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No. 127.

2nd Session, 3rd Parliament, 12 Victoria, 1849.

BILL.

An Act to incorporate the Town of
Peterborough.

Received and Read a first time Wednesday, 28th
February, 1849.

Second Reading, Wednesday, 14th March, 1849.

Mr. HALL.

PRINTED BY LOVELL AND GIBSON.

127

BILL.

An Act to incorporate the Town of Peterborough.

WHEREAS from the great increase of Preamble,
the population of the Town of Peterborough, in the District of Colborne, it is necessary to make some provision for the
5 internal regulation thereof: Be it therefore enacted, &c.

And it is hereby enacted by the authority of the same, That the inhabitants of the said Peterborough incorporated.
Town of Peterborough, as hereinafter described, and their successors, inhabitants
15 within the limits of the same, shall be, and they are hereby constituted a body politic and corporate, in fact and in law, by and under the name of *The Town of Peterborough*, and as
20 such shall have perpetual succession, and be capable of suing and being sued, impleading and being impleaded, in all Courts and in all actions, causes and complaints whatsoever, and have a common seal, and may alter the
same at pleasure, and shall be in law capable
of receiving titles by gift, and of purchasing, holding and conveying any estate real or personal, for the uses of the said Town.

II. And be it enacted, That the said Town What shall compose the said Town,
25 of Peterborough shall be composed of the lands situate in the Township of Monaghan, within the following limits or boundaries, that it is to say, all the lands comprised in the Government surveys of the said Town of
30 Peterborough, and lying north of Townsend Street and east of Park Street, to the centre of the River Otonabee as the eastern limit of the said Town, and to the centre of the allowance for road forming the boundary line be-
35 tween the Townships of Monaghan and Smith, as the northern boundary of the said Town,

Internal management of Town to be under a Town Council.

III. And be it enacted, That the internal management and government of the said Town shall be under the control and authority of a Town Council, to be denominated *The Mayor and Council of the Town of Peterborough*, to be elected from among the male inhabitants of the said Town in the manner hereinafter provided, and that every legislative Act of the said Town be expressed to be enacted by the Mayor and Council of Peterborough in Town Council assembled; and all such legislative act or acts passed by the said Mayor and Town Council from time to time under the provisions of this Act, shall be and remain in full force from the time of the first publication of the same, and shall not require re-enactment or republication yearly by any succeeding Mayor and Town Council appointed or elected under this Act.

Peterborough divided into four Wards.

IV. And be it enacted, That the said Town of Peterborough shall be, and the same is hereby divided into four Wards, by the names of the East Ward, North Ward, Centre Ward, and South Ward; in manner following, that is to say: All that part of the Town lying east of George Street shall constitute the East Ward; all that part of the Town lying west of George street and north of Brock street shall constitute the North Ward; all that part of the Town west of George street, south of Brock street, and north of Simcoe street shall constitute the Centre Ward; and all that part of the Town lying west of George street and south of Simcoe street, shall constitute the South Ward.

Number of Councillors to be elected for each Ward.

V. And be it enacted, That the said East Ward shall at the first election to be held under this Act, and annually after the first election, elect from among the male inhabitants of the said Town, two persons, to be members of the said Town Council; the said North Ward shall in like manner elect one person to be a member of the said Town Council; the said Centre Ward shall in like manner

elect one person to be a member of the said
 Town Council, and the said South Ward shall
 in like manner elect one person to be a mem-
 ber of the said Town Council, all of which
 5 persons so elected as members of the said
 Town Council, being subjects of Her Majes-
 ty and of the full age of twenty-one years,
 shall be resident freeholders of the said
 Town, whose freehold property shall be
 10 valued by the Assessor or Assessors of the
 Town, at not less than the sum of two hun-
 dred and fifty pounds, or leaseholders there-
 in, holding by lease for a term of seven years
 or upwards, and who shall pay for and in res-
 15 pect of any property by him as then held as
 aforesaid, within the said Town, an annual
 rent of not less than thirty pounds: Pro-
 vided always, that a building or buildings
 shall be erected upon any leasehold tene-
 20 ment held as aforesaid and shall be valued
 with such tenement; and provided, that if
 rent be paid only for the ground on which
 such building or buildings stand, then the
 annual value of such building or buildings ex-
 25 clusive of the ground rent may be added to
 such ground rent to make up the sum of thir-
 ty pounds; and at the first election under the
 authority of this Act, the Returning Officers
 respectively shall judge of the qualification
 30 of such candidates respectively, and their de-
 cision shall be final: and that no person shall
 be capable of holding the office of member
 of the said Town Council who shall not have
 been a resident within the said Town for the
 35 space of one year or upwards immediately
 previous to his election: Provided always,
 that no person shall be capable of serving as
 a member of the said Town Council who
 shall be a minister, priest, ecclesiastic or
 40 teacher, under any form or profession of reli-
 gious faith or worship, nor any military, naval
 or marine officer in Her Majesty's service
 on full pay, nor any person accountable for
 the Town revenues, or employed in any way
 45 in expending the moneys of the said Town or
 superintending the outlay of the moneys of

the said Town, or holding office under the Town Council, nor Returning Officer or his clerk while so employed; neither shall any practising Physician or Surgeon be compelled to serve as Mayor or Councilman. 5

Qualification
of voters.

VI. And be it enacted, That the persons entitled to vote at either of the said wards for the election of such members shall be male inhabitant freeholders of the annual value of forty shillings or upwards, resident within 10 their respective wards, being subjects of Her Majesty, whose names shall be entered upon the last Assessment Roll of the said Town, or tenants, like subjects of Her Majesty, being rated upon the Assessment Roll of the 15 said Town, and shall have paid within one year next before the election, one year's rent for the dwelling house or dwelling houses (if they shall within one year have changed their place of residence) within the ward in 20 which they shall have resided, at the rate of six pounds or upwards; or if the ground only on which such dwelling house stands is rented, then the annual value of such dwelling house exclusive of the ground rent shall be 25 added to the ground rent to make up the said sum of six pounds; and all persons as aforesaid shall vote in the wards in which they reside respectively, and no person shall be entitled to vote in more than one ward, 30 or more than once in any ward at any election of members of the said Town Council; and for the first election to be held under the authority of this Act, persons whose names shall appear on the Assessment Roll 35 of the Township of Monaghan as residents of the said Town, shall be entitled to vote for members of the said Town Council, under the limitations and provisions hereinafter contained. 40

Elections when
to be held &c.

