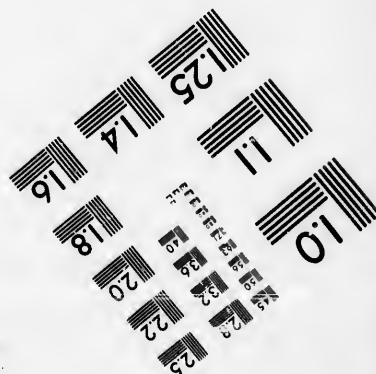
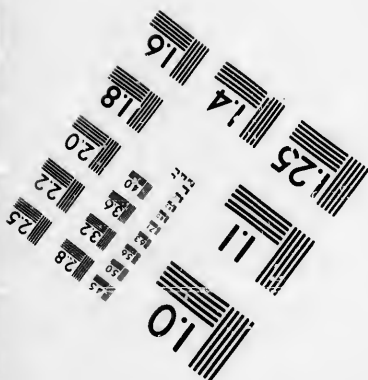
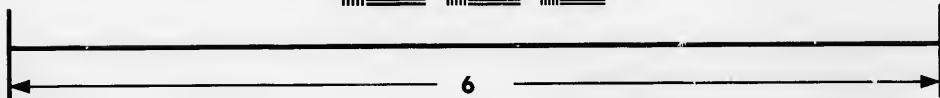
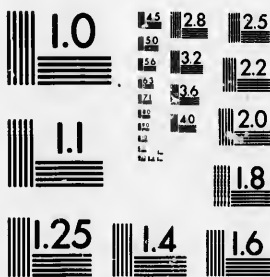


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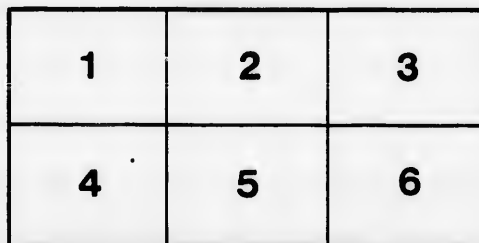
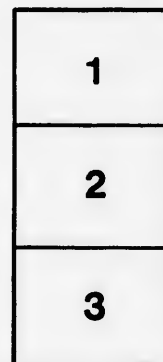
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A COMPILATION

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THE ACTS

RESPECTING THE

Municipal Institutions of Ontario,

A. D. 1870.

By THOMAS WILLS,
COUNTY CLERK, COUNTY OF HASTINGS.

Toronto :

PRINTED BY HUNTER, ROSE & CO., 86 & 88 KING ST. WEST.
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TO THE

Municipal Corporations of Ontario.

The undersigned, in presenting the following compilation of the Acts of Parliament governing the Municipal Institutions of Ontario, believes it will save a great deal of labour to all persons connected with our Municipal Corporations.

Since the last consolidation of the Municipal law, there have been passed no less than four Acts of Parliament altering and amending the same. Amendments have also been made to the Assessment and License Laws; therefore, the difficulty of knowing precisely what the law is can be easily understood.

This compilation comprises the amendments passed at the last Session of the Ontario Parliament, as well as those of former Sessions.

The method pursued by the compiler of this work is, to cut out all such parts of the Municipal Act of 1866 as have been repealed, and insert in lieu thereof the amendments, so as to read as the law now stands.

All the amendments to said Act of 1866 are referred to in the margin.

THOS. WILLS.

BELLEVILLE, ONTARIO,
April, 1870.

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A COMPILATION
OF THE
Acts Respecting Municipal Institutions

OF THE
PROVINCE OF ONTARIO,

A.D. 1870.

HER MAJESTY, by and with the advice and consent of Preamble.
the Legislative Council and Assembly of Canada, enacts
as follows :—

EXISTING INSTITUTIONS CONTINUED.

1. The inhabitants of every county, city, town, village, township, union of counties, and union of townships incorporated at the time this Act takes effect, shall continue to be a body corporate, and every police village then existing shall continue to be a police village, with the municipal boundaries of every such corporation and police village respectively then established. Municipal Corporations continued.
2. The trustees of every police village existing when this Act takes effect, shall be deemed the trustees respectively of every such village as continued under this Act. Police villages.
3. The head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of every municipal corporation, and the inspecting trustees of every police village existing when this Act takes effect, shall be deemed the head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of such corporation, Heads, officers, by-laws, &c., continued.

MUNICIPAL INSTITUTIONS.

corporation, and inspecting trustees of such police village as continued under and subject to the provisions of this Act.

NAMES AND GOVERNING BODY.

1.—CORPORATIONS.

Names of
municipal
corporations.

4. The name of every body corporate continued, or erected under this Act, shall be *The corporation of the county, city, town, village, township, or united counties, or united townships* (as the case may be) of (naming the same.)

Names of
provisional
corporations.

5. The inhabitants of every junior county, upon a provisional council being or having been appointed for the county, shall be a body corporate under the name of *The Provisional Corporation of the County of* (naming it.)

The councils
to exercise cor-
porate powers.

6. The powers of every body corporate under this Act shall be exercised by the council thereof.

2.—POLICE VILLAGES.

Trustees in
police villages.

7. The police regulations of every police village shall be enforced through the police trustees.

NEW MUNICIPALITIES.

COUNTIES AND TOWNSHIPS.

Extension of
corporate
municipalities.

8. The inhabitants of every county, or union of counties erected by proclamation into an independent county or union of counties, and of every township or union of townships erected into an independent township or union of townships, and of every locality erected into a city, town, or incorporated village, and of every county or township separated from any incorporated union of counties or townships, and of every county or township, or of the counties or townships if more than one, remaining of the union after the separation, being so erected or separated after this Act takes effect, shall be a body corporate under this Act.

NEW POLICE VILLAGES.

New police
villages.

9. On the petition of any of the inhabitants of an unincorporated village, the council or councils of the county or counties within which the village is situate, may, by by-law, erect the same into a police village, and assign thereto such limits as may seem expedient.

NEW

NEW INCORPORATED VILLAGES.

10. When the census returns of an unincorporated village, with its immediate neighbourhood, taken under the direction of the council or councils of the county or counties in which the village and its neighbourhood are situate, shew that the same contain over seven hundred and fifty inhabitants, and when the residences of such inhabitants are sufficiently near to form an incorporated village, then on petition, by not less than one hundred resident freeholders and householders of the village and neighbourhood, of whom not fewer than one-half shall be freeholders, the council or councils of the county or counties in which the village and neighbourhood are situate shall, by by-law, erect the village and neighbourhood into an incorporated village, apart from the township or townships in which the same are situate, by a name, and with boundaries to be respectively declared in the by-law, and shall name in the by-law the place for holding the first election, and the Returning Officer who is to hold the same; provided always, that :—

When population 750, county council may incorporate a new village, and name place for first election, and a returning officer.

Proviso.

1. No town or village incorporated after the passing of this Act, the population of which does not exceed one thousand souls, shall extend over or occupy within the limits of the incorporation an area of more than five hundred acres of land;

Area of town or village limited.

2. No town or village already or hereafter incorporated, and containing a population exceeding one thousand souls, shall make any further addition to its limits or area, except in the proportion of not more than two hundred acres for each additional thousand souls, subsequent to the first thousand;

Enlargement of area limited.

3. In the case of all towns or villages now incorporated, whenever the area thereof exceeds the proportionate limit above prescribed, to wit, in all cases where the area exceeds the proportion of five hundred acres for the first thousand souls, and two hundred acres for each subsequent additional thousand, then in all such cases the said towns or villages shall not be permitted to make any further addition to their limits, until their population shall have reached a proportion as aforesaid to their present area;

Existing towns or villages exceeding the area prescribed.

4. But in all cases, the persons then actually inhabiting the land about to be included within the limits of any town or village may, for the purpose of such extension only, be held and reckoned as among the inhabitants of such town or village;

How population may be reckoned.

5. The county council of any county or union of counties in Upper Canada may, in their discretion, upon the application by petition

Reducing the area of villages.

petition of the corporation of any incorporated village, whose outstanding obligations and debts do not exceed double the net amount of the yearly rate then last levied and collected therein, by by-law in that behalf, reduce the area of such village by excluding from it lands used wholly for farming purposes; provided that such by-law shall define, by metes and bounds, the new limits intended for such incorporated village; and provided also, that no incorporated village shall by any such change of boundaries be reduced in population below the number of seven hundred and fifty souls; and provided further, that the municipal privileges and rights of such village shall not thereby be diminished, or otherwise interfered with as respects the remaining area thereof.

Proviso.

Proviso.

Proviso.

When the village lies within two counties, how to be annexed to one of them by the Councils or Governor.

11. When the newly incorporated village lies within two or more counties, the councils of the counties shall, by by-law, annex the village to one of the counties; and if within six months after the petitions for the incorporation of the village are presented, the councils do not agree to which county the village shall be annexed, the wardens of the counties shall memorialize the Governor in Council, setting forth the grounds of difference between the councils; and thereupon the Governor shall, by proclamation, annex the village to one of such counties.

When by the Governor.

12. In case the wardens do not, within one month next after the expiration of the six months, memorialize the Governor as aforesaid, then one hundred of the freeholders and householders on the census list may petition the Governor to settle the matter, and thereupon the Governor shall, by proclamation, annex the incorporated village to one of the said counties.

Additions to villages by Governor.

Proviso.

13. In case the council of an incorporated village petitions the Governor to add to the boundaries thereof, the Governor may, by proclamation, add to the village any part of the localities adjacent, which, from the proximity of the streets or buildings therein, or the probable future exigencies of the village, it may seem desirable to add thereto; Provided always, that nothing herein contained shall be construed as authorizing any departure from the provisions of subsections one to five of section ten of this Act.

ERECTION OF VILLAGES INTO TOWNS, AND TOWNS INTO CITIES.

Towns and cities, how formed: census.

14. A census of any town or incorporated village may at any time be taken under the authority of a by-law of the council thereof.

15.

15. In case it appears by the census return taken under any Act of Parliament, or under any such by-law, that a town contains over fifteen thousand inhabitants, the town may be erected into a city; and in case it appears by the return that an incorporated village contains over three thousand inhabitants, the village may be erected into a town; but the change shall be made by means of and subject to the following proceedings and conditions:

Town containing over fifteen thousand inhabitants may be made a city; and village containing over three thousand, a town.

Firstly—The council of the town or village shall, for three months after the census return, insert a notice in some newspaper published in the town or village, or, if no newspaper be published therein, then the council shall, for three months, post up a notice in four of the most public places in the town or village, and insert the same in a newspaper published in the county in which the town or village is situate, setting forth in the notice the intention of the council to apply for the erection of the town into a city, or of the village into a town, and stating the limits intended to be included therein;

1st—Notice to be given.

Secondly—The council of the town or village shall cause the census returns to be certified to the Governor in Council, under the signature of the head of the corporation, and under the corporate seal, and shall also cause the publication aforesaid to be proved to the Governor in Council, then, in the case of a village, the Governor may, by proclamation, erect the village into a town by a name to be given thereto in the proclamation;

2nd—Proof publication of notice and of census.

Proclamation. Village made a town.

Thirdly—In case the application is for the erection of a town into a city,—the town shall moreover pay to the county of which it forms part, such portion, if any, of the debts of the county as may be just, or the council of the town shall agree with the council of the county as to the amount to be so paid, and the periods of payment with interest from the time of the erection of the new city, or in case of disagreement the same shall be determined by arbitration under this Act; and the council shall prove to the Governor in Council the payment, agreement or arbitration;

3rd—Existing debts to be adjusted in case of a town to be made a city.

Then, the Governor may, by proclamation, erect the town into a city, by a name to be given thereto in the proclamation.

4th—Governor may proclaim such town a city.

16. The Governor may include in the new town or city such portions of any township or townships adjacent thereto, and within the limits mentioned in the aforesaid notice as, from the proximity of streets or buildings, or the probable future exigencies

Extension of limits of such town or city.

MUNICIPAL INSTITUTIONS.

exigencies of the new town or city, the Governor in Council may consider it desirable to attach thereto.

Wards.

17. The Governor may divide the new town or city into wards, with appropriate names and boundaries, but no town shall have less than three wards, and no ward less than five hundred inhabitants.

Lands detached from counties.

18. In case any tract of land so attached to the town or city belonged to another county, the same shall thenceforward for all purposes cease to belong to such other county, and shall belong to the same county as the rest of the town or city.

NEW DIVISION OF WARDS IN CITIES AND TOWNS.

New division of wards in cities and towns.

19. In case two-thirds of the members of the council of a city or town, do in council before the fifteenth day of July in any year, pass a resolution affirming the expediency of a new division into wards being made of the city or town, or of a part of the same, either within the existing limits or with the addition of any part of the localities adjacent, which, from the proximity of streets or buildings therein, or the probable future exigencies of the city or town, it may seem desirable to add thereto respectively, the Governor may, by proclamation, divide the city or town, or such part thereof into wards, as may seem expedient, and may add to the city or town any part of the adjacent township or townships, which the Governor in Council, on the grounds aforesaid, considers it desirable to attach thereto.

Extension of city.

LIBERTIES IN CITIES ABOLISHED.

No liberties.

20. There shall be no liberties or outer wards in cities.

EXISTING BY-LAWS CONTINUED.

By-laws to continue in cities, towns and villages, until, &c.

21. In case a village be incorporated, or an incorporated village or town with or without additional area, be erected into a town or city, the by-laws in force therein respectively shall continue in force until repealed or altered by the council of the new corporation; but no such by-laws shall be repealed or altered unless they could have been or can be legally repealed or altered by the council which passed the same.

When not to be repealed.

And when the limits of a municipality are extended.

22. In case an addition be made to the limits of a municipality, the by-laws of the municipality shall extend to the additional limits, and the by-laws of the municipality from which the

the same has been detached shall cease to apply to the addition, except only by-laws relating to roads and streets, and these shall remain in force until repealed by by-laws of the municipality added to.

LIABILITY TO DEBTS TO CONTINUE.

23. In case of the formation of an incorporated village, or of the erection of an incorporated village into a town, or of a town into a city, the village, town or city shall remain liable to all the debts and liabilities to which the village or town was previously liable, in like manner as if the same had been contracted or incurred by the new municipality.

Liability to debts to continue.

24. After an addition has been made to a village, town or city, the village, town or city shall pay to the township or county from which the additional tract has been taken, such part (if any) of the debts of the township or county as may be just; and in case the councils do not, within three months after the first meeting of the council of the municipality to which the addition has been made, agree as to the sum to be paid, or as to the time of payment thereof, the matter shall be settled by arbitration under this Act.

And in case of an extension of limits.

COUNCILS AND OFFICERS TO CONTINUE.

25. In case any place be erected into an incorporated village, or an incorporated village into a town, or a town into a city, the council and the members thereof having authority in the place or municipality immediately before such erection, shall, until the council for the newly erected corporation be organized, continue to have the same powers as before; and all other officers and servants of the place or municipality shall, until dismissed, or until successors be appointed, continue in their respective offices, with the same powers, duties and liabilities as before.

Former council and officers to exercise jurisdiction over new municipalities, &c., until new councils are organized.

WITHDRAWAL OF TOWNS FROM THE JURISDICTION OF THE COUNTY.

26. The council of any town may pass a by-law to withdraw the town from the jurisdiction of the council of the county within which the town is situated, upon obtaining the assent of the electors of the town to the by-law in manner provided by this Act, subject to the following provisions and conditions:

Town may be withdrawn from jurisdiction of county by by-law on certain conditions.

1. After the final passing of the by-law, the amount which the town is to pay to the county for the expenses of the administration

Amount to be paid by town towards ex-

penses of administration of justice to be settled.

31 Vic., cap. 30, sec. 2.

ministration of justice, the use of the gaol, and the erection and repairs of the registry office, and for providing books for the same, and for services for which the county shall be liable, as required by and under the provisions of any Act respecting the registration of instruments relating to lands, as well as for the then existing debt of the county, if not mutually agreed upon, shall be ascertained by arbitration under this Act; and the agreement or award shall distinguish the amount to be annually paid for the said expenses, and for the then debt of the county, and the number of years the payments for the debt are to be continued.

Matters to be considered in settling the same.

2. In adjusting their award, the arbitrators shall, among other things, take into consideration the amount previously paid by the town, or which the town may be then liable to pay, for the construction of roads or bridges by the county, without the limits of the town; and also what the county may have paid, or be liable to pay, for the construction of roads or bridges within the town; and they shall also ascertain and allow to the town the value of its interest in all county property, except roads and bridges within the town;

Copy of agreement to be sent to the Governor.

Proclamation.

3. When the agreement or award has been made, a copy of the same, and of the by-law, duly verified by affidavit, shall be transmitted to the Governor, who shall thereupon issue his proclamation withdrawing the town from the jurisdiction of the council of the county;

Effect of such proclamation.

4. After the proclamation has been issued, the offices of reeve and deputy reeve or deputy Reeves of the town shall cease; and no by-law of the council of the county shall have any force in the town, except so far as relates to the care of the court house and gaol, and other county property in the town; and the town shall not thereafter be liable to the county for, or be obliged to pay to the county or into the county treasury, any money for county debts or other purposes, except such sums as may be agreed upon or awarded as aforesaid;

New agreement after five years.

5. After the lapse of five years from the time of the agreement or award, or such shorter time as may be stated in the agreement or award, a new agreement or a new award may be made, to ascertain the amount to be paid by the town to the county for the expenses of the administration of justice; the erection and repairs of the registry office or offices, and for providing books for the same, and for services for which the county shall be liable, as required by and under the provisions of any Act respecting the registration of instruments relating to lands.

31 Vic., cap. 30, sec. 3.

6. After the withdrawal of a town from the county, all property theretofore owned by the county, except roads and bridges within the town, shall remain the property of the county.

Property after withdrawal.

TOWNSHIPS.

ERECTION OF NEW TOWNSHIPS.

27. In case a township be laid out by the Crown in territory forming no part of an incorporated county, the Governor may by proclamation erect the township, or two or more of such townships lying adjacent to one another, into an incorporated township or union of townships, and annex the same to any adjacent incorporated county; and the proclamation shall appoint the returning officer who is to hold, and the place for holding, the first election in the township or union of townships.

New township beyond the limits of incorporated counties may be attached to a county by proclamation.

SEPARATION OF UNITED TOWNSHIPS.

28. When a junior township of an incorporated union of townships has one hundred resident freeholders and householders on the assessment roll as last finally revised and passed, such township shall, upon the first day of January then next thereafter, become separated from the union.

Junior township containing 100 freeholders, &c., to become a separate municipality.

29. In case a junior township has at least fifty but less than one hundred resident freeholders and householders on the last revised assessment roll, and two-thirds of the resident freeholders and householders of the township, petition the council of the county to separate the township from the union to which it belongs; and in case the council considers the township to be so situated, with reference to streams or other natural obstructions, that its inhabitants cannot conveniently be united with the inhabitants of an adjoining township for municipal purposes, the council may, by by-law, separate the same from the union; and the by-law shall name the returning officer who is to hold, and the place for holding the first election under the same; or in case two-thirds of the resident freeholders and householders of one or more junior townships petition the council of the county to be separated from the union to which they belong, and to be attached to some other adjoining municipality, and in case said council consider the interests and convenience of the inhabitants of such township or townships would be promoted thereby, they may, by by-law, separate such township or townships from said union, and attach them to some other adjoining municipality.

In what case junior township containing less than 100, but exceeding 50 may be separated, and how.

31 V., c. 30, s. 4.

ANNEXATION

MUNICIPAL INSTITUTIONS.

ANNEXATION OF GORES.

The Governor may annex gores to adjacent townships.

30. The Governor may, by proclamation, annex to any township, or partly to each of more townships than one, any gore or small tract of land lying adjacent thereto and not forming part of any township, and such gore or tract shall thenceforward for all purposes form part of the township to which it is annexed.

ANNEXATION OF NEW TOWNSHIPS.

New townships, &c., within the limits of incorporated counties, to be united to adjacent townships, and how.

31. In case a township be laid out by the Crown in an incorporated county or union of counties; or in case there is any township therein not incorporated and not belonging to an incorporated union of townships, the council of the county or united counties shall, by by-law, unite such township for municipal purposes, to some adjacent incorporated township or union of townships in the same county, or union of counties.

Townships not incorporated or united may be formed into unions, and how.

32. In case of there being at any time in an incorporated county, or union of counties, two or more adjacent townships not incorporated, and not belonging to an incorporated union of townships, and in case such adjacent townships have together not less than one hundred resident freeholders and householders within the same, the council of the county or union of counties may, by by-law, form such townships into an independent union of townships.

Townships in different counties.

33. In case the united townships are in different counties, the by-law shall cease to be in force whenever the union of the counties is dissolved.

SENIORITY OF TOWNSHIPS.

Seniority of townships, how regulated.

34. Every proclamation or by-law forming a union of townships shall designate the order of seniority of the townships so united, and the townships of the union shall be classed in the by-law according to the relative number of freeholders and householders on the last revised assessment roll.

COUNTIES.

NEW COUNTIES.

New counties, how formed by proclamation, and annexed or united.

35. The Governor may, by proclamation, form into a new county any new townships not within the limits of an incorporated county, and may include in the new county one or more unincorporated townships, or other adjacent unorganized territory

territory (defining the limits thereof) not being within an incorporated county, and may annex the new county to any adjacent incorporated county; or in case there is no adjacent incorporated county, or in case the Governor in Council considers the new county, or any number of such new counties lying adjacent to one another, and not belonging to an incorporated union, so situated that the inhabitants cannot conveniently be united with the inhabitants of an adjoining incorporated county for municipal purposes, the Governor may, by the proclamation, erect the new county, or new adjacent counties, into an independent county or union of counties for the said purposes, and the proclamation shall name the new county or counties.

SENIORITY OF.

36. In every union of counties, the county in which the County Court House and Gaol are situate, shall be the senior county, and the other county or counties of the union shall be the junior county or counties thereof.

Seniority of united counties, how regulated.

LAWS APPLICABLE TO.

37. During the union of counties, all laws applicable to counties (except as to representation in Parliament and Registration of Titles) shall apply to the union as if the same formed but one county.

Laws applicable to union counties.

VENUE IN.

38. In the case of united counties, the venue in any judicial proceedings shall be laid in the proper county of the union (naming it), and describing it as one of the united counties of , and in such case, the jury for the trial of any issue, civil or criminal, or the assessment of any damages, shall be summoned from the body of the united counties.

Venue, how laid in unions of counties.

ERECTION OF PROVISIONAL CORPORATIONS AND SEPARATION OF JUNIOR COUNTIES.

PRESIDING MEMBER—FIRST MEETING—COUNTY TOWNS.

39. When the census returns, taken under an Act of Parliament, or under the authority of a by-law of the council of any united counties, show that the junior county of the union contains seventeen thousand inhabitants or more, then if a majority of the reeves and deputy reeves of such county do, in the month of February, pass a resolution affirming the expediency of the county being separated from the union; and if in the month of February in the following year, a majority of the reeves

Provisional separation of united counties by proclamation appointing place of meeting and presiding officer.

MUNICIPAL INSTITUTIONS.

reeves and deputy reeves transmit to the Governor in Council a petition for the separation, and if the Governor deems the circumstances of the junior county such as to call for a separate establishment of courts and other county institutions, he may, by proclamation setting forth those facts, constitute the reeves and deputy reeves for the county a provisional council, and in the proclamation appoint a time and place for the first meeting of the council, and therein name one of its members to preside at the meeting, and also therein determine the place for and the name of the county town.

And county town.

40. The member so appointed shall preside in the council until a provisional warden has been elected by the council from among the members thereof.

Who to preside till provisional warden chosen.

PROVISIONAL OFFICERS.

41. Every provisional council shall from time to time appoint a provisional warden, a provisional treasurer, and such other provisional officers for the county as the council deems necessary.

Appointment of provisional warden, &c.

His term of office;

42. The provisional warden shall hold office for the municipal year for which he is elected.

and of treasurer, &c.

43. The treasurer and other officers so appointed shall hold office until removed by the council.

PURCHASE OF PROPERTY.

44. Every provisional council may acquire the necessary property at the county town of the junior county on which to erect a court house and gaol, and may erect a court house and gaol thereon, adapted to the wants of the county, and in conformity with any statutory or other rules and regulations respecting such buildings, and may pass by-laws for such purposes.

Provisional councils may acquire lands for gaols and court houses.

POWERS OF THE UNION NOT TO BE INTERFERED WITH.

45. The powers of a provisional council shall not interfere with the powers of the council of the union, and any money raised by the provisional council in the junior county shall be independent of the money raised therein by the council of the union.

Powers of provisional council not to interfere with powers of the union.

DEBTS AND ASSETS OF THE UNION.

46. After a provisional council has procured the necessary property,

property, and erected thereon the proper buildings for a court house and gaol, the council may enter into an agreement with the senior or remaining county or counties for payment to such county or counties of any part of the debts of the union as may be just, and for determining the amount to be so paid, and the times of payment.

Agreement as to debts upon dissolution.

47. No member of the provisional council shall vote or take any part in the council of the union on any question affecting such agreement, or the negotiation therefor.

When provisional councilors shall not vote.

48. In case the councils do not then agree as to the amount or periods of payment, the matter shall be settled between them by arbitration under this Act; and the junior county shall pay to the senior or remaining county or counties of the union the amount so agreed upon or settled, and such amount shall bear interest from the day on which the union is dissolved, and shall be provided for, like other debts, by the council of the junior county after being separated; Provided always, that if no such debts exist, and the councils do not agree as to the division of the property belonging to the united counties, that then an arbitration shall take place within twelve months after the separation of such counties has taken place, and the arbitrators shall take into consideration, and allow to the junior county the fair proportion of the value of any personal property of the united counties, which by the separation of the counties becomes the exclusive property of the senior county; Provided also, that the provision in this section contained, shall not apply to any county where proceedings have been commenced or taken, previous to the passing of this Act, for separating such county; Provided also, that nothing in this Act shall prevent any senior county from which the junior county may have been separated before the passing of this Act from paying over to the junior county its proportion of the assets belonging to the united counties at the time of the separation.

Arbitrament.

Payment of debts upon dissolution.

Debt to bear interest.

Proviso: If there are no debts, as to division of property.

Proviso: Not to apply if proceedings have commenced, 29 and 30 Vic., cap. 52, sec. 1.

Proviso: Not to prevent senior county from paying, &c., 31 Vic., cap. 30, sec. 5.

GOVERNOR TO APPOINT JUDGES, &C.

49. After the sum to be paid by the junior county to the senior or remaining county or counties has been paid or ascertained by agreement or arbitration, the Governor in Council shall appoint for the junior county, a judge, a sheriff, one or more coroners, a clerk of the peace, a clerk of the county court, a registrar, and at least twelve justices of the peace, and shall provide, in the commission or commissions, that the appointments are to take effect on the day the counties become dis-united.

Terms and time of separation.

Judge, &c., to be appointed.

Registrar.

50. The office for the registry of deeds shall be kept in the county town in like manner as in other counties.

WHEN A JUNIOR COUNTY MAY BE SEPARATED.

United coun-
ties, when and
how to be se-
parated by
proclamation.

Property how
divided.

32 Vic., cap.
43, sec. 18

Proviso: as to
execution and
service of
writs.

Place of trial
after dissolu-
tion of unions,
to be as order-
ed by the court
or a judge.

51. After such appointments are made, the Governor shall, by proclamation, separate the junior county from the senior or remaining county or counties, and shall declare such separation to take effect on the first day of January next after the end of three months from the date of the proclamation; and on that day the courts and officers of the union shall cease to have any jurisdiction in the junior county; and the property of the corporation of the union situate in the junior county shall become the property of the corporation of the junior county, and the property situate in the remaining county or united counties shall be the property of the corporation of the remaining county or united counties; and the assets and choses in action, belonging to the corporation of the union shall belong to and be the property of either the senior or junior county, or union of counties, as agreed upon at the separation; and, in the absence of any agreement, they shall belong to and be the property of the senior county, or union of counties; and, in the case of choses in action, they may be recovered in a suit, action, or other legal proceeding instituted or commenced in the name of the senior county or union of counties; Provided always, that nothing herein contained shall prevent the sheriff of any such senior county from proceeding upon and completing the execution or service within the junior county of any writ of mesne or final process in his hands at the time of such separation, or of any renewal thereof, or of any subsequent or supplementary writ in the same cause, or in the case of executions against lands from executing all necessary deeds and conveyances relating to the same, and the acts of all such sheriffs in that behalf shall be and be held and construed to be legal and valid in the same manner and to the same extent as if no separation had taken place, but no further.

52. If upon the dissolution of a union of counties, there is pending an action, information, indictment, or other judicial proceeding in which the venue is laid in a county of the union, the court in which the action, information or indictment is pending, or any judge who has authority to make orders therein may, by consent of parties, or on hearing the parties upon affidavit, order the venue to be changed to the new county, and all records and papers to be transmitted to the proper officers of such county, and in the case of any such indictment found at any Court of Oyer and Terminer and General Gaol Delivery, any

any Judge of either of the Superior Courts of Common Law, may make the order.

53. In case no such change be directed, all such actions, informations, indictments and other judicial proceedings shall be carried on and tried in the senior county. If no special order is made.

COURTS IN.

54. All courts of the junior county required to be held at a place certain, shall be held in the county town of the junior county. Place for holding courts after separation.

PERSONS IN PRISON.

55. Any person charged with an indictable offence who, at the time of the disuniting of a junior from a senior county, is imprisoned on the charge in the gaol of the senior county, or is under bail or recognizance to appear for trial at any court in the senior county, and against whom no indictment has been found before the disunion takes place, shall be indicted, tried and sentenced in the senior county, unless a Judge of one of the Superior Courts of Common Law orders the proceedings to be conducted in the junior county, in which event the prisoner or recognizance (as the case may be) shall be removed to the latter county, and the proceedings shall be had therein; and when in any such case the offence is charged to have been committed in a county other than that in which such proceedings are had, the venue may be laid in the proper county describing it as "formerly one of the united counties of, &c." Indictable offences how to be disposed of.

PERSONS ON BAIL.

56. Any person arrested or held to bail under civil process, before the separation of a junior from a senior county, and liable to be imprisoned, shall be so imprisoned in the gaol of the county in which he was arrested; and all proceedings in any suit or action in which any person was so arrested or held to bail, and all proceedings after judgment founded on the arrest or holding to bail, shall be carried on as if the arrest or holding to bail had taken place in such county as a separate county; and in case the proceedings are to be had in the junior county, all the records and papers relative to the case shall be transmitted to the proper officer of the junior county. Proceedings in civil cases under bailable process.

PERSONS ON THE GAOL LIMITS.

57. In case a debtor or other person be (in manner prescribed by law) admitted to the gaol limits of a union of counties, and the Privileges of persons admitted to gaol

limits saved on dissolution.

the union be afterwards dissolved, or one or more counties be separated from the union, such person or debtor may notwithstanding travel and reside in any portion of the said counties as if no dissolution or separation had taken place, without committing a breach of any bond or the condition thereof, or a forfeiture of any security given for the purpose of obtaining the benefit of such limits; and in case any such person after the dissolution of the union be surrendered or ordered to be committed to close custody, he shall be surrendered or committed to the sheriff of the county in which he was arrested, and be imprisoned in the gaol thereof.

WHEN PROVISIONAL COUNCILS, OFFICERS, &C., TO BECOME ABSOLUTE.

Officers and property, &c., continued.

58. When a junior county is separated from a union of counties, the head and members of the provisional council of the junior county, and the officers, by-laws, contracts, property, assets and liabilities of the provisional corporation, shall be the head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of the new corporation.

BY-LAWS, DEBTS AND RATES OF FORMER UNIONS OF COUNTIES OR TOWNSHIPS AFTER BEING DISSOLVED.

By-laws to continue in counties and townships.

59. When a junior county or township is separated from a senior county or township, the by-laws of the union shall continue in force in the several counties or townships which composed the union until altered or repealed by the council or councils of the same respectively.

Upon dissolution of township unions, the junior to pay a just portion of debts of the union; and disposition of property of the union.

60. After the dissolution of a union of townships, the following shall be the disposition of the property of the union :

1. The real property of the union situate in the junior township, shall become the property of the junior township ;

2. The real property of the union situate in the remaining township or townships of the union shall be the property of the remaining township or townships ;

Joint interest in assets.

3. The two corporations shall be jointly interested in the other assets of the union, and the same shall be retained by the one, or shall be divided between both, or shall be otherwise disposed of, as they may agree ;

Arrangement as to debts.

4. The one shall pay or allow to the other, in respect of the said disposition of the real and personal property of the union, and

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and in respect to the debts of the union, such sum or sums of money as may be just;

5. In case the councils of the townships do not within three months after the first meeting of the council of the junior township, agree as to the disposition of the personal property of the union, or as to the sum to be paid by the one to the other, or as to the times of payment thereof, the matter shall be settled by arbitration under this Act;

How to be determined, in case of disagreement.

6. The amount so agreed upon or settled shall bear interest from the day on which the union was dissolved; and shall be provided for by the council of the indebted township like other debts;

Amount settled to bear interest.

7. The provisions of the six preceding sub-sections shall apply in all cases where an incorporated village separates from the township or townships in which it is situate.

Case of village separating from township.

61. In case of the separation of a county or township from a union of counties or townships, each county or township which formed the union shall remain subject to the debts and liabilities of the union as if the same had been contracted or incurred after the dissolution by the respective counties or townships which constituted the union, and the effect of the separation of such union on the officers thereof and their sureties shall be as follows:

Liability of unions for debts at the time of dissolution.

1. The separation of a junior county or township from a union of counties or townships, shall not in any case or in any manner whatever affect the office, duty, power or responsibility of any public officer of the union who continues a public officer of the senior county or township or remaining counties or townships after such separation, or the sureties of any such officer or their liability, further than by limiting such office, duty, power, responsibility, suretyship and liability to the senior county or township, or remaining counties or townships;

How only officers shall be affected.

2. All such public officers shall, after such separation, be the officers of the senior county or township, or remaining counties or townships, as if they had originally been respectively appointed public officers for such senior county or township, or for such remaining counties or townships only;

Further as to officers, and

3. All sureties for such public officers shall be, and remain liable, as if they had become the sureties for such public officers in respect only of such senior county or township, or of such remaining counties or townships; and all securities which have been

Their sureties.

been given shall, after such separation, be read and construed as if they had been given only for such senior or remaining county or counties, or township or townships;

Right to new sureties not affected.

4. Nothing herein contained shall affect the right of new sureties being required to be given by any sheriff or by any clerk or bailiff, or other public officer, under any statute, or otherwise howsoever.

Debentures to issue for debts, and to bind the old and new municipalities.

62. After the dissolution, the council of the senior or remaining county or township shall issue its debentures or other obligations for any part of any debt contracted by the union for which debentures or other obligations might have been but had not been issued before the dissolution; and such debentures or obligations shall recite or state the liability of the junior county or township therefor under this Act; and the junior county or township shall be liable therefor as if the same had been issued by the junior county or township.

Assessments for year preceding dissolution, who to belong to.

63. All assessments imposed by the council of the union for the year next before the year in which the dissolution takes effect, shall belong to the union, and shall be collected and paid over accordingly, and after the dissolution, all special rates for the payment of debts theretofore imposed by any by-law of the union, shall continue to be levied in the junior county or township; and the treasurer of the junior county or township shall pay over the amount as received to the treasurer of the senior county or township, and the latter shall apply the money so received in the same manner as the money raised under the same by-law in the senior county or township.

Special rates for debts continued, and to be paid over by treasurer of the junior county.

64. In case the amount so paid over to the senior county or township, or to any creditor of the senior county or township, in respect of a liability of the union, exceeds the sum which, by the agreement or award between the councils, the junior county or township ought to pay, the excess may be recovered against the senior or remaining county or township as for money paid or as for money had and received, as the case may be.

If the sum paid over exceeds the just amount, the excess to be refunded.

1. The provisions of the five preceding sections, numbered sixty, sixty-one, sixty-two, sixty-three and sixty-four, (except the subsections to section sixty-one) shall apply in all cases where an incorporated village separates from the township in which it is situated.

Provisions to apply to separation of village from township.

MUNICIPAL COUNCILS, &c., OF WHOM COMPOSED.

THE HEADS.

Heads of corporation, &c.

65. The head of every county and provisional corporation shall be designated the warden thereof, and of every city and town

town the mayor thereof, and of every township and incorporated village the reeve thereof.

THE MEMBERS.

66. The councils of counties, cities, towns, incorporated villages and townships shall be constituted as follows: Composition of councils.

1.—IN COUNTIES.

The council of every county shall consist of the reeves and deputy reeves of the townships and villages within the county, and of any towns within the county which have not withdrawn from the jurisdiction of the council of the county, and one of the reeves or deputy reeves shall be the warden. Counties.

2.—IN CITIES.

The council of every city shall consist of three aldermen for every ward, one of whom shall be mayor, to be elected in accordance with the provisions of the one hundred and fifth section of this Act. Cities.

3.—IN TOWNS.

The council of every town shall consist of the mayor, who shall be the head thereof, and of three councillors for every ward, and if the town has not withdrawn from the jurisdiction of the council of the county in which it lies, then a reeve shall be added, and if the town had the names of five hundred freeholders and householders on the last revised assessment roll, then a deputy reeve shall be added, and for every additional five hundred names of persons possessing the same property qualification as voters on such roll, there shall be elected an additional deputy reeve; Provided always, that in towns where there are five wards, the whole of the councillors shall be re-elected next January, and they shall retire annually, in rotation, by ballot, as provided for in sections eighty-eight and ninety of the said Act.* Towns. 33 Vic., cap. 26, sec. 2. 31 Vic., cap. 30, sec. 6.

4.—IN INCORPORATED VILLAGES.

The council of every incorporated village shall consist of one reeve, who shall be the head thereof, and four councillors, and if the village had the names of five hundred freeholders and householders on the last revised assessment roll, then of a reeve, Incorporated villages, 29 and 30 Vic., cap. 52.

* Sections 87, 88, 89 and 90 are repealed.

deputy

MUNICIPAL INSTITUTIONS.

deputy reeve, and three councillors, and for every additional five hundred names of persons possessing the same property qualification as voters on such roll, there shall be elected an additional deputy reeve instead of a councillor.

5.—IN TOWNSHIPS.

Townships, 29
and 30 Vic.,
cap. 52.

The council of every township shall consist of a reeve, who shall be the head thereof, and four councillors, and if the township had the names of five hundred freeholders and householders on the last revised assessment roll, then the council shall consist of a reeve, deputy reeve, and three councillors, and for every additional five hundred names of persons possessing the same property qualification as voters on such roll, there shall be elected an additional deputy reeve instead of a councillor.

County coun-
cils.

67. No reeve or deputy reeve shall take his seat in the county council, until he has filed with the clerk of the county council a certificate under the hand and seal of the township, village or town clerk, that such reeve or deputy reeve was duly elected, and has made and subscribed the declarations of office and qualification (unless exempted therefrom) as such reeve or deputy reeve; nor in case of a deputy reeve, until he has also filed with the clerk of the county an affirmation or declaration of the clerk, or other person having the legal custody of the last revised assessment rolls for the municipality which he represents, that there appears upon such rolls the names of at least five hundred freeholders and householders in the municipality for the first deputy reeve elected for such municipality, and that no alteration reducing the limits of the municipality, and the number of persons possessing the same property qualification as voters, within five hundred for each additional deputy reeve, since the said rolls were last revised, has taken place.

Certificates to
be filed by
reeves and
deputy reeves,
29 and 30 Vic.,
cap. 52, sec. 67.

Trustees of
police villages

68. The trustees of every police village shall be three in number, one of whom shall be the inspecting trustee.

PROVISIONAL COUNCILS.

WHO TO COMPOSE.

What reeves
and deputy
reeves to be
provisional
council.

69. The reeves and deputy reeves of the municipalities within a junior county for which a provisional council is established shall *ex-officio* be the members of the provisional council.

QUALIFICATION

QUALIFICATION OF MAYORS, ALDERMEN, REEVES,
DEPUTY REEVES, COUNCILLORS AND POLICE
TRUSTEES.

70. The persons qualified to be elected mayors, aldermen, reeves, deputy reeves, and councillors or police trustees, are such residents of the municipality within which, or within two miles of which, the municipality or police village is situate, as are not disqualified under this Act, and have, at the time of the election, in their own right, or in the right of their wives, as proprietors or tenants, a legal or equitable freehold or leasehold, rated in their own names on the last revised assessment roll of such municipality or police village, to at least the value following:—

In townships—Freehold to four hundred dollars, or leasehold to eight hundred dollars; In townships;

In police villages—Freehold or leasehold to four hundred dollars; In police villages;

In incorporated villages—Freehold to six hundred dollars, or leasehold to twelve hundred dollars; In incorporated villages;

In towns—Freehold to eight hundred dollars, or leasehold to sixteen hundred dollars; In towns;

And in cities—for mayor and aldermen—Freehold to three thousand dollars, or leasehold to six thousand dollars. In cities, 31 Vic., cap. 30, sec. 7.

And so in the same proportions in all municipalities and police villages in case the property is partly freehold and partly leasehold. As to property partly freehold.

The term "Leasehold" in this section shall not include a term less than a tenancy for a year, or from year to year. "Leasehold" defined.

And the qualification of all persons, where a qualification is required under this Act, may be of an estate either legal or equitable. Nature of estate.

71. In case of a new township erected by proclamation, for which there has been no assessment roll, every person who, at the time of the first election, has such an interest in real property, and to such an amount as hereinbefore mentioned, shall be deemed to be possessed of a sufficient property qualification. In new township not having assessment roll.

72. In case in a municipality there are not at least two persons If only one person be

qualified. persons qualified to be elected for each seat in the council, no qualification beyond the qualification of an elector shall be necessary in the persons to be elected.

DISQUALIFICATION.

Disqualifica-
tion of coun-
cillors, &c., 31
Vic., cap. 30,
ec. 8.

Proviso: as to
shareholders
in companies,
&c.

73. No judge of any court of civil jurisdiction, no gaoler or keeper of a house of correction, no sheriff, deputy sheriff, sheriff's bailiff, high bailiff or chief constable of any city or town, assessor, collector, treasurer, chamberlain, or clerk of any municipality, no bailiff of any division court, no county attorney, no registrar, no deputy clerk of the crown, no clerk of the county court, no clerk of the peace, no inn-keeper or saloon-keeper, and no person having by himself or his partner an interest in any contract with or on behalf of the corporation, shall hereafter be qualified to be a member of the council of any municipal corporation; Provided always, that no person shall be held to be disqualified from being elected a member of the council of any corporation by reason of his being a shareholder in any incorporated company having dealings or contracts with the council of such municipal corporation, or by having a lease of twenty-one years or upwards, of any property from the corporation, but any such leaseholder shall not vote in the corporation on any question affecting any lease from the corporation.

* Exemptions.

74. All persons over sixty years of age; all members and officers of the Legislative Council and of the Legislative Assembly; all persons in the civil service of the Crown; all judges not disqualified by the last preceding section; all coroners; all persons in priest's orders; clergymen and ministers of the Gospel of every denomination; all members of the Law Society of Upper Canada, whether barristers or students; all attorneys and solicitors in actual practice; all officers of courts of justice; all members of the medical profession, whether physicians or surgeons; all professors, masters, teachers and other members of any university, college or school in Upper Canada, and all officers and servants thereof; all millers; and all firemen belonging to an authorized fire company—are exempt from being elected or appointed councillors, or to any other corporate office.

ELECTORS.

Electors, qua-
lification of in
townships,
&c., having an
assessment
roll:

75. The electors of every municipality for which there is an assessment roll, and the electors of every police village, shall be the male freeholders thereof, whether resident or not, and such of the male householders and tenants thereof as have been resident therein for one month next before the election, who are natural-born

natural-born or naturalized subjects of Her Majesty, and of the full age of twenty-one years, and who were severally rated on the last revised assessment roll, for real property in the municipality or police village, held in their own right or that of their wives as proprietors, householders or tenants; and such rating shall be absolute and final, and shall not be questioned either by any returning officer, or any application to set aside any election under this or any Act respecting the municipal institutions of Ontario.

76. In cities, towns, townships and incorporated villages, such real property, whether freehold or leasehold, or partly each, must have been so rated as of at least the actual value following:

In cities—Five hundred dollars.

31 V., c. 30, s. 10.

In towns—Three hundred dollars.

In incorporated villages—Two hundred dollars.

In townships—One hundred dollars.

In police villages—One hundred dollars.

77. At the first election for a newly-erected municipality for which there is no separate assessment roll, every resident male inhabitant, though not previously assessed, shall be entitled to vote if he possesses the other qualifications above mentioned, and has at the time of the election sufficient property to have entitled him to vote if he had been rated for such property; and every person so claiming to vote shall name the property on which he votes, and the returning officer, at the request of any candidate or voter, shall note the property in his poll book opposite the voter's name.

In newly erected townships not having any assessment rolls.

78. In towns and cities, every elector may vote in each ward in which he has been rated for the necessary property qualification:

Wards in which electors shall vote.

1. In townships and incorporated villages divided into electoral divisions, no elector shall vote in more than one electoral division.

79. In case both the owner and occupant of any real property are rated severally but not jointly therefor, both shall be deemed rated within this Act.

When landlord and tenant both rated.

80. When any real property is owned or occupied jointly by two or more persons, and is rated at an amount sufficient, if equally divided between them, to give a qualification to each, then each shall be deemed rated within this Act, otherwise none of them shall be deemed so rated.

When joint owners rated together.

31 V., c. 30, s. 11.

MUNICIPAL INSTITUTIONS.

PARLIAMENTARY ELECTORS.

Qualification of electors at Parliamentary Elections of Dominion.

For Legislative Assembly Elections see 32 V., c. 21, s. 5.

81. Every male person entered on the then last revised assessment roll for every city, town, village or township, as the owner or occupant of real property of the actual value,—in cities, of six hundred dollars; in towns, of four hundred dollars; in incorporated villages, of three hundred dollars; and in townships, of two hundred dollars, shall be entitled to vote at all Parliamentary elections, subject to the provisions of the Act, chapter six of the Consolidated Statutes of Canada, except subsections numbered 1 and 2 of section four of the said Act, which are hereby repealed, in so far as they relate to Ontario.

MUNICIPAL ELECTIONS.

THE HOLDING OF, IN CERTAIN PLACES PROHIBITED.

Elections for townships not to be in cities, towns or villages, and no elections shall be in taverns.

82. No election of township councillor shall be held within any city, town or incorporated village, nor shall any election for a municipality or any ward thereof be held in a tavern or house of public entertainment licensed to sell spirituous liquors.

FIRST ELECTIONS IN NEW AND EXTENDED MUNICIPALITIES.

First elections where corporations are newly erected or extended.

83. 1. In case of the incorporation of a new township or union of townships; and

2. In case of the separation of a junior township from a union of townships; and

3. In case of the erection of a police into an incorporated village, or of the erection of a village into a town or of a town into a city; and

4. In case of an additional tract of land being added to an incorporated village, town or city, or in case of a new division into wards of a town or city;

Times of elections.

