideration how much such person or persons shall be benefitted or injured by such road, and by a By-Law, make such allowance or compensation as shall be considered just, to be raised, levied and paid in the same manner as other appropriations made by the council.

The person or persons applying by petition, or by motion, to the district council, for inspection and report on any new road, or the alteration or otherwise of any old road, through the district council to the district surveyor, (and they are hereby required to apply for the same by such petition or motion as aforesaid,) shall, upon being sufficiently notified by the said district surveyor, of the day on which he will commence his examination and work on such road, and the number of hands required, be prepared to meet such district surveyor, with the necessary number of able assistants, to be at such district surveyor's disposal until his survey be completed.

In case such applicants shall not be prepared with such necessary assistance, at such appointed time, the said district surveyor

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POUND KEEPERS.

shall be at liberty to employ such assistance at once, and survey such road at the expense of such applicant.

do By the fourth section of "A By-Law for establishing a uniform mode of application for alteration of old, and opening new roads," it is necessary that the reports of the surveyors of roads should be transmitted through the district surveyor, which is unnecessary; such reports shall and may be presented to the council by any member thereof.

do The surveyor of roads is authorized to act on the requisition of twelve inhabitant householders of one or more townships through which said road is intended to pass, or of townships adjoining thereto, either at the sides or angles.

do Such surveyor shall make, or cause to be made, a diagram of such proposed road, and in his report give the courses and distances, as well as the nature of the surface and locality of such road, with an affidavit attached thereto, (sworn to before a justice or commissioner,) that he believes the same to be correct.

do If the necessity and difficulty of the case require such assistance, the surveyor of highways is hereby authorized to employ a deputy provincial surveyor to ascertain by actual survey the locality for such road.

By-Law,
May, 1845.

The Councillor or Councillors, and the Wardens of the respective townships of the Western District, or the majority of them, are authorized to allow and pay for the surveys of roads hereafter to be laid out, and which shall be considered necessary, and confirmed by the Council, such sums as they may deem sufficient, out of the road funds in the hands of the township clerks.

POUND KEEPERS.

1 Vic. 21 § 32 A pound keeper must provide himself with proper enclosures. He must impound any cattle unlawfully running at large, or trespassing, which may be brought to him, and he must furnish them with necessary food and drink.

§ 31. If, within twenty-four hours, the person impounding the cattle shall not give to the pound keeper in writing, his demand for damages, the pound keeper may release them, upon payment of his fees.

If, within forty-eight hours after the animal is impounded, the claim and costs be not paid, the pound keeper shall immediately notify three disinterested farmers, resident in the township, to appraise the damages, and judge of the lawfulness of the fence. § 35.

The farmers so notified, must give in their award in writing to the pound keeper, within twenty-four hours, under a penalty of five shillings. § 35.

If, before the award is made, the owner shall tender for the damage an amount equal to what is afterwards awarded, the party claiming extravagant damages is liable for all costs incurred after such tender. § 34.

If, within forty-eight hours, the animal impounded be not claimed, and his lawful charges, and the amount of damage awarded, paid, the pound keeper shall affix in three public places in the township, for at least fifteen days, a notice of the time and place at which he will sell it, giving in such notice a description of the animal. If the costs and damages are not paid before, he shall then sell the animal, and after deducting the costs and damages, he shall return the overplus, on demand, to the owner. But if no owner appears within three months, he shall pay the overplus to the township clerk, to be expended upon the roads of the township. § 32.

If the animal is not claimed at or before the time of sale, and the owner is unknown, the pound keeper shall postpone the sale for forty days, at the expiration of which time, if not before redeemed, he shall proceed to sell, and dispose of the proceeds as before provided. § 33.

The owner of any animals which may not lawfully run at large, shall be liable for any damage done by them, whether the fences be lawful or not. § 35.

If an animal is impounded for running at large, contrary to the township regulations, the fine imposed is to be paid to the pound keeper; and as to the method of deciding in disputed cases, and of levying the fine and costs by the sale of the animal, the pound keeper must be guided by the same directions as are laid down in the case of a claim for damages; but the amount of the fine is to be paid by the pound keeper to the township clerk, to be expended upon the roads.

OVERSEERS OF HIGHWAYS.