VII. And be it enacted, That the first election of members of the said Town Council under this Act, shall be holden on the first Monday in May next, at some place

in each ward respectively, to be appointed
 by the Sheriff of the said District for the
 time being, who shall give public notice at
 least six days previous to the election, at
 5 which election the said Sheriff shall preside in
 the East Ward, and shall appoint fit and proper
 persons, under his hand and seal to hold the
 said elections for the North Ward, Centre
 10 Ward and the South Ward respectively,
 which said Sheriff and the persons so
 appointed, shall hold the said election for
 each ward respectively; and after the nomi-
 nation of a candidate or candidates and a
 show of hands thereupon, if a poll be
 15 demanded by any person qualified to vote
 at any such election, shall open and keep
 open the poll for receiving and entering votes
 for the election of members of the said Town
 20 Council from the hour of nine of the fore-
 noon until three of the clock of the after-
 noon, on the said first Monday in May next,
 and at the close of the poll at the hour afore-
 said, or on the show of hands if a poll be
 25 demanded, shall declare the person or per-
 sons in each ward who shall have the great-
 est number of voters, duly elected members
 of the said Town Council, and shall give
 notice thereof to the persons so elected,
 within three days after the election, by leav-
 30 ing at the usual place of abode of such per-
 son or persons, a notice in writing to that
 effect; and that all subsequent elections of
 members shall be held by the officers to be
 appointed by the said Town Council, the
 35 time, place, and all proceedings to be had in
 such elections to be regulated from time to
 time by the said Town Council; and that
 the members of the said Town Council, so
 chosen as aforesaid, shall serve until the first
 40 Monday in January next year, and until a
 new Town Council shall be chosen and
 formed as hereinafter mentioned; and that
 on the first Monday in January in every year,
 an election shall be holden in each ward of
 45 the said Town of Peterborough for the choos-
 ing of members of the said Town Council,

according to the general provisions of this Act.

Oath to be taken by person holding election.

VIII. And be it enacted, That before any person shall proceed to hold any election under this Act, he shall take the following oath, which any Justice of the Peace for the Colborne District is hereby authorized to administer, that is to say: 5

“ I do solemnly swear that I will faithfully
 “ and impartially, to the best of my ability, 10
 “ discharge the duty of Presiding Officer
 “ at the election which I am about to hold
 “ for a Member of the Town Council in
 “ the Town of Peterborough: So help me
 “ God.” 15

Candidates to be examined on oath as to qualification.

IX. And be it enacted, That the officer presiding at any election under this Act shall have authority and is hereby required at the request of any person qualified to vote at such election to examine on oath or 20 affirmation (when the party is allowed by law to affirm) any candidate for the office of Member of the said Town Council respecting his qualification to be elected to the said office; and until provision shall have 25 been made by a By-law or By-laws for a Register of Voters, shall also have authority and he is hereby required upon such request as aforesaid to examine upon oath or affirmation when the party is allowed by law to 30 affirm, any person tendering his vote at any election respecting his right to vote; and that the oath to be administered for either of the said purposes, shall and may be in the following form: 35

“ You shall true answer make to all such
 “ questions as the Presiding Officer at this
 “ election shall put to you respecting your
 “ qualification to be elected at this election,
 “ (or respecting your qualification to vote at 40
 “ this election, as the case may be :) So help
 “ you God.”

And the affirmation shall be in the common form of an affirmation to the same effect.

X. And be it enacted, That after provisions shall have been made by a By-law or By-laws for a Register of persons qualified to vote, whereby the right in individuals to vote may be determined, every person desirous of voting at any election of a member or members of the said Town Council shall, before he be permitted to vote, produce a certificate under the hand of the proper officer of his qualification, pursuant to any such By-law, and shall, if required by the officer or person qualified to vote at the same, take the following oath, which the said officer or person holding such election is hereby authorized and required to administer, that is to say :

Voters to produce a certificate of qualification.

“ I do swear that I am the person described in the certificate that I now produce, and that I have not voted at this election : So help me God.”

XI. And be it enacted, That if any person being examined upon oath or affirmation under this Act in regard to his qualification to vote or to be elected, shall wilfully swear himself, he shall be guilty of wilful and corrupt perjury, and on conviction thereof he shall suffer as in other cases of wilful and corrupt perjury.

False swearing &c. to be perjury.

XII. And be it enacted, That if any of the members of the said Town Council elected as aforesaid, after notice thereof, shall neglect or refuse for ten days after having been elected to take the oath of office hereinafter contained, which oath any one of the said members so to be elected is hereby authorized to administer to the others, he shall, for such neglect or refusal, forfeit the sum of *ten pounds*, to be recovered with costs by information before any Justice of the Peace, for the Colborne Dis-

Penalty against Councillor refusing to take the oath.

Proviso.

trict, who is authorized to proceed in the same manner as is hereinafter provided for the recovery of any penalty for the transgression of any order or regulation of the said Town Council; Provided, that no person 5 having been elected a member of the said Town Council, during his absence from the said Town (unless such member shall previously have permitted himself to be put in nomination for the said office), or who at the 10 time of the election shall openly give notice to the officer presiding, that he will not accept the office, shall be subject to the penalty hereinbefore stated for his refusal to act as a member of the said Town Council. 15

Election of Mayor.

XIII. And be it enacted, That after the first and every subsequent election of members of the said Town Council, so soon as they shall respectively have taken the oath of office hereinafter contained, it shall be the 20 first duty of the said Town Council and they are hereby required to elect a Mayor from their number; and as soon as they shall have chosen a Mayor, the said Town Council shall have power to enact such laws and regula- 25 tions for the internal government of the said Town, as to them shall seem meet, not repugnant to the laws of this Province, and shall have the power of appointing all such officers as shall be required for the due exe- 30 cution of the laws to be by them enacted, and of requiring such security to be given by any of the said officers as to the said Town Council may seem meet, and of removing such officer at pleasure; Provided always, 35 that should the office of Mayor of the said Town Council become vacant from any cause whatsoever, it shall and may be lawful for the said Town Council, and they are hereby 40 required to proceed to elect one from their number to fill the said office until the expiration of office of the then existing Town Council, and during the absence of the Mayor, the Town Council are required to elect from their number an acting Mayor 45

Proviso.

who shall in the absence of the Mayor perform all the duties and functions of the Mayor of the said Town; that the services of the members of the said Town Council shall be
 5 wholly gratuitous, and that the oath to be taken by the members of the said Town Council shall be according to the following form, that is to say:

“I, A. B., do swear that I will faithfully
 10 “discharge the duties of Member of the
 “Town Council of the Town of Peterbo-
 “rough to the best of my ability: So help me
 “God.”