5. In each of the foregoing cases, the first election under the proclamation or by-law, by which the change was effected, shall take place on the first Monday in January next after the end of three months from the date of the proclamation, or from the passing of the by-law by which the change is made, and until such day the change shall not go into effect.

SUBSEQUENT ELECTIONS.

Places of elections.

84. Every election shall be held in the municipality or police village to which the same relates.

85.

85. The council of every city, town and village municipality (including a village newly erected into a town, and a town newly erected into a city), shall from time to time, by by-law, appoint the place or places for holding the next ensuing municipal election, otherwise the election shall be held at the place or places at which the last election for the municipality or wards or electoral divisions was held.

To be fixed by by-law for municipalities.

86. The council by which a police village is established shall, by the by-law establishing the same, name the place in the village for holding the election of police trustees.

Also for police villages.

Sections 87, 88, 89 and 90 are repealed by 33 Vic., cap. 26, sec. 1, and the following section substituted:

That the electors of every municipality (except a county) shall elect annually, on the first Monday in January, the members of the council of the municipality, except such members as may have been elected at the nomination; and on the second Monday in January, the electors of every police village shall annually elect the police trustees of the village; and the persons so elected shall hold office until their successors are elected or appointed and sworn into office, and the new council or police trustees is or are organized.

When elections are to be held in cities, towns, townships, villages and police villages.

33 V., c. 26, s. 3.

91. When a junior township of a union has one hundred resident freeholders and householders on the then last revised assessment roll, the council of the county shall, by a by-law, to be passed before the thirty-first day of October, in the same year, fix the place for holding the first annual election of councillors in the township, and appoint a returning officer for holding the same, and otherwise provide for the due holding of the election according to law.

First election in junior township after separation.

92. In case of the separation of a union of townships, the existing division into wards, if any, shall cease, as if the same had been duly abolished by by-law, and the elections of councillors shall be by general vote, until the township or townships are divided into electoral divisions under the provisions of this Act.

Ward divisions in united townships to cease on dissolution of union.

93. The election in townships and incorporated villages of reeves, deputy reeves and councillors, shall be by general vote, and shall be held at the place or places where the last meeting of the council was held, or in such other place or places as may be from time to time fixed by by-law.

Certain elections to be by general vote.

RETURNING OFFICERS.

94. The council of every municipality, in which the election is

Returning is

MUNICIPAL INSTITUTIONS.

officers for elections by wards.

is to be by wards or electoral divisions, shall, from time to time, by by-law, appoint returning officers to hold the next ensuing elections.

WHEN CLERKS TO BE EX OFFICIO RETURNING OFFICERS.

When clerk to be *ex officio* returning officer.

95. In the case of a municipality, in which the election is not to be by wards or electoral divisions, the clerk shall be the returning officer at all elections after the first.

RETURNING OFFICERS FOR THE FIRST ELECTION IN VILLAGES.

For first election in villages.

96. In every by-law establishing a police or incorporated village, a returning officer shall be appointed, who is to hold the first election for such village :

After first election, police trustees to appoint.

2. In police villages, after the first election, the trustees thereof, or any two of them, shall, from time to time, by writing under their hands, appoint the returning officer.

IF THE RETURNING OFFICER BE ABSENT.

The absence of the returning officer provided for.

97. In case, at the time appointed for holding an election, the person appointed to be returning officer has died, or does not attend to hold the election within an hour after the time appointed, or in case no returning officer has been appointed, the electors present at the place for holding the election may choose from amongst themselves a returning officer, and such returning officer shall have all the powers, and shall forthwith proceed to hold the election, and perform all the other duties of a returning officer.

THE RETURNING OFFICER TO BE A CONSERVATOR OF THE PEACE.

Returning officers to be Conservators of the Peace; their powers.

98. The returning officer shall, during the election, act as a Conservator of the Peace for the city or county in which the election is held; and he, or any Justice of the Peace having jurisdiction in the municipality in which the election is held, may cause to be arrested, and may summarily try and punish by fine or imprisonment, or both, or may imprison or bind over to keep the peace, or for trial, any riotous or disorderly person who assaults, beats, molests or threatens any voter coming to, remaining at, or going from the election; and, when thereto required, all constables and persons present at the election, shall assist the Returning Officer or Justice of the Peace, on pain of being guilty of a misdemeanor.

MAY SWEAR IN SPECIAL CONSTABLES.

99. Every Returning Officer or Justice of the Peace may appoint and swear in any number of special constables to assist in the preservation of the peace and of order at the election; and any person liable to serve as constable, and required to be sworn in as a special constable by the Returning Officer or Justice shall, if he refuses to be sworn in or to serve, be liable to a penalty of twenty dollars, to be recovered to the use of any one who will sue therefor.

Special constables may be sworn in.

PROCEEDINGS AT ELECTIONS IN TOWNSHIPS AND INCORPORATED VILLAGES.

100. A meeting of the electors shall take place for the nomination of candidates for the offices of reeve, deputy reeves, councillors and police trustees, in townships, incorporated villages and police villages, at noon on the last Monday but one in December annually, at such place therein as shall from time to time be fixed by by-law :

Nomination meeting.

1. The clerk (or in his absence, a chairman to be chosen), shall preside at such meeting, of which the clerk shall give at least six days' notice;

President.

2. If only the necessary number of candidates to fill the vacant offices shall be proposed and seconded, the clerk or chairman shall, after the lapse of one hour, declare such candidate or candidates duly elected;

If no more candidates than offices.

3. If more than the necessary number of candidates are proposed, the clerk or chairman shall adjourn the proceedings until the first Monday in January, when a poll or polls shall be opened in each electoral division, or if the municipality be not divided into electoral divisions, then at such place as the council shall by by-law determine for the election, at nine of the clock in the morning, and shall continue open until five of the clock in the afternoon, and no longer;

If more.

31 V., c. 30, s. 13.

4. The clerk or chairman of the meeting shall, on the day following that of the nomination, post up in the office of the clerk of the municipality, the names of the persons proposed for the respective offices, and the clerk shall provide the returning officer, or officers in case of electoral divisions, with a certified list of the names of such candidates, specifying the offices for which they are respectively candidates;

Notice of persons proposed.

5. The clerk shall, before the poll is opened, deliver to the returning

List of voter

returning

returning officer for every electoral division, or police village, a list of the names, arranged alphabetically, of all male freeholders and householders rated upon the then last revised assessment roll for real property, lying in that electoral division or village, to the amount required to qualify them to vote at such election, and shall attest the said list by his solemn declaration;

Poll-books.

6. The clerk shall provide the returning officer with a poll-book, and he, or his sworn poll clerk, shall enter in such book, in separate columns, the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the electors offering to vote at the election, and shall in each column in which is entered the name of the candidate voted for by a voter, set the figure "1" opposite the voter's name;

How kept.

Returning the poll-books.

7. In townships, incorporated villages and police villages, every returning officer shall, on the day after the close of the poll, return the poll-book to the clerk, verified under oath before the said clerk, or any Justice of the Peace for the county or union of counties in which the said township, incorporated or police village may lie, as to the due and correct taking of the votes;

31 V., c. 30, s. 14.

Summing up votes.

8. The clerk of the township, incorporated village or police village (or person so appointed as chairman as aforesaid), shall add up the votes set down for each candidate on the respective poll-books, and ascertain the aggregate number of votes, and shall, on the day following the election, put in some conspicuous place at the town hall, or other place where the nomination was held, the state of the poll, with the number of votes received by each candidate, and a certificate annexed to the said statement, under his hand and seal, showing the successful candidate or candidates.

31 V., c. 30, s. 15.

Declaring candidates elected.

9. In case two or more candidates have an equal number of votes, the said clerk, whether otherwise qualified or not, shall give a casting vote for one or more of such candidates, so as to decide the election, and except in such case the clerk shall not vote at any such election.

Casting vote in case of ties.

PROCEEDINGS AT ELECTIONS OF ALDERMEN IN CITIES AND COUNCILLORS IN TOWNS.

Elections, how conducted.

101. The proceedings at such elections shall be as follows:

Nomination meeting.

1. A meeting of the electors shall take place for the nomination

tion of candidates for the offices of aldermen in cities, and of 31 Vic., cap. 30, sec. 16.
councillors in towns, at noon, on the last Monday but one in December, annually in each ward thereof, at such place therein as shall from time to time be fixed by by-law of the said city or town councils;

2. The said council shall respectively, by their said by-law, name the returning officer for each ward, who shall preside' at the nomination of candidates, or in his absence, a chairman to be chosen by the meeting shall preside, and the returning officer shall give at least six days' notice of such meeting ;

Notice, and who shall preside.
31V., c.30, s.17.

3. If only the necessary number of candidates to fill the vacant offices shall be proposed and seconded, the returning officer or chairman shall, after the lapse of one hour, declare such candidates duly elected ;

If no more candidates than offices.

4. If more than the necessary number of candidates be proposed, the returning officer or chairman shall adjourn the proceedings until the first Monday in January, when a poll or polls shall be opened, at such place or places as shall be fixed by the said by-law of the said councils respectively, for the election at nine of the clock in the morning, and shall continue open until five of the clock in the afternoon, and no longer ; and where there are two or more electoral divisions in any ward, the said council shall, by by-law, fix the places for holding the election, and also name the returning officers who shall preside at the respective polling places ;

If more.
31V., c.30, s.18.

5. The clerk of town or city shall, before the poll is opened deliver to the returning officer for every or any ward or electoral division, a list of the names, arranged alphabetically, of all ratepayers and householders rated upon the then last re-assessment roll for real property lying in that ward or electoral division to the amount required to qualify them to vote at such election, and shall attest the said list by his solemn declaration ;

Lists of voters.

6. The clerk of every town or city shall provide the returning officer of every ward or electoral division with a poll-book, and shall enter in such book, in separate columns, the names of the candidates proposed and seconded at the nomination, and the returning officer shall, opposite to such columns, write the names of the electors offering to vote at the election, and shall in each column in which is entered the name of a candidate voted for by a voter, set the figure "1" opposite the voter's name ;

Poll-books.
31V., c.30, s.19.
How kept.

WHAT OATHS HE MAY ADMINISTER.

Returning officer may administer oaths.

7. The returning officer or chairman may administer all oaths or affirmations necessary at the election ;

OATHS AND QUESTIONS THAT MAY BE PUT TO ELECTORS.

The only oaths to be required of voters.

8. At any election, or at any public vote in respect of a by-law, which requires the assent of the electors, the only oaths or affirmations to be required of any person claiming to vote, are, that he is of the full age of twenty-one years, and is a natural born subject of Her Majesty, or has obtained a certificate of naturalization from the quarter sessions, or was a resident of Canada before the eighteenth day of January, one thousand eight hundred and forty-nine—that he has been, if a householder, a resident within the municipality for which the election is held, or vote taken, for one month next before the election, and that he has not before voted at the election, or on the by-law in the township or ward in which he is voting (*as the case may be*); and that he is the person named or purporting to be named in the list of voters (*or, in case of a new municipality in which there has not yet been any assessment roll, and that he is a freeholder or resident householder in, naming the property entitling him to vote at the election*); and that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote which he tenders at the election; and such oaths shall be administered at the request of any candidate or his authorized agent, and no inquiries shall be made of any such person except with respect to the facts specified in such oaths or affirmations ;

Returning officer to declare result of the election.

9. The returning officer shall, at the close of the poll, add up the number of votes set down for each candidate, for the office of alderman in cities and of councillor in towns, and shall publicly declare the same, beginning with the candidate having the greatest number, and so on with the others, and shall thereupon publicly declare elected the candidate or candidates respectively standing highest on the poll ; but where a ward is divided into two or more electoral divisions, each returning officer shall at the close of the poll return his poll-book to the city or town clerk, who shall as soon as possible thereafter add up the number of votes and publicly declare the candidate so elected ;

When to have casting vote.

10. In case two or more candidates have an equal number of votes, the returning officer, or in case of a ward divided into electoral divisions, the town or city clerk, whether otherwise qualified or not, shall give a vote for one or more of such candidates,

didates, so as to decide the election; and except in such case, no returning officer, or town or city clerk, shall vote at any election held by him.

102. The returning officer shall, on the day after the close of the election, return the poll-book to the clerk of the municipality from whom he received a copy of the voter's list, and also his solemn declaration thereto annexed, that the poll-book contains a true statement of the poll, and his certificate of the persons, naming them, who have been duly elected.

Poll-books to be returned to the clerk.
Attestation.

103. In case, by reason of riot or other emergency, an election is not commenced on the proper day, or is interrupted after being commenced and before the lawful closing thereof, the returning officer shall hold or resume the election on the following day at the hour of ten o'clock in the forenoon, and continue the same from day to day if necessary, for four days until the poll has been open without interruption, and with free access to voters for twelve hours in all, or thereabouts, in order that all the electors so intending may have had a fair opportunity to vote.

Election riotously broken up, to be resumed.

104. But in case the election has not, by the end of the fourth day from the day the same commenced or should have commenced, been so kept open for the said twelve hours, the returning officer shall not return any person as elected, but shall return his poll-book on the following day to the head of the municipality, certifying the cause of there not having been an election, and a new election shall take place; and the head of the municipality shall issue his warrant accordingly.

If election is prevented for four days, poll-book to be returned, and a new election ordered.

ELECTION OF MAYORS IN CITIES, AND OF MAYORS, REEVES AND DEPUTY REEVES OF TOWNS.

105. Mayors of cities shall be elected by the members of the council at their first meeting in each year, and the clerk of the council shall preside at such election, and mayors, reeves and deputy reeves in towns, shall be chosen by the electors of such towns, at the annual election to be held on the first Monday in January, unless chosen by acclamation on the day of nomination.

Election of mayors, reeves, &c.
31V., c. 30, s. 20.

106. The qualification of a mayor in cities shall be the same as that of an alderman in cities, and the qualification of mayor, reeve and deputy reeve in towns, shall be the same as that of a councillor in towns.

Qualification of.

107. A meeting of the electors shall take place for the nomination

Time and place

for nomination.

mination of candidates for mayor, reeve and deputy reeve at the town hall, on the last Monday but one in the month of December before the annual election, at ten of the clock in the forenoon.

The clerk to preside.

108. The town clerk shall preside at such meeting, or, in case of his absence, the council shall appoint a person to preside in his place; if the clerk or the person so appointed does not attend, the electors present shall choose a chairman or person to officiate from among themselves.

With powers of a returning officer.

109. Such clerk or chairman shall have all the powers of a returning officer.

If only one candidate proposed for an office.

110. If only the necessary number of qualified candidates be proposed within one hour by any elector present at such meeting for any of the said offices, the clerk or chairman shall declare such candidates duly elected.

If more, the election to be by wards, 31 V., c. 30, s. 21.

111. If more candidates than the necessary number are proposed for any of the said offices, the clerk or chairman shall, on the following day, post up in the office of the clerk the names of the persons proposed, and give notice thereof to the returning officer for every ward or electoral division.

Duration of poll.

112. In case of a contest in an election for the office of mayor, reeve or deputy reeve, the returning officer for every ward or electoral division shall keep the poll open for the full time required by law for taking the votes, though there may be no contest for the other offices for which he holds the election.

Poll books to be kept;

113. Every returning officer shall enter in his poll-book, in separate columns, the names of the candidates for the office of mayor, reeve or deputy reeve, and of councillors in towns, and shall, in the column in which is entered the name of a candidate for mayor, reeve, deputy reeve or councillor, voted for by any voter, set the number "1" opposite the voter's name.

And returned to the clerk.

114. Every returning officer shall, on the day after the close of the poll, return the poll-book to the city or town clerk, verified by his solemn declaration.

Clerk to add up poll-books, and declare the result.

115. The town clerk shall add up the number of votes set down for each candidate for mayor, reeve and deputy reeve (*as the case may be*) in the respective poll-books so returned, and ascertain the aggregate number of such votes, and in case a poll has been taken and the poll-books have been returned for every ward or electoral division, the clerk shall, at the town hall, at noon

noon of the day following the return of the poll-books, declare elected the candidate or candidates having the largest number of votes polled.

116. In case two or more candidates for mayor, reeve or deputy reeve have an equal number of votes, the town clerk, whether otherwise qualified or not, shall give a casting vote for one or more of such candidates, which vote shall decide the election, but except in such cases, no town clerk shall vote at any election.

Casting vote if no majority for any candidate.

117. The necessary declarations of office and qualification may be administered to the members of the council and mayor elect in cities and towns by the clerk thereof.

Declarations of office how made.
29 and 30 V., c. 52.

118. No other business shall be proceeded with at the said meeting until the said declarations have been administered to all the members who present themselves to take the same.

No other business before declarations.

119. If no return has been made for one or more wards, in consequence of no election having been held therein, or of the election having been interrupted through riot or other cause, the clerk shall declare the want of return for such ward or wards, or electoral divisions, and the cause thereof.

If no return for one or more wards.

120. In case no return be made for one or more wards in consequence of non-election, owing to interruption by riot or other cause, the members of council elect being at least a majority of the whole members of the council when full, shall elect one of the aldermen elect in cities, to be presiding officer, at which election the clerk shall preside, and such officer shall take the necessary declarations and possess all the powers of mayor, until a poll for such ward, wards, or electoral division or divisions, has been held under a warrant in the manner provided for in the one hundred and twenty-fifth section of this Act.

If no return for one or more wards proceedings in such case.
29 and 30 V., c. 52.

121. When a poll has been duly held in each of such wards, and the poll-books returned to the clerk, the clerk shall add up the number of votes for mayor, reeve, deputy reeves and councillors, and in cities for aldermen, therein set down for the respective candidates, and ascertain the aggregate number of votes for mayor, reeve or deputy reeves, councillors or aldermen contained in such last-mentioned poll-books, together with the votes contained in the poll-books previously returned for the other wards, and shall at noon on the next day, at the town hall, declare elected mayor, reeve or deputy reeve (as the case may be) the candidate having the greatest number of votes polled;

When poll completed, clerk to add up votes and declare result; when and where.

Election of
mayor in cities.

polled; and in cities whenever the return has been made under such warrant, and the alderman or aldermen so elected has or have been qualified as such, the election of mayor of such city shall be proceeded with at the next meeting of the council in the same manner as is provided by the one hundred and fifth section of this Act.

Declaration
and assumption
of office.

122. The person or persons so elected shall forthwith make the necessary declaration of office and assume the same accordingly.

DUTIES OF MAYORS.

Mayor to be
the head of
the council:
His duties.

123. The mayor shall be deemed the head of the council, and the head and chief executive officer of the corporation; and it shall be his duty to be vigilant and active at all times in causing the law for the government of the city or town to be duly executed and put in force; to inspect the conduct of all subordinate officers in the government thereof, and as far as may be in his power, to cause all negligence, carelessness and positive violation of duty to be duly prosecuted and punished, and to communicate from time to time to the council, all such information, and recommend such measures as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort, and ornament of the city or town.

ELECTION WHEN SEATS VACATED, &C.

Seats vacated
by crime, insol-
vency, ab-
sence, &c.

31 V., c. 30, s.
22.

124. If, after the election of any person as member of a council, he be convicted of felony or infamous crime, or becomes insolvent, within the meaning of the Insolvent Acts of one thousand eight hundred and sixty-four and one thousand eight hundred and sixty-five, or he applies for relief as an insolvent debtor, or remains in close custody, or assigns his property for the use of his creditors, or he absents himself from the meetings of the council for three months without being authorized by a resolution of the council entered in its minutes, his seat in the council shall thereby become vacant, and the council shall declare the seat vacant and order a new election.

New elections
provided for.

125. In any case provided for by the one hundred and twentieth or one hundred and twenty-fourth sections, or in case a person elected to a council neglects or refuses to accept office, or to make the necessary declarations for office within the time required, or in case a vacancy occurs in the council caused by death, judicial decision or otherwise, the head of the council for the time being, or in case of his absence, or of his office being vacant, the clerk, or in case of the like absence or vacancy in the

the office of the clerk, one of the members of the council shall forthwith, by warrant under the signature of such head, clerk or member, and under the corporate seal, require the returning officer appointed to hold the last election for the municipality, ward and electoral division respectively, or any other person duly appointed to that office, to hold a new election to fill the place of the person neglecting or refusing as aforesaid, or to fill the vacancy.

126. The person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is to be filled. Term of office.

127. In case such non-election, neglect or refusal as aforesaid, occurs previous to the organization of the council for the year, the warrant for the new election shall be issued by the head or a member of the council for the previous year, or by the clerk in like manner as provided for by the one hundred and twenty-fifth section, but such neglect or refusal shall not interfere with the immediate organization of the new council, provided a majority are present of the full number of the council. Non-election of members not to prevent organization of council.

128. The returning officer shall hold the new election at furthest within eight days after receiving the warrant, and shall, at least four days before the election, post up a public notice thereof under his hand in at least four of the most public places in the municipality, ward or electoral division. Time for holding, and notice of new election.

APPOINTMENT IF ELECTION NEGLECTED.

129. In case at any annual or other election, the electors from any cause not provided for by the one hundred and third and one hundred and fourth sections, neglect or decline to elect the members of council for a municipality on the day appointed, or to elect the requisite number of members the other members of the council, or if there are none, then the members for the preceding year, or the majority of them respectively, shall appoint as many qualified persons as will constitute or complete the number of members requisite; and the persons so appointed shall accept office and make the necessary declarations, under the same penalty, in case of refusal or neglect, as if elected. Appointment if election neglected or declined.

130. In case the right of any municipality to a reeve or deputy reeve or reeves, or in case the validity of the election or appointment of mayor, warden or reeve, or deputy reeve, alderman, councillor or police trustee, is contested, the same may Trial of contested elections or right to elect.

may be tried in term or vacation by a judge of either of the superior courts of common law, or the senior or officiating judge of the county court of the county in which the election or appointment took place; and when the right of a municipality to a reeve or deputy reeve or reeves is the matter contested, any municipal elector in the county may be the relator, and when the contest is respecting the validity of any such election or appointment as aforesaid, any candidate at the election, or any elector who gave or tendered his vote thereat, may be the relator for the purpose.

PROCEEDINGS FOR THE TRIAL THEREOF.

131. The proceedings for the trial shall be as follows:—

Time for limited, and security and proof required.

Writ of *quo warranto*.

When the relator claims to be elected.

When several are complained of.

All to be tried by the same judge.

Writ, who to issue and return day there of.

1. If within six weeks after the election, or one month after acceptance of office by the person elected, the relator shews by affidavit to any such judge, reasonable grounds for supposing that the election was not legal, or was not conducted according to law, or that the person declared elected thereat was not duly elected, and if the relator enters into a recognizance before the judge, or before a commissioner for taking bail, in the sum of two hundred dollars, with two sureties, (to be allowed as sufficient by the judge upon affidavit of justification,) in the sum of one hundred dollars each, conditioned to prosecute the writ with effect, or to pay the party against whom the same is brought any costs which may be adjudged to him against the relator, the judge shall direct a writ of summons in the nature of a *quo warranto* to be issued to try the matters contested;

2. In case the relator alleges that he himself or some other person has been duly elected, the writ shall be to try the validity, both of the election complained of, and the alleged election of the relator or other person;

3. In case the grounds of objection apply equally to two or more persons elected, the relator may proceed by one writ against such persons;

4. Where more writs than one are brought to try the validity of an election, or the right to a reeve or deputy reeve or reeves as aforesaid, all such writs shall be made returnable before the judge who is to try the first, and such judge may give one judgment upon all, or a separate judgment upon each one or more of them, as he thinks fit;

5. The writ shall be issued by the clerk of the process of the said superior courts, or by the deputy clerk of the Crown in the county in which the election took place, and shall be returnable

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able before the judge in chambers of the Superior Court at Toronto, or before the judge of the county court at a place named in the writ, upon the eighth day after service computed exclusively of the day of service, or upon any later day named in the writ ;

6. The judge before whom the writ is made returnable, or is returned, may, if he thinks proper, order the issue of a writ of summons at any stage of the proceedings to make the returning officer a party thereto ;

Returning officer may be made a party.

7. Every writ under this section shall be served personally, unless the party to be served keeps out of the way to avoid personal service, in which case the judge upon being satisfied thereof, by affidavit or otherwise, may make an order for such substitutional service as he thinks fit ;

Service to be personal, unless excused by judge.

8. The judge before whom the writ is returned, may allow any person entitled to be a relator to intervene and defend, and may grant a reasonable time for the purpose ; and any intervening party shall be liable or entitled to costs like any other party to the proceedings ;

The judge may allow persons, &c., to intervene.

9. The judge shall, in a summary manner, upon statement and answer, without formal pleadings, hear and determine the validity of the election, or the right to a reeve or deputy reeve or reeves, and may, by order, cause the assessment rolls, collectors' rolls, poll books and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, or by issues framed by him, and sent to be tried by jury by writ of trial directed to any court named by the judge, or by one or more of these means, as he deems expedient ;

Judge shall try summarily.

Proof.

10. In case the election complained of be adjudged invalid, the judge shall forthwith, by writ, cause the person found not to have been duly elected to be removed, and in case the judge determines that any other person was duly elected, the judge shall forthwith order a writ to issue causing such other person to be admitted ; and in case the judge determines that no other person was duly elected instead of the person removed, the judge shall by the writ cause a new election to be held ;

And remove, admit or confirm.

11. In case the election of all the members of a council be adjudged invalid, the writ for their removal, and for the election of new members in their place, or for the admission of others adjudged legally elected, and an election to fill up the remaining

If all the members ousted, &c., writ for new election to go to the sheriff.

remaining seats in the council, shall be directed to the sheriff of the county in which the election took place ; and the sheriff shall have all the powers for causing the election to be held which a municipal council has in order to supply vacancies therein ;

Defendant may disclaim.

How to proceed.

Form of disclaimer, &c.

12. Any person whose election is complained of may, within one week after service on him of the writ, transmit post paid, through the post office, directed "To the Clerk of the Judges' Chambers, at Osgoode Hall, Toronto," or to "The Judge of the County Court," of the County of (as the case may be), or may cause to be delivered to such Clerk or Judge, a disclaimer signed by him, to the effect following :

"I, A. B., upon whom a writ of summons, in the nature of a *Quo Warranto*, has been served for the purpose of contesting my right to the office of Township Councillor (or as the case may be) for the township of _____, in the County of _____, (or as the case may be), do hereby disclaim the said office, and all defence of any right I may have to the same."

Dated the _____ day of _____

(Signed)

A. B.

Posting and registry of disclaimer.

13. Such disclaimer, or the envelope containing the same, shall moreover be endorsed on the outside thereof, with the word "Disclaimer," and be registered at the post office where mailed ;

Duplicate disclaimer to be delivered to clerk.

14. Every person so disclaiming shall deliver a duplicate of his disclaimer to the clerk of the council, and the clerk shall forthwith communicate the same to the council ;

Costs provided for.

15. No costs shall be awarded against any person disclaiming as aforesaid, unless the judge is satisfied that such party consented to his nomination as a candidate, or accepted the office, in which cases the costs shall be in the discretion of the judge ;

When discretionary.

16. In all cases, not otherwise provided for, costs shall be in the discretion of the judge ;

Person elected may disclaim at any time before his election is complained of.

17. Where there has been a contested election, the person elected may at any time after the election, and before his election is complained of, deliver to the clerk of the municipality a disclaimer signed by him as follows :—

"I,

"I, A. B., do hereby disclaim all right to the office of Township Councillor (or as the case may be) for the township of _____ (or as the case may be), and all defence of any right I have to the same."

Such disclaimer shall operate as a resignation, and relieve the party making it from all liability, and the candidate having the next highest number of votes shall then become the councillor, or as the case may be;

Disclaimer to operate as resignation.

18. The decision of the judge shall be final, and he shall, immediately after his judgment, return the writ and judgment with all things had before him touching the same into the court from which the writ issued, there to remain of record as a judgment of the said court; and he shall, as occasion requires, enforce such judgment by a writ in the nature of a writ of peremptory *Mandamus*, and by writs of execution for the costs awarded;

Judge to return his judgment to the court in term; it shall be final.

19. The Judges of the Superior Courts of Common Law, or a majority of them, may, by rules made in term time, settle the forms of the writs of summons, *Certiorari*, *mandamus* and execution, and may regulate the practice respecting the suing out, service and execution of such writs, and the punishment for disobeying the same, or any other writ or order of the court or judge, and respecting the practice generally, in hearing and determining the validity of such elections or appointments, and respecting the costs thereon; and may from time to time rescind, alter or add to such rules; but all existing rules shall remain in force until rescinded or altered as aforesaid;

The judges to make rules, &c.

132. The appointment of members of municipal councils, when required to be made under this Act, shall be deemed elections within the preceding section, and in such cases the relator may be any member of the council, or any elector of the municipality or ward for which the appointment was made.

Appointments equivalent to elections.

MEETINGS OF COUNCIL, &c.

FIRST MEETING OF MEMBERS ELECT.

133. The members of every municipal council (except county councils), and the trustees of every police village, shall hold their first meeting at noon, on the third Monday of the same January in which they are elected, or on some day thereafter at noon; and the members of every county council shall hold their first meeting at noon, or some hour thereafter, on the fourth Tuesday of the same month, or on some day thereafter.

First meetings of councils.

Place in coun-
ties.

134. The members of every county council shall hold their first meeting at the county hall, if there is one, or otherwise at the county court house.

ELECTION OF HEADS OF COUNCIL, OTHER THAN OF CITIES
AND TOWNS.

Elections of
heads of coun-
ty councils.

135. The members elect of every county council, being at least a majority of the whole number of the council when full, shall at their first meeting after the yearly elections, and after making the declaration of office and qualification when required to be taken, organize themselves as a council by electing one of themselves to be warden, and the person shall be the head of the council.

Who to pre-
side at.

136. At every such election the clerk of the council shall preside, and if there is no clerk, the members present shall select one of themselves to preside, and the person selected may vote as a member.

Who to have
the casting
vote in the
event of equa-
lity of votes.

137. In case of an equality of votes on the election of the head of any county council, or provisional county council, then of those present, the reeve, or in his absence the deputy reeve, of the municipality which has the largest number of names on its last revised assessment roll, as rate-payers, shall have a second and casting vote.

SUBSEQUENT MEETINGS.

Place of meet-
ing of county
councils.

138. The subsequent meetings of the county council, and all the meetings of every other council shall be held at such place, either within or without the municipality, as the council from time to time, by resolution on adjourning to be entered on the minutes, or by by-law, appoints.

Place of may
be in cities.

139. The council of the county in which any city lies, may hold its sittings, keep its public offices, and transact all the business of the council and of its officers and servants within such city, and may purchase and hold such real property therein as may be convenient for such purposes.

Meetings to be
open.

140. Every council shall hold its ordinary meetings openly, and no person shall be excluded except for improper conduct.

Special may be
closed; where
held.

141. In case there is no by-law of a council fixing the place of meeting, any special meeting of the council shall be held at the place where the then last meeting of the council was held, and a special meeting may be open or closed as in the opinion of

of

of the council expressed by resolution in writing, the public interest requires.

142. A majority of the whole number of members required Quorum. by law to constitute the council shall form a quorum.

143. When a council consists of only five members, the con- In councils of current votes of at least three shall be necessary to carry any five, three resolution or other measure. must concur.

144. Every council may adjourn its meetings from time to Adjournment. time.

WHO TO PRESIDE IN COUNCIL.

145. The head of every council shall preside at the meetings The heads of council, and may at any time summon a special meeting there- preside in of, and it shall be his duty to summon a special meeting when- council. ever requested in writing by a majority of the council.

146. In case of the death or absence of the head of a town When reeve or council, the reeve, and in case of the absence or death of both deputy reeve of them, the deputy reeve; and in case of the death or absence to preside. of the head of a village or township council, the deputy reeve shall preside at the meetings of the council, and may at any time summon a special meeting thereof; but if there be more than one deputy reeve, the council shall determine which of them shall preside at their meeting; and in case of the death or removal of any member of a municipal corporation, an election shall take place as soon thereafter as possible, to fill such vacancy.

147. In the absence of the head of the council, and in the Absence of case of a town, village or township, in the absence also of the head provided reeve, if there be one, and also of the deputy reeve or deputy for. reeves, if there be one or more, by leave of the council, or from illness, the council may, from among the members thereof eligible to be elected head, appoint a presiding officer, who during such absence, shall have all the powers of the head of the council.

148. If the person who ought to preside at any meeting Casual absence does not attend within a reasonable time after the hour ap- provided for. pointed, the members present may appoint a chairman from amongst themselves, and such chairman shall have the same authority in presiding at the meeting as the absent person would have had if present.

149. The head of the council, or the presiding officer or Head to vote. chairman

Presumitur pro negante, in case of ties.

chairman of any meeting of any council, may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived.

RESIGNATION OF HEADS OF COUNCIL.

Resignation of heads provided for.

Vacancies, how filled.

29,30 V., c. 52.

150. The warden of a county may resign his office by verbal intimation to the council while in session; or by letter to the county clerk, if not in session, in which case the clerk shall notify all the members of the council, and shall, if required, by a majority of the members of the county council, call a special meeting to fill such vacancy; vacancies caused by the resignation of a reeve or a deputy reeve shall be filled by an ordinary election as provided by section one hundred and twenty-five.

OF COUNCILLORS.

Any member may resign.

151. Any mayor or other member of a council may, with the consent of the majority of the members thereof, to be entered on the minutes of the council, resign his seat in the council, and the vacancy shall be supplied as in the case of a natural death.

OFFICERS OF CORPORATIONS.

THE CLERK, AND DUTIES OF.

The clerk, and his duties.

152. Every council shall appoint a clerk; and the clerk shall truly record in a book, without note or comment, all resolutions, decisions and other proceedings of the council, and, if required by any member present, shall record the name and vote of every member voting on any matter submitted, and shall keep the books, records and accounts of the council; and shall preserve and file all accounts acted upon by the council, and also the originals or certified copies of all by-laws, and of all minutes of the proceedings of the council, all which he shall so keep in his office, or in the place appointed by by-law of the council.

Minutes, &c., to be open to inspection.

Copies to be furnished and charges therefor, &c.

153. Any person may inspect any of the particulars aforesaid at all reasonable times; and the clerk shall within a reasonable time furnish copies thereof to any applicant at the rate of ten cents per hundred words, or at such lower rates as the council appoints, and shall, on payment of his fee therefor, furnish, within a reasonable time, to any elector of the municipality, or to any other person interested in any by-law, order or resolution, or to his attorney, a copy of such by-law, order or resolution, certified under his hand and under the corporate seal.

Clerk to trans-

154. The clerk of every city, town, incorporated village and township,

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Heads of columns in assess-
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cording to the form of the
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township, shall, on or before the first day of December in each year, transmit to the Receiver-General a true return of the number of resident rate-payers appearing on the revised assessment roll of his municipality for the year, and shall accompany such return with an affidavit made before a justice of the peace verifying the same, in the following form :

mit a yearly return of rate-payers to the Receiver General.

"I, A. B., clerk of the municipality of the city, (town, township or village, as the case may be,) make oath and say, that the above or the within written, or the annexed return, contains a true statement of the number of resident rate-payers appearing on the assessment roll of the said city, (town, township or village,) for the year one thousand eight hundred and

Oath of verification.

(Signed) A. B

"Sworn before me, &c."

155. And in case of default in any year so to transmit, the clerk shall be liable to a penalty of twenty dollars, to be paid to the Receiver-General for the use of the Province, to be recovered by summary proceedings in the manner provided for the recovery of penalties for infringing by-laws under this Act.

Penalty for default.

156. The clerk of every township, village and town shall, in each year, within one week after the first day of January, make a return to the clerk of the county in which the municipality is situate, of the following particulars respecting his municipality for the year then last past, namely :

To make a yearly return to the county clerk.

Holds of columns in assessment rolls, to be varied according to the form of the assessment rolls required by law.

1. Number of persons assessed.
2. Number of acres assessed.
5. Total actual value of real property.
6. Total of taxable incomes.
7. Total value of personal property.
9. Total amount of assessed value of real and personal property.
10. Total amount of taxes imposed by by-laws of the municipality.
11. Total amount of taxes imposed by by-laws of the county council.
12. Total amount of taxes imposed by by-laws of any provincial county council.
13. Total amount of Lunatic Asylum or other provincial tax.
14. Total amount of taxes as aforesaid.
15. Total amount of income collected or to be collected from assessed taxes for the use of the municipality.
16. Total amount of income from licenses.
17. Total amount of income from public works.

What such return shall shew.

30 V., c. 30, s. 23.

MUNICIPAL INSTITUTIONS.

18. Total amount of income from shares in incorporated companies.
19. Total amount of income from all other sources.
20. Total amount of income from all sources.
21. Total expenditure on account of roads and bridges.
22. Total expenditure on account of other public works and property.
23. Total expenditure on account of stock held in any incorporated company.
24. Total expenditure on account of schools and education, exclusive of school trustees' rates.
25. Total expenditure on account of the support of the poor or charitable purposes.
26. Total expenditure on account of debentures and interest thereon.
27. Total gross expenditure on account of administration of justice in all its branches.
28. Amount received from Government on account of administration of justice.
29. Total net expenditure on account of administration of justice.
30. Total expenditure on account of salaries, and the expenses of municipal government.
31. Total expenditure on all other accounts.
32. Total expenditure of all kinds.
33. Total amount of liabilities secured by debentures.
34. Total amount of liabilities unsecured.
35. Total liabilities of all kinds.
36. Total value of real property belonging to municipality.
37. Total number of sheep worried by dogs, and the amount paid therefor by the municipality.
38. Total value of stock in incorporated companies owned by municipality.
39. Total amount of debts due to municipality.
40. Total amount of arrears of taxes.
41. Balance in hands of treasurer.
42. All other property owned by municipality.
43. Total assets.

County Clerk
to make a
return to the
Provincial
Secretary.

157. The clerk of every county shall, before the first day of February in each year, prepare and transmit to the Provincial Secretary a statement of the aforesaid particulars respecting all the municipalities within his county, entering each municipality in a separate line, and the particulars required opposite to it, each in a separate column, together with the sum total of all the columns for the whole county, and shall also make at the same time a return of the same particulars respecting his county, as a separate municipality.

158. The clerk of every city shall, before the first day of February in each year, make a return to the Provincial Secretary of the same particulars respecting his city. And also clerks of cities.

159. The treasurer of the county shall retain in his hands any moneys payable to any municipality, if it is certified to him by the clerk of the county that the clerk of such municipality has not made the return hereinbefore required; and the Receiver-General shall retain in his hands any moneys payable to any municipality, if it is certified to him by the Provincial Secretary that the clerk of such municipality has not made the returns hereinbefore required; and any person so required to make any return by a particular day who fails so to do, shall be liable to a penalty of not more than twenty dollars, to be paid to the Receiver-General for the use of the Province, to be recovered as last aforesaid. Moneys to be retained if returns not made.

160. The Provincial Secretary shall, as soon as may be after the commencement of every Session, lay before both Houses of the Legislature a copy of all returns hereinbefore required to be made. Provincial Secretary to lay the returns before Parliament.

CHAMBERLAIN AND TREASURER.

161. Every city council shall appoint a chamberlain, and every other council shall appoint a treasurer; and every chamberlain and treasurer, before entering upon the duties of his office, shall give such security as the council directs for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys which may come into his hands; provided that it shall be the duty of every municipal council in each and every year to enquire into the validity of the security given by such chamberlain or treasurer and report thereon. Chamberlain or Treasurer to be appointed. To give security. Proviso.

162. Every treasurer and chamberlain respectively shall receive and safely keep all moneys belonging to the corporation, and shall pay out the same to such persons and in such manner as the laws of the Province and the lawful by-laws or resolutions of the council direct; but no member of the corporation shall receive any money from such treasurer for any work performed or to be performed; and such chamberlain or treasurer shall not be liable to any action at law for any moneys paid by him in accordance with any by-law or resolution passed by the municipal council of the municipality of which he is the chamberlain or treasurer. To receive and take care of and disburse moneys, &c. His liability limited.

163. The treasurer or chamberlain of every municipality for which any sum of money has been raised on the credit To make a return yearly to the Provin-

cial Board of Audit.	credit of the Consolidated Municipal Loan Fund, shall, so long as any part of such sum, or of the interest thereon, remains unpaid by such municipality, transmit to the Board of Audit, on or before the fifteenth day of January in every year, a return, certified on the oath of the treasurer or chamberlain before some Justice of the Peace, containing the amount of taxable property in the municipality according to the then last assessment roll or rolls, a true account of all the debts and liabilities of the municipality for every purpose, for the then last year; and such further information and particulars with regard to the liabilities and resources of the municipality, as the Governor in Council may from time to time require, under a penalty, in case of neglect or refusal to transmit the return, account, information or particulars, of one hundred dollars, to be recovered with costs as a debt due to the Crown, according to the thirty-first section of the Consolidated Statutes of Canada, chaptered sixteen, <i>An Act respecting the collection and management of the Revenue, the auditing of public accounts, and the liability of public accountants</i> ; and it shall also be the duty of such chamberlain or treasurer to prepare and submit to the municipal council half-yearly, a correct statement of the moneys at the credit of the municipality whose officer he is; provided that in case of dismissal from office or absconding, it shall be lawful for the successor to such chamberlain or treasurer to draw any moneys belonging to such municipality.
How attested, and what it must shew.	
Penalty for default.	
Half-yearly statement for the council.	
Proviso.	

ASSESSORS AND COLLECTORS OF CITIES, TOWNSHIPS, TOWNS, AND
INCORPORATED VILLAGES.

164. The council of every city, town, township, and incorporated village, shall, as soon as may be convenient after the annual election, appoint as many assessors and collectors for the municipality as the assessment laws from time to time authorize or require, and shall fill up any vacancy that occurs in the said offices as soon as may be convenient after the same occurs; but the council shall not appoint as assessor or collector a member of the council, or a person who has not the same property qualification as that required for a councillor or alderman of the municipality; the same person may, in a city, town or township, be appointed assessor or collector for more than one ward, or electoral division.

165. The assessors shall state in their assessment rolls whether the persons named therein are freeholders or householders, or tenants and shall, in separate columns for this purpose, use the initial letters F H or T to signify the same respectively.

166. Every occupant of a separate portion of a house, such portion

Assessors to designate freeholders and householders in their assessment rolls, 31 V., c. 30, s. 24.
Householder

portion having a distinct communication with a public road or defined street by an outer door, shall be deemed a householder within this Act.

167. The collectors of the several townships in a junior county of a union of counties shall *ex officio* be collectors in such townships for the provisional council, and the collectors shall pay over to the provisional treasurer the money they collect under any by-law of the provisional council.

Collector of
provisional
council.

168. The money so collected shall be deemed the money of the union, so far as necessary to make the collectors and their sureties responsible to the union therefor; and in case the corporation of the union receives the same, such corporation shall immediately pay the amount to the provincial treasurer, retaining the expenses of collection.

Moneys, how
to be disposed
of.

AUDITORS.

169. Every council shall, at the first meeting thereof, in every year after being duly organized, appoint two auditors, one of whom shall be such person as the head of the council nominates; but no one who, at such time, or during the preceding year is or was a member, or is or was clerk or treasurer of the council, or who has, or during such preceding year had, directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the corporation, except as auditor, shall be appointed an auditor.

Auditors.
Disqualifica-
tion for office
of.

170. The auditor shall examine and report upon all accounts affecting the corporation, or relating to any matter under its control or within its jurisdiction, for the year ending on the thirty-first day of December preceding their appointment.

Duties of.

171. The auditors shall prepare an abstract of the receipts, expenditures and liabilities of the corporation, and also a detailed statement of the said particulars in such form as the council directs, and report in duplicate on all the accounts audited by them, and make a special report of any expenditure made contrary to law, and shall file the same in the office of the clerk of the council within one month after their appointment, and thereafter any inhabitant or ratepayer of the municipality may inspect one of such duplicate reports, at all seasonable hours, and may by himself or his agent, at his own expense, take a copy thereof or extracts therefrom.

To prepare
abstract and
detailed state-
ment of re-
ceipts and ex-
penditures,&c.

172. The council shall, upon the report of the auditors, finally

The council to
finally

audit finally, &c. finally audit and allow the accounts of the treasurer or chamberlain and collectors and all accounts chargeable against the corporation; and in case of charges not regulated by law, the council shall allow what is reasonable.

Clerks to publish abstracts and statements. **173.** The clerk shall publish the auditors' abstract and report (if any), and shall also publish the detailed statement in such form as the council directs.

Audit of moneys paid by treasurer. **174.** Every county council shall have the regulation and auditing of all moneys to be paid out of funds in the hands of the county treasurer.

County council may appoint valuers, their duties, &c. **175.** The council of every county may appoint two or more valuers within the county, for the purpose of valuing the real and personal property, whose duty it shall be to ascertain the value of the same as directed by the county council, but such valuers shall not exceed the powers possessed by assessors under this Act, and the valuation so made, may be made the basis of equalization by the county council for a period not exceeding five years.

SALARIES AND CONTINUANCE IN OFFICE.

Salaries of officers. **176.** In case the remuneration of any of the officers of the municipality has not been settled by Act of the Legislature, the council shall settle the same, and the council shall provide for the payment of all municipal officers, whether the remuneration is settled by statute or by law of the council.

Of Chamberlain or Treasurer. **177.** The chamberlain or treasurer may be paid a salary or percentage; and all officers appointed by a council shall hold office until removed by the council, and shall, in addition to the duties assigned to them in this Act, perform all other duties required of them by any other statute, or by the by-laws of the council having jurisdiction over such officers.

OFFICIAL DECLARATIONS.

Declaration of Qualification. **178.** Every person elected or appointed under this Act to any office requiring a qualification of property in the incumbent, shall, before he takes the declaration of office, or enters on his duties, make and subscribe a solemn declaration to the effect following:

Form of. "I, A B, do solemnly declare that I am a natural born (or naturalized) subject of Her Majesty; that I am truly and bona fide seized or possessed to my own use and benefit, of such

"such an estate, (specifying the nature of such estate, and if land, designating the same by its local description, rents or otherwise,) as doth qualify me to act in the office of (naming the office) for (naming the place for which such person has been elected or appointed) according to the true intent and meaning of the Municipal Laws of Upper Canada."

179. Every returning officer and returning officer's clerk, every township, village and town councillor, every city alderman, every justice of the peace for a town, and every clerk, assessor, collector, constable and other officer appointed by a council, shall also, before entering on the duties of his office, make and subscribe a solemn declaration to the effect following:

"I, A. B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (inserting the name of the office) to which I have been elected (or appointed) in this township (or as the case may be) and that I have not received and will not receive any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office, and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said corporation."

180. The solemn declaration to be made by every mayor and alderman, and by every township, village and town councillor, shall also state that he has not by himself or his partner an interest in any contract with or on behalf of the corporation.

181. The solemn declaration to be made by every Auditor shall be as follows:

"I, A. B., having been appointed to the office of Auditor for the municipal corporation of _____, do hereby promise and declare that I will faithfully perform the duties of such office according to the best of my judgment and ability; and I do solemnly declare, that I had not directly or indirectly any share or interest whatever in any contract or employment (except that of Auditor, if re-appointed) with, by or on behalf of such municipal corporation, during the year preceding my appointment, and that I have not any contract or employment (except that of Auditor, if re-appointed) for the present year."