- 1 Vic. 21, § 20 An overseer of highways shall, with the statute labor, or money which may be placed under his control, superintend and keep in repair, the roads in the division to which he may have been appointed by the Councillors and Magistrates of the township in special sessions.
- § 20. He must cause all statute labor, and money in commutation of statute labor, to be expended between the tenth of May and the twenty-fourth of July.
- § 20. He must make out, from the township clerk's list, an account of the number of days labor which each person in his division is liable to perform, and he must notify to each, personally, or either verbally or in writing, at his usual place of residence, the day, hour and place, where he requires him to work, giving at least three days notice.
- 3 Vic. 10. He shall similarly call out any person above twenty-one years of age, residing in his division, although such person be not on the assessment roll or the township clerk's list.
- 1 Vic 21, § 20 He shall, if required, give a certificate to each person who has performed statute labor.
- § 20. He may direct persons performing statute labor to destroy weeds hurtful to good husbandry.
- § 21. He shall, by the labor under his direction, cause rails or fences to be erected at dangerous parts of the roads, and erect finger posts where he judges it necessary.
- § 21. He may, whilst laying out statute labor or money in the repairs of the roads, make use of any growing timber or stone, upon uninclosed and unimproved land, doing no unnecessary damage.
- § 23. He may direct any person under him to bring such tools and implements, yoke of oxen, or team, cart, or wagon, as such person may be possessed of.
- § 25. If any laborer or driver shall refuse, or neglect to work faithfully, or to carry sufficient loads, the overseer may discharge such person, and the person so discharged is liable to the same penalty as if he had not attended.
- § 27. It is the duty of the overseer to make complaint to a magistrate, if any person, duly warned, has failed to perform his labor.

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CLAIMS AGAINST THE DISTRICT.

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An overseer is not exempt from his own labor by reason of his holding that office, but any day on which he superintends the labor of others, will count as a day's work, and he may also be allowed one day's work for attending special sessions.

The overseer must give in to the township clerk, on or before the first of September, a list, verified upon oath, of all the persons liable to perform statute labor in his division, and of what part of such labor has been performed, together with an account of all moneys which have come into his hands by virtue of his office. A blank form for making the above return will be given him by the township clerk at the April special sessions. § 31.

In case of any sudden obstruction or damage to a road, or for the purpose of putting up marks to guide travellers over any frozen waters, the overseer is required to expend any money in his hands, or to call out statute labor under his direction, at any other time than between the tenth of May and the twenty-fourth of July. And if he has no labor or money unexpended, he shall nevertheless call out persons residing in his division, apportioning such labor as equally as may be among the inhabitants, and he shall immediately give in an account of the labor so performed to the township clerk. § 50.

The overseer shall cause to be put up at every bridge within his division, exceeding thirty feet in length, a legible notice to this effect: "Any person riding or driving over this bridge faster than a walk, will be subject to a fine, as provided by law." § Vic. 44.

CLAIMS AGAINST THE DISTRICT.

All persons having claims against the Western District, for any matter or thing connected with the administration of criminal justice therein, shall present their accounts in duplicate, one copy at the office of the Clerk of the Peace, the other at the Auditor's Department of the Council Office, on or before the days appointed by law for holding the General Quarter Sessions of the Peace, viz: the first Tuesdays in the months of January, April and July, the third Tuesday in the month of November. By-Law, Feb. 1846.

By-Law.
Feb. 1846.

The District Auditors shall, on the third day of holding the General Quarter Sessions of the Peace, examine and audit the accounts filed in their department, and furnish the Treasurer with a list of the claimants, and the amounts allowed them respectively, which list the Treasurer shall compare with the amount allowed by the Magistrates in Quarter Sessions, should there have been a quorum, as aforesaid, to audit the accounts; and if the amount allowed by the Magistrates shall exceed the sum allowed by the Auditors, the Treasurer shall not pay the excess until he has satisfied himself of the legality thereof.

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All claims against the District, for any matter or thing other than those connected with the administration of justice, shall be presented to the aforesaid department on or before the day appointed by law for holding the Quarterly Sessions of the District Council, and shall be examined, audited, and submitted to the Finance Committee, to be reported upon to the then or next session of Council: and no warrant shall issue for the payment of such claims until the same shall have been reported upon by the Finance Committee and sanctioned by the Council.

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Should there be no session of Council at the period appointed by law for holding the same, warrants shall issue for the amount of claims allowed by the District Auditors. Nevertheless, the accounts shall be submitted to the Finance Committee at the next session, to be reported upon to the Council.