XIV. And be it enacted, That in case any
 15 vacancy at any time shall happen among the
 members of the Town Council by neglect
 or refusal to take the oath of office herein-
 before contained, within the time limited, or
 by death, removal from the Town, or from
 20 any other cause, the Town Council shall
 issue a precept to the proper officer who
 (unless otherwise ordered by the Town
 Council) shall be the High Bailiff of the
 said Town, to hold an election for the said
 25 ward, giving six days' notice of the time
 and place of holding the said election, and
 the member so elected shall hold his office
 until the next annual election, and until another
 is chosen in his place.

Provision as to
vacancies in
Town Council.

XV. And be it enacted, That in case any
 equality of votes shall happen at any election
 for the members of the said Town Council,
 it shall and may be lawful for the person
 presiding at the said election, and he is
 35 hereby required to give a casting vote, whether
 qualified as hereinbefore mentioned or
 not; and that except in cases of the votes
 being equal it shall not be lawful for the person
 presiding at any election under this Act,
 40 to vote at such election.

Person presiding
at elections
to have the
casting vote.

XVI. And be it enacted, That if the elec-
 tion of any member of the Town Council

Provision with
respect to con-

tested elec-
tions.

shall be complained of, either on the ground
of want of qualification in the person returned,
or on the ground that such person had not
the majority of legal votes at such election,
a written requisition, signed by ten inhabi- 5
tants, of the Ward in which such election
shall have taken place, having a right to vote
at such election, shall within two days after
the termination of such election, be served
upon the Mayor or any other member of the 10
Town Council, requiring the said Town
Council to appoint a time and place within
the Town or Ward for which the election
was held, for entering upon a scrutiny into
the matters complained of, and that such time 15
shall be within six days after the election
complained of, and it shall be lawful for the
said Town Council upon service of such
requisition as aforesaid, and they are hereby
required to appoint a time and place within 20
the Town for entering upon a scrutiny of
the matters complained of, which time shall
be within six days after such election; and
the Town Council or such Member or Mem- 25
bers thereof, as shall not be individually con-
cerned in the question to be disposed of shall
have power to summon witnesses and to take
evidence on oath respecting the matters to
be inquired into, and shall determine upon
the validity of the election or return as shall 30
appear to be right according to the evidence;
and in case the election or return shall be
declared void, and it shall not appear proper
for any cause to amend the return or substi-
tute the name of any other person, as enti- 35
tled to have been returned at such election
then the Town Council shall issue their pre-
cept for a new election, as in other cases
under this Act.

Town Council
to enter upon
a scrutiny of
matters com-
plained of.

Oath to be
taken by mem-
bers of Coun-
cil before en-
tering upon
scrutiny.

XVII. And be it enacted, That before any 40
member of the Town Council shall enter
upon any such trial or scrutiny as aforesaid,
he shall take an oath or affirmation (where
the party is allowed by law to affirm) in the
following form, which oath or affirmation the

members of the said Town Council shall have authority to administer to one another, that is to say :

“I do solemnly swear that I will truly and
 5 “impartially to the best of my judgment try
 “and determine the complaint against the
 “election of A. B., as a Member of the
 “Town Council of the Town of Peterborough:
 “So help me God.”

10 XVIII. And be it enacted, That any wit- Penalty on
 ness, who, being duly summoned to attend witnesses re-
 upon such trial or scrutiny, shall wilfully neg- fusing to
 lect or refuse to attend, shall, upon convic- attend.
 15 ces of the Peace for the District of Col-
 borne, having been duly summoned to an-
 swer such complaint, be liable to be impris-
 oned on the commitment of such Justice,
 in the Common Gaol of the District, or such
 20 place of confinement as may be hereafter
 provided by the said Town Council, for a
 time not exceeding one month: and if any
 witness shall upon any trial or scrutiny, wil-
 fully and corruptly swear falsely, he shall be
 25 deemed guilty of wilful and corrupt perjury.

XIX. And be it enacted, That a majority of Quorum.
 the said Town Council shall be a quorum
 for the despatch of business; Provided al- Proviso.
 ways, that a smaller number may adjourn
 30 from time to time, and are hereby authorized
 to compel the attendance of absent mem-
 bers in such mannner, and under such pe-
 nalties as may be provided by an Act of the
 said Town Council.

35 XX. And be it enacted, That the said Town Powers of
 Council of Peterborough shall have full power Town Council.
 and authority from time to time to make, re-
 vise, alter and amend, administer and enforce
 such By-laws as they may deem proper for
 40 making, gravelling, planking, flagging,
 paving, ditching, levelling, raising, repairing,
 mending, lighting, macadamizing, and cleans-

ing and opening any of the streets, squares, lanes, alleys, walks, side-walks, cross-walks, roads, highways, bridges, public wharves, docks, slips, shores and sewers, now laid out or to be erected within the limits of the said 5
Town ; to regulate and restrain cattle, horses, sheep, goats, swine and other animals, geese and other poultry, from running at large within the limits of the said Town ; and to prevent and regulate the running at large of 10
dogs; and to impose a reasonable tax upon the owners or possessors thereof; to regulate or prevent the encumbering or injuring of the streets, squares, lanes, walks, side-walks, cross-walks, roads, highways, bridges, 15
public wharves, docks and slips with any wheel-barrows, carts, carriages, lumber, stones, merchandise or other materials whatsoever ; to prevent the selling or vending by retail in the public highways, any meat, ve- 20
getables, fruits, cakes, cider, beer or other beverage whatsoever ; to prevent the sale of any strong intoxicating drink to any child, or apprentice or servant without the consent of his legal protector ; to prevent the immode- 25
rate riding or driving horses or other cattle in any of the public highways of the said Town ; to prevent the leading, riding or driving of horses upon the side-walks of the streets or other improper places ; to regu- 30
late the standing and fastening of horses in the streets and open sheds of the said Town ; to regulate wharves or quays ; to prevent all obstructions in or on the canals, wharves, slips or bridges near or opposite to any 35
dock, wharf or slip ; to prevent or regulate bathing and swimming in and about the docks, wharves, slips, shores and river within the limit of the said Town ; to suppress tippling houses and restrain persons from keeping the same ; to 40
prevent Charivaris ; to enforce the due observance of the Sabbath ; to regulate the licensing of or to prevent the exhibition of wax figures, wild animals, mountebanks and all other shows exhibited by common showmen ; 45
to prevent the excessive beating or other