182. The head and other members of the council, and the subordinate

other members of the council before whom to declare. subordinate officers of every municipality, shall make the declaration of office and qualification before some court, judge, recorder, police magistrate or other justice of the peace having jurisdiction in the municipality for which such head members or officers have been elected or appointed, or before the clerk of the municipality.

Certificate of declaration.

183. The court, judge or other persons before whom such declarations are made, shall give the necessary certificate of the same having been duly made and subscribed.

Head of council and reeves may administer oaths, &c.

184. The head of any council, any alderman, reeve or deputy reeve, any justice of the peace, and the clerk of a municipality may, within the municipality, administer any oath, affirmation or declaration under this Act, relating to the business of the place in which he holds office, except where otherwise specially provided, and except where he is the party required to take the oath or affirmation, or make the declaration.

Oath or declaration to be subscribed and kept.

185. The deponent, affirmant, or declarant shall subscribe every such oath, affirmation or declaration, and the person administering it shall duly certify and preserve the same, and within eight days deposit the same in the office of the clerk of the municipality to the affairs of which it relates, on pain of being deemed guilty of a misdemeanor.

Penalty for refusing to accept office or take the oaths, &c.

186. Every qualified person duly elected or appointed to be a mayor, alderman, reeve or deputy reeve, councillor, police trustee, assessor or collector of or in any municipality, who refuses such office, or does not make the declarations of office and qualification within twenty days after knowing of his election or appointment, and every person authorized to administer any such declaration, who upon reasonable demand, refuses to administer the same, shall, on conviction thereof before two or more justices of the peace under and subject to the Consolidated Act of Canada, respecting the duties of justices of the peace out of sessions, in relation to summary convictions and orders, forfeit not more than eighty dollars, nor less than eight dollars at the discretion of such justices, to the use of the municipality, together with the cost of prosecution.

How enforced.

OFFENCES.

EMBEZZLEMENT OF BOOKS, MONEYS, &c.

Embezzlements by municipal officers.

187. All books, papers, accounts, documents, moneys and valuable securities respectively, by any person or officer appointed or employed by or on behalf of any council, kept or received by virtue of his office or employment, shall be the property of the corporation; and in case any such person or officer

officer refuses or fails to deliver up or pay over the same respectively to the corporation, or to any person authorized by the council to demand them, he shall be deemed guilty of a fraudulent embezzlement thereof, and may be prosecuted and punished in the same manner as a servant fraudulently embezzling any chattel, money or valuable security of his master; but nothing herein shall affect any remedy of the corporation or of any other person against the offender or his sureties, or any other party; nor shall the conviction of such offender be receivable in evidence in any suit, at law or in equity against him.

STEALING WRITS OF ELECTIONS, POLL-BOOKS, &c.

188. If any person steals, or unlawfully or maliciously, either by violence or stealth, takes from any deputy returning officer or poll clerk, or from any other person having the lawful custody thereof, or from its lawful place of deposit for the time being, or unlawfully or maliciously destroys, injures or obliterates, or causes to be wilfully or maliciously destroyed, injured or obliterated, or makes or causes to be made any erasure, addition of names or interlineation of names, into or upon, or aids, counsels or assists in so stealing, taking, destroying, injuring or obliterating, or in making any erasure, addition of names or interlineation of names into or upon any writ of election or any return to a writ of election, or any indenture, poll book, certificate or affidavit, or any other document or paper made, prepared or drawn out according to or for the purpose of meeting the requirements of the law in regard to municipal elections—every such offender shall be guilty of felony, and shall be liable to be imprisoned in the provincial penitentiary for any term not exceeding seven nor less than two years, or to be imprisoned in any other place of confinement for any term less than two years, or to suffer such other punishment by fine or imprisonment, or both, as the court shall award; and it shall not in any indictment for any such offence be necessary to allege that the article in respect of which the offence has been committed, was or is the property of any person, or that the same was or is of any value.

Stealing or destroying, &c., certain documents relating to municipal elections to be felony.

Punishment.

Value of document need not be stated.

PROVISIONS APPLICABLE TO ALL COUNCILS.

189. The following sections numbered from one hundred and ninety to two hundred and forty-four, both inclusive, relate to all municipalities, namely:

Certain sections to apply to all municipalities.

- | | |
|------------------------------|---------------------------|
| 1. Townships, | 4. Cities, |
| 2. Counties, | 5. Towns, and |
| 3. Provisional Corporations, | 6. Incorporated Villages. |

JURISDICTION

JURISDICTION OF COUNCILS.

Local jurisdiction of councils.

190. The jurisdiction of every council shall be confined to the municipality the council represents, except where authority beyond the same is expressly given, and the powers of the council shall be exercised by by-law when not otherwise authorized or provided for.

General power to make local regulations;

To regulate meetings and proceedings;

To repeal or alter by-laws.

191. Every council may make regulations not specifically provided for by this Act, and not contrary to law, for governing the proceedings of the council,—the conduct of its members,—and the appointing or calling of special meetings of the council; and generally such other regulations as the good of the inhabitants of the municipality requires, and may repeal, alter and amend its by-laws, save as by this Act restricted.

BY-LAWS OF COUNCILS.

HOW AUTHENTICATED.

How by-laws to be authenticated.

192. Every by-law shall be under the seal of corporation, and shall be signed by the head of the corporation, or by the person presiding at the meeting at which the by-law has been passed, and by the clerk of the corporation.

Certified copies to be evidence.

193. A copy of any by-law written or printed without erasure or interlineation, and under the seal of the corporation, and certified to be a true copy by the clerk, and by any member of the council, shall be deemed authentic, and be received in evidence in any court of justice without proof of the seal or signatures, unless it is specially pleaded or alleged that the seal, or one or both of the signatures have been forged.

OPPOSITION TO BY RATE-PAYERS.

Opposition to by-laws applied for by rate-payers: Provision for.

194. In case any person rated on the assessment roll of any municipality, or of any locality therein, objects to the passing of a by-law, the passing of which is to be preceded by the application of a certain number of the ratable inhabitants of such municipality or place, he shall, on petitioning the council, be at liberty to attend in person, or by counsel or attorney, before the council at the time at which the by-law is intended to be considered, or before a committee of the council appointed to hear evidence thereon, and may produce evidence that the necessary notice of the application for the by-law was not given, or that any of the signatures to the application are not genuine, or were obtained upon incorrect statements, and that the proposed by-law is contrary to the wishes

wishes of the persons whose signatures were so obtained, and that the remaining signatures do not amount to the number nor represent the amount of property necessary to the passing of the by-law.

195. If the council is satisfied upon the evidence that the application for the by-law did not contain the names of a sufficient number of persons whose names were obtained without fraud and in good faith, and who represent the requisite amount of property, and are desirous of having the by-law passed, or if the council is satisfied that the notice required by law was not duly given, the council shall not pass the by-law.

PROCEEDINGS WHEN THE ASSENT OF ELECTORS IS REQUIRED.

196. In case a by-law requires the assent of the electors of a municipality before the final passing thereof, the following proceedings shall be taken for ascertaining such assent, except in cases otherwise provided for:

1. The council shall by the by-law fix the day, hour and place, for taking the votes of the electors thereon at every place in the municipality at which the elections of the members of the council or councils therein are held, and shall also name a returning officer to take the votes at every such place, and such day shall not be less than three nor more than four weeks after the first publication of the proposed by-law as herein provided for;

2. The council shall, for at least one month before the final passing of the proposed by-law, publish a copy thereof in some newspaper published weekly or oftener in the municipality, or if there is no such newspaper, in some newspaper in the nearest place in which a newspaper is published, and also put up a copy of the by-law at four or more of the most public places in the municipality;

3. Appended to each copy so published and posted, shall be a notice signed by the clerk of the council, stating that such copy is a true copy of a proposed by-law which will be taken into consideration by the council after one month from the first publication in the newspaper, stating the date of the first publication, and naming the hour, day and place or places fixed for taking the votes of the electors;

4. At such day and hour a poll shall be taken, and all proceedings thereat and for the purpose thereof, shall be conducted in the same manner, as nearly as may be, as at a municipal election;

Verified poll-book to be returned.

5. Every Returning Officer shall, on the day after the closing of the poll, return his poll-book verified to the clerk of the local municipality in which the poll was taken, and in case of a by-law of a county council, the clerk of the local municipality shall forthwith return to the clerk of the county council, every poll-book so delivered to him;

Clerk to sum up and declare result.

6. The clerk of the council which proposed the by-law shall add up the number of votes for and against the same, and shall certify to the council under his hand whether the majority have approved or disapproved of the by-law, and shall keep the same with the poll-book among the records of his office;

What rate-payers only shall vote on by-laws for incurring a debt not payable in the current year.

31 V., c. 30, s. 46.

7. The rate-payers entitled to vote on any by-law for incurring a debt or raising money, which shall not be payable within the then current year, shall be such rate-payers only as are rated on the assessment rolls for an estate of freehold, either legal or equitable, of sufficient value to entitle them to vote at any municipal election, or of a leasehold the duration of which shall not be less than the period of time in which the debt to be contracted or the money raised under such by-law, is made payable, and in the lease for which leasehold the lessee covenants to pay municipal taxes; and the clerk shall furnish the Returning Officer with a verified list of electors;

Oath, &c., required of rate-payer offering to vote.

8. Any rate-payer offering to vote on any such by-law as in the next preceding subsection mentioned, may be required by the Returning Officer or any rate-payer entitled to vote on any such by-law, to make the following oath or affirmation before his vote is recorded:

Form.

31 V., c. 30, s. 47.

"I, A. B., do solemnly and sincerely make oath (or affirm *as the case may be*) that I am the person named or purporting to be named on the list of electors; that I am a leaseholder (or freeholder, *as the case may be*); that my lease extends for the period of time within which the debt contracted by the by-law now submitted to the rate-payers is made payable; that I have covenanted in such lease to pay all municipal taxes; and that I am, according to law, entitled to vote on the said by-law."

WHEN REQUIRING THE ASSENT OF THE GOVERNOR IN COUNCIL.

When the assent of the Governor is required to by-laws.

197. The facts required by this Act to be recited in any by-law which requires the approval of the Governor in Council, shall, before receiving such approval, be verified by solemn declaration, by the head of the council, and by the chamberlain or treasurer and clerk thereof, and by such other persons and

on

on such other evidence as to the Governor in Council satisfactorily proves the facts so recited; or in case of the death or absence of any such municipal officer, upon the declaration of any other member of the council whose declaration the Governor in Council will accept.

WHEN AND HOW QUASHED.

198. In case a resident of a municipality, or any other person interested in a by-law, order or resolution of the council thereof, applies to either of the superior courts of common law, and produces to the court a copy of the by-law, order or resolution, certified under the hand of the clerk and under the corporate seal, and shews, by affidavit that the same was received from the clerk, and that the applicant is resident or interested as aforesaid, the court after at least four days' service on the corporation of a rule to shew cause in this behalf, may quash the by-law, order or resolution in whole or in part for illegality, and according to the result of the application, award costs for or against the corporation; By-laws, how to proceed in order to quash. Provided always, that no application to quash any such by-law, order or resolution, in whole or in part, shall be entertained by any court unless such application shall be made to such court within one year from the passing of such by-law, except in the case of a by-law requiring the assent of electors or rate-payers, when such by-law has not been submitted to, or has not received the assent of such electors or rate-payers, and in such case an application to quash such by-law may be made at any time. Proviso: time within which application must be made.

WHEN CONFIRMED BY PROMULGATION.

199. In case a by-law by which a rate is imposed has been specially promulgated in the manner hereinafter specified, no application to quash the by-law shall be entertained after six months have elapsed since the promulgation. Time after which by-law cannot be quashed, if properly promulgated.

200. Every special promulgation of a by-law within the meaning of this Act shall consist in the publication, through the public press, of a true copy of the by-law, and of the signature attesting its authenticity, with a notice appended thereto of the time limited by law for applications to the courts to quash the same or any part thereof. What shall be such promulgation.

201. In the case of a by-law by which a rate is imposed, the promulgation shall be either by such publication of a copy of the by-law with such notice as aforesaid, or in lieu thereof by such publication of a notice setting forth the amount of the rate, and giving the substance only of the other parts of the by-law. And if the by-law imposes any rate.

law with a similar notice of the time so limited for applications to quash as aforesaid; and the publication referred to in the preceding two sections, shall be in each public newspaper published weekly or oftener within the municipality; or if there be no such newspaper, then in at least two public newspapers published weekly or oftener nearest the municipality, and the publication shall for the purpose aforesaid be continued in at least three consecutive numbers of the paper.

Notice to be given.

202. The notice to be appended to every copy of the by-law for the purpose aforesaid, shall be to the effect following :

Form of such notice.

"NOTICE.—The above is a true copy of a by-law passed by the municipal council of the township of A, in the county of B, one of the united counties of B, C and D (or as the case may be) on the day of , 18 , and (where the approval of the Governor in Council is by law required to give effect to such by-law) approved by His Excellency the Governor in Council, on the day of , 18 ; and all persons are hereby required to take notice, that any one desirous of applying to have such by-law or any part thereof quashed, must make his application for that purpose to one of Her Majesty's superior courts of common law at Toronto, within six calendar months at the farthest after the special promulgation thereof by the publication of this notice in three consecutive numbers of the following newspapers, viz.: (here name the newspapers in which the publication is to be made) or he will be too late to be heard in that behalf.

G. H.,
Township Clerk."

Notice setting forth the rate, and substance of by-law.

203. The notice setting forth the amount of the rate and giving the substance only of the other parts of the by-law, for the purpose aforesaid, shall be to the effect following :

Form of such notice.

"Township A, in the County of B, one of the united counties of B, C and D, in Upper Canada, to wit.:

Notice is hereby given, that a by-law, intituled (set out the title) and numbered (give the number by which the by-law is designated,) was on the day of , 18 , passed by the municipal council of the township of A, in the county B, one of the united counties of B, C and D, in Upper Canada, for the purpose of (here set out in substance the object of the by-law) as "raising the necessary funds to meet the general public expenses of the township of for the year 18 ," or "for the purpose of raising and contracting for a loan of dollars for making and macadamizing a road from to ,"
(or

(or otherwise, as the case may be) and (where the approval of the Governor in Council is by law required to give effect to such by-law), approved by His Excellency the Governor in Council, on the _____ day of _____, 18____; and all persons are hereby required to take notice, that any one desirous of applying to have such by-law or any part thereof quashed, must make his application for that purpose to one of Her Majesty's superior courts of common law at Toronto, within six calendar months, at the farthest, after the special promulgation thereof, by the publication of this notice in three consecutive numbers of the following newspapers, viz.: (here name the newspapers in which the publication is to be made) or he will be too late to be heard in that behalf.

G. H.,
Township Clerk."

204. In case no application to quash any by-law be made within the time limited for that purpose, the by-law, or so much thereof as is not the subject of any such application, or not quashed upon such application, so far as the same ordains, prescribes or directs anything within the proper competence of the council to ordain, prescribe or direct, shall, notwithstanding any want of substance or form, either in the by-law itself, or in the time or manner of passing the same, be a valid by-law.

If not moved against, within the time limited, to be valid.

IF QUASHED, THE CORPORATION ONLY TO BE LIABLE.

205. In case a by-law, order or resolution be illegal in whole or in part, and in case anything has been done under it which, by reason of such illegality, gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed, nor until one month's notice in writing, of the intention to bring such action, has been given to the corporation, and every such action shall be brought against the corporation alone, and not against any person acting under the by-law, order or resolution.

Liability of municipality for acts done under a by-law afterwards quashed.

TENDER OF AMENDS BY.

206. In case the corporation tenders amends to the plaintiff or his attorney, if such tender be pleaded and (if traversed) proved, and if no more than the amount tendered is recovered, the plaintiff shall have no costs, but costs shall be taxed to the defendant, and set off against the verdict, and the balance due to either party shall be recovered as in ordinary cases.

Tender of amends.

OFFENCES

OFFENCES AGAINST BY-LAWS.

Certain offences respecting by-laws to be misdemeanor.

207. In case any officer of a municipal corporation neglects or refuses to carry into effect a by-law for paying a debt, and so neglects or refuses under colour of a by-law illegally attempting to repeal such first mentioned by-law, or to alter the same so as to diminish the amount to be levied under it, such officer shall be guilty of a misdemeanor, and be punished by fine or imprisonment, or both, at the discretion of the court whose duty it may be to pass sentence upon him.

Jurisdiction to try offences against.

208. In case an offence is committed against a by-law of a council, for the prosecution of which offence no other provision is made, any justice of the peace, having jurisdiction in the locality where the offender resides, or where the offence was committed, whether the justice is a member of the council or not, may try and determine any prosecution for the offence.

Summary proceedings.

Evidence.

209. The justice or other authority before whom a prosecution is had for an offence against a municipal by-law, may convict the offender on the oath or affirmation of any credible witness, and shall award the whole or such part of the penalty or punishment imposed by the by-law, as he shall think fit with the costs of prosecution, and may, by warrant, under the hand and seal of the justice or other authority, or in case two or more justices act together therein, then under the hand and seal of one of them, cause any such pecuniary penalty and costs, or costs only, if not forthwith paid, to be levied by distress and sale of the goods and chattels of the offender.

Penalty and costs;

How levied.

Commitment in default of distress.

210. In case of there being no distress found, out of which the penalty can be levied, the justice may commit the offender to the common gaol, house of correction, or nearest lock-up-house, for the term, or some part thereof, specified in the by-law.

Fines, how applied.

211. When the pecuniary penalty has been levied, one moiety thereof shall go to the informer or prosecutor, and the other moiety to the corporation, unless the prosecution is brought in the name of the corporation, and in that case the whole of the pecuniary penalty shall be paid to the corporation.

Jurisdiction of mayors and police magistrates over penal offences.

212. The police magistrate, or when there is no police magistrate, the mayor of a town or city, shall have jurisdiction in addition to his other powers, to try and determine all prosecutions for offences against the by-laws of the town or city, and for penalties for refusing to accept office therein, or to make the necessary declarations of qualification and office.

DEBENTURES,

DEBENTURES, &c.,

HOW TO BE MADE.

213. All debentures and other specialties duly authorized to be executed on behalf of a municipal corporation shall, unless otherwise specially authorized or provided, be sealed with the seal of the corporation, and be signed by the head thereof or by some other person authorized by by-law to sign the same, otherwise the same shall not be valid, and it shall be the duty of the treasurer or chamberlain of the municipality to see that the money collected under such by-law is properly applied to the payment of the interest and principal of such debentures.

Debentures, bonds, &c., how to be executed.

TRANSFERABLE BY DELIVERY, &c.

214. Any debenture heretofore issued, or issued after this Act takes effect, under the formalities required by law, by any municipal or provisional municipal corporation, payable to bearer, or to any person named therein or bearer, may be transferred by delivery, and such transfer shall vest the property of such debenture in the holder, and enable him to maintain an action thereupon in his own name.

Debentures transferable by delivery, if payable to bearer.

215. Any debenture issued as aforesaid, and made payable to any person or order, shall (after the endorsement thereof in blank by such person) be transferable by delivery from the time of the endorsement, and the transfer shall vest the property thereof in the holder, and enable him to maintain an action thereupon in his own name.

Or, if endorsed in blank, when payable to order.

216. In a suit or action upon any such debenture, it shall not be necessary for the plaintiff to set forth in the declaration or other pleading, or to prove the mode by which he became the holder of the debenture, or to set forth, or to prove the notices, by-laws or other proceedings under and by virtue of which the debenture was issued, but it shall be sufficient in such pleading to describe the plaintiff as the holder of the debenture (alleging the endorsement in blank, if any), and shortly to state its legal effect and purport, and to make proof accordingly.

In pleading sufficient to describe plaintiff as the holder.

217. Any such debenture, issued as aforesaid, shall be valid and recoverable to the full amount, notwithstanding its negotiation by such corporation at a rate less than par, or at a rate of interest greater than six per centum per annum, or although a rate of interest greater than six per centum per annum is reserved thereby, or made payable thereon.

Full amount recoverable, though negotiated at interest exceeding 6 per cent., or below par.

RESTRICTIONS

RESTRICTIONS UPON COUNCILS.

Restrictions upon councils as to banking, issuing bills, bonds, &c.

218. No council shall act as bankers, or issue any bond, bill, note, debenture, or other undertaking of any kind, or in any form in the nature of a bank bill or note, or intended to form a circulating medium, or to supply the place of specie, or to pass as money; nor unless specially authorized so to do, shall any council make or give any bond, bill, note, debenture or other undertaking, for the payment of a less amount than one hundred dollars; and any bond, bill, note, debenture, or other undertaking issued in contravention of this section, shall be void.

To issue bank notes, &c., contrary to this Act, declared a misdemeanor.

219. In case any person issues or makes, or assists in issuing or making, or knowingly utters, or tenders in payment or exchange, any bond, bill, note, debenture or undertaking of any kind, or in any form in the nature of a bank bill or note, intended to form a circulating medium, or to supply the place of specie, or to pass as money, contrary to this Act, such person shall be guilty of a misdemeanor.

Granting monopolies prohibited.

220. No council shall have power to give any person an exclusive right of exercising within the municipality any trade or calling, or to impose a special tax on any person exercising the same, or to require a license to be taken for exercising the same, unless authorized or required by statute so to do; but the council may direct a fee, not exceeding one dollar, to be paid to the proper officer for a certificate of compliance with any regulations in regard to such trade or calling.

Except as to any ferry.

221. But nothing in this Act contained shall prevent a council from granting exclusive privileges in any ferry which may be vested in the corporation represented by such council.

Contracts by members with the corporation void in law if void in equity.

222. In case a member of the council of any municipality, either in his own name, or in the name of another, and either alone or jointly with another, enters into a contract of any kind, or makes a purchase or sale in which the corporation is a party interested, and which is on that account void in equity, the same contract, purchase or sale, shall also be held void in any action at law thereon against the corporation.

COSTS OF MANDAMUS.

Costs of mandamus.

223. Upon any application for a writ of mandamus for or against a municipal corporation, the courts may, in their discretion, grant or refuse costs.

EXECUTIONS

~~EXECUTIONS AGAINST CORPORATIONS~~

224. Any writ of execution against a municipal corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings thereon shall then be the following:

Proceedings
on writs of exe-
cution against
municipalities.

1. The sheriff shall deliver a copy of the writ and endorsement to the chamberlain or treasurer, or leave such copy at the office or dwelling-house of that officer, with a statement in writing of the sheriff's fees, and of the amount required to satisfy such execution, including in such amount the interest calculated to some day as near as is convenient to the day of the service;

Sheriff to deli-
ver statement
to treasurer.

2. In case the amount, with interest thereon from the day mentioned in the statement, be not paid to the sheriff within one month after the service the sheriff shall examine the assessment rolls of the corporation, and shall, in like manner as rates are struck for general municipal purposes, strike a rate sufficient in the dollar to cover the amount due on the execution, with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees and the collector's percentage, up to the time when such rate will probably be available;

If not paid, a
rate to be
struck.

3. The sheriff shall thereupon issue a precept or precepts, under his hand and seal of office, directed to the collector or respective collectors of the corporation, and shall annex to every precept the roll of such rate, and shall by such precept after reciting the writ, and that the corporation had neglected after satisfy the same, and referring to the roll annexed to the precept, command the collector or collectors within their respective jurisdictions, to levy such rate at the time and in the manner by law required in respect of the general annual rates;

Sheriff's pre-
cept to levy.

4. In case at the time for levying the annual rates next after the receipt of such precept, the collectors have a general rate roll delivered to them for such year, they shall add a column thereto, headed, "Execution rate in A. B., vs. The Township" (or as the case may be, adding a similar column for each execution if more than one,) and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time they are by law required to make the returns of the general annual rate, return to the sheriff the precept with the amount levied thereon, after deducting their percentage;

Who to collect
the rate.

Surplus.

5. The sheriff shall, after satisfying the execution and all fees thereon, pay any surplus, within ten days after receiving the same, to the chamberlain or treasurer, for the general purposes of the corporation;

Clerk, assessors and collectors to be officers of the court from which writ issues.

6. The clerk, assessors and collectors of the corporation shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act, with respect to such executions, be deemed to be officers of the court out of which the writ issued, and as such shall be amenable to the court, and may be proceeded against by attachment or otherwise, to compel them to perform the duties hereby imposed upon them.

DEBTS AND RATES.

YEARLY RATES FOR DEBTS.

Yearly rates to be levied, sufficient to pay all debts payable within the year.

Aggregate rate limited.

If such aggregate be not sufficient to pay debts payable within the year.

225. The council of every township, and the council of every county and of every provisional corporation, and of every city and of every town, and of every incorporated village respectively, shall assess and levy on the whole ratable property within its jurisdiction, a sufficient sum in each year to pay all valid debts of the corporation, whether of principal or interest, falling due within the year, but no such council shall assess and levy in any one year more than an aggregate rate of two cents in the dollar on the actual value, exclusive of school rates; and if in any municipality the aggregate amount of the rates necessary for the payment of the current annual expenses of the municipality, and the interest and principal of the debts contracted by such municipality at the time of the passing of this Act shall exceed the said aggregate rate of two cents in the dollar on the actual value of such ratable property, the council of such municipality shall levy such further rates as may be necessary to discharge obligations already incurred, but shall contract no further debts until the annual rates required to be levied within such municipality are reduced within the aggregate rate aforesaid.

POWER OF EXEMPTION.

Exemption from taxation factories, 33 V., c. 26, s. 15.

15. Every municipality shall have the power of exempting any manufacturing establishment from taxation for any period not longer than five years.

BY-LAWS TO CREATE DEBTS, &C.

By-laws for creating debt.

226. Every such council may, under the formalities required by law, pass by-laws for contracting debts by borrowing money

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money or otherwise, and for levying rates for payment of such debts on the ratable property of the municipality, for any purpose within the jurisdiction of the council, but no such by-law shall be valid which is not in accordance with the following restrictions and provisions :

1. The by-law, if not for creating a debt for the purchase of public works, shall name a day in the financial year in which the same is passed, when the by-law shall take effect ;

Terms of.
When to take
effect.

2. If not contracted for gas or water-works, or for the purchase of public works, according to the Statutes relating thereto, the whole of the debt and the obligations to be issued therefor shall be made payable in twenty years at furthest from the day on which such by-law takes effect ; and if the debt is contracted for gas or water-works, the same shall in like manner be paid in thirty years at furthest, from the day on which the by-law takes effect ;

When debt to
be redeemed.

If for gas
works, etc.

3. The by-law shall settle an equal special rate per annum, in addition to all other rates, to be levied in each year for paying the debt and interest ;

To provide a
yearly rate.

4. Such special rate shall be sufficient, according to the amount of ratable property appearing by the last revised assessment rolls, to discharge the debt and interest when respectively payable ;

To be sufficient
in amount.

5. The amount of ratable property shall be ascertained irrespective of any future increase of the ratable property of the municipality, and of any income in the nature of tolls, interest or dividends, from the work, or from any stock, share or interest in the work, upon which the money to be so raised or any part thereof is intended to be invested, and also irrespective of any income from the temporary investment of the sinking fund or of any part thereof ;

Irrespective of
future increase
of ratable prop-
erty.

6. The by-law shall recite : (1.) The amount of the debt which such new by-law is intended to create, and, in some brief and general terms, the object for which it is to be created ; (2.) The total amount required by this Act to be raised annually by special rate for paying the new debt and interest ; (3.) The amount of the whole ratable property of the municipality according to the last revised, or revised and equalized assessment rolls ; (4.) The amount of the existing debt of the municipality, showing the interest and principal separately and how much (if any) interest is in arrears ; and (5.) The annual special rate in the dollar for paying the interest and creating an equal yearly

Recitals in :—
amount and
object of debt ;
The yearly
rate for the
debt.
The value of
the ratable
property.
The yearly
rate for sink-
ing fund and
interest.

Municipal debentures in exchange for others, how issued.

yearly sinking fund for paying the principal of the new debt, according to this Act;

33 V., c. 26, s. 17.

To be assented to by the rate-payers.

Exception for drainage.

Exception as to counties other than cities.

Courses of proceeding by county councils.

7. That it shall not be necessary for any county when passing a by-law authorizing the issue of debentures of the said county for the sole purpose, and no other, of exchanging or redeeming the present outstanding debentures of said county, to comply with the formalities of the two hundred and twenty-sixth section of the Act passed in the Session held in the twenty-ninth and thirtieth years of Her Majesty's reign, chaptered fifty-one.

227. Every by-law (except for drainage as provided for under the two hundred and eighty-second section of this Act) for raising upon the credit of the municipality any money not required for its ordinary expenditure, and not payable within the same municipal year, shall, before the final passing thereof, receive the assent of the electors of the municipality in the manner provided for in the one hundred and ninety-sixth section of this Act; except that in counties (other than cities) the council of such county or counties may raise by by-law or by-laws, without submitting the same for the assent of the electors of such county or counties, for contracting debts or loans, any sum or sums, over and above the sums required for its ordinary expenditure not exceeding in any one year twenty thousand dollars.

228. Provided that no such by-law of a county council for contracting any such debt or loan for an amount, over and above the sums required for its ordinary expenditure, not exceeding in any one year twenty thousand dollars, shall be valid, unless the same is passed at a meeting of the council especially called for the purpose of considering the same, and held not less than three months after a copy of such by-law at length as the same is ultimately passed, together with a notice of the day appointed for such meeting, has been published in some newspaper issued weekly or oftener within the county, or if there be no such public newspaper, then in a public newspaper published nearest to the county; which said notice may be to the effect following:—

FORM OF NOTICE.

Form of notice. "The above is a true copy of a proposed by-law to be taken into consideration by the municipality of the county (or united counties) of at in the said county, (or united counties) on the day of , 18 , at the hour of o'clock in the noon, at which time and place the members

bers of aforesaid

229.

the purchase of building, execute Majesty's price of which may be referred to for man or trans the purchase deeds, co special o be levied sections

2. But creation deeds, co or in any impose a may deem to be lev within th debts, bo thereof, a or impose last ment apply an or to be r sions wo council fo sections, c

3. The any claim claims du works, m the consid

bers of the council are hereby required to attend for the purpose aforesaid.

G. H.
Clerk."

PURCHASE OF PUBLIC WORKS.

229. 1. Any council may contract a debt to Her Majesty, in the purchase of any of the public roads, harbours, bridges, buildings or other public works in Upper Canada; and may execute such bonds, deeds, covenants, and other securities to Her Majesty, as the council may deem fit, for the payment of the price of any such public work already sold or transferred, or which may be sold or transferred, or agreed to be sold or transferred to such municipal corporation, and for securing the performance and observance of all or any of the conditions of sale or transfer; and may also pass all necessary by-laws for any of the purposes aforesaid; and all such by-laws, debts, bonds, deeds, covenants and other securities shall be valid although no special or other rate per annum has been settled or imposed to be levied in each year, as provided by the three last preceding sections of this Act;

Municipal councils may purchase public works, and contract debts without imposing a yearly rate as provided in the three last sections.

2. But any council may in any by-law to be passed for the creation of any such debt, or for the executing any such bonds, deeds, covenants or other securities as aforesaid, to Her Majesty, or in any other by-law to be passed by the council, settle and impose a special rate per annum, of such amount as the council may deem expedient, in addition to all other rates whatsoever, to be levied in each year upon the assessed ratable property within the municipality, for the payment and discharge of such debts, bonds, deeds, covenants or other securities, or some part thereof, and the by-law shall be valid, although the rate settled or imposed thereby be less than is required by the said sections last mentioned; and the said sections shall, so far as applicable, apply and extend to every such by-law, and the moneys raised or to be raised thereby, as fully in every respect as such provisions would extend or apply to any by-law enacted by any council for the creation of any debt as provided in the said sections, or to the moneys raised or to be raised thereby;

Rates may be imposed for the payment of debts contracted with the Crown for such works.

3. The council of any municipal corporation purchasing any claim under the Act respecting the sale and purchase of claims due to Government for moneys advanced to public works, may raise by assessment, the sum necessary to pay the consideration agreed upon.

Purchase of claims due to Government.

HOW

HOW ACCOUNTS OF DEBTS AND RATES TO BE KEPT.

Two special accounts to be kept; 1, of the special rates; 2, of the sinking fund.

230. The council of every county, provisional corporation, township, city, town and incorporated village, shall keep in its books two separate accounts, one for the special rate, and one for the sinking fund, of every debt, to be both distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted, and shall keep the said accounts, with any others that are necessary, so as to exhibit at all times the state of every debt, and the amount of moneys raised, obtained and appropriated for payment thereof.

When surplus to be carried to the sinking fund account.

231. If, after paying the interest of a debt and appropriating the necessary sum to the sinking fund of such debt for any financial year, there is a surplus at the credit of the special rate account of such debt, such surplus shall so remain, and may be applied, if necessary, towards the next year's interest; but if such surplus exceeds the amount of the next year's interest, the excess shall be carried to the credit of the sinking fund account of such debt.

HOW SURPLUS TO BE INVESTED.

How surplus to be disposed of.

232. Every such council shall, from time to time, invest in Government securities, or otherwise, as the Governor in Council may direct, such part of the produce of the special rate levied in respect of any debt and at the credit of the sinking fund account, or of the special rate account thereof as cannot be immediately applied towards paying the debt by the reason of no part thereof being yet payable; and the council shall apply all interest or dividends received upon such investments to the same purpose as this Act directs the amount levied by the special rate to be applied, but the Governor in Council may, by order, direct, that such part of the produce of the special rate levied, and at the credit of the sinking fund account or of the special rate account as aforesaid, instead of being so invested as aforesaid, shall, from time to time as the same shall accrue, be applied to the payment or redemption, at such value, not exceeding par, as the said council can agree for, of any part of such debt or of any of the debentures representing or constituting such debt, or any part of it, though not then payable, to be selected as provided in such order, and the municipal council shall thereupon apply and continue to apply such part of the produce of the special rate at the credit of the sinking fund or special rate accounts, as directed by such order.

Investment, how to be made.

Application of moneys with consent of Governor in Council.

APPROPRIATION

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APPROPRIATION OF SURPLUS.

233. Every such council may appropriate to the payment of any debt the surplus income derived from any public or corporation work, or from any share or interest therein, after paying the annual expenses thereof, or any unappropriated money in the treasury, or any money raised by additional rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt.

Council may apply other funds towards such debts.

WHEN BY-LAWS CREATING DEBTS REPEALABLE.

234. When part only of a sum of money provided for by a by-law has been raised, the council may repeal the by-law as to any part of the residue and as to a proportionate part of the special rate imposed therefor, provided the repealing by-law recites the facts on which it is founded, and is appointed to take effect on the thirty-first day of December in the year of its passing, and does not affect any rates due, or penalties incurred before that day, and provided the by-law is first approved by the Governor in Council.

When part only of a debt has been incurred, the by-law may be repealed *pro tanto*.

235. After a debt has been contracted, the council shall not, until the debt and interest have been paid, repeal the by-law under which the debt was contracted, or any by-law for paying the debt or the interest thereon, or for providing therefor a rate or additional rate, or appropriating thereto the surplus income of any work or of any stock or interest therein or money from any other source; and the council shall not alter a by-law providing any such rate so as to diminish the amount to be levied under the by-law, except in the cases herein authorized, and shall not apply to any other purpose any money in the corporation treasury which, not having been previously otherwise appropriated by any by-law or resolution, has been directed to be applied to such payment.

By-laws not repealable, and appropriations not recoverable till debt paid.

WHEN SPECIAL RATE MAY BE REDUCED.

236. In case in any particular year; one or more of the following sources of revenue, namely: 1. The sum raised by the special rate imposed for the payment of a debt, and collected for any particular year; and 2. The sum on hand from previous years; and 3. Any sum derived for such particular year from the surplus income of any work, or of any share or interest therein applicable to the sinking fund of the debt; and 4. Any sum derived from the temporary investment of the sinking fund of the debt, or of any part of it, and carried to the credit of the special rate and sinking fund accounts respectively,

When the rate imposed by by-law may be reduced by by-law.

spectively, amount to more than the annual sum required to be raised as a special rate to pay the interest, and the instalment of the debt for the particular year, and leave a surplus to the credit of such accounts, or either of them, then the council may pass a by-law reducing the total amount to be levied under the original by-law for the following year to a sum not less than the difference between such last mentioned surplus, and the annual sum which the original by-law named and required to be raised as a special rate.

Recitals requisite in such by-law.

237. But the by-law shall not be valid unless it recites:--

1. The amount of the special rate imposed by the original by-law;
2. The balance of such rate for the particular year or on hand from former years;
3. The surplus income of the work, share or interest therein received for such year; and
4. The amount derived for such year from any temporary investment of the sinking fund—

Reduced rate to be named.

Nor unless the by-law names the reduced amount in the dollar to be levied under the original by-law—

To be approved of by the Governor.

Nor unless the by-law be afterwards approved by the Governor in Council.

ANTICIPATORY APPROPRIATIONS.

Anticipatory appropriations may be made.

238. In case any council desires to make an anticipatory appropriation for the next ensuing year in lieu of the special rate for such year, in respect of any debt, the council may do so, by by-law, in the manner and subject to the provisions and restrictions following:

What funds may be so appropriated.

1. The council may carry to the credit of the sinking fund account of the debt, as much as may be necessary for the purpose aforesaid;

(a.) Of any money at the credit of the special rate account of the debt beyond the interest on such debt for the year following that in which the anticipatory appropriation is made;

(b.) And of any money raised for the purpose aforesaid by additional rate or otherwise;

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(c.) And of any money derived from any temporary investment of the sinking fund ;

(d.) And of any surplus money derived from any corporation work or any share or interest therein ;

(e.) And of any unappropriated money in the treasury ;

Such moneys respectively not having been otherwise appropriated ;

2. The by-law making the appropriations shall distinguish the several sources of the amount, and the portions thereof to be respectively applied for the interest and for the sinking fund appropriation of the debt for such next ensuing year ;

The sources to be distinguished.

3. In case the moneys so retained at the credit of the special rate account, and so appropriated to the sinking fund account from all or any of the sources above mentioned, are sufficient to meet the sinking fund appropriation and interest for the next ensuing year, the council may then pass a by-law directing that the original rate for such next ensuing year be not levied.

When sufficient, the yearly rate may be suspended for the future year.

239. The by-law shall not be valid unless it recites : By-law must recite.

1. The original amount of the debt, and in brief and general terms, the object for which the debt was created ; The original debt.

2. The amount, if any, already paid of the debt ; The amount paid.

3. The annual amount of the sinking fund appropriation required in respect of such debt ; The amount of sinking fund yearly.

4. The total amount, then on hand, of the sinking fund appropriations, in respect to the debt, distinguishing the amount thereof in cash in the treasury from the amount temporarily invested ; The amount in hand.

5. The amount required to meet the interest of the debt, for the year next after the making of such anticipatory appropriation ; and The amount required for next year's interest.

6. That the council has retained at the credit of the special rate account of the debt, a sum sufficient to meet the next year's interest (naming the amount of it,) and that the council has carried to the credit of the sinking fund account a sum sufficient to meet the sinking fund appropriation (naming the amount of it) for such year ; and And that it is reserved.

By-law to be approved by Governor.

7. No such by-law shall be valid unless approved by the Governor in Council.

After the dissolution of a union, the senior municipality may relieve the junior by an anticipatory appropriation.

240. After the dissolution of any municipal union, the senior municipality may make an anticipatory appropriation for the relief of the junior municipality, in respect of any debt secured by the by-law, in the same manner as the senior municipality might do on its own behalf.

REPORT OF DEBTS TO BE MADE YEARLY.

Every council to make a yearly report of the debts to the Governor, &c.

241. Every council shall, on or before the thirty-first day of January in each year, transmit to the Governor General, through the Provincial Secretary, an account of the several debts of the corporation, as they stood on the thirty-first day of December preceding, specifying in regard to every debt of which a balance remained due at that day :

What such report must shew.

1. The original amount of the debt ;
2. The date when it was contracted ;
3. The days fixed for its payment ;
4. The interest to be paid therefor ;
5. The rate provided for the redemption of the debt and interest ;
6. The proceeds of such rate for the year ending on such thirty-first day of December ;
7. The portion (if any) redeemed of the debt during such year ;
8. The amount of interest (if any) unpaid on such last mentioned day ; and
9. The balance still due of the principal of the debt.

The Governor may prescribe a form of account.

242. The form of the account may from time to time be prescribed by the Governor in Council.

COMMISSIONS OF INQUIRY RESPECTING MUNICIPAL FINANCES.

When a commission of

243. In case one third of the members of any council petition for a commission to issue under the Great Seal, to inquire into

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into the financial affairs of the corporation and things connected therewith, and if sufficient cause be shewn, the Governor in Council may issue a commission accordingly, and the commissioner or the commissioners, or such one or more of them as the commission empowers to act, shall have the same power to summon witnesses, enforce their attendance, and compel them to produce documents and to give evidence, as any court has in civil cases.

244. The expenses to be allowed for executing the commission shall be determined and certified by the Minister of Finance or his Deputy, and shall become thenceforth a debt due to the commissioner or commissioners by the corporation, and shall be payable within three months after demand thereof made by the commissioner, or by any one of the commissioners, at the office of the treasurer of the corporation.

PROVISIONS APPLICABLE TO ALL MUNICIPALITIES EXCEPT PROVISIONAL CORPORATIONS.

245. The following section applies to all municipalities, provisional corporations not included, namely:

- | | | |
|---|--|--|
| <ul style="list-style-type: none"> 1. Counties, 2. Townships, 3. Cities, | | <ul style="list-style-type: none"> 4. Towns, and 5. Incorporated Villages. |
|---|--|--|

246. The council of every county, township, city, town and incorporated village may respectively pass by-laws

OBTAINING PROPERTY.

1. For obtaining such real and personal property as may be required for the use of the corporation, and for erecting, improving and maintaining a hall, and any other houses and buildings required by and being upon the land of the corporation, and for disposing of such property when no longer required;

APPOINTING CERTAIN OFFICERS.

2. For appointing such—

<ul style="list-style-type: none"> (1.) Pound-keepers, (2.) Fence-Viewers, (3.) Overseers of Highways, (7.) And such other officers as are necessary in the affairs of the corporation, or for carrying into effect the provisions of any 		<ul style="list-style-type: none"> (4.) Road Surveyors, (5.) Road Commissioners, (6.) Valuators;
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To appoint officers;
Act

31 V., c. 30,
s. 25. Act of the Legislature, or for the removal of such officers; but nothing in this Act shall prevent any member of a corporation from acting as commissioner, superintendent or overseer, over any road or work undertaken and carried on, in part or in whole, at the expense of the municipality; and it shall be lawful for said municipality to pay any such member of the corporation acting as such commissioner, superintendent or overseer, in the same manner as councillors are paid, and all payments heretofore made by any municipality to any commissioner, superintendent or overseer, acting as such, are hereby declared to be legal, but this section shall not in any way affect any judgment already obtained, or any suit or proceeding already commenced;

To fix fees and securities; 3. For regulating the remuneration, fees, charges and duties of such officers, and the securities to be given for the performance of such duties;

AIDING AGRICULTURAL AND OTHER SOCIETIES.

For aiding Agricultural Societies; 4. For granting money or land in aid of the Agricultural Association of Upper Canada, or of any duly organized Agricultural or Horticultural Society in Upper Canada, or of the Board of Arts and Manufactures for Upper Canada, or of any incorporated Mechanics' Institute within the municipality;

CENSUS.

Local census. 5. For taking a census of the inhabitants, or of the resident male freeholders and householders in the municipality;

FINES AND PENALTIES.

Fines and penalties for neglect of duty. 6. For inflicting reasonable fines and penalties not exceeding fifty dollars exclusive of costs,—

(a.) Upon any person for the non-performance of his duties who has been elected or appointed to any office in the corporation, and who has accepted such office and taken the oaths, and afterwards neglects the duties thereof; and

(b.) For breach of any of the by-laws of the corporation; and

Levying penalties by distress. 7. For collecting such penalties by distress and sale of the goods and chattels of the offender;

Imprisonment when allowed, and time of. 8. For inflicting reasonable punishment, by imprisonment with or without hard labour either in a lock-up-house in some town

town or village in the township, or in the county gaol or house of correction, for any period not exceeding twenty-one days, for breach of any of the by-laws of the council, in case of non-payment of the fine inflicted for any such breach, and there being no distress found out of which such fine can be levied, except for breach of any by-law or by-laws in cities, and the suppression of houses of ill-fame, for which the imprisonment may be for any period, not exceeding six months, in case of the non-payment of the costs and fines inflicted and there being no sufficient distress as aforesaid.

PROVISIONS APPLICABLE TO TOWNSHIPS, CITIES, TOWNS, AND INCORPORATED VILLAGES.

247. The following sections numbered from two hundred and forty-eight to two hundred and seventy shall apply to the following municipalities, namely: What sections shall so apply.

- | | | |
|---------------|--|---------------------------|
| 1. Townships, | | 3. Towns, and |
| 2. Cities, | | 4. Incorporated villages, |

And sections two hundred and fifty-seven to two hundred and sixty, both included, apply to all such places as are therein referred to.

PUBLIC HEALTH.

248. The members of every township, city, town and incorporated village council shall be health officers within their respective municipalities, under the consolidated statute for Upper Canada, respecting the public health, and under any Act passed after this Act takes effect for the like purpose; but any such council may by by-law delegate the powers of its members as such health officers to a committee of their own number, or to such persons, either including or not including one or more of themselves, as the council thinks best. Members of council to be health officers.

Sections 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, repealed by 32 Vic., Cap. 32, Sec. 40. See "Act respecting Tavern and Shop Licenses."

264. Every council of a township, city, town or incorporated village may also pass by-laws: By-laws for—

BILLIARD TABLES.

1. For licensing, regulating and governing all persons who, for hire or gain directly or indirectly, keep, or have in their possession, or on their premises, any billiard table, or who keep Licensing and regulating billiard tables.
- or

or have a billiard table in a house or place of public entertainment or resort, whether such billiard table is used or not, and for fixing the sum to be paid for a license so to have or keep such billiard table, and the time such license shall be in force ;

VICTUALLING HOUSES, &C.

Victualling houses, number and regulation of.

2. For limiting the number of and regulating victualling houses, ordinaries, and houses where fruit, cysters, clams, or victuals are sold to be eaten therein, and all other places for the reception, refreshment or entertainment of the public ; and,

License and fee for same.

3. For licensing the same when no other provision exists therefor, and for fixing the rates of such licenses not exceeding twenty dollars.

Sections 265, 266 and 267, repealed by 32 Vic., Cap. 32, Sec. 40. See "Act respecting Tavern and Shop Licenses."

LAND MARKS AND BOUNDARIES.

Placing land marks and monuments to mark boundaries.