DITCHES AND WATER COURSES.

13 Geo. III.
§ 73.

Any person who shall occupy any lands adjoining to such highway through which the water hath *used* to pass from the highway, shall open, cleanse and scour the ditches, &c. for such water to pass without obstruction; and every person making default in any of the matters aforesaid, after ten days notice given by the surveyor, shall forfeit ten shillings.

§ 12.

Surveyor shall view ditches and water courses, drains and gutters, in which there are any obstructions contrary to this act, and give the person notice of the particulars of the same, and twenty

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days after notice, if not removed, surveyor is empowered to enter and remove, and have cleansed and opened, owner forfeiting a penny per foot in length neglected, and surveyor shall be reimbursed his reasonable charges in removing, &c. and if demand for both penalty and expenses are refused, a justice may, on oath of notice and demand, &c. allowed his expenses to be recovered the same as the penalty.

Where those ditches, gutters, drains and water courses, are insufficient to carry off water, surveyor may, by order of one justice, make new ditches, &c. through adjoining lands to highways, or through any other land, and the workmen are authorized to enter upon lands for that purpose, making proper bridges and satisfaction for any damages done.

§ 14.

Drains may be opened at the expense of parties interested, and upon lands of persons not interested. The surveyor of highways or pathmaster is *interested* on behalf of the public, in the draining of the highways.

TOWNSHIP WARDENS.

The township wardens shall report to the magistrates of the district any person of unsound mind, going about the township, to the danger of the inhabitants.

1 Vic. 21, § 13

They may exempt any person, not assessed at more than £25, from statute labor, on account of age, sickness, or other misfortune.

§ 20.

FENCE VIEWERS.

If two parties, occupying adjoining tracts of land, have any dispute as to what part of the dividing fence, or of any drain, or water course, each party shall make and keep in repair, they may call in three fence viewers to make an award. For the manner of proceeding in which case, see the act.

21 Vic. 20.

TOWNSHIP OF ANDERDON.

By-Law,
Feb. 1847.

In ditching any road within the said township, the following proportions shall be strictly observed: the road to occupy one half the width, and the footpath and ditch at either side, one fourth, at the first onset, which proportions will in general be thus: road, thirty-three feet; footpath and ditch, sixteen and one half feet; making in all four rods, the usual breadth of roads in the township; that the soil and sub-soil taken from the ditches be placed on one rod, in the middle part of the road, in an elevation of one foot, in the centre; so that in future repairs, in wet and swampy places, the road may be reduced in breadth to twenty-seven feet, but not less.

do Any man or men appearing on a road within the said township to perform statute labor, without the tool or tools directed by the pathmaster, shall be fined in a sum not exceeding five shillings, to be recovered before any magistrate of this district, according to law; which sum is to be laid out by the pathmaster in purchasing such tool, for the use and benefit, and to be the property of, the persons so fined.

HIGHWAYS.

9 Vic. 8. No overseer, or other person, may remove any fence enclosing any part of a concession line, or allowance for road, unless authorized to do so by an order of the Council, of an application for which, at least eight days notice must be given to the party in occupation.

Vic. 21, § 23. Any person wilfully stopping up a road, or destroying any railing, guard or finger post, is liable to a fine of £5.

§ 28. Any person neglecting, after twenty-four hours' notice, to remove the obstruction in a road arising from any tree having fallen, or been cut down, from the land in his occupation, is liable to a fine of ten shillings for every day the obstruction remains.

10 Vic. 44. Any person riding or driving across any bridge, above thirty feet in length, faster than a walk, is liable to a fine of £1.

4, 5 Vic. 26
§ 13. Any person maliciously destroying any bridge, or rendering it impassable or dangerous, is guilty of felony.

TAXABLE PROPERTY, &c.

There shall be raised, levied and collected from the owners of dogs within the district, the sum of five shillings for each and every dog, for each and every year, excepting, nevertheless, such as are exempted by the act of the Legislature, and said tax shall commence with the year 1846. By-Law, Feb. 1846.

All dogs in the district shall be furnished with a collar, which shall be placed and worn on the necks of said dogs, said collars to bear the names of the owners of such dogs, and that, after the first day of May, 1846, the owner of any dog not provided as aforesaid, and running at large, shall forfeit and pay for every such dog, for every day so unprovided and running at large, the sum of five shillings, to be recovered, on information, before one justice of the peace. By-Law, Feb. 1846.