inhuman treatment of horses, cattle or other beasts in the public highways; to regulate or suppress all games and bowling alleys; all public billiard tables, roulette-tables as
5 well as any species of gambling apparatus whatsoever, and to regulate and license all theatres kept for profit, auctioneers, butchers, cartmen and cartage, hawkers and pedlars and all persons exhibiting for gain or profit,
10 any puppet show, wire dance, circus riding or any other idle acts or feats which common showmen, circus riders, mountebanks or jugglers usually practise or perform, and to limit the number and to provide for the
15 purpose of licensing the same; to regulate and prevent the firing of guns, pistols and other fire-arms, and to prevent the making bonfires or the firing of squibs and crackers: to regulate or prevent the erection of slaugh-
20 ter-houses and tanneries; to abate or cause to be removed any nuisances or houses of ill-fame within the said Town; to regulate all or any taverns, ale-houses, victualling-houses and all houses where fruit, oysters,
25 clams or victuals may be sold to be eaten or drunk therein, and all other places for the reception and entertainment of the public; and to limit the number of them and to provide for the proper licensing of them at
30 such rates as to the said Town Council may seem expedient, the proceeds of such license to form part of the public funds of the said Town, and to be disposed of in such manner as to the said Town Council may
35 seem meet for the benefit of the said Town (excepting Tavern Licenses); to regulate the place and manner of selling and weighing hay, and the selling of fish; to restrain and regulate the purchase of butchers' meat and fish by
40 persons called runners and hucksters; to regulate the weighing and measuring of coal, cord-wood and other fuel, salt and lime exposed for sale in any part of the said Town. to appoint and regulate measurers and valuers
45 of artificers' work, to be sworn in such manner as may be provided by the said Town

Council; to regulate and assize the price of
 bread, and to provide for the seizure and for-
 feiture of bread baked contrary thereto:
 to regulate the inspection of all weights and
 measures used or manufactured within the 5
 said Town, and to seal the same under and
 agreeably with the laws of this Province
 relating thereto, and to appoint an In-
 spector for that purpose; to regulate the
 vending of meat, vegetables and fruit; to 10
 regulate any market or markets that may be
 hereafter in the said Town; to regulate and
 enforce the erection of party walls and line
 and division fences; to provide for the per-
 manent improvement of the said Town, in all 15
 matters whatsoever, as well ornamental as
 useful; to enforce the sweeping and clean-
 ing of chimneys, and to regulate and license
 chimney sweepers, and to regulate all chim-
 neys hereafter to be built, and to regulate 20
 one or more Fire Companies; to regulate
 and require the safe construction of deposits
 for ashes, and to regulate the manner of de-
 positing and keeping ashes at the time they
 are taken from the fire-places or stoves; to 25
 regulate, remove or prevent the construction
 or erection of any fire-places, hearth, chim-
 ney, stove, stove pipe, oven, boiler, kettle or
 apparatus used in any house, building, store,
 factory, or business which may be danger- 30
 ous in causing or promoting fires; to regu-
 late the keeping and transporting of gun-
 powder or other combustible or dangerous
 materials, and the use of light and candles in
 livery and other stables; to regulate or 35
 prevent the keeping of smoke-houses and
 the carrying on manufactories dangerous in
 causing or promoting fire, to regulate the
 conduct of inhabitants at fires; to provide
 for the keeping of fire buckets, ladders and 40
 fire hooks, and the making them a part of
 the real property to which they are attach-
 ed; to preserve, erect and regulate public
 wells and cisterns and other conveniences
 for stopping or preventing fires; to provide 45
 for the preservation of property exposed at

fires and to prevent goods and other effects from being purloined thereat; to adopt and establish all such other regulations for the preservation from and suppression of fires, 5 as they may deem necessary or expedient to provide for the security of the public and of the property of the said Town; to regulate all cemeteries within the limits of the said Town; to establish and regulate a Town 10 Watch and to prescribe the powers of watchmen; to license and appoint by warrant under the common seal of the said Town, or otherwise, such and so many inferior officers other than those mentioned 15 in this Act as shall from time to time be found necessary or convenient to enforce and execute such By-laws and regulations as may hereafter be made by the said Town Council, and to displace all or any of them 20 as often as the said Town Council shall think fit; to prevent and remove encroachments, buildings, fences or anything else of whatsoever nature in any street; or public ground; to provide for taking the Census or 25 other statistical information as required by law: to regulate Public Hospitals; to establish and support a House of Industry, and enforce labor and discipline in the same; to establish and regulate one or more Pounds; 30 to enforce the performance of statute or road labour, or payment of the commutation money therefor; to direct the returning and keeping of bills of mortality and to impose penalties on physicians, sextons and 35 others for default in the premises; to regulate the Police of the Town; to prevent the injuring or destroying of trees planted or growing for shade or ornament in the said Town; to prevent the pulling down or de- 40 facing of sign boards, and the defacing of buildings, walls, fences, gates, posts; to prevent and punish breaches of the peace, and generally to prevent and punish vice, drunkenness profane swearing, obscene lan- 45 guage and every other species of immorality, and to preserve good order in the Town;

to preserve the wells, pumps and cisterns, and to provide for the supply of good and wholesome water to the said Town, and to prevent the waste of water; to regulate the bonds, recognizances and other securities to be given by all Municipal Officers for the faithful discharge of their duties and the amount for which the same shall be taken; to inflict reasonable penalties and fines for the refusing to serve in any Municipal office when duly elected or appointed thereto, and for the infringement of any and every law of the said Town; to regulate the time and place of holding elections for such Municipal Officers as are elective, and to make provision for a Register of persons qualified to vote for members of the Town Council whereby the right to vote at any election or elections may be determined; to impose and provide for the raising, levying and collecting annually for the use of the said Town by a tax on the real and personal property in the said Town, a sum of money the better to enable them to carry into effect fully the powers hereby vested in them: Provided, that such tax on real property shall not exceed in one year, nine pence in the pound upon the assessed annual rental or value of property lying and being within the limits of the said Town according to the value as hereinafter provided, and one penny half-penny in the pound upon the assessed value of personal property according to the value as hereinafter provided; and to impose a duty or duties by a By-law or By-laws on all grocers, butchers, bakers, hucksters, livery stable keepers, carters, breweries and distilleries, on all soap and candle factories; and on all tanneries and slaughter-houses, on all ball alleys, racket courts, or other means of gambling kept for profit or gain, within the said Town; and to regulate the mode by which such assessments shall be collected and paid; and to assess the proprietors of real property for such sum or sums as may at any time be necessary to defray the

Proviso.