268. In case the council of any township, city, town or incorporated village adopts a resolution on the application of one half of the resident landholders to be affected thereby, that it is expedient to place durable monuments at the front or rear of any concession or range or part thereof in the municipality, or at the front or rear angles of the lots therein, the council may apply to the Governor in the manner provided for in the sixth to the tenth sections of the Consolidated Statute for Upper Canada respecting the survey of lands, praying him to cause a survey of such concession or range, or such part thereof, to be made, and such monuments to be placed under the authority of the Commissioner of Crown Lands, and the person or persons making the survey shall accordingly plant stone or other durable monuments at the front or at the rear of such concession or range, or such part thereof as aforesaid, or at the front and rear angles of every lot therein (as the case may be) and the limits of each lot so ascertained and marked, shall be the true limits thereof ; and the costs of the survey shall be defrayed in the manner prescribed by the said Statute.

Con. Stat. U. C., c. 93.

Costs of survey.

Certain councils may pass by-laws, for--

269. The council of every township, city, town or incorporated village may also pass by-laws :

PROVISION FOR ESTABLISHING BOUNDARIES.

Ascertaining and marking

1. For procuring the necessary estimates, and making the proper application for ascertaining and establishing the boundary

dary lines of the municipality, according to law, in case the boundaries of same has not been done; and for erecting and providing for the townships. preservation of the durable monuments required to be erected for evidencing the same;

SCHOOLS.

2. For obtaining such real property as may be required for the erection of common school houses thereon, and for other common school purposes, and for the disposal thereof when no longer required; and for providing for the establishment and support of common schools according to law; Acquiring land for schools, &c.

CEMETERIES.

3. For accepting or purchasing land for public cemeteries, as well within as without the municipality, and for laying out, improving and managing the same; but no land shall be accepted or purchased for such purpose except by a by-law declaring in express terms that the land is appropriated for a public cemetery and for no other purpose; and thereupon such land, although without the municipality, shall become part thereof, and shall cease to be a part of the municipality to which it formerly belonged; and such by-law shall not be repealed; For establishing cemeteries.

4. For selling or leasing portions of such land for the purpose of interment, in family vaults or otherwise, and for declaring in the conveyance the terms on which such portion shall be held; For selling portions thereof on limited terms.

CRUELTY TO ANIMALS.

5. For preventing cruelty to animals; and for preventing the destruction of birds, the by-laws for these purposes not being inconsistent with any Statute in that behalf; Preventing cruelty to animals.

DOGS.

6. For imposing a tax on the owners, possessors or harbourers of dogs; Tax on dogs.

7. For killing dogs running at large contrary to the by-laws; Killing dogs.

FENCES.

8. For settling the height and description of lawful fences; Height and kind of fences.

DIVISION FENCES.

9. For regulating the height, extent and description of lawful division fences; and for determining how the cost thereof shall be Of division fences.

MUNICIPAL INSTITUTIONS.

be apportioned; and for directing that any amount so apportioned shall be recovered in the same manner as penalties not otherwise provided for may be recovered under this Act; but until such by-laws be made, the Act respecting line fences and water-courses, shall continue applicable to the municipality;

WEEDS.

Destruction of weeds. 10. For preventing the growth of weeds detrimental to good husbandry;

EXHIBITIONS, SHOWS, &c.

Licensing public shows. 11. For preventing or regulating and licensing exhibitions of wax work, menageries, circus-riding and other such like shows usually exhibited by showmen, and for requiring the payment of license fees for authorizing the same, not exceeding one hundred dollars for every such license, and for imposing fines upon persons infringing such by-laws, and for levying the same by distress and sale of the goods and chattels of such showman or belonging to or used in such exhibition whether owned by such showman or not, or for the imprisonment of such offenders for any term not exceeding one month; Provided always, that it shall not be lawful for the council of any municipal corporation, or the commissioners of police in any city, to grant licenses or license certificates to persons having exhibitions of any work or circus, riding, or other shows of a like character, or places of gambling, or to those engaged in traffic in fruits, goods, wares or merchandize of whatever description, for gain, on the days of the exhibition of the Agricultural Association of Upper Canada, or of any county, electoral division, or township agricultural society, either on the grounds of such society, or within the distance of three hundred yards from such grounds;

Fines for infraction.

Proviso:
Licenses not to be granted for certain times and places.

GRAVES.

Protecting graves. 12. For preventing the violation of cemeteries, graves, tombs, tombstones or vaults where the dead are interred;

INJURIES TO PRIVATE PROPERTY AND NOTICES.

Ornamental trees. 13. For preventing the injuring or destroying of trees planted or preserved for shade or ornament;

Signs. 14. For preventing the pulling down or defacing of sign-boards, and of printed or written notices;

GAS AND WATER.

Authorizing 15. For authorizing any corporate gas or water company to lay

lay down pipes or conduits for the conveyance of water or gas under streets or public squares, subject to such regulations as the council sees fit; and

gas and water companies to lay down pipes, &c.

STOCK IN.

16. For acquiring stock in, or lending money to, any such company; and for guaranteeing the payment of money borrowed by, or of debentures issued for money so borrowed by the company; Provided the by-law is consented to by the electors, as hereinbefore provided.

Taking stock in gas and water companies.

Proviso:

17. For preventing persons from throwing any dirt, filth, carcasses of animals or rubbish on any street, road, line or highway.

Preventing throwing dirt in streets, &c., 31 V., c. 30, s. 36.

270. The head of any corporation holding stock in any such company to the amount of ten thousand dollars shall be *ex officio* a director of the company in addition to the other directors thereof, and shall also be entitled to vote on such stock at any election of directors.

Head of corporation to be a director.

PROVISIONS APPLICABLE TO TOWNSHIPS AND COUNTIES.

The next following section applies to townships and counties:

271. The council of every township and county may pass by-laws for paying the members of the council for their attendance in council, or any member while attending on committee of the council, at a rate not exceeding two dollars per diem, and five cents per mile necessarily travelled to and from such attendance.

Remuneration to councillors, and committee men limited. 31 V., c. 30, s. 26.

INVESTMENT OF MONEYS.

272. From and after the passing of this Act, any municipal corporation having surplus moneys derived from the Upper Canada Municipalities Fund, or from any other source, shall have power, by by-law, to set such surplus apart for educational purposes, and to invest the same, as well as any other moneys held by such municipal corporation for, or by it lawfully appropriated to educational purposes, in first mortgages secured on real estate, held and used for farming purposes, and to be the first lien on or against such real estate, and from time to time, as such securities mature, to invest in other like securities, or in the securities already mentioned by law, as may be directed by such by-law, or by other by-laws passed for that purpose; provided always, that no municipal corporation shall invest in such real estate,

Appropriation of certain moneys for education. 31 V., c. 30, s. 27.

Investment.

Proviso: as to investments.

estate, securities within the limits of its own municipality, nor shall any sum so invested, exceed two-thirds of the value of the real estate on which it is secured, according to the last revised and corrected assessment roll at the time it is so invested.

32 V., c. 43, s.
1.

Investments
already made
legalized.

273. And whereas several municipalities have heretofore invested moneys derived from the said fund and set apart for special purposes, in real estate security, be it enacted that such investments shall be legal and valid.

Investment of
moneys by
board of school
trustees.

274. The board of school trustees of any city or town in Upper Canada, having surplus moneys for educational purposes, may invest the same in the purchase of Provincial Consolidated Loan Fund, or Municipal Debentures, or in such securities as are described in the next preceding section, subject to the provisions, conditions, limitations and restrictions therein contained; and any by-law or resolution of any such corporation heretofore made for authorizing any such investment, under which any such money has been so invested, shall be held to be a good and valid by-law or resolution.

Investments
heretofore
made.

Loans to board
of school trust-
ees by muni-
cipalities.

275. Any municipal corporation having surplus moneys derived from the Upper Canada Municipalities Fund, shall have power by by-law to set such surplus apart for educational purposes, and to invest the same in a loan or loans to any board or boards of school trustees within the limits of the municipality, for such term or terms, and at such rate or rates of interest as may be agreed upon by and between the parties to such loan or loans respectively, and set forth in such by-law.

Boards of
school trust-
ees may bor-
row such moneys.

276. Any board of school trustees may, with the consent of the freeholders and householders of their school section first had and obtained at a special meeting, duly called for that purpose, by by-law authorize the borrowing from any municipal corporation of any such surplus moneys as aforesaid, for such term and at such rate of interest as may be set forth in such by-law, for the purpose of purchasing a school site or school sites, or erecting a school house or school houses; and any sum or sums so borrowed shall be applied to that purpose, and to that only.

Liability of
members of
corporation or
school trust-
ees, in vesting
money other-
wise than
authorized by
this Act.

277. Any member of any municipal corporation or board of school trustees, who shall take part in or in any way be a party to the investment of any such moneys as are mentioned in this Act, by or on behalf of the corporation of which he is a member, otherwise than as is authorised by this Act, or by the eleventh section of the Act respecting clergy reserves, or by any other law in that behalf made and provided, shall be held personally liable

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liable for any loss sustained by such corporation, and shall also be guilty of misdemeanor, and be liable to conviction in any court of competent jurisdiction in Upper Canada, and upon conviction may be sentenced to fine or imprisonment, or both, in the discretion of such court.

ELECTORAL DIVISIONS.

278. The council of any city or town may from time to time pass by-laws for dividing the wards of such city or town into two or more convenient electoral divisions, for establishing polling places therein, and for appointing returning officers therefor, and may from time to time repeal or vary the same; and the council of every township or incorporated village may by by-law divide the same into two or more electoral divisions and may from time to time repeal or vary the same.

Dividing city or town into wards.
And townships into electoral divisions.

POOR.

279. Every township and incorporated village council may also make by-laws for raising money by a rate to be assessed equally on the whole ratable property of the township for the support of the poor resident in the township, or appropriating from the general funds of the municipality a sum for such purpose.

By-laws for the relief of the poor, when and how they may be passed.
31 V., c. 30, s. 28.

OBSTRUCTIONS TO STREAMS AND WATER-COURSES.

280. Every township council may also make by-laws for preventing the obstruction of streams, creeks and water-courses, by trees, brushwood, timber or other materials, and for clearing away and removing such obstructions at the expense of the offenders or otherwise, and for levying the amount of such expense in the same manner as taxes are levied, and for imposing penalties on parties causing such obstructions.

By-laws for preventing obstruction of streams, &c.

2. Wherever a stream or creek runs through two or more townships, and the said stream or creek may have been cleared of all obstructions in one or more of said townships, it shall be the duty of the council of the adjoining township to pass a by-law for clearing or removing any obstruction in said creek or stream within its limits, and to take such proceedings as are mentioned in the foregoing section; Provided always that such by-law shall be passed and enforced on the petition of any twelve freeholders in any municipality in which any creek or stream has not been cleared.

When creek, &c., runs through two or more townships, and have been cleaned.
31 V., c. 30, s. 29.

DRAINAGE IN MUNICIPALITIES.

281. In case a majority in number of the resident owners, Drainage.

as shown by the last revised assessment roll, or a majority of the non-resident owners, or a majority of all the owners of the property to be benefited in any part of any municipality, do petition the council for the deepening of any stream, creek or water-course, or for draining of the property (describing it), the council may procure an examination to be made by an engineer, or other competent person, of the stream, creek or water-course proposed to be deepened, or of the property proposed to be drained, and may procure plans and estimates to be made of the work by such engineer or person.

Plans and estimates.

By-law. **282.** If the council be of opinion that the deepening of such stream, creek or water-course, or the draining of the locality described, or a portion thereof, would be desirable, the council may pass a by-law :

To deepen streams, &c.

1. For providing for the deepening of the stream, creek or water-course, or the draining of the locality ;

To assess, etc., special rates for repayment of debentures issued for improvements, etc.

2. For assessing and levying, in the same manner as taxes are levied, upon the real property to be benefited by the deepening or draining, a special rate sufficient to include a sinking fund for the repayment of the debentures which such councils are hereby authorized to issue in such cases, respectively to provide funds for such improvement, and for so assessing and levying the same, as other taxes are levied, by an assessment and rate on the real property so benefited, as nearly as may be to the benefit derived by each lot or portion of lot and road in the locality; Provided always, that any person whose property has been assessed for such deepening or drainage may pay the amount of such assessment, less the interest, at any time before the debentures are issued; Provided also, that any agreement on the part of any tenant to pay the rates or taxes of the demised property, shall not apply to or include the charges or assessments for draining under this Act, unless such agreement shall in express terms mention or refer to such charges or assessments.

32 V., c. 43, s. 2. See also, 31 V., c. 30, s. 30.

Time of paying.

3. For regulating the times and manner in which the assessment shall be paid ;

Ascertaining property benefited.

4. For ascertaining and determining through the engineer or person aforesaid, what real property will be benefited by the deepening or draining, and the proportion in which the assessment should be made on the various portions of lands so benefited, and subject in every case to an appeal to the council and the County Court Judge ;

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3. But the by-law shall not be valid unless before the final Publication of by-law. passing thereof, the same has been published once or oftener in every week, for six weeks, in some newspaper in the municipality, or, if no newspaper be published therein, then in some newspaper published in the nearest municipality in which a newspaper is published, together with a notice that any one intending to apply to have such by-law, or any part thereof, quashed, must make his application for that purpose to one of Her Majesty's Superior Courts of Law, at Toronto, during the term next ensuing the final passing of the by-law. 32 V., c. 43, s. 3.

4. The council shall, on some day not earlier than twenty, Court of Ap- nor later than thirty days from the day on which the by-law peal. was first published, hold a Court of Appeal, notice of which shall be published with the by-law during the first four weeks of its publication, and, in case of an appeal to the County Judge, he shall hear and determine the matter in dispute not later than ten days from the day on which the council held their Court of Appeal. 32 V., c. 43, s. 4.

5. In case no application to quash a by-law be made within If no appeal the time limited for that purpose in the third subsection of by-law valid. this section, the by-law, or so much thereof as is not the subject of any such application, or not quashed upon such application shall, notwithstanding any want of substance or form, either in the by-law itself, or in the time or manner of passing the same, be a valid by-law; 32 V., c. 43, s. 5.

6. Whenever it is necessary to continue the deepening or drainage aforesaid, beyond the limits of any municipality, the engineer or other competent person employed by the council of such municipality, may continue the survey and levels into the adjoining municipality, until he finds fall enough to carry the water beyond the limits of the municipality in which the deepening or draining was commenced; Effect of drain- age being con- tinued beyond municipality. 32 V., c. 43, s. 6.

7. When the deepening and drainage do not extend beyond the limits of the municipality in which they are commenced, When not so continued. but, in the opinion of the engineer or other competent person aforesaid, benefit lands in an adjoining municipality, or greatly improve any road, bridge within any municipality, or between two or more municipalities, then the engineer or other competent person aforesaid, shall charge the lands to be so benefited, and the corporation or corporations whose road or roads are improved, with such proportion of the costs of the work as he may deem just, and the amount so charged for roads, or agreed upon by the arbitrators, shall be paid out of the general funds of such municipality; 32 V., c. 43, s. 7.

Engineer to determine at whose expense.

32 V., c. 43, s. 8.

8. The engineer or other competent person aforesaid, shall determine and report to the council by which he was employed, whether the deepening or drainage shall be constructed and maintained solely at the expense of such municipality, or whether it shall be constructed and maintained at the expense of both municipalities, and in what proportion;

And make plans.

32 V., c. 43, s. 9.

9. The engineer or other competent person aforesaid, when necessary, shall make plans and specifications of the deepening or drainage to be constructed, and charge the lands to be benefited by the work as provided herein;

Council to serve report on head of municipality benefited.

32 V., c. 43, s. 9.

10. The council of the municipality in which the deepening or drainage is to be commenced, shall serve the head of the council of the municipality into which the same is to be continued, or whose lands or roads are to be benefited without the deepening or drainage being continued, with a copy of the report, plans and specifications of the engineer or other competent person aforesaid, when necessary, so far as they affect such last mentioned municipalities, and, unless the same is appealed from as hereinafter provided, it shall be binding on the council of such municipality;

Council to pass by-law within four months to raise sum named in engineer's report.

32 V., c. 43, s. 11.

11. The council of such last mentioned municipalities shall within four months from the delivery to the head of the corporation, of the engineer's or other competent person's report, as provided in the next preceding section, pass a by-law in the same manner as if a majority of the resident or other owners of the lands to be taxed had petitioned, as provided in the two hundred and eighty-first section of the said Act, to raise such sum as may be named in the engineer's report, or in case of an appeal, for such sum as may be determined by the arbitrators;

Council of benefited municipality may appeal.

32 V., c. 43, s. 12.

12. The council of the municipality into which the deepening or drainage is to be continued, or whose lands, road or roads are to be benefited, without the deepening or drainage being carried within its limits, may, within thirty days from the day in which the report was served on the head of the municipality, appeal therefrom, in which case they shall serve the head of the corporation from which they received the report with a written notice of appeal; and such notice shall state the grounds of appeal, the name of an engineer or other person as their arbitrator, and call upon such corporation to appoint an arbitrator in the matter on their behalf, within ten days after the service of such notice; and, in default thereof, it shall be lawful for the council of the municipality appealing therefrom, to appoint such second arbitrator; and the two arbitrators so appointed shall forthwith appoint a third arbitrator

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in the matter; Provided always, that in no case shall the engineer or other competent person aforesaid, employed to make surveys, plans and specifications, or a member or officer of any council concerned, be appointed or act as arbitrator;

13. If, after the arbitrators have been appointed as aforesaid, they fail or neglect, for the space of six days, to appoint a third arbitrator, the Judge of the County Court of the county in which the municipality appealing is situated, shall, within four days after a request in writing made upon him by either of the two arbitrators appointed as above provided, appoint a third arbitrator;

Judge to appoint third arbitrator on default.

32 V., c. 43, s. 13.

14. The arbitrators before proceeding to try the matter of the arbitration shall take and subscribe the following oath (or in case of those who affirm, make and subscribe the following affirmation), before any Justice of the Peace:—"I, A. B., do swear (or affirm) that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises according to the evidence, and my skill and knowledge. So help me God." Which oath or affirmation shall be filed with the award;

Arbitrators to be sworn.

32 V., c. 43, s. 14.

Their oath.

Filed with award.

15. The arbitrators shall, within ten days after the appointment of the third arbitrator, meet at such place as they may agree upon, and shall then hear and determine the matter in dispute and make their award in triplicate, which shall be binding on all parties, and one copy thereof shall be filed with the clerk of each of the municipalities interested, and one shall be filed with the registrar of deeds for the county in which either of the municipalities is situate;

Arbitrators to meet in ten days.

32 V., c. 43, s. 15.

16. In case of a difference between the arbitrators, the decision of any two of them shall be conclusive;

Majority to decide.

32 V., c. 43, s. 16.

Drainage, &c., to be maintained, and by whom.

17. After such deepening or drainage is fully made and completed, it shall be the duty of each municipality, in the proportion determined by the engineer or arbitrators (as the case may be), or until otherwise determined by the engineer or arbitrators, under the same formalities, as near as may be, as provided in the preceding sections, to preserve, maintain and keep the same within its own limits, either at the expense of the municipality, or parties more immediately interested, or at the joint expense of such parties and the municipality, as to the council upon the report of the engineer or other competent person, may seem just; and any such municipality, neglecting or refusing so to do, upon reasonable notice in writing being given by any party interested therein, shall be compelled, by mandamus to be

32 V., c. 43, s. 17.

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be issued from any court of competent jurisdiction, to make from time to time, the necessary repairs to preserve and maintain the same, and shall be liable to pecuniary damage to any person who or whose property shall be injuriously affected by reason of such neglect or refusal.

Provisions as to drains used by others.

2. Should a drain already constructed, or hereafter constructed, be used as an outlet, or otherwise by another municipality, company or individual, such municipality, company or individual using the same as an outlet or otherwise, may be assessed for the construction and maintenance thereof in such proportion and amount as shall be ascertained by the engineer or arbitrators, under the formalities provided in the preceding sections.

INSPECTORS OF WEIGHTS AND MEASURES.

283. The council of every county, city and town may pass by-laws :

Inspectors of weights and measures : their powers.

1. For appointing inspectors to regulate weights and measures, according to the lawful standard ;

2. For visiting all places wherein weights and measures, steel-yards or weighing machines of any description are used ;

3. For seizing and destroying such as are not according to the standard ;

4. For imposing and collecting penalties upon persons who are found in possession of unstamped or unjust weights, measures, steel-yards, or other weighing machines.

PUBLIC MORALS.

By-laws for other purposes.

284. The council of every county, city and town may also pass by-laws :

Giving drink to children, &c.

1. For preventing the sale or gift of intoxicating drink to a child, apprentice or servant, without the consent of a parent, master or legal protector ;

Indecent placards, &c.

2. For preventing the posting of indecent placards, writings or pictures, or the writing of indecent words, or the making of indecent pictures or drawings, on walls or fences in streets or public places ;

Drunkenness, &c.
33 V., c. 26,
s. 4.

3. For preventing vice, drunkenness, profane swearing, obscene, blasphemous or grossly insulting language, and other immorality and indecency.

4. For suppressing disorderly houses and houses of ill-fame; Lewdness.
5. For preventing horse racing; Racing.
6. For preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling alleys, and other places of amusement; Exhibitions, &c.
7. For suppressing gambling houses, and for seizing and destroying faro-banks, rouge et noir, roulette tables, and other devices for gambling found therein; Gaming.
8. For restraining and punishing vagrants, mendicants and persons found drunk or disorderly in any street, highway or public place; Vagrants.
9. For preventing indecent public exposure of the person and other indecent exhibitions; Indecent exposure.
10. For preventing or regulating the bathing or washing the person in any public water near a public highway. Bathing.

PROVISIONS APPLICABLE TO COUNTIES, CITIES
AND TOWNS SEPARATED FROM COUNTIES.

285. The following sections numbered from two hundred and eighty-six to two hundred and eighty-eight, both inclusive, shall apply to the following municipalities: Extent of section to—

1. Counties;
2. Cities;
3. Towns separated from counties.

286. The council of every county, city and town separated from the county for municipal purposes, may respectively pass by-laws for the following purposes: By-laws for regulating—

ENGINEERS—INSPECTORS.

1. For appointing, in addition to other officers, one or more engineers, and also one or more inspectors of the House of Industry, also one or more surgeons of the Gaol and other institutions under the charge of the municipality, and for the removal of such officers; Appointing engineers and inspectors.

AUCTIONEERS.

2. For licensing, regulating and governing auctioneers and other

other persons selling or putting up for sale goods, wares, merchandise or effects by public auction; and for fixing the sum to be paid for every such license, and the time it shall be in force;

HAWKERS AND PEDDLERS.

Hawkers and peddlers.

Licenses for.

32 V., c. 43,
s. 19.

No duty on manufactures of this Province, &c.

3. For licensing, regulating and governing hawkers or petty chapmen; and other persons carrying on petty trades, who have not become permanent residents in the county or city, or who go from place to place or to other men's houses, on foot, or with any animal bearing or drawing any goods, wares or merchandise for sale, or in or with any boat, vessel, or other craft or otherwise, carrying goods, wares or merchandise for sale, and for fixing the sum to be paid for a license for exercising such calling within the county or city, and the time the license shall be in force; and for providing the township clerks with licenses in this and the previous section mentioned, for sale to parties applying for the same in the township under such regulations as may be prescribed in such by-law; but no duty shall be imposed for hawking or peddling any goods, wares or merchandise, the growth, produce or manufacture of this Province, not being liquors, within the meaning of the law relating to taverns or tavern licenses;

FERRIES.

Ferries with assent of Governor in Council.

4. For regulating ferries between any two places in the municipality, and establishing the rates of ferriage to be taken thereon; but no such by-law as to ferries, shall have effect until assented to by the Governor in Council.

Where there is no by-law.

287. Until the council of the county or city pass a by-law regulating such ferries, and in the cases of ferries not between two places in the same municipality, the Governor by order in council may from time to time regulate such ferries respectively, and establish the rates to be taken thereon, in accordance with the Statutes in force relating to ferries.

By-laws may be made by cities and counties for,—

288. The council of every county, city and town separated from the county for municipal purposes, may pass by-laws for the following purposes:

LANDS FOR GRAMMAR SCHOOLS.

Purchase of lands for Grammar Schools.

1. For obtaining in such part of the county, or of any city or town separated within the county, as the wants of the people may most require, the real property requisite for erecting county Grammar School-houses thereon, and for other Grammar School purposes, and for preserving, improving and repairing such school-houses,

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school-houses, and for disposing of such property when no longer required ;

AIDING GRAMMAR SCHOOLS.

2. For making provisions in aid of such Grammar Schools as Aiding such school. may be deemed expedient ;

PUPILS COMPETING FOR UNIVERSITY PRIZES.

3. For making a permanent provision for defraying the expense of the attendance at the University of Toronto, and at the Upper Canada College and Royal Grammar School there, of such of the pupils of the Public Grammar Schools of the county as are unable to incur the expense, but are desirous of, and in the opinion of the respective masters of such Grammar Schools, possess competent attainments for competing for any scholarship, exhibition or other similar prize, offered by such university or college ; Grammar School pupils competing for University prizes.

4. For making similar provision for the attendance at any county Grammar School, for like purposes of pupils of Common Schools of the county ; Attendance at Grammar Schools.

ENDOWING FELLOWSHIPS.

5. For endowing such fellowships, scholarships or exhibitions, and other similar prizes, in the University of Toronto, and in the Upper Canada College and Royal Grammar School there, for competition among the pupils of the Public Grammar Schools of the county, as the council deems expedient for the encouragement of learning amongst the youth thereof. Endowing fellowships.

PROVISIONS APPLICABLE TO COUNTIES ONLY.

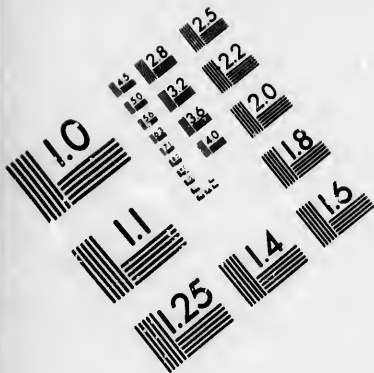
289. The following sections, numbered from two hundred and ninety to two hundred and ninety-four, apply to counties only. Extent of certain sections to—

SEPARATE IMPROVEMENTS BY UNITED COUNTIES.

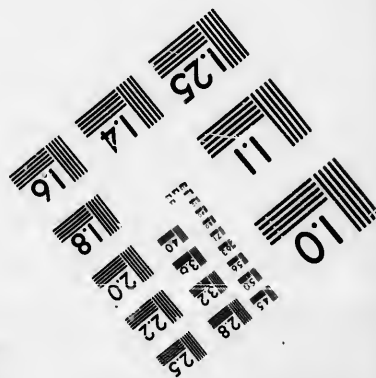
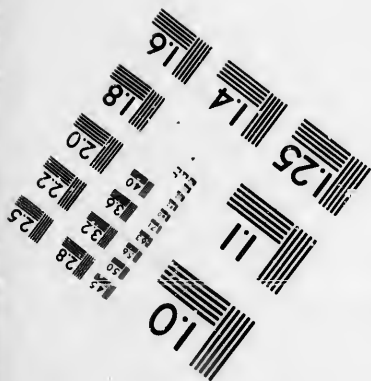
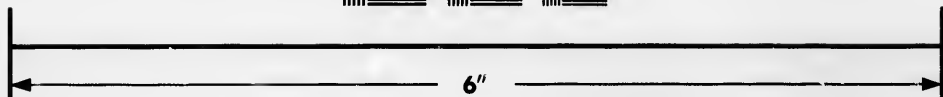
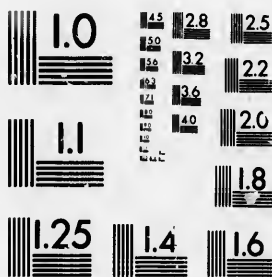
290. The councils of united counties may make appropriations and raise funds, to enable either county separately to carry on such improvements as may be required by the inhabitants thereof. Enabling one of united counties to raise money for improvements.

291. Whenever any such measure is brought under the notice of the council of any united counties, none but the reeves and deputy reeves of the county to be affected by the measure Reeves of the county interested only to vote fr.





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Exception. measure shall vote ; except in case of an equality of votes, when the warden, whether a reeve or deputy reeve of any portion of the county to be affected by the measure or not, shall have the casting vote.

Provisions of this Act for re-payment to apply. **292.** In all other respects, all the provisions of this Act giving such privileges and making provision for the payment of the amounts appropriated, whether to be borrowed upon a loan or to be raised by direct taxation, shall be adhered to.

Treasurer to pay over moneys without deduction. **293.** The treasurer of the united counties shall pay over all sums so raised and paid into his hands by the several collectors, without any deduction or percentage.

In such cases, the property of the county interested is alone to be assessed. **294.** The property to be assessed for the purposes contemplated in the four last preceding sections of this Act, shall be the same as the property assessed for any other county purpose, except that any sum to be raised for the purposes of one county only, or for the payment of any debt contracted for the purposes of one county only, shall be assessed and levied solely upon property assessed in that county, and not upon property in any other county united with it, and any debenture that may be issued for such purposes may be issued as the debenture of the said one county only, and shall be as valid and binding upon that county as if that county were a separate municipality, but such debenture shall be under the seal of the united counties, and be signed by the warden thereof.

PROVISIONS APPLICABLE TO CITIES, TOWNS AND INCORPORATED VILLAGES.

Extent of section 295. **295.** The following section applies to the following municipalities :

1. Cities,
2. Towns, and
3. Incorporated villages.

By-laws may be made— **296.** The council of every city, town and incorporated village may respectively pass by-laws for the following purposes :

HARBOURS, DOCKS, &C.

- For the cleanliness of wharves, docks, &c.**
1. For regulating or preventing the encumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water ;

2. For directing the removal of door steps, porches, railings or other erections, or obstructions projecting into or over any wharf, dock, slip, drain, sewer, bay, harbour, river or water or the banks or shores thereof, at the expense of the proprietor or occupant of the property connected with which such projections are found; For removal of door steps, &c.

3. For making, opening, preserving, altering, improving and maintaining public wharves, docks, slips, shores, bays, harbours, rivers or waters and the banks thereof; Wharves, docks, &c.

4. For regulating harbours; for preventing the filling up or encumbering thereof; for erecting and maintaining the necessary beacons, and for erecting and renting wharves, piers, and docks therein; and also floating elevators, derricks, cranes and other machinery suitable for loading, discharging or repairing vessels; for regulating the vessels, crafts and rafts arriving in any harbour; and for imposing and collecting such reasonable harbour dues thereon as may serve to keep the harbour in good order, and to pay a harbour master; For regulating harbours, &c.

43. Subsections one, two, three and four of section two hundred and ninety-six, are applicable to counties, as well as to cities, towns and incorporated villages. Harbours, &c., 31 V., c. 30, s. 43.

WATER.

5. For establishing, protecting and regulating public wells, reservoirs and other conveniences for the supply of water, and for making reasonable charges for the use thereof, and for preventing the wasting and fouling of public water; For supplying water, &c.

MARKETS.

6. For establishing markets; Markets.

7. For regulating all markets established and to be established; the places, however, already established as markets in such municipality, shall continue to be markets, and shall retain all the privileges thereof until otherwise directed by competent authority; and all market reservations or appropriations heretofore made in any such municipality, shall continue to be vested in the corporation thereof; For regulating markets. Old markets continued.

8. For preventing or regulating the sale by retail in the public streets, or vacant lots adjacent thereto, of any meat, vegetables, grain, hay, fruit, beverages, small ware and other articles offered for sale; Regulating vending in streets, &c. 33 V., c. 26, s. 5.

- Vending in open air. 9. For preventing or regulating the buying and selling of articles or animals exposed for sale or marketed ;
- Sale of butcher's meat, farm produce, small ware, &c. 33 V., c. 26, s. 6. 10. For regulating the place and manner of selling and weighing grain, meat, vegetables, fish, hay, straw, fodder, wood, lumber, shingles, farm produce of every description, small ware, and all other articles exposed for sale, and the fees to be paid therefor ; and also for preventing criers and vendors of small ware from practising their calling in the market, public streets and vacant lots adjacent thereto.
- Preventing forestalling. 31 V., c. 30, s. 32. 11. For preventing the forestalling, regrating or monopoly of market grains, meats, fish, fruits, roots, vegetables, poultry and dairy products, eggs and all articles required for family use, and such as are usually sold in the market.
- Regulating hucksters, &c. 31 V., c. 30, s. 32. 12. For preventing and regulating the purchase of such things by hucksters, butchers or runners living within the municipality, or within one mile from the outer limits thereof ;
- Measuring, weighing, &c. 13. For regulating the mode of measuring or weighing (as the case may be) of lime, shingles, laths, cordwood, coal and other fuel ;
- Penalties for light weight. 14. For imposing penalties for light weight or short count, or short measurement in anything marketed ;
- Regulating vehicles used in market vending. 15. For regulating all vehicles, vessels, and all other things in which anything is exposed for sale or marketed, and for imposing a reasonable duty thereon, and establishing the mode in which it shall be paid ;
- Assize of bread, &c. 16. For regulating the assize of bread, and preventing the use of deleterious materials in making bread ; and for providing for the seizure and forfeiture of bread made contrary to the by-law ;
- Tainted provisions. 17. For seizing and destroying all tainted and unwholesome meat, poultry, fish, or other articles of food ;
- Rent of market stall. 18. For selling, after six hours' notice, butchers' meat distrained for rent of market-stalls ;
- Bathing. 19. For preventing or regulating the bathing or washing the person in any public water in or near the municipality ;
- Abatement of nuisances. 20. For preventing and abating public nuisances ;

NUISANCES.

21. For preventing or regulating the construction of privy vaults; Privy vaults.

22. For causing vacant lots to be properly enclosed; Vacant lots.

23. For preventing or regulating the erection or continuance of slaughter houses, gas works, tanneries, distilleries or other manufactories or trades which may prove to be nuisances; Slaughter houses, &c.

24. For preventing the ringing of bells, blowing of horns, shouting and other unusual noises, in streets and public places; Tumultuous noises.

25. For preventing or regulating the firing of guns or other fire-arms; and the firing or setting off of fire balls, squibs, crackers or fire-works, and for preventing charivaries and other like disturbances of the peace; Firing guns, &c.

26. For preventing immoderate riding or driving in highways or streets; for preventing the leading, riding or driving of horses or cattle upon side walks or other places not proper therefor; Furious driving.

27. For preventing persons in streets or public places from importuning others to travel in or employ any vessel or vehicle, or go to any tavern or boarding house, or for regulating persons so employed; Importuning travellers.

PUBLIC HEALTH.

28. For providing for the health of the municipality; and against the spreading of contagious or infectious diseases; Public health.

INTERMENTS.

29. For regulating the interment of the dead, and for preventing the same taking place within the municipality; Interments.

30. For directing the keeping and returning of bills of mortality; and for imposing penalties on persons guilty of default; Bills of mortality.

LICENSES.

31. For regulating and licensing the owners of livery stables, and of horses, cabs, carriages, omnibuses and other vehicles used for hire; for establishing the rates of fare to be taken by the owners or drivers, and for enforcing payment thereof; Licensing cabs, etc. By. 31 V., c. 30, s. 33. Power taken from city councils, and vested in Board of Commissioners of Police.

(See section 400a.)

County licenses for livery stables, &c.

31 V., c. 30, s. 45.

45. The council of any county, having county, gravel or macadamized roads within its jurisdiction, and under its immediate control, such roads being kept up and repaired by municipal taxation, and upon which no toll is collected, shall have power to pass a by-law or by-laws authorizing the regulating and licensing of the owners of livery stables, and of horses, cabs, carriages, omnibuses, and all other vehicles used or kept for hire, and for issuing and regulating teamsters' licenses, for regulating the width of tire used on such vehicles, for establishing the rates of fare that may be collected or taken by the owners or drivers, for enforcing the payment of such licenses, regulating rates of fare for the conveyance of goods or passengers, and for enforcing the width of tire that may be used on such vehicles, when travelling on the aforesaid county gravel or macadamized roads ;

GUNPOWDER.

Gunpowder, care of.

32. For regulating the keeping and transporting of gunpowder and other combustible or dangerous materials ; for regulating, and providing for the support by fees, of magazines for storing gunpowder belonging to private parties ; for compelling persons to store therein ; for acquiring land, as well within as without the municipality, for the purpose of erecting powder magazines, and for selling and conveying such land when no longer required therefor ;

FIRES.

Fire companies, &c.

33. For appointing fire wardens, fire engineers and firemen, and promoting, establishing and regulating fire-companies, hook-and-ladder companies, and property-saving companies ;

Medals and rewards to, &c.

34. For providing medals or rewards for persons who distinguish themselves at fires ; and for granting pecuniary aid, or otherwise assisting the widows and orphans of persons who are killed by accident at such fires ;

Fire in stables, &c.

35. For preventing or regulating the use of fire or lights in stables, cabinet makers' shops, carpenters' shops, and combustible places ;

Dangerous manufactories ;

36. For preventing or regulating the carrying on of manufactories or trades dangerous in causing or promoting fire ;

Stoves, chimneys, &c.

37. For preventing, and for removing, or regulating the construction of any chimney, flue, fire-place, stove, oven, boiler or other apparatus or thing which may be dangerous in causing or promoting fire ;

38. For regulating the construction of chimneys as to dimensions and otherwise, and for enforcing the proper cleaning of the same; Size and cleaning chimneys, &c.

39. For regulating the mode of removal and safe keeping of ashes; Ashes.

40. For regulating and enforcing the erection of party walls; Party walls.

41. For compelling the owners and occupants of houses to have scuttles in the roofs thereof, and stairs or ladders leading to the same; Ladders to houses.

42. For causing buildings and yards to be put in other respects into a safe condition to guard against fire or other dangerous risk or accident; Buildings and yards, condition of.

43. For requiring the inhabitants to provide so many fire buckets in such manner and time as may be prescribed; and for regulating the examination of them, and the use of them at fires; Fire buckets.

44. For authorizing appointed officers to enter at all reasonable times upon any property subject to the regulations of the council, in order to ascertain whether such regulations are obeyed, or to enforce or carry into effect the same; Inspection of premises.

45. For making regulations for suppressing fires, and for pulling down or demolishing adjacent houses or other erections, when necessary to prevent the spreading of fire; Suppression of fires.

46. For regulating the conduct, and enforcing the assistance of the inhabitants present at fires, and for the preservation of property at fires; Enforcing assistance at fires.

SNOW, ICE AND DIRT.

47. For compelling persons to remove the snow, ice and dirt from the roofs of the premises owned or occupied by them, and from the sidewalks, street or alley in front of such premises, and for removing the same at the expense of the owner or occupant in case of his default; Removal of snow, &c. 31 V., c. 30, s. 34.

NUMBERING HOUSES AND LOTS.

48. For numbering the houses and lots along the streets of the municipality, and for affixing the numbers to the houses, buildings or other erections along the streets, and for charging the Numbering houses, &c.

the owner or occupant of each house or lot with the expense incident to the numbering of the same;

Record of streets, numbers, boundaries, &c.

49. For keeping (and every such council is hereby required to make and keep) a record of the streets, and numbers of the houses and lots numbered thereon respectively, and entering thereon, and every such council is hereby required to enter thereon a division of the streets with boundaries and distances for public inspection;

DRAINAGE.

Ascertaining levels.

50. For ascertaining and compelling owners, tenants and occupants to furnish the councils with the levels of the cellars heretofore dug or constructed, or which may hereafter be dug or constructed along the streets of the municipality, such levels to be with reference to a line fixed by the by-laws ;

Block plans of buildings.

51. For compelling to be deposited with an officer, to be named in the by-law, before commencing the erection of any building, a ground or block plan of such building, with the levels of the cellars and basements thereof, with reference to a line fixed by the by-law ;

Cellars, sinks, &c.

52. For regulating the construction of cellars, sinks, water-closets, privies and privy-vaults, and the manner of draining the same ;

Filling in hollow places, drains, &c.

53. For compelling or regulating the filling up, draining, clearing, altering, relaying and repairing of any grounds, yards, vacant lots, cellars, private drains, sinks, cesspools and privies ; and for assessing the owners or occupiers of such grounds or yards, or of the real estate on which the cellars, private drains, sinks, cesspools and privies are situate, with the cost thereof if done by the council on their default ;

Sewerage and drainage.

54. For making any other regulations for sewerage or drainage that may be deemed necessary for sanitary purposes ;

Charging rent for sewers.

55. For charging all persons who own or occupy property which is drained into a common sewer, or which by any by-law of the council is required to be drained into such sewer with a reasonable rent for the use of the same ; and for regulating the time or times and manner in which the same is to be paid ;

Regulating transient traders.

33 V., c. 26, s. 7.

56. For licensing, regulating and governing transient traders and other persons who occupy places of business in the city or town, or incorporated village, for periods less than one year, and whose names have not been duly entered on the assessment roll for the then current year.

PROVISIONS

PROVISIONS APPLICABLE TO CITIES AND TOWNS.

297. The following sections, numbered two hundred and ninety-eight, two hundred and ninety-nine and three hundred, apply to the following municipalities : Certain extent of sections.

1. Cities.

2. Towns.

CORONERS.

298. One or more coroners shall be appointed for every incorporated city or town. Appointment of.

INTELLIGENCE OFFICES.

299. The council of every city and town may respectively pass by-laws : By-laws for—

1. For licensing suitable persons to keep Intelligence Offices for registering the names and residences of, and giving information to, or procuring servants for, employers in want of domestics or labourers, and for registering the names and residences of and giving information to, or procuring employment for, domestics, servants and other labourers desiring employment, and for fixing the fees to be received by the keepers of such offices ; Licensing Intelligence offices.
2. For the regulation of such Intelligence Offices ; Regulation of.
3. For limiting the duration of or revoking any such license ; Duration of license.
4. For prohibiting the opening or keeping any such Intelligence Office within the municipality without license ; Prohibition of without license.
5. For fixing the fee to be paid for such license, not exceeding one dollar for one year ; Fees for.

WOODEN BUILDINGS.

6. For regulating the erection of buildings, and preventing the erection of wooden buildings and wooden fences in specified parts of the city or town ; Wooden buildings.

POLICE.

7. For establishing, regulating and maintaining a police ; A police.
but subject to the other provisions of this Act on that head ;

INDUSTRIAL

INDUSTRIAL FARM—EXHIBITION.

Industrial farm.

8. For acquiring any estate in landed property within or without the city or town for an industrial farm, or for a public park, garden or walk, or for a place for exhibitions, and for the disposal thereof when no longer required for the purpose ; and for accepting and taking charge of landed property, within or without the city or town, dedicated for a public park, garden or walk for the use of the inhabitants of the city or town ;

Buildings thereon.

9. For the erection thereon of buildings and fences for the purposes of the farm, park, garden, walk or place for exhibitions, as the council deems necessary ;

Managing the same.

10. For the management of the farm, park, garden, walk, or place for exhibitions and buildings ;

CHARITY.

Almshouses, and poor.

11. For establishing and regulating within the city or town, or on the industrial farm or ground held for public exhibitions, one or more almshouses or houses of refuge for the relief of the destitute, and for granting out of door relief to the resident poor, and also for aiding charitable institutions within the city or town.

300. The council of a city or town may also pass by-laws :

Appointment of corporation surveyor.

1. For appointing any person to be the corporation surveyor ; and the board of examiners of provincial land surveyors for Upper Canada shall examine such person, and, if he is found competent, shall grant to him, without the usual service, his certificate as a deputy provincial surveyor, and his acts as such shall, in the town or city, while he holds the office of surveyor thereto, have the same effect as those of any other deputy provincial surveyor ;

GAS AND WATER.

Lighting with gas.

2. For lighting the municipality, and for this purpose performing any work, and placing any fixtures that are necessary on private property ;

Laying down gas and water pipes.

3. For laying down gas or water pipes in any street and opening streets for the purpose ; and for taking up or repairing such pipes, and for using every power and privilege given to any gas or water company incorporated in the municipality as if the same were specially given by this Act, subject, however,

ever, to the provisions herein contained as to the erection of gas or water works and levying rates therefor;

4. For constructing gas and water works, and for levying an annual special rate to defray the yearly interest of the expenditure therefor, and to form an equal yearly sinking fund for the payment of the principal within such time as shall not exceed thirty years, nor be less than five years;

Gas and water works.

5. But no by-law under the last subsection shall be passed,—
Firstly, until estimates of the intended expenditure have been published for one month, and notice of the time appointed for taking a poll of the electors on the proposed by-law has been published for two months, and a copy of the proposed by-law at length as the same may be ultimately passed, and a notice of the day appointed for finally considering the same in council, have been published for three months, in some newspaper in the municipality; or if no newspaper is published therein, then in some newspaper in the county in which the municipality is situate;

Estimate to be published, and notice of poll to be held on the by-law.

Proceedings prior to taking public vote.

Nor, secondly, until at a poll, held in the same manner and at the same places, and continued for the same time as at elections for councillors, a majority of the electors, voting at the poll, vote in favour of the by-law.

Poll to be held, and majority must be in favour.

Nor, thirdly, unless the by-law is thereafter passed at the special meeting mentioned in the published notice;

By-law to be passed only at a special meeting, &c.

6. If the proposed by-law is rejected at such poll, no other by-law for the same purpose shall be submitted to the electors during the current year;

If the by-law is rejected.

7. In case there be any gas or water company incorporated for the municipality, the council shall not levy any gas or water rate until such council has by by-law fixed a price to offer for the works or stock of the company; nor until thirty days have elapsed after notice of such price has been communicated to the company without the company's having accepted the same, or having, under the provisions of this Act as to arbitrators, named and given notice of an arbitrator to determine the price, nor until the price accepted or awarded has been paid, or has been secured to the satisfaction of the company;

If there is a gas or water company for the municipality.

8. The council of a city or town may also pass by-laws,—
For providing for the inspection of gas-metres;

Inspection of gas-metres.

9. For providing for the appointment of three commissioners for entering into contracts for the construction of gas and water works,—

Commissioners for erection

works,—

of gas or water works,—for superintending the construction of the same,—for managing the works when completed,—and for providing for the election of the said commissioners by the electors from time to time and at such periods, and for such terms as the council may appoint by the by-law authorizing the election.

PROVISIONS APPLICABLE TO CITIES ONLY.

301. The council of every city and town may pass by-laws for the following purposes:

City and town councils may make by-laws for certain purposes, 31 V., c. 30, s. 35.

Ascertaining the property to be benefited by a local improvement.

1. For providing the means of ascertaining and determining what real property will be immediately benefited by any proposed improvement, the expense of which is proposed to be assessed as hereinafter mentioned upon the real property immediately benefited thereby; and of ascertaining and determining the proportions in which the assessment is to be made on the various portions of the real estate so benefited; subject in every case to an appeal to the recorder in the same manner and on the same terms, as nearly as may be, as an appeal from the court of revision in the case of an ordinary assessment;

Assessing such property for such improvement, and in what manner.

2. For assessing and levying upon the real property to be immediately benefited by the making, enlarging or prolonging of any common sewer, or the opening, widening, prolonging or altering, macadamizing, grading, levelling, paving or plank-ing of any street, lane, or alley, public way or place, or of any sidewalk therein, on the petition of at least two-thirds in number and one-half in value of such real property, of the owners of such real property, a special rate, sufficient to include a sinking fund, for the repayment of debentures which such councils are hereby authorized to issue in such cases respectively, on the security of such rates respectively, to provide funds for such improvements, and for so assessing and levying the same;

Annual rate.

(1.) By an annual rate in the dollar on the real property so benefited, according to the value thereof, exclusive of improve-ments;

Regulating time of pay-ment, &c.

3. For regulating the time or times and manner in which the assessments to be levied under this section are to be paid, and for arranging the terms on which parties assessed for local improvements may commute for the payment of their proportionate shares of the cost thereof in principal sums;

If funds fur-nished by par-ties.

4. For effecting any such improvement as aforesaid with funds provided by parties desirous of having the same effected.

302.

302. No such local improvement as aforesaid shall be undertaken by the council of any city, except under a by-law passed in pursuance of the fourth subsection of the preceding section, otherwise than on the petition of two-thirds in number and one-half in value of real property to be directly benefited thereby, of the owners of such real property,—the number of such owners, and the value of such real property having been first ascertained and finally determined in the manner and by the means provided by by-law in that behalf; and if the contemplated improvement be the construction of a common sewer having a sectional area of more than four feet, one-third of the cost thereof shall also first be provided for by the council of the city, by by-law for borrowing money, which every such council is hereby authorized to pass for such purpose, or otherwise.

Under what conditions such improvements may be undertaken.

As to sewers.

303. It shall not be essential to the validity of any by-law passed in virtue of the three hundred and first section of this Act, that it be in accordance with the restrictions and provisions contained in the two hundred and twenty-sixth section of this Act; but no such by-law shall be valid which is not in accordance with the following restrictions and provisions:

What conditions shall be requisite to the validity of the by-laws.

1. The by-law shall name a day in the financial year in which the same is passed when it shall take effect;

Day for by-law taking effect.

2. The whole of the debt and the obligations to be issued therefor shall be made payable in twenty years at furthest from the day on which such by-law takes effect;

Period for payment.

3. The by-law shall settle an equal special rate per annum, in addition to all other rates, to be levied in each year on the real property described therein, and ratable thereunder for paying the debt and interest;

Special rate.

4. Such special rate shall be sufficient, according to the value of such real property, as ascertained and finally determined in virtue of this Act, to discharge the debt and interest when respectively payable, irrespective of any future increase in the value of such real property, and also irrespective of any income from the temporary investment of the sinking fund, or of any part thereof;

Amount of such rate.

5. The by-law shall recite:

What the by-law must recite.

(1.) The amount of the debt which such by-law is intended to create, and, in some brief and general terms, the object for which it is to be created;

Amount and object.

(2.)

Annual amount.

(2.) The total amount required by this Act to be raised annually by special rate for paying the debt and interest under the by-law;

Value of property rated.

(3.) The value of the whole real property ratable under the by-law as ascertained and finally determined as aforesaid;

Special rate.

(4.) The annual special rate in the dollar or per foot frontage, or otherwise, as the case may be, for paying the interest and creating an equal yearly sinking fund for paying the principal of the debt, according to the foregoing provisions of this Act;

Security for debt.

(5.) That the debt is created on the security of the special rate settled by the by-law, and on that security only.

Debentures under sections 301 to 303 to be specially distinguished.

304. Every debenture issued under the sections of this Act numbered three hundred and one to three hundred and three inclusive, shall bear on its face the words "Local Improvement Debenture," and shall contain a reference, by date and number, to the by-law under which it is issued, and also a statement of its being issued in virtue of this Act.

Section 227 not to apply.

305. The two hundred and twenty-seventh section of this Act shall not apply to any by-law passed in virtue of the four last preceding sections of this Act.

Certain sections not to apply to certain works.

306. Nothing contained in the sections of this Act, numbered three hundred and one to three hundred and four, shall be construed to apply to any work of ordinary repair or maintenance; and every common sewer made, enlarged, or prolonged, and street, lane, alley, public way or place, and sidewalk therein, once made, opened, widened, prolonged, altered, macadamized, paved or plank under the said sections of this Act, shall thereafter be kept in a good and sufficient state of repair at the expense of the city generally.

PROVISIONS APPLICABLE TO POLICE VILLAGES ONLY.

Extent of sections 308 to 314.

307. The following sections numbered from three hundred and eight to three hundred and fourteen apply to police villages only:

INSPECTING TRUSTEE.

Appointing of inspecting trustees.

308. The trustees of every police village, or any two of such trustees shall, by a writing under their hands to be filed with the clerk of the township, or one of the townships in which the village is situate, appoint one of their number to be inspecting trustee.

309. In case of any vacancy in the office of a police trustee, Filling vacancies. by death or otherwise, the remaining trustee or trustees shall, by writing to be filed with such clerk as aforesaid, appoint a trustee or trustees to supply the vacancy.

NEGLECT OF DUTY BY TRUSTEES.

310. Any police trustee who wilfully neglects or omits to prosecute an offender at the request of any resident householder of the village offering to adduce proof of an offence against the regulations of police herein established, or who wilfully neglects or omits to fulfil any other duty imposed on him by this Act, shall incur a penalty of five dollars. Penalty for breach of duty.

311. The penalties prescribed by the preceding section, or by that for the establishment of regulations of police, shall be sued for within ten days after the offence has been committed or has ceased, and not subsequently. Limitation of prosecutions for.

TRUSTEES TO SUE FOR PENALTIES.

312. The inspecting trustee, or in his absence, or when he is the party complained of, one of the other trustees, shall sue for all penalties incurred under the regulations of police herein established, before a Justice of the Peace having jurisdiction in the village and residing therein, or within five miles thereof; or if there be none such, then before any Justice of the Peace having jurisdiction in the village; and the Justice shall hear and determine such complaint in a summary manner, and may convict the offender, upon the oath or affirmation of a credible witness, and shall cause the penalty to be levied by distress and sale of the goods of the offender, and to be paid over to the path-master or path-masters of the division or divisions to which the village belongs, or to such of the said path-masters as the trustees may direct; and such path-master or path-masters shall apply the penalty to the repair and improvement of the streets and lanes of the village, under the direction of the trustees. Who to sue for penalties. And before whom. Conviction and levy of penalty.

PUBLIC HEALTH.

313. The trustees of every police village shall be health officers within the police village, under the Consolidated Statute for Upper Canada, respecting public health, and under any other Act that may be passed for the like purpose. Trustees to be health officers.

POLICE REGULATIONS.

314. The trustees of every police village shall execute and enforce therein the regulations following: Regulations.

FIRE.

FIRE.

- Fires, ladders, &c.** 1. Every proprietor of a house more than one story high, shall place and keep a ladder on the roof of such house near to or against the principal chimney thereof, and another ladder reaching from the ground to the roof of such house, under a penalty of one dollar for every omission; and a further penalty of two dollars for every week such omission continues;
- Fire buckets.** 2. Every householder shall provide himself with two buckets fit for carrying water in case of accident by fire, under a penalty of one dollar for each bucket deficient;
- Furnaces, &c.** 3. No person shall build any oven or furnace unless it adjoins and is properly connected with a chimney of stone or brick at least three feet higher than the house or building in which the oven or furnace is built, under a penalty not exceeding two dollars for non-compliance;
- Stove pipes, &c.** 4. No person shall pass a stove-pipe through a wooden or lathed partition or floor, unless there is a space of four inches between the pipe and the wood work nearest thereto; and the pipe of every stove shall be inserted into a chimney; and there shall be at least ten inches in the clear between any stove and any lathed partition or wood work, under a penalty of two dollars;
- Lights in stables, &c.** 5. No person shall enter a mill, barn, outhouse or stable, with a lighted candle or lamp unless well enclosed in a lantern, nor with a lighted pipe or cigar, or with fire not properly secured, under a penalty of one dollar;
- Chimneys.** 6. No person shall light or have a fire in a wooden house or out house, unless such fire is in a brick or stone chimney, or in a stove of iron or other metal, properly secured, under a penalty of one dollar;
- Securing fire carried through streets, &c.** 7. No person shall carry fire or cause fire to be carried into or through any street, lane, yard, garden, or other place, without having such fire confined in some copper, iron, or tin vessel, under a penalty of one dollar for the first offence, and of two dollars for every subsequent offence;
- Fires in streets.** 8. No person shall light a fire in a street, lane or public place, under a penalty of one dollar;
- Hay, straw, &c.** 9. No person shall place hay, straw or fodder, or cause the same to be placed in a dwelling house, under a penalty of one dollar for the first offence, and of five dollars for every week the hay, straw or fodder is suffered to remain there;

10. No person, except a manufacturer of pot or pearl ashes, Ashes, &c. shall keep or deposit ashes or cinders, in any wooden vessel, box or thing not lined or doubled with sheet-iron, tin or copper, so as to prevent danger of fire from such ashes or cinders, under a penalty of one dollar;

11. No person shall place or deposit any quick or unslaked Lime. lime in contact with any wood of a house, outhouse or other building, under a penalty of one dollar, and a further penalty of two dollars a day until the lime has been removed, or secured to the satisfaction of the inspecting trustee, so as to prevent any danger of fire;

12. No person shall erect a furnace for making charcoal of Charcoal furnaces. wood, under a penalty of five dollars;

GUNPOWDER.

13. No person shall keep or have gunpowder for sale, except Gunpowder. in boxes of copper, tin or lead, under a penalty of five dollars for the first offence, and ten dollars for every subsequent offence;

14. No person shall sell gunpowder, or permit gunpowder Gunpowder. to be sold in his house, storehouse or shop, outhouse or other building at night, under a penalty of ten dollars for the first offence, and of twenty dollars for every subsequent offence;

NUISANCES.

15. No person shall throw, or cause to be thrown, any filth Certain 'nuisances prohibited. or rubbish into a street, lane or public place, under a penalty of one dollar, and a further penalty of two dollars for every week he neglects or refuses to remove the same after being notified to do so by the inspecting trustee, or some other person authorized by him.

ROADS, BRIDGES, DRAINS, WATER-COURSES.

WHAT CONSTITUTE HIGHWAYS.

315. All allowances made for roads by the Crown Surveyors in any town, township or place already laid out, or hereafter laid out; and also all roads laid out by virtue of any Act of the Parliament of Upper Canada, or any roads whereon the public money has been expended for opening the same, or whereon the statute labour hath been usually performed, or any roads passing through the Indian Lands, shall be deemed What shall constitute highways. common

MUNICIPAL INSTITUTIONS.

common and public highways, unless where such roads have been already altered, or may hereafter be altered according to law.

HIGHWAYS VESTED IN THE CROWN.

Highway, &c.,
vested in the
Crown.

316. Unless otherwise provided for, the soil and freehold of every highway or road altered, amended or laid out, according to law, shall be vested in Her Majesty, her heirs and successors.

JURISDICTION OF MUNICIPALITIES.

Jurisdiction of
municipal
councils.

317. Subject to the exceptions and provisions hereinafter contained, every municipal council shall have jurisdiction over the original allowances for roads, highways and bridges within the municipality.

JURISDICTION RESTRICTED.

PROVINCIAL ROADS UNDER BOARD OF WORKS.

Roads under
Board of
Works not to
be interfered
with.

318. No council shall interfere with any public road or bridge vested as a provincial work in Her Majesty, or in any Public Department or Board, and the Governor shall by order in Council have the same powers as to such road and bridge as are by this Act conferred on municipal councils with respect to other roads and bridges; but the Governor may by proclamation declare any public road or bridge under the control of the Commissioner of Public Works, to be no longer under his control, and in that case, after a day named in the proclamation, the road or bridge shall cease to be under the control of the Commissioner, and no tolls shall be thereafter levied thereon by him, and the road or bridge shall thenceforth be controlled and kept in repair by the council of the municipality.

ROADS ON ORDNANCE LANDS.

Nor Ordnance
roads, lands,
&c.

319. No council shall pass any by-law (1) for stopping up or altering the direction or alignment of any street, lane or thoroughfare made or laid out by Her Majesty's Ordnance, or the Principal Secretary of State in whom the Ordnance Estates are vested under the Statute of this Province, passed in the nineteenth year of Her Majesty's Reign, chapter forty-five, or the Consolidated Statute of Canada, chapter twenty-four, respecting the Ordnance and Admiralty lands transferred to the Province; (2) or for opening any such communication through land held by the said Principal Secretary of State, or (3) interfering with any bridge, wharf, dock, quay or other work constructed by Her Majesty's Ordnance, or the said Secretary of State,

State, or (4) interfering with any land reserved for military purposes, or with the integrity of the public defences, without a written consent signed by the principal officer of the War Department, acting in Canada under the authority of such Secretary of State, certified under the hand of the Commander of the Forces in Canada to be such principal officer and to be acting under such authority, and a by-law for any of the purposes aforesaid shall be void unless it recites such consent, authority and certificate.

Unless sanctioned by the Chief Engineer, Officer, &c.

WHAT ROADS NOT TO BE CLOSED.

320. No council shall close up any public road or highway, whether an original allowance or a road opened by the Quarter Sessions, or any municipal council, or otherwise legally established, whereby any person will be excluded from ingress and egress to and from his lands or place of residence over such road, but all such roads shall remain open for the use of the person who requires the same.

Council not to close road required by individuals for egress, &c.

NOT TO ENCROACH UPON HOUSES, &c.

321. No council shall authorize an encroachment on any dwelling-house, barn, stable, out-house, orchard, garden, yard or pleasure ground, without the written consent of the owner.

Nor to encroach upon houses, &c.

WIDTH OF ROADS.

322. No council shall lay out any road or lane more than ninety nor less than thirty feet in width; but any road, when altered, may be of the same width as formerly.

Width of roads.

NOTICE TO BE GIVEN OF BY-LAWS INTENDED TO AFFECT PUBLIC ROADS.

323. No council shall pass a by-law for stopping up, altering, widening, diverting or selling any original allowance for road or for establishing, opening, stopping up, altering, widening, diverting or selling any other public highway, road, street or lane:

What notice to be given of by-laws intended to affect public roads.

1. Until written or printed notices of the intended by-law have been posted up one month previously in six of the most public places in the immediate neighbourhood of such original allowance for road, street or other highway, road street or lane;

Publication.

2. And published weekly for at least four successive weeks in some newspaper (if any there be) published in the municipality;

The same.

pality ; or if there be no such newspaper, then in a newspaper published in some neighbouring municipality ;

Parties to be heard.

3. Nor until the council has heard, in person or by council or attorney, any one whose land might be prejudicially affected thereby, and who petitions to be so heard ;

Clerk to give the notice.

4. And the clerk shall give such notices, at the request of the applicant for the by-law, upon payment of the reasonable expenses attendant on such notices.

IN DISPUTES RESPECTING ROADS—WHO MAY SWEAR WITNESSES, &C.

Power to administer oaths in disputes respecting boundaries.

324. In case of disputes in any municipality, concerning roads, allowances for roads, side lines, boundaries or concessions, within the cognizance of and in the course of investigation before a municipal council, the head of the council may administer an oath or affirmation to any party or witness examined upon the matters in dispute.

COMPENSATION FOR LANDS TAKEN.

Owners of lands taken to be compensated.

325. Every council shall make to the owners of real property entered upon, taken or used by the corporation in the exercise of its powers in respect to roads, streets and other public communications, or to drains and common sewers, due compensation for any damages necessarily resulting from the exercise of such powers, beyond any advantage which the claimant may derive from the contemplated work ; and any claim for such compensation, if not mutually agreed upon, shall be determined by arbitration under this Act.

TITLES TO LAND OF INFANTS, &C., HOW ACQUIRED.

Title to lands taken.

326. In the case of real property which a council has authority under this Act to enter upon, take or use without the owner's consent, corporations, tenants, in tail or for life, guardians, committees and trustees, shall, on behalf of themselves, their successors and heirs respectively, and on behalf of those they represent, whether infants, issue unborn, lunatic, idiots, married women or others, have power to act, as well in reference to any arbitration, notice and action under this Act, as in contracting for and conveying to the council any such real property, or in agreeing as to the amount of damages arising from the exercise by the council of any power in respect thereof ; in case there is no such person who can so act in respect to such real property, or in case any person interested in

If there be no party who can convey.

in respect to any such real property is absent from this Province, or is unknown, or in case his residence is unknown, or he himself cannot be found, the judge of the county court for the county in which such property is situate, may, on the application of the council, appoint a person to act in respect to the same for all or any of the said purposes.

327. In case any party acting as aforesaid has not the absolute estate in the property, the council shall pay to him the interest only at six per centum per annum on the amount to be paid in respect of such property, and shall retain the principal to be paid to the party entitled to it whenever he claims the same, and executes a valid acquittance therefor, unless the Court of Chancery, or other court having equitable jurisdiction in such cases, do in the mean time direct the council to pay the same to any person or into court; and the council shall not be bound to see to the application of any interest so paid, or of any sum paid under the direction of such court.

Where a party has a life interest only.

Sum awarded, how to be applied.

328. All sums agreed upon, or awarded in respect of such real property, shall be subject to the limitations and charges to which the property was subject.

Charges on the purchase money.

JOINT JURISDICTION OVER ROADS.

329. In case a road lies wholly or partly between a county, town, city, township or incorporated village, and an adjoining county or counties, town, city, township or incorporated village, the councils of the municipalities between which the road lies, shall have joint jurisdiction over the same, although the road may so deviate as in some places to be wholly or in part within one or either of them, and the said road shall include a bridge forming part of the road.

Joint jurisdiction over certain roads.

33 V., c. 26, s. 8.

330. No by-law of the council of any one of such municipalities with respect to any such last mentioned road or bridge shall have any force until a by-law has been passed in similar terms as nearly as may be, by the other council or councils having joint jurisdiction in the premises.

Both councils must concur in by-laws respecting them.

33 V., c. 26, s. 9.

331. In case the other council or councils, for six months after notice of the by-law, omit to pass a by-law or by-laws in similar terms, the duty and liabilities of each municipality in respect to the road or bridge shall be referred to arbitration under the provisions of this Act.

Arbitration if they do not concur.

33 V., c. 26, s. 10.

POWERS OF TOWNSHIP, TOWN AND INCORPORATED VILLAGE
COUNCILS RESPECTING ROADS, BRIDGES AND WORKS.

By-laws re-
specting sta-
tute labour.

332. The council of every township, town and incorporated village may also pass by-laws :

STATUTE LABOUR.

Voluntary
commutation.

1. For empowering any person (resident or non-resident) liable to statute labour within the municipality, to compound for such labour, for any term not exceeding five years, at any sum not exceeding one dollar for each day's labour ;

Compulsory
commutation.

2. For providing that a sum of money, not exceeding one dollar for each day's labour, may or shall be paid in commutation of such statute labour ;

Fixing number
of days' la-
bour.

3. For increasing or reducing the number of days' labour, to which the persons rated on the assessment roll or otherwise shall be liable, in proportion to the statute labour to which such persons are, in respect of the amounts at which they are assessed, or otherwise respectively liable ;

Enforcing sta-
tute labour.

4. For enforcing the performance of statute labour, or payment of a commutation in money in lieu thereof, when not otherwise provided by law ;

Regulating the
application of
labour, and
commutation
money.

5. For regulating the manner and the divisions in which statute labour or commutation money shall be performed or expended.

POWERS OF ALL COUNCILS RESPECTING ROADS,
BRIDGES AND WORKS.

By-laws re-
specting roads.

333. The council of every township, county, city, town and incorporated village may pass by-laws :

GENERAL POWERS.

Opening or
stopping up
roads, &c.

1. For opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up and pulling down, drains, sewers, water-courses, roads, streets, squares, alleys, lanes, bridges or other public communications within the jurisdiction of the council, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions in this Act contained ;

TOLLS.

TOLLS.

2. For raising money by toll, on any bridge, road or other work, to defray the expense of making or repairing the same; To raise money by toll.

FAST DRIVING ON BRIDGES.

3. For regulating the driving and riding on public bridges; To regulate driving on bridges.

PITS AND PRECIPICES.

4. For making regulations as to pits, precipices and deep waters, and other places dangerous to travellers; To make regulations as to pits, &c.

ROAD ALLOWANCES.

5. For preserving or selling timber, trees, stone, sand or gravel, on any allowance or appropriations for a public road; For preservation of trees, stone, &c.

6. For selling the original road allowance to the parties next adjoining whose lands the same is situated, when a public road has been opened in lieu of the original road allowance, and for the site or line of which compensation has been paid, and for selling in like manner to the owners of any adjoining land, any road legally stopped up or altered by the council; and in case such parties respectively refuse to become the purchasers at such price as the council thinks reasonable, then for the sale thereof to any other person for the same or a greater price; When the council may stop up or sell a road allowance.

PERMITTING ROAD AND BRIDGE COMPANIES TO PASS, &c.

7. For regulating the manner of granting to road or bridge companies, permission to commence or proceed with roads or bridges within its jurisdiction, and for regulating the manner of ascertaining and declaring the completion of the work so as to entitle such companies to levy tolls thereon, and for regulating the manner of making the examinations necessary for the proper exercise of these powers by the council; Granting privileges to road or bridge companies.

TAKING STOCK IN.

8. For taking stock in, or lending money to, any such incorporated road or bridge company, under and subject to the respective statutes in that behalf; Taking stock in, or making loans to such companies.

TOLLS ON, MAY BE GRANTED.

9. For granting to any person, in consideration or part consideration of planking, gravelling or macadamizing a road, or of building Granting right to take tolls, when.

building a bridge, the tolls fixed by by-law to be levied on the work for a period of not more than twenty-one years after the work has been completed, and after such completion has been declared by a by-law of the council authorizing tolls to be collected; and the grantee of such tolls shall, during the period of his right thereto, maintain the road or bridge in repair.

TAKING MATERIALS.

Searching for
and taking
materials.

10. For searching for and taking such timber, gravel, stone or other material or materials as may be necessary for making and keeping in repair any road or highway belonging to any such municipality; and the right of entry upon such lands, as well as the price or damage to be paid to any person for such materials, shall, if not agreed upon by the parties concerned, be settled by arbitration in the manner provided by this Act.

OLD ROAD ALLOWANCES.

When a road is
substituted for
an original
allowance.

334. In case any one in possession of a concession road or side line has laid out and opened a road or street in place thereof without receiving compensation therefor, or in case a new or travelled public road has been laid out and opened in lieu of an original allowance for road, and for which no compensation has been paid to the owner of the land appropriated as a public road in place of such original allowance, the owner, if his lands adjoin the concession road, side line, or original allowance, shall be entitled thereto, in lieu of the road so laid out, and the council of the municipality upon the report in writing, of its surveyor, or of a deputy provincial land surveyor, that such new or travelled road is sufficient for the purposes of a public highway, may convey the said original allowance for road in fee simple to the person or persons upon whose land the new road runs, and when any such original road allowance is, in the opinion of the council, useless to the public, and lies between lands owned by different parties, the municipal council may, subject to the conditions aforesaid, sell and convey a part thereof to each of such parties as may seem just and reasonable; and in case compensation was not paid for the new road, and the person through whose land the same passes does not own the land adjoining the original road allowance, the amount received from the purchaser of the corresponding part of the road allowance when sold, shall be paid to the person who at the time of the sale owns the land through which the new road passes.

Conveying of
former road
allowance.

Compensation
to party whose
land is taken.

POSSESSION OF ROAD ALLOWANCES.

Original allow-

335. In case a person be in possession of any part of a Government

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Government allowance for road laid out adjoining his lot and enclosed by a lawful fence, and which has not been opened for public use by reason of another road being used in lieu thereof, or be in possession of any Government allowance for road parallel or near to which a road has been established by law in lieu thereof, such person shall be deemed legally possessed thereof, as against any private person, until a by-law has been passed for opening such allowance for road by the council having jurisdiction over the same.

ances for roads when to be deemed legally possessed till a by-law is passed for opening them.

NOTICE OF BY-LAWS FOR OPENING SUCH ALLOWANCES.

20. But no such by-law shall be passed until notice in writing has been given to the person in possession, at least eight days before the meeting of the council, that an application will be made for opening such allowance.

By-law for opening, &c., roads, &c., to require notice.

AIDING IN MAKING ROADS AND BRIDGES.

336. The council of any municipality may pass by-laws for granting aid to any adjoining municipality in making, opening, maintaining, widening, raising, lowering, or otherwise improving any highway, road, street, bridge, or communication from or through an adjoining municipality.

By-laws to aid adjoining municipality to open roads, &c.
32 V., c. 43, s. 20.

337. The municipal council of every township, city, town and incorporated village may pass by-laws:

By-laws for—

1. For granting to the county or united counties in which such municipality lies, aid, by loan or otherwise, towards opening or making any new road or bridge on the bounds of such municipality;
2. For entering into and performing any arrangement with any other council in the same county or united counties for executing, at their joint expense and for their joint benefit, any work within the jurisdiction of the council.

Aiding counties in making roads and bridges.

Joint works with other municipalities.

HIGHWAYS IN CITIES, TOWNSHIPS, TOWNS AND INCORPORATED VILLAGES.

338. Every public road, street, bridge or other highway, in a city, township, town or incorporated village, shall be vested in the municipality, subject to any rights in the soil which the individuals who laid out such road, street, bridge or highway, reserved, and except any concession or other road within the city, township or town or incorporated village, taken and held possession of by an individual in lieu of a street, road

Streets in cities, towns and incorporated villages how far vested in municipalities.

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sion road or et in place r in case a d opened in ch no com- appropriated , the owner, or original road so laid e report in d surveyor, purposes of allowance for ose land the allowance is, c, and lies ipal council nvey a part reasonable; r road, and es not own amount re- of the road who at the new road

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road or highway, laid out by him without compensation therefor.

To be kept in repair by the corporation, on pain of damages.

339. Every such road, street, bridge and highway shall be kept in repair by the corporation, and the default of the corporation so to keep in repair, shall be a misdemeanor punishable by fine in the discretion of the Court, and the corporation shall be further civilly responsible for all damages sustained by any person by reason of such default, but the action must be brought within three months after the damages have been sustained; and this section shall not apply to any road, street, bridge or highway laid out without the consent of the corporation by by-law, until established and assumed by by-law.

LOCAL IMPROVEMENTS OF STREETS.

By-laws for—

340. The council of every city, town and incorporated village may also pass by-laws for the following purposes:

Local rates for pavements.

1. For assessing and collecting from the proprietors of real property, immediately benefited by making or repairing any pavement in any public way or place near to such property, such sums as may be necessary for so making or repairing the same; but this subsection shall not apply to cities;

Lighting, watering and sweeping streets.

2. For raising, upon the petition of at least two-thirds of the freeholders and householders resident in any street, square, alley or lane, representing in value one-half of the ratable property therein, such sums as may be necessary for sweeping, watering or lighting the street, square, alley or lane, by means of a special rate on the ratable property therein; but the council may charge the general corporate funds with the expenditure incurred in such making or repairing, or in such sweeping, watering or lighting as aforesaid;

Preventing obstructions in streets.

3. For regulating or preventing the encumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any road, street, square, alley, lane, bridge or other communication;

Removal of door-steps, &c.

4. For directing the removal of door-steps, porches, railings or other erections or obstructions projecting into or over any road or other public communication, at the expense of the proprietor or occupant of the property connected with which such projections are found;

For making the boundaries of and naming streets.

5. For surveying, settling and marking the boundary lines of all streets, roads and other public communications, and for giving names thereto, and affixing such names at the corners thereof on either public or private property.

EXCLUSIVE

EXCLUSIVE JURISDICTION OVER ROADS.

COUNTIES

WHAT ROADS.

341. The county council shall have exclusive jurisdiction over all roads and bridges, lying within any township of the county and which the council by by-law assumes as a county road or bridge, until the by-law has been repealed by the council, and over all bridges across streams separating two townships in the county; and over every road or bridge dividing different townships, although such road or bridge may so deviate as in some places to lie, wholly or in part, within one township:

Exclusive jurisdiction over certain roads by counties.

TOWNSHIP BOUNDARY LINES.

1. All township boundary lines not assumed by the county council shall be opened, maintained and improved by the township councils;

To be opened, &c., by township councils.

2. Whenever township councils fail to maintain such roads in the same way as other township roads by mutual agreement to the share to be borne by each, it shall be competent for one or more of such councils to apply to the county council to enforce joint action on all township councils interested;

If any council fails to perform its duty.

3. In cases where all the township councils interested neglect or refuse to open up and repair such lines of road in a manner similar to the other local roads, it shall be competent for a majority of the ratepayers resident on the lots bordering on either or both sides of such line to petition the county council to enforce the opening up or repair of such lines of road by the township councils interested;

If all the councils fail

4. It shall be the duty of a county council receiving such petition, either from township councils or from ratepayers, as in the preceding subsection mentioned, to consider and act upon the same at the session at which the petition is presented; It shall be the duty of the county council to determine upon the amount which each township council interested shall be required to apply for the opening or repairs of such lines of road, or to direct the expenditure of a certain proportion of Statute labour, or both, as may seem necessary to make the said lines of road equal to other local roads;

Duty of county councils on petition.

Amount to be furnished by each township.

16. That subsection four of section three hundred and forty-
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S. 341, sub-s. 4, made per-

EXCLUSIVE

missive. one of the said Act, chaptered fifty-one, shall be, and the same is hereby made permissive.

33 V., c. 26, s. 16.

Commissioners to enforce order of county council as to such roads.

5. It shall be the duty of the county council to appoint a commissioner or commissioners to execute and enforce their orders or by-laws relative to such roads; provided always, that if the representatives of any or all of the townships interested shall intimate to the council or to the commissioner or commissioners so appointed, their intention to execute the work themselves, then such commissioner or commissioners shall delay proceedings for a reasonable time; but if the work be not proceeded with during the favourable season by the township officers, then the commissioners shall undertake and finish it themselves;

Proviso.

Payments to be made by township councils.

6. Any sum of money so determined upon by the county council as the portion to be paid by the respective townships, shall be paid by the county treasurer on the order of the commissioner or commissioners, and the amount retained out of any money in his hands belonging to such township, but if there be not at any time before the striking of a county rate any such moneys belonging to such township in the treasurer's hands, an additional rate shall be levied by the county council against such township sufficient to cover such advances;

COUNTY BOUNDARIES.

Township boundaries, being also county boundaries.

7. Township boundary line roads forming also the county boundary lines, and not assumed or maintained by the respective counties interested, shall be maintained by the respective townships bordering on the same;

When the several townships interested cannot agree.

8. Whenever the several townships interested in the whole or part of any line road, are unable mutually to agree as to their joint action in opening or maintaining such line road, or portion thereof, one or more of such township councils may apply to the wardens of the bordering counties to determine jointly the amount which each township shall be required to expend either in money or statute labour, or both, and the mode of expenditure on such road; the county judge of the county in which the township first making the application is situate shall, in all cases, be the third arbitrator when such wardens are unable to agree;

Wardens and county judge to decide.

Meeting of wardens.

9. It shall be the duty of the wardens of the counties interested to meet within twenty-one days from the time of receiving such application for the determination of the matter in dispute; the warden of the county in which the township first making

Who to convene, &c.

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making the application is situated, shall be the convener of the meeting; and it shall be his duty to notify the warden of the other county and county judge of the time and place of meeting, within eight days of the time of his receiving such application;

10. At such meeting, the wardens and county judge, or any two of them, shall determine on the share to be borne by the respective townships, of the amount required on the part or parts to be opened or repaired by each or both, and shall appoint a commissioner or commissioners to superintend such work, and it shall be the duty of the township treasurer to pay the orders of such commissioners to the extent of the sum apportioned to each; and path-masters controlling the statute labour on the lots adjoining such line, on the portion of such line to be opened or repaired, shall obey the orders of such commissioner or commissioners in performing the statute labour unexpended;

What the wardens and county judge shall determine, &c.

11. Any county council may assume, make and maintain any township or county line at the expense of the county, or may grant such sum or sums from time to time for the said purposes as they may deem expedient;

County council may assume the road, &c.

12. It shall be the duty of county councils to erect and maintain bridges over rivers forming township or county boundary lines and in the case of county councils failing to agree on the respective portions of the expense to be borne by the several counties, it shall be the duty of each county council to appoint arbitrators as provided by this Act, to determine the amount to be so expended, and such award as may be made shall be final.

Bridges over rivers, being boundaries.

ROADS ASSUMED TO BE MACADAMIZED.

342. When a county council assumes by by-law any road or bridge within a township as a county road or bridge, the council shall, with as little delay as reasonably may be, and at the expense of the county, cause the road to be planked, gravelled or macadamized, or the bridge to be built in a good and substantial manner.

Roads assumed to be macadamized, &c.

CERTAIN POWERS OF JUSTICES IN SESSIONS TRANSFERRED.

343. All powers, duties and liabilities which at any time before the first day of January, one thousand eight hundred and fifty, belonged to the Magistrates in Quarter Sessions, with respect to any particular road or bridge in a county, and not conferred or imposed upon any other municipal corporation, shall

Certain powers of Justices in Sessions transferred.

shall belong to the council of the county, or in case the road or bridge lies in two or more counties, to the councils of such counties; and the neglect and disobedience of any regulations or directions made by such council or councils, shall subject the offenders to the same penalties and other consequences as the neglect or disobedience of the like regulations or directions of the Magistrates would have subjected them to.

GENERAL POWERS OF COUNTIES RESPECTING HIGHWAYS.

By-laws for— **344.** The council of every county shall have power to pass by-laws for the following purposes:

Sale of original allowance, &c., for roads in certain cases.

1. For stopping up, or stopping up and sale, of any original allowance for roads or parts thereof within the county, which is subject to the sole jurisdiction and control of the council, and not being within the limits of any village, town or city within or adjoining the county; but the by-law for this purpose shall be subject to the three hundred and twenty-third section of this Act;

Preventing furious driving.

2. For preventing immoderate riding or driving of horses or other cattle on the highways, whether township or county highways;

Roads within or between several municipalities.

3. For opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up and pulling down, drains, sewers, water-courses, roads, streets, squares, alleys, lanes, bridges or other public communications, running or being within one or more townships, or between two or more townships of the county, or between the county, and any adjoining county or city, or on the bounds of any town or incorporated village within the boundaries of the county, as the interests of the inhabitants of the county in the opinion of the council require to be so opened, made, preserved and improved, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions hereinbefore contained;

Protecting booms.

4. For protecting and regulating of booms on any stream or river for the safe-keeping of timber, saw-logs and staves within the municipality;

TREES OBSTRUCTING HIGHWAYS.

May direct the trees to be cleared on each side of highways.

5. For directing that, on each or either side of a highway passing through a wood, the trees, (unless they form part of an orchard or a shrubbery, or have been planted or reserved expressly

ly for ornament or shelter,) shall, for a space not exceeding twenty-five feet on each side of the highway, be cut down and removed by the proprietor within a time appointed by the by-law, or, in his default, by the county surveyor or other officer in whose division the land lies; and, in the latter case, for authorizing the trees to be used by the overseer or other officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the by-law into effect;

LOCAL RATES FOR SPECIAL IMPROVEMENTS.

6. For levying by assessment on all ratable property within any particular part of one or parts of two townships to be described by metes and bounds in the by-law, in addition to all other rates, a sum sufficient to defray the expense of making, repairing or improving any road, bridge, or other public work, lying within one township or between parts of such two townships, and by which the inhabitants of such parts will be more especially benefited; provided that the provisions of this subsection shall not be held to apply to any road, bridge or other public work within the limits of any town or incorporated village municipality;

Local rates for special improvements.

7. But no such by-law, as referred to in the last preceding subsection, shall be passed, except—1. Upon a petition signed by at least two-thirds of the electors who shall be rated for at least one-half of the value of the property within those parts of such townships which are to be affected by the by-law; 2. Nor unless a printed notice of the petition, with the names of the signers thereto, describing the limits within which the by-law is to have force, has been given for at least one month, by putting up the same in four different places within such parts of the township, and at the places for holding the sittings of the council of each township, whether it be within such parts or not, and also by inserting the same weekly for at least four weeks in some newspaper, if any there be published in the county, or if there is no such newspaper, then in a newspaper published in some adjoining county;

Proceedings to obtain a by-law for.

Notice to be given.

AIDING TOWNSHIPS, &C., IN MAKING ROADS AND BRIDGES.

8. For granting to any town, township, or incorporated village in the county, aid, by loan or otherwise, towards opening or making any new road or bridge in the town, township or village, in cases where the council deems the county at large sufficiently interested in the work to justify such assistance, but not sufficiently interested to justify the council in at once assuming the same as a county work.

For aiding in making roads and bridges.

TOWNSHIPS.

TOWNSHIPS.

By-laws for— **345.** The council of every township may pass by-laws:

AIDING COUNTIES IN MAKING ROADS.

Aiding county
in making
roads.

1. For granting to any adjoining county aid in making, opening, maintaining, widening, raising, lowering or otherwise improving any highway, road, street, bridge or communication lying between the township and any other municipality, and for granting like aid to the county in which the township lies in respect of any highway, road, street, bridge or communication within the township assumed by the county as a county work, or agreed to be so assumed on condition of such grant;

ORIGINAL ROAD ALLOWANCES.

Stopping up
and sale of original road allowance.

2. For the stopping up and sale of any original allowance for road or any part thereof within the municipality, and for fixing and declaring therein the terms upon which the same is to be sold and conveyed; but no such by-law shall have any force (1) unless passed in accordance with the three hundred and twenty-third section of this Act, nor (2) until confirmed by a by-law of the council of the county in which the township is situate at an ordinary session of the county council, held not sooner than three months, nor later than one year next after the passing thereof;

TREES OBSTRUCTING HIGHWAYS.

Ordering trees
to be cut down
on each side
of a road.

3. For directing that, on each or either side of a highway passing through a wood, the trees (unless they form part of an orchard or a shrubbery, or have been planted expressly for ornament or shelter) shall, for a space not exceeding twenty-five feet on each side of the highway, be cut down and removed by the proprietor within a time appointed by the by-law, or, on his default, by the overseer of highways, or other officer in whose division the land lies; and, in the latter case, for authorizing the trees to be used by the overseer or other officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the by-law into effect;

Granting money for that purpose.

4. For granting out of township funds any sum of money that may be necessary to pay for the cutting down and removing the timber in the third subsection mentioned;

Purchasing

5. For purchasing from the Government or any corporation

or

or person, at a price (in case of Crown Lands, to be fixed upon wet lands from Government. by the Governor in Council, and which price the Governor in Council is hereby authorized to fix), all the wet lands at the disposal of the Crown or such corporation or person in any such township; and such lands may be sold accordingly to the corporation of any such township;

6. The purchase and draining of such lands shall be one of Raising money for that purpose. the purposes for which any such corporation may raise money, by loan or otherwise, or for which they may apply any of its funds not otherwise appropriated;

7. The corporation of any such township may possess and Disposing of such land. hold the land so purchased, and may, whenever they deem it expedient, sell or otherwise depart with or dispose of the same by public auction, in like manner as they may by law sell or dispose of other property, and upon such terms and conditions, and with such mortgages upon the land so sold, or other security for the purchase money or any portion thereof, as they may think most advantageous.

8. The proceeds of the sale of such lands shall form part of Proceeds of sale. the general funds of the municipality.

9. The corporation of any township or county, wherever Sale of mineral rights under roads. minerals are found, may sell, by public auction or otherwise, the mineral rights to the roads over which said township or county may have jurisdiction, if considered expedient so to do; 31 V., c. 30, s. 37. Provided always, that no such sale shall take place until after due notice of such intended by-law has been posted up, in six of the most public places in the immediate neighbourhood of such road, for, at least, one month previous to the time fixed for considering such by-law; Provided also, that the deed of conveyance to the purchaser or purchasers, under said by-law, shall contain a proviso protecting the road for public travel, and preventing any uses of the granted rights interfering with public travel.

10. For setting apart so much of any highway as they may Foot-paths. deem necessary for the purposes of a foot-path, and for imposing penalties on persons travelling thereon on horseback or in vehicles.

WHEN ROADS IN VILLAGES OR HAMLETS MAY BE SOLD BY
TOWNSHIP COUNCILS.

346. In case the trustees of any police village, or fifteen of When roads in police villages the inhabitant householders of any other unincorporated vil-
lage

may be sold by township councils.

lage or hamlet consisting of not less than twenty dwelling houses standing within an area of two hundred acres, petition the council of the township in which the village or hamlet is situate, and in case the petition of such unincorporated village or hamlet not being a police village, is accompanied by a certificate from the registrar of the county within which the township lies, that a plan of the village or hamlet has been duly deposited in his office according to the registry laws, the council may pass a by-law to stop up, sell and convey, or otherwise deal with any original allowance for road lying within the limits of the village or hamlet, as the same shall be laid down on the plan, but subject to all the restrictions contained in this Act with reference to the sale of original allowances.

When village is partly in each of two townships.

347. The last section shall apply to a village or hamlet situate in two townships, whether such townships are in the same or in different counties, and in such case the council of each of the townships shall have the power thereby conferred, as to any original allowance for road lying within that part of the village or hamlet which, according to the registered plan, is situate within such township.

REGISTRATION OF BY-LAWS FOR OPENING ROADS ON PRIVATE PROPERTY.

By-laws under which roads are opened on private property to be registered as to by-laws already passed.

348. All by-laws hereafter to be passed by any municipal council under the authority of which any street, road or highway shall be opened upon any private property, shall, before the same becomes effectual in law, be duly registered in the Registry Office of the county where the land is situate, and for the purpose of registration, a duplicate original of such by-law shall be made out, certified under the hand of the clerk and the seal of the municipality, and shall be registered without any further proof; and all by-laws heretofore passed, and all orders and resolutions of the Quarter Sessions heretofore passed, under the authority of which any street, road or highway has already been opened upon any private property, may at the election of any party interested, and at the cost and charges of such party or municipality, be also duly registered, upon the production to the Registrar of a duly certified copy of such by-law under the hand of the municipal clerk and seal of such municipality, or by a duly certified copy of such order or resolution of such Quarter Sessions, given under the hand of the clerk of the peace (as the case may be).

RAILWAYS.

Municipal councils may make by-laws:

349. The council of every township, county, city, town and incorporated village, may pass by-laws:

TAKING

TAKING STOCK IN OR AIDING RAILWAY COMPANIES.

1. For subscribing for any number of shares in the capital stock of, or for lending to or guaranteeing the payment of any sum of money borrowed by an incorporated railway company to which the eighteenth section of the statute fourteenth and fifteenth Victoria, chapter fifty-one—(the Railway Clauses Consolidation Act) or the sections of the Consolidated Statute of Canada respecting railways, numbered seventy-five to seventy-eight, have been or may be made applicable by any special Act ;

For taking stock in railways or guaranteeing debentures ;

2. For endorsing or guaranteeing the payment of any debenture to be issued by the company for the money by them borrowed, and for assessing and levying from time to time upon the whole ratable property of the municipality, a sufficient sum to discharge the debt or engagement so contracted ;

For guaranteeing the payment of debentures, &c.

3. For issuing, for the like purpose, debentures payable at such times and for such sums respectively not less than twenty dollars, and bearing or not bearing interest as the municipal council may think meet ;

For issuing debentures.

4. For directing the manner and form of signing or endorsing any debenture so issued, endorsed or guaranteed and of countersigning the same, and by what officer or person the same shall be so signed, endorsed or countersigned, respectively ; but no municipal corporation shall subscribe for stock or incur a debt or liability for the purposes aforesaid, unless the by-law before the final passing thereof shall receive the assent of the electors of the municipality in manner provided by this Act.

Form of. To be confirmed by public vote.

350. Any debenture for any of the purposes in the preceding section mentioned, signed or endorsed and countersigned as directed by the by-law, shall be valid and binding on the corporation without the corporate seal thereto, or the observance of any other form with regard to the debenture than such as may be directed in the by-law.

Debentures when valid without the corporate seal.

351. In case any municipal council subscribes for and holds stock in such company to the amount of twenty thousand dollars or upwards, the head of the council shall be *ex officio* one of the directors of the company, in addition to the number of directors authorized by the special Act, and shall have the same rights, powers and duties as the other directors of the company.

Head, when to be a director.

352. The council of every township may pass by-laws for authorizing

By-laws authorizing

thorizing
branch rail-
ways.

To authorize
companies.
33 V., c. 26,
s. 12.

authorizing any railway company, in case such authority is necessary, to make a branch railway on property of the corporation, or on highways, under such conditions as the council sees fit, and subject to the restrictions contained in the Consolidated Railway Act, and any other Acts affecting such railway, and may also pass by-laws to authorize companies or individuals to construct tram and other railways along any highway on such terms and conditions as the council shall see fit.

ARBITRATIONS.

353. In all cases of arbitration directed by this Act, the proceedings shall be as follows :

Mode of ap-
pointing arbi-
trators and
conducting
arbitrations.

1. Each party shall appoint one arbitrator, and give notice thereof in writing to the other party; and when the other party is a corporation, the notice shall be given to the head of the corporation;

Third arbitra-
tor appointed.

When more
than two mu-
nicipalities.

33 V., c. 26,
s. 13.

2. The two arbitrators appointed by or for the parties shall choose a third arbitrator, and if more than two municipalities are interested, each of them shall appoint an arbitrator, and the award of a majority of them shall be final. In case of an equality of arbitrators, they shall appoint another arbitrator, or in default, at the expiration of thirty days after such arbitrators have been appointed, the Lieutenant-Governor in Council may, on the application of any one of the municipalities interested, appoint such arbitrator.

Provision in
case of neglect
to appoint.

3. In case of an arbitration between townships or between counties, or between a county and a city, or between a county and a town, if for one month after having received such notice the party notified omits appointing an arbitrator; and if ten days after the second arbitrator has been appointed, and two arbitrators omit to appoint a third arbitrator, then, in case the arbitration is between townships, the warden of the county within which the townships are situate, or in case the arbitration is between counties, or between a county and a city or a town, the Governor in Council may appoint an arbitrator for the party or arbitrators in default;

In case of
exercise of
powers as to
roads, drains,
&c.

4. In case of an arbitration between a municipal corporation and the owners of property to be entered upon, taken or used in the exercise of the powers of the corporation in regard to roads, streets or other communications, or to drains and sewers, if, after the passing of the by-law, any person interested in the property, appoints and gives due notice to the head of the council of his appointment of any arbitrator to determine the compensation

compensation to which such person is entitled, the head of the council shall, within three days, appoint a second arbitrator, and give notice thereof to the other party, and shall express clearly in the notice what powers the council intends to exercise with respect to the property (describing it);

5. If within one month after service on the owner or owners of the property of a copy of any by-law, certified to be a true copy under the hand of the clerk of the council, the owner or owners omit naming an arbitrator, and giving notice thereof as aforesaid, the council or the head, if authorized by by-law, may name an arbitrator on behalf of the council, and give notice thereof to the owner or owners of the property, and the latter shall, within seven days thereafter, name an arbitrator on his or their behalf;

If the owner of property fails to name an arbitrator.

6. In either of the cases provided for by the two preceding subsections, the two arbitrators shall within seven days appoint a third arbitrator; and their award shall be made within one month after the appointment;

Time for appointing third arbitrator, and for award.