- expenses of making or repairing any common sewer in any public street or highway within the said Town, and immediately in front of such real property respectively; and to
- 5 regulate the mode in which such assessment shall be collected and paid, and to make a By-law or By-laws for assessing the inhabitants residing in any particular street, or lane, square or section of the Town, in any
- 10 sum or sums necessary to meet the expenses of sweeping and watering the said street, lane, square or section of the said Town, provided that not less than two thirds of the said inhabitants residing as aforesaid in such
- 15 street, lane, square or section, shall have first prayed or demanded to have the same swept or watered; And provided also, that the said assessment shall in no case exceed the amount of one farthing in the pound; and
- 20 generally to make all such laws as may be necessary and proper for carrying into execution the powers hereby vested or hereafter to be vested in the said Town Council or in any department or office thereof, for
- 25 the peace, welfare, safety and good government of the said Town, as they may from time to time deem expedient, such laws not being repugnant to this Act or the general laws of this Province: Provided always, that
- 30 no person shall be subject to be fined more than *ten pounds*, for the breach of any By-law or regulation of the said Town, and in default of payment of such fine and of a sufficient distress being found for collection
- 35 thereof, to be imprisoned in the Common Gaol of the Colborne District, or other place of confinement; for a period of not more than thirty days.

XXI. And be it enacted, That it shall

40 and may be lawful for the Town Council from time to time to appoint so many of the members thereof, or other fit and proper persons as they shall deem proper to form a Board of Health, to aid and assist the Mayor

45 of the Town of Peterboro to carry into ef-

fect the provisions of the By-laws which may be passed to preserve the health of the said Town, and to prevent the introduction and spreading of infectious and pestilential diseases in the same; and the said Town Council in conjunction with the Mayor shall have the like power and authority for the purposes aforesaid as are vested in the Boards of Health established under the provisions of an Act passed in the Parliament of Upper Canada, in the third year of His late Majesty's Reign, intituled, *An Act to establish Boards of Health, and to guard against the introduction of malignant, contagious and infectious diseases in this Province.*

3 Will. 4 c. 47.

Money to be levied by assessment on real property for building a market, &c.

XXII. And be it enacted, That for the purpose of raising funds to provide for the purchase of any real estate for the use of the said Town, for building a market house or other public buildings for procuring Fire Engines, for the securing, raising and paying any moneys that may be borrowed under the authority of this Act, and the interest of such moneys, and for all other purposes deemed expedient and necessary by the said Town Council for the welfare and improvement of the said Town, it shall and may be lawful for the said Town Council to levy an assessment upon all and every person who shall inhabit, hold, use or occupy any house, shop, warehouse, building or piece or parcel of land, being a separate tenement, situate, lying and being within the said Town of Peterboro, according to the value thereof respectively, to be ascertained in manner hereinafter mentioned; and the time for which such yearly rate or assessment for the present year shall be so rated and assessed, shall be held and commenced from the first Monday in January in the year of Our Lord one thousand eight hundred and forty-nine, and shall end on the day next preceding the first Monday in January in each ensuing year, both days included, and the time for which every future yearly rate shall be so

rated and assessed, shall commence from the period at which the time for the last rate ended.

XXIII. And be it enacted, That the rate
 5 or rates aforesaid, shall also be raised, levied
 or assessed upon the owners or possessors
 of the following chattel property, that is to
 say: stone horses kept for the purposes of
 covering mares, or other horses of the age of
 10 three years or upwards, horned cattle, phæ-
 tons, carriages, gigs, waggons and other car-
 riages on steel or leather springs, and sleighs,
 according to the value thereof, ascertained
 as hereinafter mentioned: **Provided** always, **Proviso.**
 15 that nothing in this Act contained shall ex-
 tend or be construed to extend to any house,
 lands, property, goods, effects, matters or
 things herein mentioned or enumerated,
 which shall belong to or be in the actual
 20 possession of Her Majesty, Her Heirs or
 Successors, unless the same shall be actually
 leased to individuals, nor to any churches,
 chapels, school-houses, school-lands, places
 of public worship and burial grounds.

Rates also to
 be levied on
 certain chattel
 property.

Proviso.

25 XXIV. And be it enacted, That the pos-
 sessors or owners of the said horses, cattle
 and carriages hereinbefore mentioned, shall
 not be rated in respect thereof as hereinbe-
 fore mentioned, but the same shall be valued
 30 according to the certain fixed rates following
 that is to say: every stone horse kept for the
 purpose of covering mares for hire or gain,
 at *one hundred pounds* value every; other
 horse, mare or gelding above the age of
 35 three years, at *ten pounds* value; milch
 cows and other horned cattle, above the age
 of two years, at *three pounds* value; every
 carriage on steel or leather springs with four
 wheels, drawn by two or more horses, at
 40 *twenty-five pounds* value; every phæton or
 other carriage on steel springs, drawn by
 one horse, at *twelve pounds ten shillings*
 value; every sleigh drawn by two or more
 horses and kept for pleasure only, *twelve*

Rates at which
 certain things
 shall be valued.

pounds ten shillings. Every sleigh drawn by one horse and kept for pleasure only, *five pounds.*

Appointment
of Assessors.

XXV. And be it enacted, That it shall and may be lawful for the Mayor and Council 5
of the said Town, from time to time to ap-
point two or more fit and discreet persons,
inhabitant householders of the said Town, to
be Assessors for the said Town, and one or
more fit and discreet person or persons, in- 10
habitant householder or householders of the
said Town, to be Collector or Collectors
which said Assessors and Collector or Col-
lectors so appointed, shall hold office for one
year, and which said Collector or Collectors 15
shall before entering on the duties of office,
give to the said Town Council a bond with
two or more sufficient sureties, in such pen-
alty as the said Town Council may direct,
to the approval of the said Town Council, 20
conditioned for the due performance of the
duties of his or their office or offices of Col-
lector, and the payment of the moneys col-
lected or to be collected under the authority
of such office, to the Town Treasurer by a 25
day to be therein stated.

Assessors &c.
to be sworn
for the faithful
performance of
their duties.

XXVI. And be it enacted, That every
Assessor and Collector of the said Town,
before entering upon his duties as such As- 30
sessor or Collector, shall be first sworn by
the said Mayor, well, faithfully, honestly and
impartially to perform and fulfil the duties of
his office to the best of his knowledge, judg-
ment and ability, which said oath the Mayor
is hereby authorized to administer. 35

Provision with
respect to as-
sessment.