7. If any such owner or occupier neglects naming an arbitrator within seven days after receiving notice to do so, or if the two arbitrators do not within seven days from the appointment of the lastly named of the two arbitrators, agree on a third arbitrator within seven days after the lastly named arbitrator's appointment, or if an arbitrator refuses or neglects to act, the judge of the county court, on the application of either party, shall nominate as an arbitrator a fit person resident without the limits of the municipality in which the property in question is situate, and such arbitrator shall forthwith proceed to hear and determine the matters referred to him;

County Judge to appoint in certain cases.

8. The appointment of all arbitrators shall be in writing under the hands of the appointors, or in case of a corporation, under the corporate seal, and authenticated in like manner as a by-law;

Appointments how to be made.

9. The arbitrators on behalf of a municipal corporation, or provisional corporation, shall be appointed by the council thereof, or by the head thereof, if authorized by a by-law of the council;

Head may appoint for corporation.

10. In case there are several persons having distinct interests in property in respect of which the corporation is desirous of exercising the powers referred to in the above fourth subsection under a by-law in that behalf passed, whether such persons are all interested in the same piece of property, or some or one in a part.

Where many parties are interested in the same property.

part thereof, and some or one in another part thereof, and in case the by-law or any subsequent by-law provides that the claims of all should, in the opinion of the council, be disposed of by one award, such persons shall have one month instead of seven days to agree upon, and give notice of an arbitrator jointly appointed in their behalf, before the County Court Judge shall have power to name an arbitrator for them;

Arbitrators to be sworn.

11. Every arbitrator, before proceeding to try the matter of the arbitration, shall take and subscribe the following oath (or in case of those who by law affirm, make and subscribe the following affirmation) before any Justice of the Peace :

Form of oath.

" I (A. B.) do swear (or affirm) that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises according to the evidence. So help me God." Which oath or affirmation shall be filed with the papers of the reference;

Award to be binding in certain cases, must be adopted by by-law within a certain time.

12. In case the award relates to property to be entered upon, taken or used as mentioned in the said fourth subsection, and in case the by-law did not authorize or profess to authorize any entry or use to be made of the property before an award has been made, except for the purpose of survey, or in case the by-law did give or profess to give such authority, but the arbitrators find that such authority had not been acted upon, the award shall not be binding on the corporation, unless it is adopted by by-law within six weeks after the making of the award; and if the same is not so adopted, the original by-law shall be deemed to be repealed, and the property shall stand as if no such by-law had been made, and the corporation shall pay the costs of the arbitration;

Notes of the evidence adduced to be taken and filed in certain cases.

13. In the case of any award under this Act which does not require adoption by the council, or in case of any award to which a municipal corporation is a party, and which is to be made in pursuance of a submission containing an agreement that the present subsection of this Act should apply thereto, the arbitrator or arbitrators shall take, and immediately after the making of the award, shall file with the clerk of the council, for the inspection of all parties interested, full notes of the oral evidence given on the reference, and also all documentary evidence or a copy thereof, and in case they proceed partly on a view or any knowledge or skill possessed by themselves or by any of them, they shall also put in writing a statement thereof sufficiently full to allow the court to form a judgment of the weight which should be attached thereto;

14.

14. Every award made under this Act shall be in writing under the hands of all or two of the arbitrators, and shall be subject to the jurisdiction of any of the Superior Courts of Law or Equity as if made on a submission by a bond containing an agreement for making the submission a rule or order of such court; and in the cases provided for by the last preceding subsection, the court shall consider not only the legality of the award but the merits as they appear from the proceedings so filed as aforesaid, and may call for additional evidence to be taken in any manner the court directs, and may, either without taking such evidence or after taking such evidence, set aside the award or remit the matters referred, or any of them, from time to time, to the consideration and determination of the same arbitrators, or to any other person or persons whom the court may appoint as prescribed in the "Common Law Procedure Act," and fix the time within which such further or new award shall be made, or the court may itself increase or diminish the amount awarded or otherwise modify the award, as the justice of the case may seem to the court to require.

Award to be made by at least two arbitrators, and subject to Superior Courts.

Powers of the courts in such matters.

POUNDS AND POUND-KEEPERS.

354. The council of every township, town, city and incorporated village, may respectively pass by-laws (not inconsistent with the Consolidated Statute of Canada relating to cruelty to animals):

By-laws as to pounds and cruelty to animals.

PROVIDING POUNDS.

1. For providing sufficient yards and enclosures for the safe-keeping of such animals as it may be the duty of the pound-keeper to impound;

Pounds to be provided.

ANIMALS RUNNING AT LARGE.

2. For restraining or regulating the running at large of any animals, and providing for impounding them; and for causing them to be sold in case they are not claimed within a reasonable time, or in case the damages, fines and expenses are not paid according to law;

Animals running at large.

3. For appraising the damages to be paid by the owners of animals impounded for trespassing contrary to the laws of Upper Canada or of the municipality;

Appraising damages done by.

4. For determining the compensation to be allowed for services rendered, in carrying out the provisions of this Act, with respect to animals impounded or distrained and detained in the possession of the distrainer.

Compensation for impounding animals.

GENERAL

GENERAL PROVISIONS.

Regulations
respecting
animals.

355. Until varied or other provisions are made by Act of Parliament, or by by-laws of the municipality, the following regulations shall be in force :

Liability for
damage done.

1. The owner or occupant of any land shall be responsible for any damage or damages caused by any animal or animals under his charge and keeping, as though such animal or animals were his own property, and the owner of any animal not permitted to run at large by the regulations of the municipality, shall be liable for any damage done by such animal, although the fence enclosing the premises was not of the height required by such regulations ;

What animals
to be impound-
ed.

2. If not previously replevied, the pound-keeper shall impound any horse, bull, ox, cow, sheep, goat, pig, or other cattle, geese or any other poultry, distrained for unlawfully running at large, or for trespassing and doing damage, delivered to him for that purpose by any person resident within his division who has distrained the same ; or if the owner of any geese or other poultry refuses or neglects to prevent the same from trespassing on his neighbours' premises after a notice in writing has been served upon him of their trespass, then the owner of such poultry may be brought before any justice of the peace, and fined such sum as the justice may direct ;

When the com-
mon pound is
not safe.

3. When the common pound of the municipality or place wherein a distress has been made is not secure, the pound-keeper may confine the animal in any inclosed place within the limits of the pound-keeper's division within which the distress was made ;

Statement of
demand to be
made to pound-
keeper by im-
pounder.

4. The owner of any animal impounded shall at any time be entitled to his animal, on demand made therefor without payment of any poundage-fees, on giving satisfactory security to the pound-keeper for all costs, damages and poundage-fees that may be established against him, but the person distraining and impounding the animal shall, at the time of such impounding, deposit poundage-fees, if such be demanded, and within twenty-four hours thereafter, deliver to the pound-keeper duplicate statements in writing of his demands against the owner for damages (if any) not exceeding twenty dollars, done by such animal ; exclusive of such poundage-fees, and shall also give his written agreement (with a surety if required by the pound-keeper) in the form following, or in words to the same effect :

Form of agree-

"I, (or we, as the case may be), do hereby agree that I (or we) will

will pay to the owner of the (*describing the animal*) by me (A.B.) this day impounded all costs to which the said owner may be put in case the distress by me the said A.B. proves to be illegal, or in case the claim for damages now put in by me the said A.B. fails to be established;"

5. In case the animal distrained is a horse, bull, ox, cow, sheep, goat, pig or other cattle, and if the same is distrained by a resident of the township for straying within his premises, such person, instead of delivering the animal to a pound-keeper, may retain the animal in his own possession, provided he makes no claim for damages done by the animal, and duly gives the notices hereinafter in that case required of him ;

If the animal be of a certain kind.

6. If the owner is known to him, he shall forthwith give to the owner notice in writing of having taken up the animal ;

If the owner be known.

7. If the owner be unknown to the person taking up and retaining possession of the animal, such person shall, within forty-eight hours, deliver to the municipal clerk a notice in writing of having taken up the animal, and containing a description of the colour, age and natural and artificial marks of the animal, as near as may be ;

If unknown, notice to township clerk.

8. The municipal clerk, on receiving this notice, shall forthwith enter a copy thereof in a book to be kept by him for that purpose, and shall post the notice he receives, or copy thereof, in some conspicuous place on or near the door of his office, and continue the same so posted for at least one week, unless the animal is sooner claimed by the owner ;

Duty of clerk thereon.

9. If the animal or any number of animals taken up at the same time, be of the value of ten dollars or more, the distrainer shall cause a copy of the notice to be published in a newspaper in the county, if one is published therein, and if not, then in a newspaper published in an adjoining county, and to be continued therein once a week for three successive weeks ;

If the animals are worth \$10 or over.

10. In case an animal be impounded, notices for the sale thereof shall be given by the pound-keeper or person who impounded the animal within forty-eight hours afterwards, but no pig or poultry shall be sold till after four clear days, nor any horse or other cattle till after eight clear days from the time of impounding the same ;

Notice of sale.

When sale may be made.

11. In case the animal be not impounded but is retained in the possession of the party distraining the same, if the animal

If animal is not impound-

is

ed, but detained.

is a pig, goat or sheep, the notices for the sale thereof shall not be given for one month, and if the animal is a horse or other cattle, the notices shall not be given for two months after the animal is taken up;

Notice of sale unless redeemed.

12. The notices of sale may be written or printed and shall be affixed and continued for three clear successive days, in three public places in the municipality, and shall specify the time and place at which the animal will be publicly sold, if not sooner replevied or redeemed by the owner or some one on his behalf, paying the penalty imposed by law (if any), the amount of the injury (if any) claimed or decided to have been committed by the animal to the property of the person who distrained it, together with the lawful fees and charges of the pound-keeper, and also of the fence-viewers (if any); and the expenses of the animal's keeping;

Keeper to feed impounded cattle.

13. Every pound-keeper, and every person who impounds or confines, or causes to be impounded or confined, any animal in any common pound or in any open or close pound, or in any inclosed place, shall daily furnish the animal with good and sufficient food, water and shelter, during the whole time that such animal continues impounded or confined;

And may recover the value.

14. Every such person who furnishes the animal with food, water and shelter, may recover the value thereof from the owner of the animal, and also a reasonable allowance for his time, trouble and attendance in the premises;

In what manner such value may be recovered.

15. The value or allowance as aforesaid may be recovered, with costs, by summary proceedings before any justice of the peace within whose jurisdiction the animal was impounded, in like manner as fines, penalties or forfeitures for the breach of any by-law of the municipality may by law be recovered and enforced by a single justice of the peace; and the justice shall ascertain and determine the amount of such value and allowance when not otherwise fixed by law, adhering, as far as applicable, to the tariff of pound-keepers' fees and charges that may be established by the by-laws of the municipality;

Other mode of enforcing.

16. The pound-keeper, or person so entitled to proceed, may, instead of such summary proceeding, enforce the remuneration to which he is entitled in manner hereinafter mentioned;

Sale how effected, &c., and purchase money, how applied.

17. In case it be by affidavit proved before one of the justices aforesaid, to his satisfaction, that all the proper notices had been duly affixed and published in the manner and

and for the respective times above prescribed, then if the owner or some one for him does not within the time specified in the notices, or before the sale of the animal, replevy or redeem the same in manner aforesaid, the pound-keeper who impounded the animal, or if the person who took up the animal did not deliver such animal to any pound-keeper, but retained the same in his own possession, then any pound-keeper of the township may publicly sell the animal to the highest bidder, at the time and place mentioned in the aforesaid notices, and after deducting the penalty and the damages (if any) and fees and charges, shall apply the produce in discharge of the value of the food and nourishment, loss of time, trouble and attendance so supplied as aforesaid, and of the expenses of driving or conveying and impounding or confining the animal, and of the sale and attending the same, or incidental thereto, and of the damage when legally claimable not exceeding twenty dollars, to be ascertained as aforesaid, done by the animal to the property of the person at whose suit the same was distrained, and shall return the surplus (if any) to the original owner of the animal, or if not claimed by him within three months after the sale, the pound-keeper shall pay such surplus to the treasurer or chamberlain of and for the use of the municipality;

18. If the owner within forty-eight hours after the delivery of such statements, as provided in the fourth subsection of this section, disputes the amount of the damages so claimed, the amount shall be decided by the majority of three fence-viewers of the municipality, one to be named by the owner of the animal, one by the person distraining or claiming damages, and the third by the pound-keeper;

Disputes regarding such demand how determined.

19. Such fence-viewers, or any two of them, shall, within twenty-four hours after notice of their appointment as aforesaid, view the fence and the ground upon which the animal was found doing damage, and determine whether or not the fence was a lawful one according to the statutes or by-laws in that behalf at the time of the trespass; and if it was a lawful fence, then they shall appraise the damages committed, and, within twenty-four hours after having made the view, shall deliver to the pound-keeper a written statement, signed by at least two of them of their appraisal, and of their lawful fees and charges;

Fence-viewers to view and appraise damage.

20. Any fence-viewer neglecting his duty as arbitrator as aforesaid, shall incur a penalty of two dollars, to be recovered for the use of the municipality, by summary proceeding before a justice of the peace upon the complaint of the party aggrieved, or the treasurer or chamberlain of the municipality;

Penalty for neglect of duty by viewers.

Proceedings where viewers decide against the legality of a fence.

21. If the fence-viewers decide that the fence was not a lawful one, they shall certify the same in writing under their hands, together with a statement of their lawful fees to the pound-keeper, who shall, upon payment of all lawful fees and charges, deliver such animal to the owner if claimed before the sale thereof, but if not claimed, or if such fees and charges be not paid, the pound-keeper, after due notice, as required by this Act, shall sell the animal in the manner before mentioned at the time and place appointed in the notices;

Liability of pound-keeper refusing to feed animal impounded.

22. In case any pound-keeper or person who impounds or confines, or causes to be impounded or confined, any animal as aforesaid, refuses or neglects to find, provide and supply the animal with good and sufficient food, water, and shelter as aforesaid, he shall, for every day during which he refuses or neglects, forfeit a sum not less than one dollar, nor more than four dollars;

Recovery and enforcement of penalties.

23. Every fine and penalty imposed by this Act may be recovered and enforced, with costs, by summary conviction, under the summary convictions Act, before any justice of the peace for the county, or of the municipality in which the offence was committed; and, in default of payment, the offender may be committed to the common jail, house of correction, or lock-up-house of such county or municipality, there to be imprisoned for any time, in the discretion of the convicting and committing justice, not exceeding fourteen days, unless such fine and penalty, and costs, including the costs of the committal, be sooner paid;

Who may be a witness.

24. Upon the hearing of any information or complaint exhibited or made under this Act, any person (including the person giving or making the information or complaint) shall be a competent witness, notwithstanding such person may be entitled to any part of the pecuniary penalty on the conviction of the offender;

Application of penalties.

25. When not otherwise provided, every pecuniary penalty recovered before any justice of the peace under this Act shall be paid and distributed in the following manner: one moiety to the city, town, village or township, in which the offence was committed, and the other moiety thereof, with full costs, to the person who informed and prosecuted for the same, or to such other person as to the justice may seem proper;

Reward for taking persons guilty of horse stealing.

26. The council of every county municipality in Upper Canada shall provide by by-law, that a sum not less than twenty dollars shall be payable as a reward to any person or persons

persons who shall pursue and apprehend, or cause to be apprehended, any person or persons guilty of stealing any horse or mare within the said county, and such reward shall be paid out of the funds of the municipality on conviction of the thief, and on the order of the judge before whom the conviction is obtained;

27. The said reward shall not disqualify the person claiming the same, or entitled thereto, from being a witness; Not to disqualify witness.

28. If any tree should be thrown down, by accident or otherwise, across a line or division fence, or in any way in and upon the property adjoining that upon which such tree stood, thereby causing damage to the crop upon such property or to such fence, it shall be the duty of the proprietor or occupant of the premises on which such tree theretofore stood, to remove the same forthwith, and also forthwith to repair the fence, and otherwise to make good any damage caused by the falling of such tree; and on his neglect or refusal so to do for forty-eight hours after notice in writing to remove the same, the injured party may remove the same, or cause the same to be removed, in the most convenient and inexpensive manner, and may make good the fence so damaged, and may retain such tree to remunerate him for such removal, and may also recover any further amount of damages beyond the value of such tree from the party liable to pay it under this Act; provided always, that for the purpose of such removal, the owner of such tree may enter into and upon such adjoining premises for the removal of the same without being a trespasser, avoiding any unnecessary spoil or waste in so doing, and all disputes arising between parties relative to this subsection, and for the collection and recovery of all or any sums of money becoming due thereunder, shall be adjusted by three fence-viewers of the municipality, two of whom shall agree. Proviso: entry to remove tree not to be a trespass, &c.

ADMINISTRATION OF JUSTICE AND MATTERS OF POLICE.

CITIES TO BE COUNTIES, &c.

356. Every city and town separated, shall be a county of itself for municipal purposes, and for such judicial purposes as are herein specially provided for in the case of all cities, but for no other. In what respect cities to be counties.

JUSTICES OF THE PEACE.

357. The head of every council, the police magistrate of every city and town, and reeve of every town, township and incorporated Heads of councils, mayors and Reeves to

be justices of the peace. incorporated village, shall *ex officio*, be justices of the peace for the whole county, or union of counties, in which their respective municipalities lie; and aldermen in cities shall be justices of the peace in and for such cities; Provided always, that before any alderman or reeve shall act in the capacity of a justice of the peace for the city or county, he shall take the same oath of qualification, and in the same manner as is by law required for justices of the peace.

To take same oath as other justices.

31 V., c. 30, s. 38.

Qualification and oaths of such persons as justices of the peace, when dispensed with.

358. Justices of the peace for any town shall have the same property qualification, and take the same oaths as other justices of the peace, but no warden, mayor, recorder, police magistrate, alderman or reeve, after taking the oaths or making the declarations as such, shall be required to have any property qualification or to take any further oath to enable him to act as a justice of the peace.

When towns become cities, former commissions of peace to cease.

359. When a town has been erected into a city, and the council of the city duly organized, every commission of the peace theretofore issued for the town shall cease.

County justices to have no jurisdiction in cities, but Quarter Sessions may be held therein.

360. Justices of the peace for a county in which a city lies, shall, as such, have no jurisdiction over offences committed in the city, and the warrants of county justices shall require to be indorsed before being executed in a city, in the same manner as required by law when to be executed in a separate county; but the general and adjourned Quarter Sessions of the peace for the county may be held and the jurisdiction thereof exercised in the city; and any justice of the peace for the county may issue any warrant or try or investigate any case in a city when the offence has been committed in the county or union of counties in which such city lies, or which such city adjoins.

Governor may appoint for towns.

Jurisdiction of county justices in certain towns.

361. Nothing herein contained shall limit the power of the Governor to appoint under the great seal of the Province any number of justices of the peace for a town, or shall interfere with the jurisdiction of justices of the peace for the county in which a town having no police magistrate, is situate, over offences committed in the town.

What only shall be necessary in convictions under by-laws.

362. It shall not be necessary in any conviction made under any by-law of any municipal corporation, to set out the information, appearance or non-appearance of the defendant, or the evidence or by-law, under which the conviction is made, but all such convictions may be in the form given in the following schedule:

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SCHEDULE.

PROVINCE OF CANADA, } BE IT REMEMBERED, Form.
 County of , } that on the day of
 To wit. , } A. D. , at , in the county
 of , A. B. is convicted before the undersigned,
 one of Her Majesty's justices of the peace in and for the said
 county, for that the said A. B. (*stating the offence, and time
 and place, and when and where committed*) contrary to a certain
 by-law of the municipality of the of , in
 the said county of ; passed on the day of
 A. D. , and intituled: (*reciting the title of
 the by-law*); and I adjudge the said A. B., for his said offence,
 to forfeit and pay the sum of , to be paid and applied
 according to law, and also to pay to C. D., the complainant,
 the sum of , for his costs in this behalf. And if the
 said several sums be not paid forthwith, (*or on or before the
 day of , A. D. , (as the case may
 be)*) I order that the same be levied by distress and sale of the
 goods and chattels of the said A. B.; and in default of sufficient
 distress, I adjudge the said A. B. to be imprisoned in the
 common jail of the said county of (*or, in the public
 lock-up at , for the space of days, unless
 the said several sums, and all costs and charges of conveying
 the said A. B. to such jail (or lock-up), shall be sooner paid.*

Given under my hand and seal, the day and year first above
 written, at , in the said county.

[L. S.]

J. M., J.P.

363. In prosecuting under any by-law, or for the breach of Compelling
 any by-law, witnesses may be compelled to attend and give ^{witnesses to}
 evidence in the same manner, and by the same process as wit- ^{attend, &c.}
 nesses are compelled to attend and give evidence on summary
 proceedings before justices of the peace in cases tried sum-
 marily under the statutes now in force.

364. Every justice of the peace for a county shall have ^{Jurisdiction of}
 jurisdiction in all cases arising under any by-law of any municipi- ^{justices under}
 pality in such county, where there is no police magistrate. ^{by-laws.}

365. The mayor of any city or town may call out the posse ^{Mayor may}
 to enforce the law within his municipality should exigencies ^{call out posse.}
 require it, but only under the same circumstances in which the ^{Powers of}
 sheriff of a county may now by law do so.

366. The head of every council, or in his absence the chair- ^{Heads of}
 man

councils to
administer
oaths, &c.

man thereof, may administer an oath or affirmation to any person concerning any account or other matter submitted to the council.

POLICE OFFICE.

Police offices
in cities and
towns.

367. The council of every town and city shall establish therein a police office; and the police magistrate, or in his absence, or where there is no police magistrate, the mayor of the town or city shall attend at such police office daily, or at such times and for such period as may be necessary for the disposal of the business brought before him as a justice of the peace; and any justice of the peace having jurisdiction in a town may, at the request of the mayor thereof, act in his stead at the police office, but except in cases of urgent necessity, no attendance is required on Sunday, Christmas Day, or Good Friday, or any day appointed by proclamation for a Public Fast or Thanksgiving.

RECORDERS' COURTS AND POLICE MAGISTRATES.

RECORDERS' COURT.

Recorder's
Court in cities.

368. There shall be in every city a Court of Record to be called the Recorder's Court of the city, and therein the Recorder alone, or assisted by one or more of the aldermen, shall preside; or in the absence of the recorder, or when there is no recorder, the police magistrate or mayor (and in their absence, one of the aldermen elected by themselves), assisted by one or more aldermen, shall preside; and the court shall, as to crimes and offences committed in the city, and as to matters of civil concern therein, have the same jurisdiction and powers, and use the like process and proceedings as Courts of Quarter Sessions of the Peace in counties.

Jurisdiction
of.

RECORDERS AND POLICE MAGISTRATES.

Recorder, qua-
lification of.

369. The recorder shall be a barrister of Upper Canada of not less than five years standing.

Salary of
recorder.

370. Every recorder shall receive a salary of not less than one thousand dollars, and his salary shall be defrayed from and out of the fee fund from which the salary of county judges are defrayed.

Police magis-
trate.
29 and 30 V.,
c. 52.
31 V., c. 30, s.
39.

371. All cities, and all towns having more than five thousand inhabitants, shall have a police magistrate, and the salaries of such police magistrates shall not be less than on the following scale, and such salaries shall be paid half-yearly by the city and town municipalities respectively:

In

In towns—Where the population is over five thousand and under six thousand, four hundred dollars per annum; where the population is over six thousand and under eight thousand, six hundred dollars per annum; where the population is over eight thousand, one thousand dollars per annum; Provided always, that every police magistrate appointed before the passing of this Act, in any town with a less population than five thousand, shall not be affected by this section. Salary of police magistrate. Proviso.

In cities—Twelve hundred dollars per annum, but any salary of a larger amount that is paid to any police magistrate at the time of the passing of this Act, shall be continued whilst such police magistrate remains in office. In cities.

372. Every police magistrate shall hold office during pleasure. Tenure of office.

373. Every recorder and police magistrate shall *ex officio* be a justice of the peace for the city or town for which he holds office, as well as for the county or union of counties in which the city or town is or was situate; but no other justice of the peace shall adjudicate upon, admit to bail, discharge prisoner, or otherwise act in any case for any town or city where there is a police magistrate, except in the case of illness, absence, or at the request of the police magistrate. Recorders and police magistrates to be J. P.'s *ex officio*. 31 Vic., c. 30, s. 40.

THE CLERK.

374. The clerk of the council of every city or town, or such other person as the council of the city or town may appoint for that purpose, shall be the clerk of the police office thereof, and perform the same duties, and receive the same emoluments as clerks of justices of the peace, and the city clerk, or such other person as the council of the city may appoint for that purpose, shall also be clerk of the Recorder's Court, and shall perform the same duties, and receive the same emoluments as clerks of the peace; and in case the said clerks, or either of them, are or is paid by a fixed salary, the said emoluments shall be paid by them or him to the municipality, and form part of its funds, and such clerk shall be the officer of and under the police magistrate. Clerk of police office, and his duties. Clerk of Recorder's Court fees or salary.

SESSIONS OF RECORDER'S COURT.

375. The Recorder's Court shall hold four sessions in every year, and such sessions shall commence on the first Monday in the months of March, June and September, and on the third Monday in the month of December. Sessions of Recorder's Court.

377.

Jurors.

376. The panels of grand jurors shall consist of twenty-four persons, and the panels of the petit jurors of not less than thirty-six nor more than sixty persons; and all such persons shall be residents of the city, selected to serve as jurors under the laws relating to jurors.

High bailiff to
summon.

377. The high bailiff of a city, not made a separate county for all purposes, shall ballot for and summon the jurors, under a precept signed by the recorder, or by the mayor, or the alderman elected to act in the recorder's place, in the manner appointed by the laws relating to jurors.

Costs of per-
sons acquitted
of misdemea-
nor.

378. On the acquittal of any person tried for misdemeanor in a Recorder's Court, the presiding officer shall, if the court is satisfied that there was reasonable and probable cause for the prosecution, order the costs thereof to be taxed by the clerk, and to be paid out of the city funds.

EXPENSES OF RECORDER'S COURT.

Expenses of
criminal jus-
tice in Recor-
der's Court
how paid.

379. The expenses of the administration of justice in criminal cases in the Recorder's Court shall be defrayed out of the Consolidated Revenue Fund, in like manner and to the like extent as the expenses attending the administration of justice in criminal cases in the several courts of Quarter Sessions in Upper Canada.

INVESTIGATIONS BY RECORDER UNDER RESOLUTION OF CITY COUNCIL.

Investigation
by Recorder of
charges of mal-
feasance.

380. In case the council of any city at any time passes a resolution requesting the recorder of the city to investigate any matter to be mentioned in the resolution, and relating to a supposed malfeasance, breach of trust or other misconduct on the part of any member of the council or officer of the corporation, or of any person having a contract therewith, in relation to the duties or obligations of the member, officer or other person, to the city, or in case the council of any city sees fit to cause enquiry to be made into or concerning any matter connected with the good government of the city, or the conduct of any part of the public business thereof, and if the council at any time passes a resolution requesting the recorder of the city to make the inquiry, the recorder shall inquire into the same, and shall for that purpose have all the powers of commissioners under the Consolidated Statute of Canada respecting inquiries concerning public matters and official notices, and the recorder shall, with all convenient speed, report to the council the result of the enquiry and the evidence taken thereon.

To have pow-
ers under Con-
solidated Sta-
tutes of Ca-
nada, cap. 13.

CITY

CITY DIVISION COURT.

381. The Governor may, by letters patent under the Great Seal, appoint the recorder to preside over and hold the Division Court of that division of the county which includes the city; and in such case, as long as the letter patent remain unrevoked, the recorder shall have the powers and privileges and perform the duties otherwise belonging to the County Court Judge as Judge of the Division Court, and during such period the authority and duties of the County Judge or Judge of such Division Court shall cease, except as in this Act provided.

Division Court
may be held by
Recorder.

382. The Governor in Council shall fix an annual salary to be paid to the Recorder for performing such duties, regard being had in fixing the same to the population resident within the jurisdiction of such Division Court, the amount accruing from the Court to the fee fund, the amount of the salary of the Recorder as such, and the amount of the salaries of the County Court Judges in Upper Canada, and the salary shall be subject to be altered, in the like way, and shall be paid out of the like fund and in the like manner as the salary of the County Judge in and for the county in which the city is situated.

Salary as
Judge of Divi-
sion Court.

383. While a Recorder is authorized to hold the Division Court, he shall not practise as a barrister, advocate, attorney, solicitor or proctor in any court of law or equity.

Recorder,
when not to
practise at the
bar.

384. In case of the Recorder's illness or unavoidable absence, or absence by leave of the Governor while such letters patent are in force, the Judge of the County Court of the county in which the city lies, may officiate for the Recorder as Judge of such Division Court, and in every other capacity pertaining to the office of the Recorder as Judge of such Division Court; or the Recorder may, by an instrument in writing under his hand and seal, appoint a barrister of Upper Canada to act for him as Judge of such Division Court, with like powers as aforesaid; but no such appointment shall continue in force for more than one month unless renewed in like form.

Absence of
recorder pro-
vided for.

Appointment
of deputy.

385. Every such instrument shall contain a recital of the cause which renders the appointment therein contained necessary, and shall be executed in triplicate, and the Recorder shall file one of the triplicate originals in the office of the Clerk of such Division Court, and shall deliver or send to the person so named to officiate for him another thereof, and shall transmit the third to the Provincial Secretary for the information of the Governor.

Form of.

386.

Governor may supersede and substitute another.

386. The Governor may, by an instrument under his Privy Seal, annul any such appointment; and may, if he thinks fit, by the same instrument or any other instrument under his Privy Seal, appoint another barrister of Upper Canada to act for the Recorder in the place of the barrister appointed by the Recorder.

JURORS AND WITNESSES.

COMPETENCY.

Competency of jurors and witnesses

387. In any prosecution, suit, action or proceeding to which a municipal corporation is a party, no member, officer or servant of the corporation shall, on account of his being such, be an incompetent witness, or be liable to challenge as a juror.

EXEMPTIONS.

Exemptions of citizens as jurors.

Exception.

388. The inhabitants of a city, not a separate county for all purposes, shall be exempt from serving on juries, any other than the city Courts and Courts of Assize and *Nisi Prius*, Oyer and Terminer and General Gaol Delivery for the county in which the city is situate, and on trials at bar before the Superior Courts of Common Law.

HIGH BAILIFFS AND CONSTABLES.

High bailiffs and constables.

389. The council of every city shall appoint a high bailiff, but may provide by by-law that the offices of high bailiff and chief constable shall be held by the same person.

Chief constable.

390. Until the organization of a Board of Police as hereinafter mentioned, the council of the city or town shall appoint one chief constable for the municipality, and one or more constables for each ward, and the persons so appointed shall hold office during the pleasure of the council.

Arrests by constables for alleged breaches of the peace (not within view) when sanctioned.

391. In case any person complains to a chief of police, or to a constable or bailiff in a town or city, of a breach of the peace having been committed, and in case such officer has reason to believe that a breach of the peace has been committed, though not in his presence, and that there is good reason to apprehend that the arrest of the person charged with committing the same is necessary to prevent his escape or to prevent a renewal of the breach of the peace, or to prevent immediate violence to person or property, then if the person complaining gives satisfactory security to the officer that he will without delay appear and prosecute the charge before the Police Magistrate or before the Mayor or sitting Justice, such officer may, without

without warrant, arrest the person charged in order to his being conveyed as soon as conveniently may be before the Magistrate, Mayor or Justice, to be dealt with according to law.

392. Until the organization of a Board of Police, every Mayor, Recorder and Police Magistrate may, within his jurisdiction, suspend from office for any period in his discretion, the chief constable, or constable of the town or city, and may, if he chooses, appoint some other person to the office during such period; and in case he considers the suspended officer deserving of dismissal, he shall, immediately after suspending him, report the case to the council, and the council may dismiss such officer, or may direct him to be restored to his office after the period of his suspension has expired; and the Recorder and city council respectively shall have the like powers as to the high bailiff of a city.

Until a board of police is organized, mayor, &c., may suspend chief constable, &c., from office.

393. During the suspension of such officer he shall not be capable of acting in his office except by the written permission of the Mayor, Recorder or Police Magistrate, who suspended him, nor during such suspension shall he be entitled to any salary or remuneration.

Salary to be withheld during suspension.

BOARD OF POLICE.

OF WHOM COMPOSED.

394. In every city there is hereby constituted a Board of Commissioners of Police, and such board shall consist of the Mayor, Recorder and Police Magistrate, and if there is no Recorder or Police Magistrate, or if the offices of Recorder and Police Magistrate are filled by the same person, the council of the city shall appoint a person resident therein to be a member of the board, or two persons so resident to be members thereof, as the case may require; and such commissioners shall have power to summon and examine witnesses on oath in all matters connected with the administration of their duties.

Board of police; of whom composed. Powers as to witnesses.

QUORUM.

395. A majority of the board shall constitute a quorum, and the acts of a majority shall be considered acts of the board.

A majority to constitute a quorum.

NUMBER OF THE POLICE FORCE.

396. The police force shall consist of a chief constable and as many constables and other officers and assistants as the council from time to time deems necessary, but not less in number than the board reports to be absolutely required.

Number of police to be determined by the council.

APPOINTMENT

APPOINTMENT OF POLICEMEN.

397. The members of the police force shall be appointed by and hold their offices at the pleasure of the board, and shall take and subscribe to the following oath:

Their oath of office.

31 Vic., c. 30, s. 41.

"I, A. B., do swear that I will well and truly serve our Sovereign Lady the Queen, in the office of Police Constable for the _____ of _____ without favour or affection, malice or ill-will; and that I will, to the best of my power, cause the peace to be kept and preserved, and will prevent all offences against the persons and properties of Her Majesty's subjects; and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law."

POLICE REGULATIONS.

Board to make police regulations.

398. The board shall, from time to time, as they may deem expedient, make such regulations for the government of the force, and for preventing neglect or abuse, and for rendering the force efficient in the discharge of all its duties.

POLICE SUBJECT TO THE BOARD, &c.

The policeman to be subject to the board.

Duties of.

399. The constables shall obey all lawful directions, and be subject to the government of the board, and shall be charged with the special duties of preserving the peace, preventing robberies and other felonies and misdemeanors, and apprehending offenders, and shall have generally all the powers and privileges, and be liable to all the duties and responsibilities which belong by law to constables duly appointed.

REMUNERATION AND CONTINGENT EXPENSES.

Remuneration and contingent expenses.

400. The council shall appropriate and pay such remuneration for and to the respective members of the force as shall be required by the Board of Commissioners of Police, and shall provide and pay for all such offices, watch-houses, watch-boxes, arms, accoutrements, clothing and other necessaries as the board may from time to time deem requisite, and require for the payment, accommodation, and use of the force.

Licenses of cabs in cities. 31 V., c. 30, s. 33. To pass by-laws, and enforce the same.

400a. The Board of Commissioners of Police in cities shall have the powers vested in city councils by subsection thirty-one of section two hundred and ninety-six, instead of said city councils, and for that purpose, the said Board of Commissioners of Police may pass by-laws, and enforce the same in the manner

ner and to the extent formerly conferred upon the city council, 32 V., c. 43, s. 22.
under the authority of the Municipal Act of 1866.

COURT HOUSES AND PRISONS.

GAOLS AND COURT HOUSES.

401. Every county council may pass by-laws for erecting, improving and repairing a court house, gaol, house of correction, and house of industry, upon land being the property of the municipality, and shall preserve and keep the same in repair, and provide the food, fuel and other supplies required for the same. County council may pass by-laws for buildings.

402. The gaol, court house and house of correction of the county in which a town or city, not separated for all purposes from a county, is situate, shall also be the gaol, court house, and house of correction of the town or city, and shall, in the case of such a city, continue to be so until the council of the city otherwise directs; and the sheriff, gaoler and keeper of the gaol and house of correction shall receive and safely keep, until duly discharged, all persons committed thereto by any competent authority of the town or city. Gaols and court houses to be common to counties and cities, &c., not separated.

403. While a city or town uses the court house, gaol or house of correction of the county, the city or town shall pay to the county such compensation therefor, and for the care and maintenance of prisoners, as may be mutually agreed upon, or be settled by arbitration under this Act. Compensation by city or town how to be regulated and made.

404. In case after the lapse of five years from such compensation having been so agreed upon or awarded, or having been settled by Act of Parliament, and whether before or after the passing of this Act, it appears reasonable to the Governor in Council, upon the application of either party, that the amount of the compensation should be reconsidered, he may, by an Order in Council, direct that the then existing arrangement shall cease after a time named in the order, and after such time the councils shall settle anew, by agreement or by arbitration under this Act, the amount to be paid from the time so named in the order. When the amount may be revised.

405. The council of every city may erect, preserve, improve and provide for the proper keeping of a court house, gaol, house of correction and house of industry upon lands being the property of the municipality, and may pass by-laws for all or any of such purposes. City councils may erect court house, gaol, houses of correction and house of industry.

406. In case of a separation of a union of counties, all rules Upon separation and

Act, and regulations and court house regulations to continue.

and regulations and all matters and things in any Act of Parliament for the regulation of, or relating to court houses or gaols in force at the time of the separation, shall extend to the court house and gaol of the junior county.

LOCK-UP-HOUSES.

Lock-up-houses may be established by county council.

407. The council of every county may establish and maintain a lock-up-house or lock-up-houses within the county, and may establish and provide for the salary or fees to be paid to the constable to be placed in charge of every such lock-up-house, and may direct the payment of the salary out of the funds of the county.

A constable to be placed in charge of.

408. Every lock-up-house shall be placed in the charge of a constable specially appointed for that purpose, by the magistrates of the county at a General Quarter Sessions of the Peace therefor.

Who liable to confinement in, &c.

409. Any Justice of the Peace of the county may direct by warrant in writing under his hand and seal, the confinement in a lock-up-house within his county, for a period not exceeding two days, of any person charged on oath with a criminal offence, whom it may be necessary to detain until examined, and either dismissed or fully committed for trial to the common gaol, and until such person can be conveyed to such gaol; also the confinement in such lock-up-house, not exceeding twenty-four hours, of any person found in a public street or highway in a state of intoxication, or any person convicted of desecrating the Sabbath, and generally may commit to a lock-up-house instead of the common gaol or other house of correction, any person convicted on view of the justice, or summarily convicted before any Justice or Justices of the Peace of any offence cognizable by him or them, and liable to imprisonment therefor under any statute or municipal by-law.

Expense of conveying and maintaining prisoners.

410. The expense of conveying any prisoner to, and of keeping him in a lock-up-house, shall be defrayed in the same manner as the expense of conveying him to and keeping him in the common gaol of the county.

Previous lock-up-houses to continue.

411. Nothing herein contained shall affect any lock-up-house heretofore lawfully established, but the same shall continue to be a lock-up-house as if established under this Act.

Lock-up-houses for persons sentenced to short imprisonment.

412. The council of every city, township, town, and incorporated village may, by by-laws, establish, maintain and regulate lock-up-houses for the detention and imprisonment of persons

sons

sons sentenced to imprisonment for not more than ten days under any by-law of the council ; and of persons detained for examination on a charge of having committed any offence; and of persons detained for transmission to any common gaol or house of correction, either for trial or in the execution of any sentence ; and such councils shall have all the powers and authorities conferred on county councils in relation to lock-up-houses; two or more local municipalities may unite to establish and maintain a lock-up-house.

HOUSES OF INDUSTRY AND REFUGE.

413. The council of every county, city or town separated from a county may acquire an estate in landed property for an industrial farm, and may, within four years after the passing of this Act, establish a House of Industry and a House of Refuge, and provide by by-law for the erection and repair thereof, and for the appointment, payment and duties of inspectors, keepers, matrons and other servants for the superintendence, care and management of such Houses of Industry or Refuge, and in like manner make rules and regulations (not repugnant to law) for the government of the same ; Provided always, that any two or more united counties, or any two or more contiguous counties, or any city and one or more counties, or any town or one or more counties, may agree to have only one House of Industry or Refuge for such united or contiguous counties, or city and counties, or town and counties, and maintain and keep up the same in the manner herein provided.

County councils may erect and appoint inspectors of Houses of Industry. 31 V., c. 30, s. 42.

Proviso: as to united or contiguous counties.

414. Any two of Her Majesty's Justices of the Peace, or of the Inspectors appointed as aforesaid, may, by writing under their hands and seals, commit to the House of Industry or of Refuge, to be employed and governed according to the rules, regulations and orders of the House :

Who liable to be committed thereto.

1. All poor and indigent persons who are incapable of supporting themselves ;
2. All persons without the means of maintaining themselves, and able of body to work, and who refuse or neglect so to do ;
3. All persons leading a lewd, dissolute or vagrant life, and exercising no ordinary calling, or lawful business sufficient to gain or procure an honest living ;
4. And all such as spend their time and property in public houses, to the neglect of any lawful calling ;
5. And idiots.

Frequenters of public houses.

Idiots.

Punishment of refractory inmates.

415. Every person committed to the House of Industry or of Refuge, if fit and able, shall be kept diligently employed at labour during his continuance there; and in case any such person is idle and does not perform such reasonable task or labour as may be assigned, or is stubborn, disobedient or disorderly, such person shall be punished according to the rules and regulations of the House of Industry or of Refuge in that behalf.

Inspectors to keep and render accounts of expenses, &c.

416. The Inspector shall keep an account of the charges of erecting, keeping, upholding and maintaining the House of Industry or Refuge, and of all materials found and furnished therefor, together with the names of the persons received into the House, as well as of those discharged therefrom, and also of the earnings, and such account shall be rendered to the county council every year, or oftener when required by a by-law of the council, and a copy thereof shall be presented to each branch of the Legislature.

WORK-HOUSES.

417. The council of every city and town may respectively pass by-laws :

Work-houses in cities and towns and houses of correction.

1. For erecting and establishing within the city or town, or on such industrial farm, or on any ground held by the corporation for public exhibitions, a work-house or house of correction, and for regulating the government thereof ;

Who liable to be committed thereto.

2. For committing and sending, with or without hard labour, to the work-house or house of correction, or to the industrial farm, by the mayor, recorder, police magistrate or two justices of the peace for the city or town respectively, such description of persons as may by the council be deemed, and by by-law be declared expedient; and such farm or ground held as aforesaid, shall, for the purposes in this subsection mentioned, be deemed to be within the city or town and the jurisdiction thereof.

THE CARE OF GAOLS AND COURT HOUSES, &c.

Custody of gaols and court houses.

418. The sheriff shall have the care of the county gaol, gaol offices and yard, and gaoler's apartments, and the appointment of the keepers thereof.

County council to appoint keepers, &c.

419. The county council shall have the care of the court house and of all offices and rooms connected therewith, whether the same forms a separate building or is connected with the gaol, and shall have the appointment of the keepers thereof; and shall from time to time provide all necessary and proper accommodation for the courts of justice other than the division courts, and for all officers connected with such courts.

420.

420. In any city not being a separate county for all purposes, but having a gaol or court house separate from the county gaol or court house, the care of such city gaol or court house shall be regulated by the by-laws of the city council. City gaols to be regulated by by-law.

FALSE DECLARATIONS.

421. The wilful and corrupt making of any false statement in any declaration required or authorized by this Act, shall be a misdemeanor punishable as wilful and corrupt perjury. Wilful false declarations to be perjury.

INTERPRETATION CLAUSE.

422. Unless otherwise declared or indicated by the text, whenever any of the following words occur in this Act, the meanings hereinafter expressed attach to the same, namely :

1. The word "municipality" means any locality, the inhabitants of which are incorporated under this Act, but it does not mean a police village ; Municipality.
2. The word "council" means the municipal council or provisional municipal council, as the case may be ; Council.
3. The word "county" means county, union of counties or united counties, or provisional county, as the case may be ; County.
4. The word "township" means township, union of townships or united townships, as the case may be ; Township.
5. The words "land," "lands," "real estate," "real property," respectively, include lands, tenements and hereditaments, and all rights thereto and interests therein ; Land, real estate.
6. The words "highway," "road" or "bridge," mean respectively a public highway, road or bridge ; Highway, road, &c.
7. The word "electors" means the persons entitled for the time being to vote at municipal elections in the municipality, ward, or electoral division or police village, as the case may be ; Electors.
8. The term "reeve" includes the deputy reeve, or deputy reeves, when there is a deputy reeve for the municipality ; except in so far as respects the office of a justice of the peace ; Reeve.
9. The words "next day" are not to apply to or include Sunday or Statutory holidays. Next day.

CONFIRMING AND SAVING CLAUSES.

Exception from repeal.

423. So much of the schedules in either of the Municipal Corporation Acts of 1849 and 1850, as define the limits or boundaries of any cities or towns, being Schedule B of the Act of 1849, numbers two, three, four, six, seven, eight, nine, ten and eleven, and Schedule C of the same Act, numbers one, two and three, and Schedule B of the Act of 1850, numbers one, five, twelve, thirteen, fourteen and fifteen;

Further exception.

And also so much of Schedule D of the said Acts of 1849 and 1850, as relates to Amherstburg, and also so much of the two hundred and third section of the said Act of 1849, and so much of any other sections of either of the said Acts relating to any of the Schedules thereof as have been acted upon or as are in force and remain to be acted upon at the time this Act takes effect, and all proclamations, and special statutes by or under which cities and other municipalities have been erected, so far as respects the continuing the same and the boundaries thereof, shall continue in force.

Pending proceedings to continue.

424. All proceedings on behalf of or against any existing municipal corporation, or police trustees pending when this Act takes effect, shall be continued under this Act, in the name in which the same are then pending.

Past transactions confirmed.

425. All things lawfully done under former enactments are confirmed, except any matter which has been or within one year after the passing of this Act, may be made the subject of proceedings at law or in equity.

Previous offences, penalties, &c., may be prosecuted and enforced.

426. All offences, neglects, fines, penalties, moneys, debts and other matters and things which immediately before this Act goes into effect might have been prosecuted, punished, enforced or recovered under any former municipal Act, may be prosecuted, punished, enforced or recovered under this Act, in the same manner, within the same time, and in the same name, and by the same process and proceedings, as if the same respectively had been committed or incurred, or had accrued or become due or payable immediately after the taking effect of this Act.

Commencement of this Act, and of certain provisions thereof.

427. This Act shall take effect on the first day of January next, (Anno Domini one thousand eight hundred and sixty-seven,) save and except so much thereof as relates to the nominating of candidates for municipal offices, and the passing of by-laws for dividing a municipality or any ward thereof into electoral divisions, and appointing returning officers therefor, which shall come into effect on the first day of November next,

and also so much thereof as relates to the qualification of electors and candidates, shall not take effect till the first day of September, one thousand eight hundred and sixty-seven.