XXVII. And be it enacted, That the As-
sessors to be so as aforesaid appointed, be
and they are hereby required to determine
the assessment to be made by them on the
interest of the actual value of the property 40
assessed or upon the actual or *bonâ fide* rent
thereof; and when property to be assessed
is in the occupation of the proprietors there-

of, the said Assessor or Assessors shall be and they are hereby required to determine the Assessment to be paid thereon upon and according to the rent which the said property is worth and would obtain were the same to be leased by the said proprietor or proprietors thereof at the time the said property is assessed.

XXVIII. And be it enacted, That all vacant lots situate within the limits of the said Town shall be taxed according to their actual value, at a rate not to exceed one penny in the pound.

Rate at which
vacant lots
shall be taxed.

XXIX. And be it enacted, That it shall be the duty of the Assessor or Assessors of the said Town to make such valuation as aforesaid, as soon as conveniently may be, on the requisition of the Mayor or acting Mayor of the said Town, in pursuance of any resolution of the said Town Council authorizing any such valuation as aforesaid, and also to leave for every person or persons so rated, whether he, she or they shall reside within the ward in which such property is situated or elsewhere in the said Town, at the residence of such person or persons a notice of the value of the property in respect whereof he, she or they shall be so rated, and immediately after such assessment or valuation shall be completed, the Assessor or Assessors respectively, shall deposit with the Clerk of the Town Council of the said Town of Peterborough, or such other persons as by the said Town Council shall be authorized to receive the same, distinct Assessment Rolls, books or returns of the said value which shall be rated as aforesaid and in case any person shall think himself, herself or themselves overcharged in such assessment Rolls, book or return, it shall and may be lawful for such person or persons within six days after the said notice shall have been given or left at his, her or their residence as aforesaid, to give notice in writing to the

Duty of Assessors.

Mayor or acting Mayor of the said Town Council of the overcharges complained of and the same shall be tried by the said Town Council at such times and meetings of the Town Council as the members composing the same shall direct and appoint, reasonable notice of such times and meetings to be given to the complaining party, and after hearing the said party and his, her or their witnesses upon oath or affirmation as the case may be, the said Town Council shall by a majority of voices or votes finally decide and determine upon such complaint, and affirm or amend the return of such Assessor accordingly : Provided always, that if the said complaining party shall neglect to appear at such meeting of the said Town Council, he or she having had reasonable notice thereof as aforesaid, the said Town Council shall proceed to make their final decision without hearing such party, and in case it shall appear to any two or more members of the said Town Council that the value has in any case been given in or returned by the assessor or assessors too low, they shall cause a notice to be served upon the person so rated as aforesaid and on any person who made such rate, of the time and place of the meeting of the said Town Council at which the said matter shall be heard, and the same shall be finally determined by the said Town Council in like manner as aforesaid, after hearing the said parties and their witnesses upon oath or affirmation as aforesaid; and that the said Town Council shall have power to adjourn as they shall see fit.

Provision with respect to summoning witnesses and penalties for not attending.

XXX. And be it enacted, That any Member of the said Town Council shall have full power to administer such oath or affirmation as aforesaid, and that the Mayor or acting Mayor, or any one of the said Town Council, shall have full power and authority to issue a summons for each witness who shall be required to attend before the said Town

Council, and if any person shall neglect or refuse to obey such summons upon being tendered a reasonable remuneration for his services, not exceeding *two shillings and 5 sixpence per diem*, he shall be liable to such a fine not exceeding *two pounds ten shillings* as the said Town Council, on proof upon oath or affirmation, as the case may be, of the due service of such summons and of such neglect or refusal, shall impose; and in default of payment of such fine, it shall and may be lawful for the Mayor or acting Mayor or any member of the said Town Council, to commit such person to the Common Gaol of the Colborne District, or such place of confinement as the Council may hereafter at any time provide: Provido. Provided always, that such imprisonment shall not exceed in any case thirty days, and if any person shall knowingly swear or affirm falsely in any of the cases referred to in the next preceding section of this Act; he shall be deemed guilty of wilful and corrupt perjury, and shall be punished accordingly, on conviction before any Court having cognizance thereof.

XXXI. And be it enacted, That it shall and may be lawful for the said Town Council of the said Town at some convenient time after the return of the Assessment Rolls aforesaid, to pass a yearly rate declaring the amount in the pound on such valuation, which shall be raised and levied for the year in which the rate shall be passed, provided the same shall Provido. not exceed the rate hereinbefore provided and limited by this Act, and provided that in passing any such yearly rate, real estate and chattel property be assessed in proportion to such sums respectively, and not otherwise or Provido. in any different proportions.

XXXII. And be it enacted, That it shall and may be lawful for the said Town Council to hear on memorial or petition; the case or cases of such persons as, during any one Council may bear parties with respect to assessment.

year for which such rates aforesaid shall be respectively levied, shall have been assessed for any house or building, or any part thereof, which during such year shall have continued vacant for more than three calendar months 5 of such year; and also the case or cases of such persons as may be assessed in respect of any property in the said Town, who from sickness, extreme poverty or any other cause, shall be unable to pay any rate by this Act 10 imposed; and on hearing such case or cases it shall and may be lawful for the said Town Council to compound for or receipt the whole of any such rate or rates.

Proprietors and lessees liable for assessment on property.

XXXIII. And be it enacted, That all proprietors, lessees and others, who shall let for rent premises within the said Town, shall themselves as well as the occupiers of such premises, be liable and responsible for the rate and assessment aforesaid on such premises, and such assessment shall and may be recovered from the lessee or occupant, if any, in the first place, and in default of distress, then from the proprietor, by the Collector or Collectors of the said Town, under 25 any By-law made for that purpose by the said Mayor and Town Council: And provided always, when any such rate or assessment shall be paid by any such tenant not bound to make such payment by the lease 30 or other agreement under which he holds or occupies such premises, such tenant shall have the right to deduct the sum so paid by him from the rent next payable by him in respect of the occupation or enjoyment of the 35 premises so rated or assessed.

Proviso.

Certain provisions with respect to statute labour, repealed.

XXXIV. And be it enacted, That so much of the general laws of this Province as provides or declares, and so far only as the same provides and declares, the number of 40 days of statute or road labour which every inhabitant or person shall perform, or be liable to perform, shall, from and after the first day of January in the year of Our Lord

one thousand eight hundred and forty-nine, as far as regards the Town of Peterborough, be repealed, and the same is hereby repealed; and thenceforth each and every inhabitant
 5 of the said Town shall be liable to do and shall do and perform, or commute for in money, or cause to be done and performed or commuted for in money, in the manner to be hereafter provided for by any By-law of
 10 the said Corporation, the following number of days of statute or road labour, that is to say:

And others substituted therefor.