3. Forthwith after the passing of this Act, it shall be lawful for the Governor to cause such extra number of copies of the Municipal Act, and the Assessment Act, to be printed, appending thereto a copious index to their provisions, as he may deem expedient; and he may cause any Acts or parts of Acts passed during the present session, which amend or affect in any way the provisions of the Municipal Act, to be incorporated with it, inserting them in their proper places in the said Municipal Act, and striking out of the latter any enactments repealed by or inconsistent with those so incorporated; and altering the number of the sections if need be; and a correct printed copy of the said Municipal Act with the amendments so incorporated, and attested under the signature of the Governor, and countersigned by the Provincial Secretary; and also a similarly attested copy of the Assessment Act passed during the present session, shall be deposited with the Clerk of the Legislative Council, and after such attestation and deposit, copies of the said Municipal Act as amended, and of the said Assessment Act, printed by the Queen's Printer, shall be held and deemed to have the same force and effect as the copies of this Act and of the Acts amending the same, as passed during the present session; and the Queen's Printer shall distribute the extra copies of the volume containing such Acts and index, in the proportion of three copies to each municipality in Upper Canada, and one copy to each member of the Legislative Council and Assembly.

Governor may cause extra copies of chapter 51 and of chapter 53 to be printed and distributed incorporating this Act with chapter 51.

Distribution of such copies.

428. All Acts or parts of Acts inconsistent with the provisions of this Act, relating to the Municipal Institutions of Upper Canada, are hereby repealed.

Inconsistent enactments repealed.

429. This Act shall apply to Upper Canada only.

Act limited to U. C.

The following is a list of the names of the persons who have been elected to the office of Mayor of the City of New York, from the year 1784 to 1898.

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A COMPILATION
OF ACTS TO
AMEND AND CONSOLIDATE
THE LAW RESPECTING
THE ASSESSMENT OF PROPERTY
IN THE
PROVINCE OF ONTARIO,
A.D. 1870.

(Assented to 23rd January and 24th December, 1869.)

HER MAJESTY, by and with the advice and consent of the Preamble.
Legislative Assembly of the Province of Ontario, enacts
as follows:

PRELIMINARY PROVISIONS.

1. This Act may be cited as "The Assessment Act of 1869." Short title.
2. In this Act, the words "The Province" or "This Province" mean the Province of Ontario; the word "*Gazette*" means Official *Gazette* of the Province of Ontario; the word "County" includes a Union of Counties, and the word "Township" a Union of Townships, while such Union continues. The words "County Council" include Provisional County Council; the words "Town and Village" mean respectively Incorporated Town and Village; the word "Ward," unless so expressed, does not apply to a Township Ward; the words "Municipality or Local Municipality" do not include a County, unless there is something in the subject or context requiring a different construction.

Meaning of words, "lands," &c.

3. The terms "Land," "Real Property," and "Real Estate," respectively, include all buildings or other things, erected upon or affixed to the land, and all machinery or other things so fixed to any building as to form in law part of the realty, and all trees or underwood growing upon the land, and all mines, minerals, quarries and fossils in and under the same, except mines belonging to Her Majesty.

Meaning of "personal property," &c.

4. The terms "Personal Estate," and "Personal Property," include all goods, chattels, shares in incorporated companies, interest on mortgages, dividends from bank stock, money, notes, accounts and debts at their actual value, income and all other property, except land and real estate, and real property as above defined, and except property herein expressly exempted.

Meaning of "property."

5. The term "Property" includes both real and personal property as above defined.

Unoccupied lands to be called "Lands of non-residents," except, &c.

6. Unoccupied land shall be denominated "Lands of non-residents," unless the owner thereof has a legal domicile or place of business in the local municipality where the same is situate, or gives notice in writing, setting forth his full name, place of residence and post office address to the clerk of the municipality, on or before the thirtieth day of January in each year, that he owns such land, describing it, and requires his name to be entered on the assessment roll therefor, which notice may be in the form and to the effect of schedule A to this Act; and the clerk of the municipality shall, on or before the first day of February in each year, make up and deliver to the assessor or assessors a list of the persons requiring their names to be entered on the roll, and the lands owned by them.

In the case of railroad companies, etc.

7. The real estate of all railway companies is to be considered as lands of residents, although the company may not have an office in the municipality; except in cases where a company ceases to exercise its corporate powers, through insolvency, or other cause.

PROPERTY LIABLE TO TAXATION.

All taxes to be levied equally upon the ratable property, when no other provision made.

8. All municipal, local or direct taxes or rates, shall, when no other express provision has been made in this respect, be levied equally upon the whole ratable property, real and personal, of the municipality or other locality, according to the assessed value of such property, and not upon any one or more kinds of property in particular, or in different proportions.

9.

9. All land and personal property in the Province of Ontario shall be liable to taxation, subject to the following exemptions, that is to say: What property liable to taxation.

Exemptions.

(1.) All property vested in or held by Her Majesty, or vested in any public body, or body corporate, officer or person in trust for Her Majesty, or for the public uses of the Province; and also all property vested in or held by Her Majesty, or any other person or body corporate, in trust for or for the use of any tribe or body of Indians, and either unoccupied or occupied by some person in an official capacity. All property belonging to Her Majesty. Indian lands.

(2.) When any property mentioned in the preceding clause number one, is occupied by any person otherwise than in an official capacity, the occupant shall be assessed in respect thereof, but the property itself shall not be liable. But if occupied not officially.

(3.) Every place of worship, and land used in connection therewith, churchyard or burying-ground. Places of worship, etc.

(4.) The buildings and grounds of and attached to every university, college, incorporated grammar school, or other incorporated seminary of learning, whether vested in a trustee or otherwise, so long as such buildings and grounds are actually used and occupied by such institution, or if unoccupied, but not if otherwise occupied. Public educational institutions.

(5.) Every public school house, town or city or township hall, court house, gaol, house of correction, lock-up-house and public hospital, with the land attached thereto, and the personal property belonging to each of them. School house, city hall, etc.

(6.) Every public road and way, or public square. Public roads, etc.

(7.) The property belonging to any county or local municipality, whether occupied for the purposes thereof or unoccupied, but not when occupied by any person as tenant or lessee or otherwise than as a servant or officer of the corporation for the purposes thereof. Municipal property.

(8.) The Provincial Penitentiary and the land attached thereto. Provincial Penitentiary.

(9.) Every industrial farm, poor house, alms house, orphan asylum, house of industry and lunatic asylum, and every house belonging to a company for the reformation of offenders, and the real and personal property belonging to or connected with the same. Poor houses, etc.

(10.)

- Scientific institutions, etc. (10.) The property of every Public Library, Mechanics' Institute, and other public, literary or scientific institution, and of every Agricultural or Horticultural Society, if actually occupied by such society.
- Personal property of Governor. (11.) The personal property and official income of the Governor General of the Dominion of Canada, and the official income of the Lieutenant-Governor of the Province.
- Imperial Military or Naval pay, salaries, pensions, etc. Property of officers on full pay. 33 V., c. 27, s. 1. (12.) The houses and premises while occupied by any of the Officers, Non-Commissioned Officers and Privates of Her Majesty's Regular Army or Navy in actual service, and the full or half-pay of any one in any one or either of such services; and any pension, salary, gratuity or stipend derived by any person from Her Majesty's Imperial Treasury or elsewhere out of this Province, and the personal property of any person in such Naval or Military services on full pay, or otherwise in actual service.
- Pensions under \$200. (13.) All pensions of two hundred dollars a year and under, payable out of the public moneys of the Dominion of Canada or of the Province.
- Income of farmers, merchants, etc., 33 V., c. 27, s. 2. (14.) The income of a farmer derived from his farm, and the income of merchants, mechanics or other persons derived from capital liable to assessment.
- Personal property secured by mortgage, or Provincial or municipal debentures. (15.) So much of the personal property of any person, as is invested in mortgage upon land or is due to him on account of the sale of land, the fee or freehold of which is vested in him, or is invested in the debentures of the Province, or of any municipal corporation thereof, and such debentures.
- Bank stock. (16.) The stock held by any person in any chartered bank, so long as there is a special tax on bank issues, but not the dividends thereof.
- Railroad stock, shares in building societies, etc. 33 V., c. 27, s. 3. (17.) The stock held by any person in any Railroad Company, and the shares in building societies; Provided always the interest and dividends derived from shares in such building societies shall be liable to be assessed; and so much of the personal property of any person as is invested in any company incorporated for the purpose of lending money on the security of real estate; Provided that this shall not exempt the interest or dividends derived from such investments.
- Proviso. (18.) All property, real or personal, which is owned out of this Province.
- Property owned out of the Province. (18.)

(19.) So much of the personal property of any person, as is equal to the just debts owed by him on account of such property, except such debts as are secured by mortgage upon his real estate, or may be unpaid on account of the purchase money therefor. Personal property equal to debts due.

(20.) The net personal property of any person, provided the same be under one hundred dollars in value. Personalty under \$100.

(21.) The annual income of any person, provided the same does not exceed four hundred dollars. Income under \$400.

(22.) The stipend or salary of any clergyman or minister of religion, while in actual connection with any church, and doing duty as such clergyman or minister to the extent of one thousand dollars, and the parsonage or dwelling-house occupied by him, with the land thereto attached, to the extent of two acres, and not exceeding two thousand dollars in value. Minister's salary to extent of \$1,000. 33 V., c. 27, s. 4.

(23.) Rental or other income derived from real estate except interest on mortgages. Rental of real estate, etc.

(24.) Household effects of whatever kind, books and wearing appare.. Household effects, books, etc.

(25.) The annual official salaries of the officers and servants of the several departments of the Executive Government, and of the Senate and House of Commons, resident at the Seat of Government, at Ottawa; and of the officers and servants of the several departments of the Government of Ontario, resident at Toronto. Salaries of officials at Ottawa and Toronto.

HOW RATES TO BE ESTIMATED.

10. In counties and local municipalities, the rates shall be calculated at so much in the dollar upon the actual value of all the real and personal property liable to assessment therein. How rates to be calculated.

11. All debentures issued before the first day of January, in the year of our Lord, one thousand eight hundred and sixty-seven, by municipal corporations under any by-law, and based upon the yearly value of ratable property, at the time of passing such by-law, shall hold the order of priority which they occupied on the said first day of January, one thousand eight hundred and sixty-seven; and each municipal corporation (having so issued debentures) shall levy a rate on the actual real value of the ratable property within the municipality represented, sufficient to produce a sum equal to that leviable or produced on the yearly value of such property as established by the assessment. Priority of existing Debentures. How rates for paying them to be calculated.

To be applied solely to such purposes.

assessment roll for the year one thousand eight hundred and sixty-six; and such rates shall be applied solely to the payment of such debentures, or interest on such debentures, according to the terms of the by-law under which they were issued.

Rate for sinking fund.

2. In cases where a sinking fund is required to be provided, either by the investment of a specific rate or amount, or on a rate on the increase in value over a certain sum, then such a rate shall be levied, as shall at least equal the sum originally intended to be set apart.

Rate of $\frac{1}{2}$ cent per \$, for paying debt to Consolidated Municipal Loan Fund.

12. In order to comply with the provisions of the Consolidated Municipal Loan Fund Act (Consolidated Statutes of Canada, chapter eighty-three,) a rate of not less than one-third of a cent in the dollar upon the actual value of all ratable property, shall be levied by all municipalities indebted to the municipal Loan Fund, unless a smaller rate would produce eight per centum upon the capital of the loan: Provided always, that if such rate of one-third of a cent in the dollar upon the actual value of ratable property according to the assessment of any year, shall produce a less sum than five cents in the dollar, on the annual value of the property in the year one thousand eight hundred and fifty-eight, such a rate shall be levied as will produce a sum equal to that produced by a rate of five cents in the dollar on the assessment rolls of the year one thousand eight hundred and fifty-eight.

Proviso.

Estimates to be made yearly.

13. The council of every county or local municipality shall every year, make estimates of all sums which may be required for the lawful purposes of the county, or local municipality, for the year in which such sums are required to be levied, each municipality making due allowance for the cost of collection and of the abatement and losses which may occur in the collection of the tax, and for taxes on the lands of non-residents which may not be collected.

By-laws for raising money by rate.

14. The council of every municipality may pass one by-law, or several by-laws, authorizing the levying and collecting of a rate or rates of so much in the dollar upon the assessed value of the property therein as the council deems sufficient to raise the sums required on such estimates.

If the amount collected falls short.

15. If the amount collected falls short of the sums required, the council may direct the deficiency to be made up from any unappropriated fund belonging to the municipality.

Or estimates may be reduced proportionably.

16. If there be no unappropriated fund, the deficiency may be equally deducted from the sums estimated as required, or from any one or more of them.

17. If the sums collected exceed the estimates, the balance shall form part of the general fund of the municipality, and be at the disposal of the council, unless otherwise specially appropriated; but if any portion of the amount in excess has been collected on account of a special tax upon any particular locality, the amount in excess collected on account of such special tax shall be appropriated to the special local object.

If sums collected exceed estimate; appropriation of the balance.

18. The taxes or rates imposed or levied for any year shall be considered to have been imposed, and to be due on and from the first day of January of the then current year, and end with the thirty-first day of December thereof, unless otherwise expressly provided for by the enactment or by-law under which the same are directed to be levied.

Yearly taxes to be computed from 1st January, unless otherwise ordered.

APPOINTMENT OF ASSESSORS AND COLLECTORS.

19. The council of every municipality, except counties, shall appoint such number of assessors and collectors for the municipality as they may deem necessary.

Assessors and collectors to be appointed.

20. And they may appoint to each assessor and collector the assessment district or districts therein, within which he shall act, and may proscribe regulations for governing them in the performance of their duties.

Municipality may be divided into assessment districts.

DUTIES OF ASSESSORS.

21. The assessor or assessors shall prepare an assessment roll, in which, after diligent enquiry, he or they shall set down according to the best information to be had:—

Assessment roll to be prepared; its form, contents, etc.

(1.) The names and surnames in full, if the same can be ascertained, of all taxable persons resident in the municipality who have taxable property therein, or in the district for which the assessor has been appointed.

Of residents.

(2.) And of all non-resident owners who shall have given the notice in writing mentioned in section six, and required their names to be entered in the roll.

Of non-residents.

(3.) The description and extent or amount of property assessable against each;

Property assessable.

(4.) And such particulars in separate columns as follow:—

Further particulars.

Column 1.—The successive number on the roll.

Column 2.—Name of taxable party.

Column

ASSESSMENT OF PROPERTY.

Column 3.—Occupation.

Column 4.—To state whether the party is a householder, freeholder or tenant by affixing the letter "F," "H," or "T," as the case may be.

Column 5.—The age of the assessed party.

Column 6.—Name and address of the owner, where the party named in column two is not the owner.

Column 7.—School section.

Column 8.—Number of concession, name of street or other designation of the local division in which the real property lies.

Column 9.—Number of lot, house, etc., in such division.

Column 10.—Number of acres or other measure shewing the extent of the property.

Column 11.—Number of acres cleared.

Column 12.—Value of each parcel of real property.

Column 13.—Total value of real property.

Column 14.—Value of personal property other than income.

Column 15.—Taxable income.

Column 16.—Total value of personal property and taxable income.

Column 17.—Total value of real and personal property and taxable income.

Column 18.—Statute labor, persons from twenty-one to sixty years of age, and number of days' labor.

Column 19.—Dog tax; number of dogs and number of bitches.

Column 20.—Number of persons in the family of each person rated as a resident.

Column 21.—Religion.

Column 22.—Number of cattle.

Column 23.—Number of sheep.

Column 24.—Number of hogs.

Column 25.—Number of horses.

Column 26.—Date of delivery of notice under section forty-eight.

Land to be assessed in the municipality or ward.

Personal property.

When land to be assessed in owner's name.

22. Land shall be assessed in the municipality in which the same lies, and in the case of cities and towns, in the ward in which the property lies; and this shall include the land of incorporated companies, as well as other property; and when any business is carried on by a person in a municipality in which he does not reside or in two or more municipalities, the personal property belonging to such person shall be assessed in the municipality in which such personal property is situated, and against the person in possession or charge thereof as well as against the owner.

23. Land occupied by the owner shall be assessed in his name.

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24. As to land not occupied by the owner, but of which the owner is known, and who, at the time of the assessment being made, resides or has a legal domicile or place of business in the municipality, or who has given the notice mentioned in section six, the same shall be assessed against such owner alone if the land is unoccupied, or against the owner and occupant if such occupant be any other person than the owner.

If land not occupied by the owner, but owner is known.

25. If the owner of the land be not resident, then if the land is occupied, it shall be assessed in the name of and against the occupant and owner, but if the land be not occupied, and the owner has not requested to be assessed therefor, then it shall be assessed as land of a non-resident.

If owner non-resident and unknown.

26. When land is assessed against both the owner and occupant, or owner and tenant, the assessor shall place both names within brackets on the roll, and shall write opposite the name of the owner the letter "F," and opposite the name of the occupant or tenant the letter "H" or "T," and both names shall be numbered on the roll: Provided always, that no rate-payer shall be counted more than once in returns and lists required by law for municipal purposes; and the taxes may be recovered from either or from any future owner or occupant saving his recourse against any other person.

If land assessed against owner and occupant, taxes may be recovered from either, or any future occupant.

Proviso.

27. When the land is owned or occupied by more persons than one, and all their names are given to the assessor, they shall be assessed therefor in the proportions belonging respectively to each, and if a portion of the land so situated is owned by parties who are non-resident, and who have not required their names to be entered on the roll, the whole of the property shall be assessed in the names given to the assessor, saving the recourse of the persons whose names are so given against the others.

If land occupied by more owners than one.

28. Any occupant may deduct from his rent any taxes paid by him, if the same could also have been recovered from the owner, or previous occupant, unless there be a special agreement between the occupant and the owner to the contrary.

When tenants may deduct taxes from rent.

29. The assessor shall write opposite the name of any non-resident freeholder, who requires his name to be entered on the roll, as hereinbefore provided, in the column number three, the letters "N. R.," and the address of such freeholder.

Assessor to note non-residents, if required, on the roll.

30. Real and personal property shall be estimated at their actual cash value, as they would be appraised in payment of a just debt from a solvent debtor: Provided that in estimating the

Property to be estimated at full value.

Mineral lands
how valued,
33 V., c. 27,
s. 5.

the value of mineral lands, such lands and the buildings thereon shall be valued and estimated at the value of other lands in the neighbourhood for agricultural purposes, but the income derived from any mine or mineral work, shall be subject to taxation in the same manner as other incomes under this Act.

What shall be
deemed vacant
land, and how
its value shall
be calculated
in cities, etc.

31. In assessing vacant ground or ground used as a farm, garden, or nursery, and not in immediate demand for building purposes, in cities, towns, or villages, whether incorporated or not, the value of such vacant or other ground shall be that at which sales of it can be freely made, and where no sales can be reasonably expected during the current year, the assessors shall value such land as though it was held for farming or gardening purposes, with such per centage added thereto, as the situation of the land may reasonably call for; and such vacant land, though surveyed into building lots, if unsold as such, may be entered on the assessment roll as so many acres of the original block or lot, describing the same by the description of the block, or by the number of the lot and concession of the township in which the same may have been situated, as the case may be: Provided that in such case the number and description of each lot comprising each such block shall be inserted on the assessment roll, and each lot shall be liable for a proportionate share as to value, and the amount of the taxes if the property is sold for arrears of taxes.

Proviso.

When not
held for sale
but for gar-
dens, etc.

32. When ground is not held for the purposes of sale, but *bona fide* inclosed and used in connection with a residence or building as a paddock, park, lawn, garden or pleasure ground, it shall be assessed therewith, at a valuation, which at six per centum, would yield a sum equal to the annual rental, which in the judgment of the assessors it is fairly and reasonably worth for the purposes for which it is used, reference being always had to its position and local advantages.

Railway Com-
panies to fur-
nish certain
statements to
clerks of muni-
cipalities.

33. Every Railway Company shall annually transmit, on or before the first day of February, to the clerk of every municipality in which any part of the roadway or other real property of the Company is situated, a statement showing, first, the quantity of land occupied by the roadway, and the actual value thereof, according to the average value of land in the locality, as rated on the assessment roll of the previous year; secondly, the real property, other than the roadway in actual use and occupation by the Company, and its value; and thirdly, the vacant land not in actual use by the Company, and the value thereof, as if held for farming or gardening purposes; and the clerk of the municipality shall communicate such statement to the assessor, who shall deliver at, or transmit by post,

Duties of clerks
therewith.

post, to any station or office of the Company a notice addressed to the company of the total amount at which he has assessed the real property of the Company in his municipality or ward, showing the amount for each description of property mentioned in the above statement of the Company; and such statement and notice respectively shall be held to be the statement and notice required by the forty-fifth and forty-eighth sections of this Act.

NON-RESIDENT LANDS.

34. As regards the lands of non-residents who have not required their names to be entered on the roll, the assessors shall proceed as follows: Proceedings in case of non-resident lands.

(1.) They shall insert such land in the roll, separated from the other assessments, and shall head the same as "non-residents, land assessments." To be inserted in roll separately.

(2.) If the land be not known to be subdivided into lots, it shall be designated by its boundaries or other intelligible description. When not known to be subdivided into lots.

(3.) If it be known to be subdivided into lots, or be part of a tract known to be so subdivided, the assessors shall designate the whole tract in the manner prescribed with regard to undivided tracts, and if they can obtain correct information of the subdivisions, they shall put down in the roll, and in a first column, all the unoccupied lots by their numbers and names alone, and without the names of the owners, beginning at the lowest number and proceeding in numerical order to the highest; in a second column, and opposite to the number of each lot, they shall set down the quantity of land therein liable to taxation; in a third column, and opposite to the quantity, they shall set down the value of such quantity, and if such quantity be a full lot, it shall be sufficiently designated as such by its name or number, but if it be part of a lot, the part shall be designated in some other way whereby it may be known. If the land be known to be subdivided into lots.

MANNER OF ASSESSING PERSONAL PROPERTY.

35. No person deriving an income exceeding four hundred dollars per annum from any trade, calling, office, profession, or other source whatsoever, not declared exempt by this Act, shall be assessed for a less sum as the amount of his net personal property than the amount of such income during the year then last past, in excess of the said sum of four hundred dollars, but no deduction shall be made from the gross amount of such income, by reason of any indebtedness, save such as shall equal the How person deriving income from any trade or profession shall be assessed.

the annual interest thereof, and such last year's income in excess of the said sum of four hundred dollars, shall be held to be his net personal property, unless he has other personal property liable to assessment, in which case such excess and other personal property shall be added together and constitute his personal property liable to assessment.

Personal property of a corporate company not to be assessed.

Proviso as to certain companies.

36. The personal property of an incorporated Company shall not be assessed against the corporation, but each shareholder shall be assessed for the value of the stock or shares held by him as part of his personal property, unless such stock is exempted by this Act; Provided always, that in companies investing their means in Gas-works, Water-works, Plank and Gravel Roads, Manufactories, Hotels, Railways and Tram roads, Harbours or other works requiring the investment of the whole or principal part of the stock in real estate already assessed for the purpose of carrying on such business, the shareholders shall only be assessed on the income derived from such investment.

Personal property of partnerships, how and where to be assessed.

37. The personal property of a partnership shall be assessed against the firm at the usual place of business of the partnership, and a partner in his individual capacity shall not be assessable for his share of any personal property of the partnership which has already been assessed against the firm.

As to partnerships having more than one business locality.

38. If a partnership has more than one place of business each branch shall be assessed, as far as may be, in the locality where it is situate, for that portion of the personal property of the partnership which belongs to that particular branch, and if this cannot be done, the partnership may elect at which of its places of business it will be assessed for the whole personal property, and shall be required to produce a certificate at each of the other places of business of the amount of personal property assessed against it elsewhere.

Where parties carrying on trade or business shall be assessed for personal property.

39. Every person having a farm, shop, factory, office, or other place of business, where he carries on a trade, profession, or calling, shall for all personal property owned by him, where-soever situate, be assessed in the municipality or ward, where he has such place of business, at the time when the assessment is made.

If the party has two or more places of business,

40. If he has two or more such places of business in different municipalities or wards, he shall be assessed at each for that portion of his personal property connected with the business carried on thereat; or if this cannot be done, he shall be assessed for part of his personal property at one and part at another of his places of business, but he shall in all such cases produce

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produce a certificate at each place of business of the amount of personal property assessed against him elsewhere.

41. If any person has no place of business, he shall be assessed at his place of residence. If the party has no place of business.

42. Personal property in the sole possession or under the sole control of any person as trustee, guardian, executor or administrator, shall be assessed against such person alone. In case of executors, etc.

43. In the case of personal property, owned or possessed by or under the control of more than one person, resident in the municipality or ward, each shall be assessed for his share only, or if they hold in a representative character, then each shall be assessed for an equal portion only. Separate assessment of joint owners or possessors.

44. When a person is assessed as trustee, guardian, executor or administrator, he shall be assessed as such, with the addition to his name of his representative character, and such assessment shall be carried out in a separate line from his individual assessment, and he shall be assessed for the value of the real and personal estate held by him, whether in his individual name, or in conjunction with others in such representative character, at the full value thereof, or for the proper proportion thereof, if others resident within the same municipality be joined with him in such representative character. Parties assessed as trustees, etc., to have their representative character attached to their names.

45. It shall be the duty of every person assessable for real or personal property in any local municipality, to give all necessary information to the assessors, and if required by the assessor or by one of the assessors, if there be more than one, he shall deliver to him a statement in writing, signed by such person (or by his agent, if the person himself be absent) containing all the particulars respecting the real or personal property assessable against such person, which are required in the assessment roll; and if any reasonable doubt be entertained by the assessor, of the correctness of any information given by the party applied to, the assessor shall require from him such written statement. Particulars respecting real property to be delivered to assessors in writing, by the parties to be assessed.

46. No such statement shall bind the assessor, nor excuse him from making due enquiry to ascertain its correctness; and notwithstanding the statement, the assessor may assess such person for such amount of real or personal property as he believes to be just and correct, and may omit his name or any property which he claims to own or occupy, if the assessor has reason to believe that he is not entitled to be placed on the roll or to be assessed for such property. Statements given by parties not binding on assessors.

Penalty for not giving statement, or making false statement.

47. In case any person fails to deliver to the assessor the written statement mentioned in the preceding sections when required so to do, or knowingly states anything falsely in the written statement required to be made as aforesaid, such person shall, on complaint of the assessor, and upon conviction before a justice of the peace having jurisdiction within the county wherein the municipality is situate, forfeit and pay a fine of twenty dollars, to be recovered in like manner as other penalties upon summary conviction before a justice of the peace.

Assessors to give notice to parties of the value at which their properties are assessed.

48. Every assessor before the completion of his roll, shall leave for every party named thereon, resident or domiciled, or having a place of business within the municipality, and shall transmit by post to every non-resident who shall have required his name to be entered thereon, and furnished his address to the clerk, a notice of the sum at which his real and personal property has been assessed, according to schedule B, and shall enter on the roll opposite the name of the party, the time of delivering or transmitting such notice, which entry shall be *prima facie* evidence of such delivery or transmission.

At what time the assessment roll shall be completed.

Certificate to be attached to roll.

49. The assessors shall make and complete their rolls in every year between the first day of February and such day as the municipal council may appoint, not later than the fifteenth day of April in townships and incorporated villages, and not later than the first day of May in cities and towns, and shall attach thereto a certificate signed by them, respectively, and verified upon oath or affirmation in the form following: "I do certify that I have set down in the above assessment roll all the real property liable to taxation situate in the municipality or ward of (*as the case may be*), and the true actual value thereof in each case, according to the best of my information and judgment; and also that the said assessment roll contains a true statement of the aggregate amount of the personal property, or of the taxable income, of every party named in the said roll; and that I have estimated and set down the same according to the best of my information and belief; and I further certify that I have entered therein the names of all the resident householders, tenants, and freeholders, and of all other freeholders who have required their names to be entered thereon, with the true amount of property occupied or owned by each, and that I have not entered the name of any person whom I do not truly believe to be a householder, tenant or freeholder, or the *bona fide* occupier or owner of the property set down opposite his name, for his own use and benefit, and that the date of delivery or transmitting the notice required by section forty-eight of the Assessment Act is in every case truly and correctly stated in said roll."

50. Every assessor shall deliver to the clerk of the municipality the assessment roll, completed and added up, with the certificates and affidavits attached; and the clerk shall thereupon file the same in his office, and the same shall, at all convenient office hours, be open to the inspection of all the householders, tenants and freeholders resident owning or in possession of property in the municipality. Assessment roll to be delivered up to clerk of municipality, etc.

COURT OF REVISION AND APPEAL.

51. If the Council of the municipality consists of not more than five members, such five members shall be the Court of Revision for the municipality. If Council consists of five members only.

52. If the Council consists of more than five members, such Council shall appoint five of its members to be the Court of Revision. If of more than five.

53. Three members of the Court of Revision shall be a quorum, and a majority of a quorum may decide all questions before the Court. Three to be a quorum.

54. The clerk of the municipality shall be clerk of the Court, and shall record the proceedings thereof. Who to be clerk.

55. The Court may meet and adjourn from time to time at pleasure, or may be summoned to meet at any time by the head of the municipality. Court may meet and adjourn from time to time at pleasure.

56. The Court or some member thereof, shall administer an oath to any party or witness, before his evidence can be taken, and may issue a summons to any witness to attend such Court. The Court may administer oaths, and summon witnesses.

57. If any witness so summoned fails to attend (having been tendered compensation for his time at the rate of fifty cents a day), he shall incur a penalty not exceeding twenty dollars, to be recoverable with costs, by and to the use of the municipality, in any way in which penalties incurred under any by-law thereof may be recovered. Penalty on witnesses who refuse to attend.

58. At the times or time appointed, the Court shall meet and try all complaints in regard to persons wrongfully placed upon or omitted from the roll or assessed at too high or too low a sum. The Court to try complaints of wrongful assessment, etc.

59. All the duties of the Court of Revision which relate to the matters aforesaid, shall be completed, and the rolls finally revised by the Court, before the fifteenth day of June in every year. The Court to finish its business by June 15th.

Course of proceeding in the trial of complaints. **60.** The proceedings for the trial of complaints shall be as follows:—

Notice of complaint by party aggrieved. (1.) Any person complaining of an error or omission in regard to himself, as having been wrongfully inserted on or omitted from the roll, or as having been undercharged or overcharged by the assessor in the roll, may, personally or by his agent, within fourteen days after the time fixed for the return of the roll, give notice in writing to the clerk of the municipality, that he considers himself aggrieved for any or all of the causes aforesaid.

If an elector thinks a person has been assessed at too low or too high a rate. (2.) If a municipal elector thinks that any person has been assessed too low or too high, or has been wrongfully inserted on or omitted from the roll, the clerk shall, on his request in writing, give notice to such person and to the assessor, of the time when the matter will be tried by the Court, and the matter shall be decided in the same manner as complaints by a person assessed.

Clerk to give notice by posting up list. (3.) The clerk of the Court shall post up in some convenient and public place within the municipality or ward, a list of all complainants on their own behalf against the assessors' return, and of all complainants on account of the assessment of other persons, stating the names of each, with a concise description of the matter complained against, together with an announcement of the time when the Court will be held to hear the complaints, but no alteration shall be made in the roll, unless under a complaint formally made according to the above provisions.

Extension of time for complaints. (4.) When it shall appear that there are palpable errors which need correction, the Court may extend the time for making complaints ten days further, and may then meet and determine the additional matter complained of, and the assessor may for such purpose be the complainant.

Form of notice list. (5.) Such list may be in the following form:—

Appeals to be heard at the Court of Revision, to be held at
on the _____ day of _____ 18____

Appellant.	Respecting whom.	Matter complained of.
A. B.	Self	Overcharged on land.
C. D.	E. F.	Name omitted.
G. H.	J. K.	Not <i>bona fide</i> owner or occupant.
L. M.	N. O.	Personal property undercharged.
etc.	etc.	

(6.)

(6.) The clerk shall also advertise in some newspaper published in the municipality, or if there be no such paper, then in some newspaper published in the nearest municipality in which one is published, the time at which the Court will hold its first sittings for the year. The clerk to advertise sittings of Court.

(7.) The clerk shall also cause to be left at the residence of each assessor, a list of all the complaints respecting his roll. To leave a list with the assessor.

(8.) The clerk shall prepare a notice in the form following, for each person with respect to whom a complaint has been made: To prepare notice to person complained against.
 "Take notice that you are required to attend the Court of Revision at _____ on the _____ day of _____ in the matter of the following appeal: Form.

"Appellant: _____

G. H.

"Subject—That you are not a *bona fide* owner or occupant, (or as the case may be.)"

(Signed,)

"X. Y.,
 "Clerk.

(9.) If the person resides or has a place of business in the local municipality, the clerk shall cause the notice to be left at the person's residence or place of business. Service to be at residence.

(10.) If the person be not known, then to be left with some grown person on the assessed premises, if there be any such person there resident, or if the person be not resident in the municipality, then the notice to be addressed to such person through the post office. In case of absentees, how served.

(11.) Every notice hereby required, whether by publication, advertisement, letter or otherwise, shall be completed at least six days before the sittings of the Court. Service to be six days.

(12.) If the party assessed complains of an overcharge on his personal property or taxable income, he or his agent may appear before the Court, and make a declaration in case the complainant appears in person in the form in schedule D, E or F, to this Act according to the fact, and if the complainant appears by agent, such agent may make the declaration in the form in schedule G, H or I, as the case may be; and no abatement shall be made from the amount of income on account of debts due, nor from the value of personal property other than income in respect of debts, except debts due for or on account of such personal property, and the Court shall thereupon enter the person assessed at such an amount of personal property or taxable income as is specified in such declaration, unless such Court shall be dissatisfied with the declaration, in which case the party making the Appearance and declaration of persons deeming themselves or any person for whom they act overcharged on personal property.
Effect of declaration.

(6.)

the declaration, and any witnesses whom it may be desirable to examine, may be examined on oath by such Court, respecting the correctness of such declaration, and such Court shall confirm, alter or amend the roll as the evidence shall seem to warrant.

In other cases the Court to determine, etc. (13.) In other cases the Court, after hearing upon oath the complainant, and the assessor or assessors, and any witness adduced, and if deemed desirable, the party complained against shall determine the matter, and confirm or amend the roll accordingly.

When to proceed *ex parte*. (14.) If either party fails to appear, either in person or by an agent, the Court may proceed *ex parte*.

The roll as finally passed to bind all parties. **61.** The roll, as finally passed by the Court, and certified by the Clerk as so passed, shall be valid and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such roll, except in so far as the same may be further amended, on appeal to the Judge of the County Court.

Further powers granted to Court of Revision for remitting or reducing taxes. **62.** The Court shall also, before or after the fifteenth day of June, and with or without notice, receive and decide upon the petition from any person assessed for a tenement which has remained vacant during more than three months in the year for which the assessment has been made, or from any person who declares himself, from sickness or extreme poverty, unable to pay the taxes, or who, by reason of any gross and manifest error in the roll as finally passed by the Court, has been overcharged more than twenty-five per cent. on the sum he ought to be charged, and the Court may, subject to the provisions of any by-law in this behalf, remit or reduce the taxes due by any such person, or reject the petition; and the council of any local municipality may, from time to time, make such by-laws, and repeal or amend the same.

APPEAL FROM THE COURT OF REVISION.

Parties dissatisfied with decision of Court of Revision may appeal to Judge of County Court, and in what manner and on what terms. **63.** If a person be dissatisfied with the decision of the Court of Revision, he may appeal therefrom, in which case:

(1.) He shall, within three days after the decision, in person or by attorney or agent, serve upon the Clerk a written notice of his intention to appeal to the County Judge.

(2.) The Clerk shall thereupon give notice to all the parties appealed against, in the same manner as is provided for notice of complaint by the sixty-first section of this Act.

(3.)

(3.) The party appealing shall, at the same time and in like manner, give a written notice of his appeal to the clerk of the Division Court within the limits of which the municipality or assessment district is situated, and shall deposit with him the sum of two dollars for each decision appealed against, as security for the costs of the appeal.

(4.) The Judge shall appoint a day for hearing the appeal. Day for hearing.

(5.) The Clerk of the Division Court shall cause a notice to be conspicuously posted up at the office of such Court, containing the names of all the appellants and parties appealed against, with a brief statement of the ground or cause of appeal, together with the date at which a Court will be held to hear such appeal. List of appellants, etc.

(6.) At the Court so holden, the Judge shall hear the appeals, and may adjourn the hearing from time to time, and defer the judgment thereon at his pleasure, so that a return can be made to the clerk of the municipality before the fifteenth day of July. Hearing and adjournment.

64. In case any non-resident whose land, within the limits of any city, town, incorporated village or township, has been or shall be assessed in any revised and corrected assessment roll, complains by petition to the proper municipal council, at any time before the first day of May in the year next following that in which the assessment is made, such council shall, at its first meeting, after one week's notice to the appellant, try and decide upon such complaint; and all decisions of municipal councils under this Act may be appealed from, tried and decided, as provided by the sixtieth section of this Act; and if the lands shall be found to have been assessed twenty-five per centum higher than similar land belonging to residents, the council or Judge shall order the taxes rated on such excess to be struck off; and in all such cases where the land has been subdivided into park, village, or town lots, if the same are owned by the same person or persons, the statute labour tax shall be charged only upon the aggregate of the assessment, according to the provisions of this Act; but no roll shall be amended under this section of this Act if the complaint was tried and decided before such roll was finally revised and corrected, under the provisions of the sixtieth, sixty-first, sixty-second and sixty-third sections of this Act; and this clause shall not affect the right of appeal against the assessment made prior to the year one thousand eight hundred and sixty-six, at any time before the land in question shall have been sold for taxes; and if such lands should, during such appeal, be advertised for sale, the land shall be charged with all costs incurred, but no appeal Appeals with respect to non-resident lands. Reduction for excess. Lots subdivided not to affect rolls revised and corrected. Nor appeals against former assessments.

appeal shall be made after the issue of a warrant by the treasurer or chamberlain for the collection of taxes.

Assessment roll to be produced to the Court.

65. At the Court to be holden by the County Judge, or acting Judge of the Court, to hear the appeals hereinbefore provided for, the person having the charge of the assessment roll passed by the Court of Revision shall appear and produce such roll, and all papers and writings in his custody connected with the matter of appeal, and such roll shall be altered and amended according to the decision of the Judge, if then given, who shall write his initials against any part of the said roll in which any mistake, error or omission is corrected or supplied, or if the said roll be not then produced, or the decision be not then given by the Judge, such decision and judgment shall be certified by the clerk of the Court to the clerk of the municipality, who shall forthwith alter and amend the roll according to the same, and shall write his name against every such alteration or correction.

And amended according to the decision of the Judge.

Amendments, how certified.

County Judge to have power to examine on oath, etc.

66. In all proceedings before the County Judge or acting Judge of the Court, under or for the purposes of this Act, such Judge shall possess all such powers for compelling the attendance of, and for the examination on oath, of all parties, whether claiming or objecting or objected to, and all other persons whatsoever, and for the production of books, papers, rolls and documents, and for the enforcement of his orders, decisions, and judgments, as belong to or might be exercised by him, either in term time or vacation, in the same Court, in relation to any matter or suit depending in the said Court.

Costs to be apportioned by the Judge, and how enforced.

67. The cost of any proceeding before the Court of Revision or Judge as aforesaid, shall be paid by or apportioned between the parties, in such manner as the Court or Judge shall think fit, and costs ordered to be paid by any party claiming or objecting or objected to, or by any assessor, clerk of a municipality, or other person may be enforced when ordered by the Court, by a distress warrant under the hand of the clerk and corporate seal of the municipality, and when ordered by the Judge by execution from the County Court, of which such Judge is the Judge, in the same manner as upon an ordinary judgment recovered in such Court.

By what scale of fees costs to be taxed.

68. The costs shall be taxed according to the schedule of fees under the Division Courts Act, as in suits for the recovery of sums exceeding forty and not exceeding sixty dollars in the said Court.

The decision of

69. The decision and judgment of the Judge or acting Judge shall

shall be final and conclusive in every case adjudicated, and the clerk of the municipality shall amend the rolls accordingly. County Judge to be final.

70. When, after the appeal provided by this Act, the assessment roll has been finally revised and corrected, the clerk of the municipality shall, without delay, transmit to the County Clerk a certified copy thereof. Copy of roll to be transmitted to county clerk.

COUNTY COUNCILS.

71. The council of every county shall, yearly, before imposing any county rate, and not later than the first day of July, examine the assessment rolls of the different townships, towns and villages, in the county, for the preceding financial year, for the purpose of ascertaining whether the valuation made by the assessors in each township, town or village for the current year, bears a just relation to the valuation so made in all such townships, towns and villages, and may for the purpose of county rates, increase or decrease the aggregate valuations of real and personal property in any township, town or village, adding or deducting so much per centum as may, in their opinion, be necessary to produce a just relation between all the valuations of real and personal estate in the county, but they shall not reduce the aggregate valuation thereof for the whole county as made by the assessors. Assessment roll to be examined annually by municipal council of the county, for the purpose of equalizing the valuation in the different municipalities for county rates.

2. In equalizing the rolls of the towns and villages, the county council shall, after having so increased or decreased as aforesaid, take the interest of the amounts returned on the rolls, at six per centum, and capitalize the same at ten per centum, and such capitalization shall be the aggregate valuation for such towns and villages for the purposes mentioned in the preceding section. 33 Vic., c. 28, s. 12.

3. If any local municipality shall be dissatisfied with the action of any county council in increasing or decreasing the aggregate of the valuation made by the assessors of any municipality, the municipality so dissatisfied may appeal from the decision of the council to the Judge of the County Court of the county at any time within ten days after such decision, by giving to such Judge and the clerk of the county council a notice in writing, under the seal of the municipality, of such appeal; and the County Judge shall appoint a day for hearing the appeal, not later than ten days from the receipt of such notice of the appeal, and may at such court proceed to hear and determine the matter of appeal, or adjourn the hearing thereof, from time to time: Provided that the same be not adjourned, or judgment deferred beyond the first day of August next after Local municipality may appeal. Proviso.

notice

notice of the appeal ; and such judge shall equalize the whole assessment of the county.

If clerk of any municipality omits sending copy of roll.

72. If the clerk of the municipality has neglected to transmit a certified copy of the assessment rolls, such neglect shall not prevent the county council from equalizing the valuations in the several municipalities according to the best information obtainable, and any rate imposed according to the equalized assessment shall be as valid as if all the assessment rolls had been transmitted.

Valuators to attest their report on oath.

73. In cases where valuers are appointed by the council to value all the real and personal property within the county, they shall attest their report by oath or affirmation in the same manner as assessors are required to verify their rolls by the one hundred and thirteenth section of this Act.

The apportionment of county rates to be based upon the assessment rolls of preceding year.

74. The council of a county, in apportioning a county rate among the different townships, towns and villages within the county, shall, in order that the same may be assessed equally on the whole rateable property of the county, make the amount of property returned on the assessment rolls of such townships, towns and villages, or reported by the valuers as finally revised and equalized for the preceding year, the basis upon which the apportionment is made.

As to new municipalities.

75. If a new municipality be erected within a county, so that there are no assessment or valuers' rolls of the new municipality for the next preceding year, the county council shall, by examining the rolls of the former municipality or municipalities of which the new municipality then formed part, ascertain to the best of their judgment what part of the assessment of the municipality or municipalities had relation to the new municipality, and what part should continue to be accounted as the assessment of the original municipality, and their several shares of the county tax shall be apportioned between them accordingly.

County council to apportion by by-laws sums required for county purposes.

76. When a sum is to be levied for county purposes, or by the county for the purposes of a particular locality, the council of the county shall ascertain, and by by-law direct, what portion of such sum shall be levied in each township, town or village in such county or locality.

County clerk to certify amounts to clerks of local municipalities.

77. The county clerk shall, before the fifteenth day of August in each year, certify to the clerk of each municipality in the county, the total amount which has been so directed to be levied therein for the then current year, for county purposes,

poses, or for the purposes of any such locality, and the clerk of the municipality shall calculate and insert the same in the collector's roll for that year.

78. Nothing in this Act contained shall alter or invalidate any special provisions for the collection of a rate for interest on county debentures, whether such provisions be contained in any Municipal Corporations' Act heretofore or still in force in this Province, or any Act respecting the Consolidated Municipal Loan Fund in Upper Canada, or in any general or special Act authorizing the issue of debentures, or in any by-law of the county council providing for the issue of the same.

This Act not to affect provisions for rates to raise interest on county debentures.

STATUTE LABOUR.

79. No person in Her Majesty's Naval or Military Service on full pay or on actual service shall be liable to perform statute labour or to commute therefor; nor shall any non-commissioned officer or private of the volunteer force, certified by the District Staff Officer as being an efficient volunteer; but this last exemption shall not apply to any volunteer who may be assessed for property.

Persons in Military Service exempt.

80. Every other male inhabitant of a city, town or village, of the age of twenty-one years and upwards, and under sixty years of age, (and not otherwise exempted by law from performing statute labour) who has not been assessed upon the assessment roll of the city, town or village, or whose taxes do not amount to two dollars, shall, instead of such labour, be taxed at two dollars yearly therefor, to be levied and collected at such time, by such person, and in such manner as the council of the municipality shall by by-law direct, and which person shall not be required to have any property qualification.

Who liable, and in what ratio in cities, towns and villages.

Collector.

81. No person shall be exempt from the tax in the last preceding section named, unless he shall produce a certificate of his having performed statute labour or paid the tax elsewhere.

Where to be performed.

82. Every male inhabitant of a township between the ages aforesaid, who is not otherwise assessed to any amount (and who is not exempt by law from performing statute labour) shall be liable to two days of statute labour on the roads and highways in the township, and no council shall have any power to reduce the statute labour required under this section.

Liability of persons not otherwise assessed in townships.

83. Every person assessed upon the assessment roll of a township shall, if his property is assessed at not more than three hundred dollars, be liable to two days' statute labour; at more than three hundred dollars, but not more than five hundred

Ratio of service in case of persons assessed.

dred

Council may reduce or increase the number of days proportionately.

dred dollars, three days; at more than five hundred dollars, but not more than seven hundred dollars, four days; at more than seven hundred dollars, but not more than nine hundred dollars, five days; and for every three hundred dollars over nine hundred dollars or any fractional part thereof over one hundred and fifty dollars, one additional day; but the council of any township, by a by-law operating generally and ratably, may reduce or increase the number of days' labour to which all the parties rated on the assessment roll or otherwise shall be respectively liable, so that the number of days' labour to which each person is liable shall be in proportion to the amount at which he is assessed.

Lots subdivided as park lots, &c.

2. In townships where farm lots have been subdivided into park or village lots, and the owners are not resident and have not required their names to be entered on the assessment roll, the statute labour shall be commuted by the township clerk in making out the list required under the ninety-second section of this Act, when such lots are under the value of two hundred dollars, to a rate not exceeding one half per centum on the valuation, but the council may direct a less rate to be imposed by a general by-law affecting such village lots.

Commutation may be at \$1 per day.

84. The council of any township may by by-law direct that a sum not exceeding one dollar a day shall be paid as commutation of statute labour, in which case the commutation tax shall be added in a separate column in the collector's roll, and shall be collected and accounted for like other taxes.

Commutation may be fixed at any sum not exceeding \$1.

85. Any local municipal council may, by a by-law passed for that purpose, fix the rate at which parties may commute their statute labour, at any sum not exceeding one dollar for each day's labour, and the sum so fixed shall apply equally to residents who are subject to statute labour, and to non-residents in respect to their property.