Every male inhabitant above the age of twenty one years, and not above the age of
 15 sixty years when not assessed on any Assessment Roll last taken for the said Town.
 —two days.

Every inhabitant, male or female, assessed on any Assessment Roll last taken for the
 20 said Town for real or personal estate, or both, to an annual rental or value as follows, that is to say :

For the first ten pounds and under,—two days.

25 If over ten pounds and not exceeding fifteen pounds,—three days.

If over fifteen pounds and not exceeding twenty five pounds,—four days.

If over twenty-five pounds and not exceed-
 30 ing forty pounds,—five days.

If over forty pounds and not exceeding sixty pounds,—six days.

And for every twenty pounds thereafter,—one day.

35 XXXV. And be it enacted, That if any person or persons rated or assessed as in any manner herein directed, shall refuse or ne-

Penalty on refusal &c. to pay assessment.

glect to pay the rates or assessments charged upon him, her or them, for the space of fourteen days next after such rates shall be due and demanded by the Collector of the Town, it shall and may be lawful for the said Collector to apply to the Mayor or acting Mayor of the said Town for a warrant to the High Bailiff, or any Constable of the said Town, to enter into the house or houses, or other dwelling or premises of such person or persons, and seize and take possession of his, her or their goods and effects, whether in the ward in which the assessed property is situate or elsewhere in the said Town, which warrant the Mayor or acting Mayor of the said Town is hereby authorized to grant, upon a certificate signed and sworn to by such Collector, of a demand of such rate having been made, and of such person or persons being in arrear to the amount stated on such certificate, and if such rate or assessment shall not be paid within five days next after such seizure, the said Collector is hereby authorized to sell at public auction, at such place as may be proper, such part of the said goods and effects as shall be sufficient to pay the said rates and assessments, with the costs and charges attending such seizure and sale, returning the overplus (if any) to the owner, and that in cases where any person or persons not rated as respects any property, but under the authority of the next preceding section of this Act, shall neglect or refuse do or perform or cause to be done or performed, or pay or cause to be paid the commutation money in lieu of such Statute or road labour, as shall be charged upon him or them, for the space of six days after notice shall have been left at his or their usual place of abode by the Street Inspector or other officer to be hereafter appointed by the said Town Council for such purpose, it shall and may be lawful for the said Inspector or other officer to apply to the Mayor or acting Mayor of the said Town, and on proof upon oath of such

person or persons being in arrear, and of demand of such labour or commutation money having been made, and when no goods or effects of such person or persons 5 can be found to satisfy such commutation money, it shall and may be lawful for the Mayor or acting Mayor, or any Member of the said Town Council, to commit such person to the Common Gaol of 10 the District of Colborne, or to such other place of confinement as the Council may hereafter at any time provide, until such commutation money be paid; *Provided* always, that such imprisonment shall not ex- 15 ceed in any case thirty days.

XXXVI. And be it enacted, That from and after the passing of this Act, every land- lord, proprietor, factor or agent, who shall wilfully grant a certificate or receipt which 20 contains a less sum than the rent really paid or payable for the premises therein mentioned or referred to, and every tenant who shall present to the Assessor as afore- said, or otherwise utter or publish such a 25 certificate or receipt, in order to procure a lessening or abatement of such rate or assessment, shall be liable to a penalty not exceeding *ten pounds*, to be recovered and dis- posed of in the same manner as other penal- 30 ties are recovered and disposed of in the said Town, for the breach of any of the By-laws or Regulations thereof.

XXXVII. And be it enacted, That in all cases where the person who shall be rated in 35 respect of any vacant ground or other real property within the Town, shall not reside within the said Town, and the rates and assessments payable in respect of such vacant ground or property, shall remain due and 40 unpaid for the space of two years, and no distress shall be found therein, then, and in such case, it shall and may be lawful for the said Town Council to issue a precept to the Sheriff of the Colborne District, command-

Proviso.

Penalty on landlords &c. granting false certificates.

Provision with respect to assessment remaining unpaid for two years, on vacant lots.

ing him to sell and dispose of such property by public sale, or so much thereof as shall be necessary, for the payment of arrears of taxes, together with all costs accruing by reason of such default, and the Sheriff is hereby authorized and required to dispose of such property as is herein directed; Provided always, that no property shall be sold without having been first advertized in one or more newspapers published in the Colborne District for the three months next preceding such sale, and all the owners of property sold under the authority of this clause of this Act, shall be allowed to resume possession of the same within the space of twelve months next after the date of such sale, on paying to the purchaser or to the Treasurer of the said Town the full amount of the purchase money with legal interest thereon, together with the costs attendant upon the default and sale, with an additional ten per centum on the purchase money.

Proviso.

Default to elect not to operate dissolution of Corporation.

XXXVIII. And be it enacted, That in case it shall happen that an election of members of the said Town Council shall not be made on the day when, pursuant to this Act, it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold an election of members, in such manner as shall have been regulated by the laws and ordinances of the said Town Council.

By-laws to be published in newspapers, before they shall have effect.

XXXIX. And be it enacted, That any rule or regulation of the said Town Council for the infraction of which a penalty is inflicted, before it shall have effect, shall be published in one or more of the newspapers published within the District, and shall be affixed in four public places in each ward within the said Town; and in like manner shall be published in each ward every year, one month previous to each general election for members to serve in the said Town

Council, an account of all moneys received into the Treasury, and the amount expended, and for what purpose.

XL. And be it enacted, That if any person shall transgress the orders or regulations made by the said Town Council under the authority of this Act, such person shall, for every offence forfeit the sum which in every order, rule and regulation shall be specified with costs, to be recovered by information before the said Town Council, or any member or members thereof, to be levied of the goods and chattels of such offender; and in default of such goods and chattels, the offender shall be liable to be committed to the Common Gaol of the Colborne District, or such place of confinement as the Council may at any time hereafter provide within the said Town of Peterborough, for a term, in the discretion of the members of the said Town Council before whom such offender shall have been convicted, not less than one day, and not exceeding thirty days; and no person shall be deemed an incompetent witness, upon any information under this Act, by reason of his being a resident of the said Town of Peterborough; Provided always, that the information and complaint for any breach of any order or regulation of the said Town Council shall be made within fifteen days next after the time of the offence committed.

Persons transgressing by laws, liable to fine and imprisonment.

Proviso.

XLI. And be it enacted, That all the penalties recovered under the provisions of this Act shall be paid into the Treasury of the said Town Council, and the proceeds of all Licenses granted under this Act, where not otherwise specially provided for by any Act of the Legislature of Upper Canada or of this Province, and any income of whatsoever nature, shall form part of the public funds of the said Town, and shall be applied in the same manner as other monies coming into the said Treasury may be applied for the public uses of the said Town.

Penalties to be paid into Treasury of Town Council.

Limitation of
actions under
this Act.

XLII. And be it enacted, That if any action or suit shall be brought against any person or persons for any matter or thing done under the authority or in pursuance of this Act, such action or suit shall be brought within six calendar next after the fact committed, and not afterwards. 5

Meetings of
Town Council.

XLIII. And be it enacted, That the Town Council shall meet at least on the first Monday in every month, and on such other days as they may appoint; and it shall be lawful for the Mayor to call special meetings, whenever urgent business shall or may require; and the said Town Council shall hold their sittings in the Town Hall, when such building shall have been provided; and until such suitable building shall have been provided, the said Town Council shall determine on the place of their meetings. 10 15

Sheriff &c. to
take charge of
persons com-
mitted under
authority of
Council.

XLIV. And be it enacted, That the Sheriff and Gaoler of the Colborne District shall be bound and they are hereby authorized and required to receive and safely keep until duly discharged, all persons committed to their charge by the said Town Council or any member thereof under the authority thereof. 20 25

Riotous and
disorderly per-
sons may be
committed.

XLV. And be it enacted, That it shall and may be lawful to and for any one of the members of the said Town Council, individually, to order the immediate apprehension of any drunken or disorderly or riotous person or persons whom he shall find disturbing the peace within the limits of the said Town, and to confine him or her in a watch-house, lock-up-house, or other places of confinement, in order that such person may be secured until he or she can be brought before the Town Council to be dealt with according to law, or may give bail for his or her appearance before the Council, if such member ordering the apprehension, shall think fit to take bail in such manner as bail is given in by offenders before a Justice of the Peace. 30 35 40

XLVI. And be it enacted, That except in General or Adjourned Quarter Sessions, the Justices of the Peace for the Colborne District, as such Justices, shall exercise no jurisdiction over offences committed within the Town of Peterborough; and that the members of the said Town Council shall, by virtue of their office, be Justices of the Peace in and for the said Town, and exercise within the said Town the authority now given by law to Justices of the Peace: Provided always, that nothing in this Act shall be construed to give the members of the said Town Council any right or authority to sit, act, or in any wise interfere in any Court of General or Adjourned Quarter Sessions; and it shall and may be lawful for any person or persons to appeal to the General Quarter Sessions, in the same manner as is now provided by law, from any conviction of any one or more members of the said Town Council, when such conviction shall have been made in the exercise of their magisterial duty and apart from the enforcement of any By-laws or Regulations; Provided also, that if any action or suit shall be brought against any member of the said Town Council, for any matter or thing done by him as such Justice of the Peace as aforesaid, he shall be entitled to and receive such notice of action as is now required to be given to Justices of the Peace in other cases.

Except in Quarter Sessions, Justices of the Peace to have no jurisdiction over offences committed in the Town.

Proviso.

Proviso.

XLVII. And be it enacted, That from and after the passing of this Act; all laws now in force within this Province providing for the assessment and collection of any rates or assessments for the general purposes of the District, as far as the same apply to the Town of Peterborough, shall be and the same are hereby repealed, and in lieu of the payment of any part of the rates or assessments heretofore payable to the general funds of the Colborne District, the said Town Council shall, some time in the month of December in each and

Laws relating to assessment in so far as they apply to Peterborough, repealed.

every year, out of the moneys of the said Town, pay to the Treasurer of the Colborne District for the general purposes of the said District, such sum annually as the District Council of the said Colborne District and the said Town Council shall agree upon, or in default of such agreement, such sum as shall be ascertained by the award of the Warden of the District Council of the said District and the Mayor of the said Town, with such other person consenting to act, as they shall choose as Umpire, or any two of them, which award the said Warden, Mayor and Umpire are hereby required to make during the month of October in each year: 5
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 15
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 25
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Proviso.

Council may borrow moneys for erection of Town hall, &c.

XLVIII. And the better to enable the said Town Council to erect a suitable Town-hall and market buildings, and build public sewers, and from time to time as required to make other improvements in the said Town for the comfort, health, and general welfare of the said town: Be it enacted, That it shall and may be lawful for them to borrow, from time to time, sufficient sums of money for those purposes not exceeding one thousand pounds, from any person or persons willing to advance the same at a rate of interest not exceeding that fixed by law; and the said Town Council are hereby authorized and empowered to mortgage or place in 45
 50

security the property of the said Town, as well as to secure the rates and assessments to be levied and collected under the provisions of this Act, to the person or persons so lending, for the purpose of repaying the same with the legal interest thereon, in such manner as the said Town Council may see fit.

XLIX. And be it enacted, That from and after the passing of this Act at any Adjourned General Sessions held in the Colborne District, for the purpose of receiving applications and granting certificates to innkeepers for licenses, only those Magistrates who may be resident inhabitants in the said Town of Peterborough shall vote on any application for a license from an innkeeper whose house shall be situate within the said town.

Magistrates resident in Town, only, to vote on application for tavern licenses in Town.

L. And be it enacted, That the said Town Council shall have full power to take and receive a license of occupation from Her Majesty, Her Heirs and Successors, or from the Colborne District Municipal Council, or from any other person or persons, or bodies corporate, of any lands lying within the limits of the said Town, on such terms as may be agreed upon between the parties; and that it shall and may be lawful for the said Town Council to purchase lands for the use of the said Town, either for use or ornament, and to make such terms with regard to the payment of the purchase money of the same as may be agreed upon between the parties, so that the aggregate amount of the purchase over and above that already contracted for, shall not exceed the sum of five hundred pounds, and that the said Council shall have full power to make Rules and By-laws for the improving and taking care of all such lands as they may deem from time to time advisable; and to enforce the observance of such Rules and By-laws in the same manner as hereinbefore authorized in other matters.

Council may receive from H. M. &c. a license of occupation of lands within the Town.

Public Act.

LI. And be it enacted, That this Act shall be taken and held to be a Public Act, and shall be judicially taken notice of by all Judges, Justices and others, without being specially pleaded.