If no by-law, commutation to be at \$1.

86. When no such by-law has been passed, the statute labour in the townships in respect of lands of non-residents, shall be commuted at the rate of one dollar for each day's labour.

Payment of tax in lieu of statute labour may be enforced by distress or imprisonment.

87. Any person liable to pay the sum named in the eightieth section, or any sum for statute labour commuted under the eighty-fifth section of this Act, shall pay the same to the collector to be appointed to collect the same within two days after demand thereof by the said collector; and in case of neglect or refusal to pay the same, the collector may levy the same by distress of his goods and chattels, with costs of the distress, and if no sufficient distress can be found, then upon summary conviction before a Justice of the Peace of the county in which the local municipality is situate, of his refusal or neglect to pay the said sum,

sum, and of their being no sufficient distress, he shall incur a penalty of five dollars with costs, and in default of payment at such time as the convicting Justice shall order, shall be committed to the common gaol of the county, and be there put to hard labour for any time not exceeding ten days, unless such penalty and costs and the costs of the warrant of commitment and of conveying the said person to gaol, shall be sooner paid; and any person liable to perform statute labour under the eighty-second section of this Act not commuted, shall perform the same when required so to do by the pathmaster or other officer of the municipality appointed for the purpose; and in case of wilful neglect or refusal to perform such labour after six days' notice requiring him to do the same, shall incur a penalty of five dollars, and upon summary conviction thereof before a Justice of the Peace aforesaid, such Justice shall order the same together with the costs of prosecution and distress, to be levied by distress of the offender's goods and chattels, and, in case there shall be no sufficient distress, such offender may be committed to the common gaol of the county, and there put to hard labour for any time not exceeding ten days, unless such penalty and costs and the costs of the warrant of the commitment, and of conveying the said person to gaol shall be sooner paid; and all sums and penalties other than costs recovered under this section, shall be paid to the treasurer of the local municipality, and form part of the statute labour fund thereof.

88. No non-resident who has not required his name to be entered on the roll, shall be permitted to perform statute labour in respect of any land owned by him, but a commutation tax shall be charged against every separate lot or parcel according to its assessed value; and in all cases when the statute labour of a non-resident is paid in money, the municipal council shall order the same to be expended in the statute labour division where the property is situate, or where the said statute labour tax is levied.

Non-residents, when not admitted, to perform statute labour.

89. In case any non-resident, whose name has been entered on the resident roll, does not perform his statute labour or pay commutation for the same, the overseer of the highways in whose division he is placed, shall return him as a defaulter to the clerk of the municipality, before the fifteenth day of August, and the clerk shall, in that case, enter the commutation for statute labour against his name in the collector's roll, and in all cases both of residents and non-residents the statute labour shall be rated and charged against every separate lot or parcel according to its assessed value; Provided always, that whenever one person shall be assessed for lots or parts of several lots in one municipality, not exceeding in the aggregate two hundred

If non-resident admitted but does not perform.

Amount of non-resident's statute labour, 33 Vic., c. 27, s. 6.

dred

dred acres, the said part or parts shall be rated and charged for statute labour, as if the same were one lot, and the statute labour shall be rated and charged against any excess of said parts in like manner, but every resident shall have the right to perform his whole statute labour in the statute labour division in which his residence is situate, unless otherwise ordered by the municipal council.

COLLECTION OF RATES.

Clerk of the municipality to make out a collector's roll: its form and contents.

90. The clerk of every local municipality shall make a collector's roll or rolls as may be necessary, containing columns for all information required by this Act, to be entered by the collector therein on which he shall set down the name in full of every person assessed, and the assessed value of his real and personal property and taxable income, as ascertained after the final revision of the assessments, and he shall calculate, and opposite the said assessed value as therein described of each respective party, he shall set down in one column to be headed "County Rates," the amount for which the party is chargeable for any sums ordered to be levied by the council of the county for county purposes, and in another column to be headed "Township," "Village," "Town," or "City Rate," the amount with which the party is chargeable in respect of sums ordered to be levied by the council of the local municipality for the purposes thereof, or for the commutation of statute labour, and in other columns any special rate for collecting the interest upon debentures issued, or any local rate or school rate or other special rate, the proceeds of which are required by law or by the by-law imposing it, to be kept distinct and accounted for separately, and every such last-mentioned rate shall be calculated separately, and the column therefor headed "Special Rate," "Local Rate," "School Rate," as the case may be.

How rates to be headed.

Provincial taxes to be assessed and collected in the same manner as local rates.

91. All moneys assessed, levied and collected under any Act by which the same are made payable to the Receiver-General of the late Province of Canada or to the Treasurer of this Province, or other public officer for the public uses of the Province, or for any special purpose or use mentioned in the Act, shall be assessed, levied and collected in the same manner as local rates, and shall be similarly calculated upon the assessments as finally revised, and shall be entered in the collectors' rolls in separate columns, in the heading whereof shall be designated the purpose of the rate, and the clerk shall deliver the roll, certified under his hand, to the collector, on or before the first day of October, or such other day as may be prescribed by a by-law of the local municipality.

92. The clerk of every local municipality shall also make out a roll, in which he shall enter the lands of non-residents whose names have not been set down in the assessor's roll, together with the value of every lot, part of lot or parcel, as ascertained after the revision of the rolls, and he shall enter opposite to each lot or parcel, all the rates or taxes with which the same is chargeable, in the same manner as is provided for the entry of rates and taxes upon the collector's roll, and shall transmit the roll so made out, certified under his hand, to the treasurer of the county in which his municipality is situate, or to the city chamberlain, as the case may be, on or before the first day of November.

Clerk to make out another roll of lands of non-residents whose names are not in the assessment roll, and transmit it to county treasurer or city chamberlain.

COLLECTORS AND THEIR DUTIES.

93. The collector, upon receiving his collection roll, shall proceed to collect the taxes therein mentioned.

Duties of collectors.

94. He shall call at least once on the person taxed, or at the place of his usual residence or domicile, or place of business, if within the local municipality, in and for which such collector has been appointed, and shall demand payment of the taxes payable by such person, and shall, at the time of such demand, enter the date thereof on his collection roll opposite the name of the person taxed, and such entry shall be *prima facie* evidence of such demand.

Shall demand the payment of rates.

95. In case any person neglects to pay his taxes for fourteen days after such demand as aforesaid, the collector may, by himself or by his agent, levy the same with costs, by distress of the goods and chattels of the person who ought to pay the same, or of any goods or chattels in his possession, wherever the same may be found within the county in which the local municipality lies, or of any goods or chattels found on the premises, the property of, or in the possession of any other occupant of the premises; and the costs chargeable shall be those payable to bailiffs under the Division Courts Act.

If payment be not made, collectors to levy the tax by distress and sale.

96. If any person whose name appears on the roll be not resident within the municipality, the collector shall transmit to him by post, addressed in accordance with the notice given by such non-resident if notice has been given, a statement and demand of the taxes charged against him in the roll, and shall, at the time of such transmission, enter the date thereof on the roll opposite the name of such person, and such entry shall be *prima facie* evidence of such transmission and of the time thereof.

By post in case of non-residents.

97. In case of the land of non-residents, who have required their

When collectors

tors may dis-
train for rates
on non-resi-
dent land.

their names to be entered on the roll, the collector, after one month from the date of the delivery of the roll to him, and after fourteen days from the time such demand as aforesaid has been transmitted to him by post, may make distress of any goods and chattels which he may find upon the land; and no claim of property, lien or privilege shall be available to prevent the sale, or the payment of the taxes and costs out of the proceeds thereof.

Public notice
of sale to be
given, and in
what manner.

98. The collector shall, by advertisement, posted up in at least three public places in the township, village or ward wherein the sale of the goods and chattels distrained is to be made, give at least six days' public notice of the time and place of such sale, and of the name of the person whose property is to be sold; and at the time named in the notice, the collector or his agent shall sell at public auction the goods and chattels distrained, or so much thereof as may be necessary.

Surplus, if
unclaimed, to
be paid to the
party in whose
possession the
goods were.

99. If the property distrained has been sold for more than the amount of the taxes and costs, and if no claim to the surplus be made by any other person, on the ground that the property sold belonged to him, or that he was entitled by lien or other right, to the surplus, such surplus shall be returned to the person in whose possession the property was when the distress was made.

Or to admitted
claimant.

100. If any such claim be made by the person for whose taxes the property was distrained, and the claim is admitted, the surplus shall be paid to the claimant.

If the right to
such surplus
be contested.

101. If the claim is contested, such surplus money shall be paid over by the collector to the treasurer or chamberlain of the local municipality, who shall retain the same until the respective rights of the parties have been determined by action at law or otherwise.

Taxes not
otherwise re-
coverable
may be recov-
ered by action.
Copy of collec-
tor's roll to be
prima facie
evidence of
amount due.

102. If the taxes payable by any person cannot be recovered in any special manner provided by this Act, they may be recovered with interest and costs, as a debt due to the local municipality; in which case the production of a copy of so much of the collector's roll as relates to the taxes payable by such person, purporting to be certified as a true copy by the clerk of the local municipality, shall be *prima facie* evidence of the debt.

Collector to
return his roll,
and pay over
the proceeds

103. On or before the fourteenth day of December in every year, or on such day in the next year not later than the first of February, as the council of the municipality may appoint,
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every collector shall return his roll to the treasurer or chamberlain, and shall pay over the amount payable to such treasurer or chamberlain; specifying in a separate column on his roll how much of the whole amount paid over is on account of each separate rate; and shall make oath before the treasurer or chamberlain that the date of the demand of payment and transmission of statement, and demand of taxes required by sections ninety-four and ninety-six in each case has been truly stated by him in the roll.

by the day to be appointed by municipal council.

33 V., c. 27, s. 7.

104. In case the collector fails or omits to collect the taxes or any portion thereof, by the day appointed or to be appointed as in the last preceding section mentioned, the council of the city, town, village or township may, by resolution, authorize the collector or some other person in his stead, to continue the levy and collection of the unpaid taxes in the manner and with the powers provided by law for the general levy and collection of taxes, but no such resolution or authority shall alter or affect the duty of the collector to return his roll, or shall in any manner whatsoever invalidate or otherwise affect the liability of the collector or his sureties.

Another person may be employed to collect taxes which the collector does not collect by a certain day.

105. If any of the taxes mentioned in the collector's roll remain unpaid, and the collector be not able to collect the same, he shall deliver to the chamberlain or treasurer of his municipality, an account of all the taxes remaining due on the roll; and in such account the collector shall show, opposite to each assessment, the reason why he could not collect the same, by inserting in each case the words "non-resident" or "not sufficient property to distrain," as the case may be.

Proceedings when taxes are returned as if unpaid.

106. Upon making oath before the treasurer or chamberlain that the sums mentioned in such account remain unpaid, and that he has not, upon diligent enquiry, been able to discover sufficient goods or chattels belonging to or in possession of the parties charged with or liable to pay such sums, or on the premises belonging to or in the possession of any occupant thereof, whereon he could levy the same, or any part thereof, the collector shall be credited with the amount not realized.

When collected to be credited for the amount.

107. The taxes accrued on any land shall be a special lien on such land, having preference over any claim, lien, privilege or incumbrance of any party except the Crown, and shall not require registration to preserve it.

Taxes to be a lien upon land.

YEARLY LISTS OF LANDS GRANTED BY THE CROWN.

108. The Commissioner of Crown Lands shall in the month of List of lands
February

granted, etc., to be furnished annually to county treasurer by Commissioner of Crown Lands. February in every year, transmit to the treasurer of every county a list of all the land within the county, located as free grants, sold or agreed to be sold by the Crown, or leased, or in respect of which a license of occupation issued during the preceding year.

County treasurer to furnish a copy of the list to the clerks of local municipalities. **109.** The county treasurer shall furnish to the clerk of each local municipality in the county a copy of the said lists, as far as regards lands in such municipality, and such clerk shall furnish the assessors respectively a statement shewing what lands in the said annual list are liable to assessment within such assessor's assessment district.

COUNTY TREASURERS, LOCAL TREASURERS, CLERKS AND ASSESSORS—THEIR DUTIES.

County treasurer to furnish local clerks with lists of lands three years in arrears for taxes. **110.** The treasurer of every county shall furnish to the clerk of each municipality, except in cities and towns, in the county, a list of all the lands in his municipality, in respect of which any taxes shall have been in arrears for three years preceding the first day of January in any year; and the said list shall be so furnished on or before the first day of February in every year, and shall be headed in the words following: "List of lands liable to be sold for arrears of taxes in the year one thousand eight hundred and ;" and for the purposes of this Act, the taxes for the first year of the three which have expired under the provisions of this Act, on any land to be sold for taxes, shall be deemed to have been due for three years, although the same may not have been placed upon a collection roll until some month in the year, later than the month of January.

Local clerks to keep the lists in their offices open to inspection and give copies to assessors, to notify occupants. **111.** The clerk of every municipality in each county is here-
 33V., c.27, s.9. required to keep the said list, so furnished by the county treasurer, on file in his office, subject to the inspection of any person requiring to see the same, and he shall also deliver to the assessor or assessors of the municipality, each year, as soon as such assessor or assessors are appointed, a copy of such list; and it shall be the duty of the assessor or assessors to ascertain if any of the lots or parcels of land contained in such list are occupied, or are incorrectly described, and to notify such occupants and also the owners thereof, if known whether resident within the municipality or not, upon their respective assessment notices, that the land is liable to be sold for arrears of taxes, and enter in a column (to be reserved for the purpose) the words "occupied and parties notified," or "not occupied," as the case may be; and all such lists shall be signed by the assessor or assessors and returned to the clerk with the assessment roll, together with a memorandum of any error discovered therein, and the

Lists to be returned as to towns and cities with-

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the clerk shall file the same in his office for public use; and every such list, or copy thereof, shall be received in any Court as evidence in any case arising concerning the assessment of such lands; and the duties herein imposed upon the treasurer of any county and the clerk and assessors of any municipality, shall be performed by the chamberlain or treasurer and the clerks and assessors of cities and towns.

drawn from
counties.

112. All assessors shall attach to each such list a certificate signed by them, and verified by oath or affirmation, in the form following: "I do certify that I have examined all the lots in this list named, and that I have entered the names of all occupants thereon, as well as the names of the owners thereof, when known, and that all the entries relative to each lot are true and correct to the best of my knowledge and belief."

Assessor's cer-
tificate.

Form.

113. The clerk of each municipality shall, before the first day of May in each year, examine the assessment roll when returned by the assessor, and ascertain whether any lot embraced in the said list last received by him from the county treasurer, is entered upon the roll of the year as then occupied, or is incorrectly described; and the said clerk shall, on or before the first day of May in each year, furnish to the county treasurer a list of the several parcels of land which shall appear on the resident roll as having become occupied, or which have been returned by the assessor as incorrectly described; and the said county treasurer shall on or before the first day of July in the then current year, return to the clerk of each municipality an account of all arrears of taxes due in respect of such occupied lands, including the percentage chargeable under section one hundred and twenty-six of this Act; and the clerk of each municipality shall, in making out the collector's roll of the year, add such arrears of taxes to the taxes assessed against such occupied lands for the current year, and such arrears shall be collected in the same manner, and subject to the same conditions as all other taxes entered upon the collector's roll.

Local clerks to
certify lands
which have
become occu-
pied.

County trea-
surer to certify
taxes due on
them.

Clerk to insert
such amount
on collector's
roll.

114. If there shall not be sufficient distress upon any of the occupied lands in the preceding section named, to satisfy the total amount of the taxes charges against the same, as well for the arrears as for the taxes of the current year, the collector shall so return it in his roll to the treasurer of the municipality, shewing the amount collected, if any, and the amount remaining unpaid, and stating the reason why payment has not been made.

If there is not
sufficient dis-
tress on such
lands.

115. The treasurer of each local municipality shall, within fourteen days after the time appointed for the return and final settlement

Statement of
arrears to be

settlement

returned by
local treasurer,
and when.

settlement of the collector's roll, and before the eighth day of April in every year, furnish the county treasurer with a statement of all arrears of taxes and school rates directed in the said collector's roll, or by school trustees to be collected, such return to contain a description of the lots or parcels of land, a statement of unpaid arrears of taxes, if any, on lands of non-residents, which have become occupied, as required by section one hundred and eleven of this Act, and generally such other information as the county treasurer may require and demand, in order to enable him to ascertain the just tax chargeable upon any land in the municipality for that year, and the county treasurer shall not be bound to receive any such statement after the eighth day of April in each year.

Liability of
lands to sale
if arrears are
not paid; and
when.

116. In case it shall be found by the statement directed by the last preceding section to be made to the county treasurer, that the arrears of taxes upon the occupied lands of non-residents, directed by the one hundred and thirteenth section of this Act to be placed on the collector's roll or any part thereof, remain in arrear, such land shall be liable to be sold for such arrears, and shall be included in the next or ensuing list of lands to be sold by the county treasurer, under the provisions of the one hundred and twenty-eighth section of this Act, notwithstanding that the same may be occupied in the year when such sale takes place, and such arrears shall not again be placed upon the collector's roll for collection.

Penalty on
local clerk
neglecting his
duties under
preceding sec-
tions, and on
assessors so
neglecting.

117. If the clerk of any such municipality shall neglect to preserve the said list of land in arrears for taxes, furnished to him by the county treasurer, or to furnish copies of such lists, as required, to the assessor or assessors, or shall neglect to return to the county treasurer a correct list of the lands which have come to be occupied, as required by the one hundred and fourteenth section of this Act, and a statement of the balances which may remain uncollected on any such lots, as required by the one hundred and fifteenth section of this Act; or if any assessor or assessors shall neglect to examine such lands as are entered on each such list, and make returns in manner hereinbefore directed, every officer making such default, shall, on summary conviction thereof, before any two Justices of the Peace having jurisdiction in the county in which such municipality is situated, be liable to the penalties imposed by sections one hundred and seventy-six, one hundred and seventy-seven, and one hundred and seventy-eight of this Act; all fines so imposed to be recoverable by distress and sale of any goods and chattels of the party making default.

How to be
levied.

After such re-

118. After the collector's roll has been returned to the treasurer

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treasurer of the local municipality, and before such treasurer has furnished the statement to the county treasurer, mentioned in section one hundred and fifteen, arrears of taxes may be paid to such local treasurer, but after the said statement has been referred to the county treasurer, no more money on account of the arrears then due shall be received by any officer of the municipality to which the roll relates.

turn, local officers not to receive taxes.

119. The collection of the arrears shall thenceforth belong to the treasurer of the county alone, and he shall receive payment of such arrears, and of all taxes on lands of non-residents, and he shall give a receipt therefor specifying the amount paid, for what period, the description of the lot or parcel of land, and the date of payment, in accordance with the provisions of section one hundred and seventy-two of this Act.

Collection of arrears to belong to treasurer of county only.

2. Any local municipality may by by-law remit, either in the whole or in part, any taxes now due or to become due upon the lands of non-residents within such municipality, specifying the particular lands upon which the remission is made; and upon the passing of such by-law, it shall be the duty of the clerk forthwith to transmit a copy of the by-laws to the treasurer or other officer having the collection of such arrears, who shall then collect only so much of said taxes as are not remitted.

Municipalities may remit taxes due on non-resident lands.

120. The treasurer shall not receive any part of the tax charged against any parcel of land, unless the whole arrears then due be paid, or satisfactory proof is produced of the previous payment, or erroneous charge of any portion thereof; but if satisfactory proof is adduced to him that any parcel of land on which taxes are due, has been subdivided, he may receive the proportionate amount of tax chargeable upon any of the subdivisions, and leave the other subdivisions chargeable with the remainder, and the treasurer may, in his books, divide any piece or parcel of land which may have been returned to him in arrear for taxes, into as many parts as the necessities of the case may require.

The whole amount to be paid at once, unless the land is subdivided.

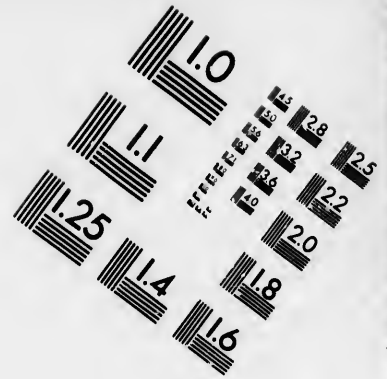
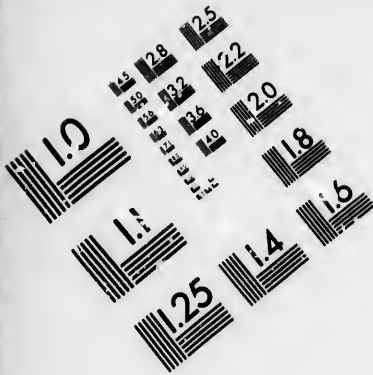
121. The treasurer shall, on demand, give to the owner of any land, charged with arrears of taxes, a written statement of the arrears at that date, and he may charge twenty cents for the search on each separate lot or parcel not exceeding four, and for every additional ten lots, a further fee of twenty cents, but the treasurer shall not make any charge for search to any person who forthwith pays the taxes.

If demanded, treasurer to give a written statement of arrears.

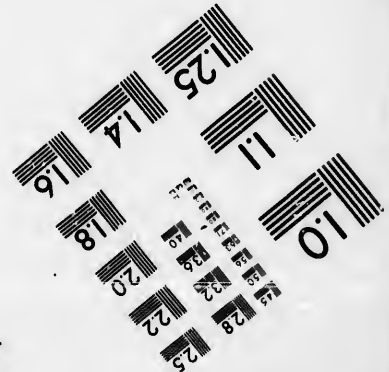
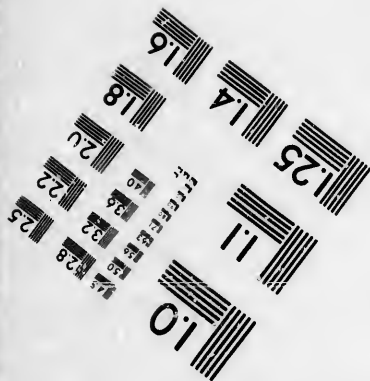
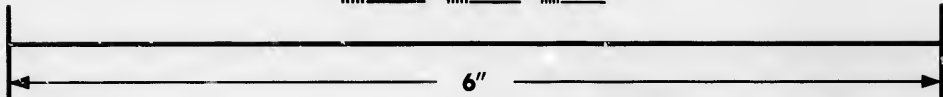
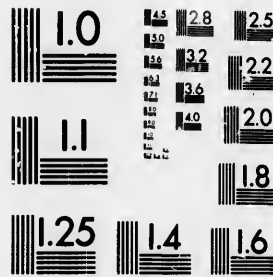
122. The treasurer of every county shall keep a separate book for each local municipality, in which he shall enter all the lands

Lands on which taxes remain unpaid





**IMAGE EVALUATION
TEST TARGET (MT-3)**



**Photographic
Sciences
Corporation**

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

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to be entered
in books kept
for the purpose
by county
treasurer, etc.

lands in the municipality on which it appears from the returns made to him by the clerk, and from the collector's roll returned to him, that there are any taxes unpaid, and the amounts so due, and he shall, on the first day of May in every year, complete and balance his books by entering against every parcel of land, the arrears, if any, due at the last settlement, and the taxes of the preceding year which remain unpaid, and he shall ascertain and enter therein the total amount of arrears, if any, chargeable upon the land at that date.

Proceedings
where any land
is found not to
have been
assessed in any
year.

123. If at the yearly settlement to be made on the first day of May, it appears to the treasurer that any land liable to assessment has not been assessed, he shall report the same to the clerk of the municipality, and the clerk shall enter such land on the collector's roll of the current year, or on the roll of non-residents, as the case may be, as well for the arrears omitted of the year preceding only (if any) as for the tax of the current year; and the valuation of such land so entered shall be the average valuation of the three previous years, if assessed for the said three years, but if not so assessed, the clerk shall require the assessor or assessors for the current year to value such lands, and it shall be the duty of the assessor or assessors to value such lands when required and certify the valuation in writing to the clerk; and the owners of such lands shall have the right to appeal to the council at its next or some subsequent meeting after the taxes thereon have been demanded by the collector, but within fourteen days after such demand, which demand shall be made by the collector before the tenth day of November, and the council shall hear and determine such appeal on some day not later than the first day of December.

How land
shall be
valued.
Appeal from
valuation.

Treasurer to
correct errors.

124. The county treasurer may correct any clerical error which he himself discovers from time to time, or which may be certified to him by the clerk of any municipality.

As to pretend-
ed receipts,
etc.

2. If any person produces to the treasurer, as evidence of payment of any tax, any paper purporting to be a receipt of a collector, school trustee or other municipal officer, he shall not be bound to accept the same until he has received a report from the clerk of the municipality interested, certifying the correctness thereof, or until he shall be otherwise satisfied that such tax has been paid.

Ten per cent.
to be added to
arrears yearly.

125. If at the balance to be made on the first day of May in every year, it appears that there are any arrears due upon any parcel of land, the treasurer shall add to the whole amount then due, ten per centum thereon.

126. Whenever the county treasurer is satisfied that there is distress upon any lands of non-residents in arrear for taxes, he shall issue a warrant under his hand and seal to the collector of the local municipality, who shall thereby be authorized to levy the amount due upon any goods and chattels found upon the land, in the same manner and subject to the same provisions as are contained in the sections from section ninety-five to section one hundred and one of this Act, with respect to distresses made by collectors.

If there be distress upon lands of non-residents, county treasurer may authorize collector to levy.

127. Unpatented land vested in or held by Her Majesty, which shall hereafter be sold, or agreed to be sold, to any person, or which shall be located as a free grant, shall be liable to taxation from the date of such sale or grant, and any such land which has been already sold or agreed to be sold to any person, or has been located as a free grant, prior to the first day of January, one thousand eight hundred and sixty-three, shall be held to have been liable to taxation since the first day of January, one thousand eight hundred and sixty-three, and all such lands shall be liable to taxation thenceforward under this Act, in the same way as other land, whether any license of occupation, location ticket, certificate of sale, or receipt for money paid on such sale, has or has not been, or shall or shall not be issued, and (in case of sale or agreement for sale by the Crown) whether any payment has or has not been, or shall or shall not be made thereon, and whether any part of the purchase money is or is not overdue and unpaid; but such taxation shall not in any way affect the rights of Her Majesty in such lands.

From what period unpatented land shall be liable to taxation.

Rights of the Crown saved.

128. Whenever a portion of the tax on any land has been due for and in the third year, or for more than three years preceding the current year, the treasurer of the county shall, unless otherwise directed by a by-law of the county council, submit to the warden of such county a list in duplicate of all the lands liable under the provisions of this Act, to be sold for taxes, with the amount of arrears against each lot set opposite to the same, and the warden shall authenticate each of such lists by affixing thereto the seal of the corporation and his signature, and one of such lists shall be deposited with the clerk of the county, and the other shall be returned to the treasurer, with a warrant thereto annexed, under the hand of the warden and the seal of the county, commanding him to levy upon the land for the arrears due thereon, with his costs: Provided always, that when a warrant has been placed in the hands of the sheriff or high bailiff, before the first day of January, one thousand eight hundred and sixty-seven, commanding him to collect arrears of taxes, he shall proceed with the collection thereof under the provisions of the Acts in force before the passing of this Act, and in every case in which

When lands to be sold for taxes.

Arrears due for three years be levied by warrant of the warden to the treasurer.

Proviso as to warrants issued before Jan. 1st, 1867:

such

such collection is made by sale of any lands, the sheriff or high bailiff shall, in the event of the lands not being redeemed according to law, complete the sale by a deed of conveyance to the purchaser.

County council, etc., may extend the period for payment.

129. The council of a county, city or town shall have power to extend the time for the payment of taxes beyond the term of three years, by by-law passed for that purpose.

Treasurer's duty on receiving warrant to sell.

130. It shall not be the duty of the treasurer of any county to make inquiry before effecting a sale of lands for taxes, to ascertain whether or not there is any distress upon the land, nor shall he be bound to inquire into or form any opinion of the value of the land, and if any tax in respect to any lands sold by the treasurer after the passing of this Act, in pursuance of and under the authority thereof, shall have been due for the third year or more years preceding the sale thereof, and the same shall not be redeemed in one year after the said sale, such sale and the official deed to the purchaser of any such lands (provided the sale shall be openly and fairly conducted) shall be final and binding upon the former owners of the said lands, and upon all persons claiming by, through or under them, it being intended by this Act that all owners of land shall be required to pay the arrears of taxes due thereon within the period of three years, or redeem the same within one year after the treasurer's sale thereof.

Deed to be binding on all, if land not redeemed in one year.

What lands only the treasurer shall sell.

131. The treasurer shall not sell any lands which have not been included in the lists furnished by him to the clerks of the several municipalities in the month of February preceding the sale, nor any of the lands which have been returned to him as being occupied under the provisions of the one hundred and fourteenth section of this Act, except the lands, the arrears for which had been placed on the collection roll of the preceding year and again returned unpaid, and still in arrears in consequence of insufficient distress being found on the lands.

County treasurer to prepare list of lands to be sold and advertise in "Gazette."

132. The county treasurer shall prepare a copy of the list of lands to be sold, required by section one hundred and twenty-eight of this Act, and shall include therein, in a separate column, a statement of the proportion of costs chargeable on each lot for advertising, and for the commissions authorized by this Act to be paid to him, distinguishing lands as patented, unpatented, or under lease or license of occupation from the Crown, and shall cause such list to be published four weeks in the Ontario *Gazette*, and once a week, for thirteen weeks, in some newspaper published within the county, and in the case of a union of counties in each county of the union, if there be one published in each county, and if not in such county or counties of the union

33 V., c. 27, s. 11.

in

in which a newspaper is published, or if none be so published, in some other newspaper published in some adjoining county.

2. When a junior county has separated, or shall hereafter separate, from a union of counties after a return is made to the treasurer of the united counties of lands in arrear for taxes, but such lands have not been advertised for sale by the treasurer of the united counties, or senior county, such treasurer shall return to the treasurer of the junior county a list of all the lands within the junior county, returned as in arrears for taxes, and not advertised, and the treasurer and warden of the junior county shall have power respectively to take all the proceedings which treasurers and wardens, under this Act, can take for the sale and conveyance of lands in arrear for taxes; but in case the lands in such junior county have been advertised by the treasurer of the united counties before such separation, the sale of such lands shall be completed in the same manner as if the separation had not taken place.

Proceedings when lands in arrears for taxes in junior county separated from union of counties.

133. The advertisement shall contain a notification, that unless the arrears and costs are sooner paid, he will proceed to sell the lands for the taxes, on a day and at a place named in the advertisement.

Notice to be given in such advertisement

134. The day of sale shall be more than ninety-one days after the first publication of the list.

Time of sale.

135. The treasurer shall also post a notice similar to the said advertisement, in some convenient and public place at the Court House of the county, at least three weeks before the time of sale.

Notice to be posted up.

136. The treasurer shall in each case add to the arrears published, his commission and the cost of publication.

Expenses to be added to the arrears.

137. If at any time appointed for the sale of the lands, no bidders appear, the treasurer may adjourn the sale from time to time.

Adjourning sale, if no bidders.

138. If the taxes have not been previously collected, or if no person appears to pay the same at the time and place appointed for the sale, the treasurer shall sell by public auction so much of the land as may be sufficient to discharge the taxes and all lawful charges incurred in and about the sale and the collection of the taxes; selling in preference such part as he may consider best for the owner to sell first; and in offering such lands for sale it shall not be necessary to describe particularly the portion of the lot which shall be sold, but it shall be sufficient

Mode in which the lands shall be sold by the treasurer.

sufficient to say that he will sell so much of the lot as shall be necessary to secure the payment of the taxes due; and the amount of taxes stated in the treasurer's advertisement shall in all cases be held to be the correct amount due.

If the land does not sell for full amount of taxes, 33 V. c. 27, s. 8.

2. If the treasurer fails at such sale to sell any land for the full amount of arrears of taxes due, he shall, at such sale adjourn the same until a day then to be publicly named by him, not earlier than one week nor later than three months thereafter, of which adjourned sale he shall give notice by public advertisement in the local newspaper, or in one of the local papers in which the original sale was advertised, and on such day he shall sell such lands unless otherwise directed by the local municipality in which they are situate for any sum he can realize, and shall accept such sum as full payment of such arrears of taxes; but the owner of any land so sold shall not be at liberty to redeem the same except upon payment to the county treasurer of the full amount of taxes due, together with the expenses of sale; and the treasurer shall account to the local municipality for the full amount of taxes that shall be paid.

If the treasurer sells any land the fee of which is in the Crown, he shall only sell the interest of lessee or locatee.

139. If the treasurer sells any interest in land, of which the fee is in the Crown, he shall only sell the interest therein of the lessee, licensee or locatee, and it shall be so distinctly expressed in the conveyance to be made by the treasurer and warden, and such conveyance shall give the purchaser the same rights in respect of the land as the original lessee, licensee or locatee enjoyed, and shall be valid, without requiring the assent of the Commissioner of Crown Lands.

If purchaser fails to pay purchase money.

140. If the purchaser of any parcel of land fails immediately to pay to the treasurer the amount of the purchase money, the treasurer shall forthwith again put up the property for sale.

Treasurer selling to give purchaser a certificate of land sold.

141. The treasurer, after selling any land for taxes, shall give a certificate under his hand to the purchaser, stating distinctly what part of the land, and what interest therein, have been so sold, or stating that the whole lot or estate has been so sold, and describing the same, and also stating the quantity of land, the sum for which it has been sold, and the expenses of sale, and further, stating that a deed conveying the same to the purchaser or his assigns, according to the nature of the estate or interest sold, with reference to the one hundred and thirty-eighth and one hundred and thirty-ninth sections of this Act, will be executed by the treasurer and warden on his or their demand, at any time after the expiration of one year from the date of the certificate, if the land be not previously redeemed.

142. The purchaser shall, on the receipt of the treasurer's certificate of sale, become the owner of the land, so far as to have all necessary rights of action and powers for protecting the same from spoliation or waste, until the expiration of the term during which the land may be redeemed; but he shall not, knowingly, permit any person to cut timber growing upon the land or otherwise injure the land, nor shall he do so himself, but he may use the land without deteriorating its value; Provided that the purchaser shall not be liable for damage done without his knowledge, to the property, during the time the certificate is in force.

Purchaser of lands sold for taxes to be deemed owner thereof, for certain purposes, on receipt of treasurer's certificate.

Proviso.

143. From the time of a tender to the treasurer of the full amount of redemption money required by this Act, the said purchaser shall cease to have any further right in or to the land in question.

Effect of tender of arrears, etc.

144. Every treasurer shall be entitled to two and one-half per centum commission upon the sums collected by him as aforesaid.

Treasurer's commission.

145. Whenever land is sold by a treasurer, according to the provisions of the one hundred and thirty-second and following sections of this Act, he may add the commission and costs which he is hereby authorized to charge for the services above mentioned, to the amount of arrears on those lands in respect of which such services have been severally performed, and in every case he shall give a statement in detail with each certificate of sale, of the arrears and costs incurred.

Fees, etc., on sales of land.

146. The treasurer shall, in all certificates and deeds given for land sold at such sale, give a description of the part sold with sufficient certainty, and if less than a whole lot, then by such a general description as may enable a surveyor to lay off the piece sold on the ground; and he may make search, if necessary, in the Registry Office, to ascertain the description and boundaries of the whole parcel, and he may also obtain a surveyor's description of such lots, to be taken from the Registry Office or the Government maps, where a full description cannot otherwise be obtained; such surveyor's fee not to exceed one dollar; and the charges so incurred shall be included in the account and paid by the purchaser of the land sold, or the party redeeming the same.

Expenses of search in Registrar's office for description, etc

147. Except as before provided, the treasurer shall not be entitled to any other fees or emoluments whatever for any services rendered by him relating to the collection of arrears of taxes on lands.

Treasurer entitled to no other fees.

Owners may within one year redeem estate sold by paying purchase money and 10 per cent. thereon.

148. The owner of any land which may hereafter be sold for non-payment of arrears of taxes, or his heirs, executors, administrators or assigns or any other person may at any time within one year from the day of sale, exclusive of that day, redeem the estate sold by paying or tendering to the county treasurer, for the use and benefit of the purchaser or his legal representatives, the sum paid by him, together with ten per cent. thereon, and the treasurer shall give to the party paying such redemption money a receipt, stating the sum paid and the object of payment, and such receipt shall be evidence of the redemption.

Deed of sale, if not redeemed.

149. If the land be not redeemed within the period so allowed for its redemption, being one year exclusive of the day of sale as aforesaid, then, on the demand of the purchaser, or his assigns, or other legal representative, at any time afterwards, and on payment of one dollar, the treasurer shall prepare and execute with the warden, and deliver to him or them, a deed in duplicate of the land sold, in which deed any number of lots may be included at the request of the purchaser, or any assignee of the purchaser.

Contents of deed, and effect thereof.

150. Such deed shall be in the form or to the same effect as in schedule B, and shall state the date and cause of the sale, and the price, and shall describe the land according to the provisions of section one hundred and forty-six of this Act, and shall have the effect of vesting the land in the purchaser or his heirs and assigns or other legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold, and no such deed shall be invalid for any error or miscalculation in the amount of taxes or interest thereon in arrear, or any error in describing the land as "patented" or "unpatented," or held under a license of occupation.

Registration of deed.

151. The Registrar or Deputy Registrar of the county in which the lands are situated, upon production of the duplicate deed, shall enter the same in the Registry book, and give a certificate of such entry and registration in accordance with the Act respecting Registrars and Registry Offices.

On what certificate registrars of counties to register sheriff's deeds of lands sold for taxes before 1851.

152. As respects lands sold for taxes before the first day of January one thousand eight hundred and fifty-one, on the receipt by the Registrar of the proper county or place, of a certificate of the sale to the purchaser under the hand and seal of office of the sheriff, stating the name of the purchaser, the sum paid, the number of acres and the estate or interest sold, the lot or tract of which the same forms part, and the date of the sheriff's conveyance to the purchaser, his heirs, executors, administrators.

ministrators or assigns, and on production of the conveyance from the sheriff to the purchaser, his heirs, executors, administrators, or assigns, such Registrar shall register any sheriff's deed of land sold for taxes before the first day of January, one thousand eight hundred and fifty-one, and the mode of such Registry shall be the entering on record a transcript of such deed of conveyance.

153. As respects land sold for taxes since the first day of January, one thousand eight hundred and fifty-one, and prior to the first of January, one thousand eight hundred and sixty-six, the sheriff shall also give the purchaser or his assigns, or other legal representatives, a certificate under his hand and seal of office of the execution of the deed, containing the particulars in the last section mentioned; and such certificate for the purpose of registration in the Registry Office of the proper county of any deed of lands sold for taxes since the first of January, one thousand eight hundred and fifty-one, shall be deemed a memorial thereof, and the deed shall be registered, and a certificate of the registry thereof, shall be granted by the Registrar on production to him of the deed and certificate, without further proof; and the Registrar shall, for the registry and certificate thereof, be entitled to seventy cents and no more.

The sheriff to have certificate of execution of conveyances since Jan. 1st, 1851, for registration.

154. The treasurer shall enter in a book, which the county council shall furnish, a full description of every parcel of land conveyed by him to purchasers for arrears of taxes, with an index thereto, and such book, after such entries have been made therein, shall, together with all copies of collectors' rolls and other documents relating to non-resident lands, be by him kept amongst the records of the county.

Treasurer to enter in a book descriptions of lands conveyed to purchaser by him.

155. Whenever lands shall have been or may be hereafter sold for arrears of taxes, and the sheriff or treasurer, as the case may be, shall have given a deed for the same, such deed shall be to all intents and purposes valid and binding, except as against the Crown, if the same has not been questioned before some Court of competent jurisdiction by some person interested in the land so sold, within two years after the passing of this Act, when the land was sold and a deed given by the sheriff or treasurer before the passing of this Act, or within two years from the time of sale, when such sale shall take place after the passing of this Act.

Deed valid against all parties, if not questioned within a certain time.

156. The council may by by-law direct that all the moneys received by the county treasurer on account of taxes on non-resident lands, shall be paid at stated periods to the several local municipalities to which such taxes were due, or shall constitute

Non-resident Land Fund established in each county, and of what it shall consist.

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33, c. 27,
a. 10. a distinct and separate fund, to be called the "Non-resident Land Fund" of such county; Provided that in the absence of any such by-law, the county treasurer shall pay over to the local treasurer all such moneys when so collected.

Treasurer to open an account for.

157. The treasurer shall, when such fund may have been created, open an account for each local municipality with the said fund.

Municipalities united and afterwards disunited, &c.

158. If two or more local municipalities, having been united for municipal purposes, be afterwards disunited, or if a municipality or part of a municipality be afterwards added to or detached from any county, or to or from any other municipality, the treasurer shall make corresponding alterations in his books, so that arrears due on account of any parcel or lot of land at the date of the alteration, shall be placed to the credit of the municipality within which the land after such alteration, is situate; and if a union of counties is about to be dissolved, all the taxes on non-residents' land imposed by by-laws of the provisional council of the junior county, shall be returned to and collected by the treasurer of the united counties, and not by the provisional treasurer, and the treasurer of the united counties shall open an account forthwith for the junior county with the non-resident land fund.

If any union about to be dissolved.

New municipalities partly in one county and partly in another.

159. In cases where a new municipality shall be formed partly from two or more municipalities situate in different counties, the collection of non-resident taxes, due at the time of formation, shall remain in the hands of the treasurer of the respective counties, formerly having jurisdiction over the respective portions of territory forming the new municipality, and the respective treasurers shall keep a separate account of such moneys, and pay the same to the new municipality; and where a new municipality shall be formed from two or more municipalities situate in any one county, the treasurer shall, in like manner, keep a separate account for such new municipality.

All arrears to form one charge upon the lands subject to them, etc.

160. The treasurer of the county shall not be required to keep a separate account of the several distinct rates which may be charged on lands, but all arrears, from whatever rates arising, shall be taken together and form one charge on the land.

Deficiencies in certain taxes to be supplied by the municipality.

161. Every local municipal council in paying over any school or local rate, or its share of any county rate, or of any other tax or rate lawfully imposed for Provincial or local purposes, shall supply, out of the funds of the municipality, any deficiency arising from the non-payment of the taxes, but shall not be held answerable for any deficiency arising from the abatements of, or inability to collect the tax on personal property.

162. All sums which may at any time be paid to a municipality out of the non-resident land fund of the county, shall form part of the general funds of such municipality. Money from land fund how appropriated.

163. The council of the county may from time to time, by by-law, authorize the warden to issue, under the corporate seal, upon the credit of the non-resident land fund, debentures payable not later than eight years after the date thereof, and for sums not less than one hundred dollars each, so that the whole of the debentures at any time issued and unpaid do not exceed two-thirds of all arrears then due and accruing upon the lands in the county, together with such other sums as may be in the treasurer's hands, or otherwise invested to the credit of the said fund; and all debentures issued by the county shall be in the exclusive custody of the treasurer, who shall be responsible for their safety until their proceeds are deposited with him. Debentures may be issued on the credit of non-resident land fund. Who to have charge of them.

164. Such debentures shall be negotiated by the warden and treasurer of the county, and the proceeds shall be paid into the said fund, and the interest on the said debentures, and the principal when due, shall be payable out of such fund; Provided always, that the purchaser shall not be bound to see to the application of the purchase money, or be held responsible for the non-application thereof. By whom to be negotiated. Proviso.

165. If at any time there be not, in the non-resident land fund, where such fund may have been created, money sufficient to pay the interest upon a debenture, or to redeem the same when due, such interest or debenture shall be payable out of the general county funds, and the payment thereof may be enforced in the same manner as is by law provided in the case of other county debentures. Payment of interest on such debentures provided for.

166. The council of the county may, from time to time, pass by-laws apportioning the surplus moneys in the non-resident land fund amongst the municipalities rateably, according to the moneys received and arrears due on account of the non-resident lands in each municipality; but such apportionment shall always be so limited that the debentures unpaid shall never exceed two-thirds of the whole amount to the credit of the fund. Surplus of the non-resident land fund to be divided among municipalities.

167. The treasurer shall not be entitled to receive from the person paying taxes any percentage thereon, but may receive from the fund such percentage upon all moneys in his hands, or such fixed salary in lieu thereof, as the county council by by-law may direct. Treasurer's per centage or salary how paid.

Annual statement of the said fund to be submitted to the county council.

168. The county treasurer shall prepare and submit to the county council, at its first session in January in each year, a report, certified by the auditors, of the state of the non-resident land fund.

What it shall show.

169. The said report shall contain an account of all the moneys received and expended during the year ending on the thirty-first of December next preceding, distinguishing the sums received on account of, and paid to, the several municipalities, and received and paid on account of interest or debentures negotiated or redeemed, and the sums invested and the balance in hand; a list of all debentures then unpaid, with the dates at which they will become due; and a statement of all the arrears then due (distinguishing those due in every municipality), and the amount due on lands then advertised for sale, or which by law may be advertised during the ensuing year.

Copy to be transmitted to Provincial Secretary.

170. The warden shall cause a copy of the report to be transmitted to the Provincial Secretary for the information of the Lieutenant-Governor.

Collection of taxes on lands of non-residents in cities provided for.

171. Arrears of taxes due to cities or towns shall be collected and managed in the same way as like arrears due to other municipalities; and the chamberlain or treasurer and mayor shall, for these purposes, perform in the case of cities and towns, the like duties as are hereinbefore, in the case of other municipalities, imposed on the treasurer and warden.

County treasurers, etc., to keep triplicate blank receipt books.

172. The treasurer of every county, and the treasurer or chamberlain of every city and every town, shall be required to keep a triplicate blank receipt book, and, on receipt of any sum of money for taxes on land, shall deliver to the party making payment, one of such receipts, and shall deliver to the county, city or town clerk, the second of the set, with the corresponding number, retaining the third of the set in the book; delivery of such receipts to be made to the clerk at least every three months; and the county, city or town clerk shall file such receipts, and, in a book to be kept for that purpose, shall enter the name of the party making payment, the lot on which payment is made, the amount paid, the date of payment, and the number of the receipt; and the auditors shall examine and audit such books and accounts at least once in every twelve months.

Audit of books, etc.

RESPONSIBILITY OF OFFICERS.

Treasurers and collectors to give security, and how.

173. Every treasurer, chamberlain and collector, before entering on the duties of his office, shall enter into a bond to the corporation of the municipality for the faithful performance of his duties.

174. Such bond shall be given by the officer and two or more sufficient sureties, in such sum and such manner as the council of the municipality by any by-law shall require in that behalf, and shall conform to all the provisions of such by-law.

Bond with sureties.

175. If any treasurer, assessor, clerk or other officer refuses or neglects to perform any duty required of him by this Act, he shall, upon conviction thereof before any Court of competent jurisdiction in the county in which he is treasurer, assessor, clerk or other officer, forfeit to Her Majesty such sum as the Court shall order and adjudge, not exceeding one hundred dollars.

Penalty on assessors or clerks failing to perform their duty, and how enforced.

176. If an assessor neglects or omits to perform his duties, the other assessor or other assessors (if there be more than one for the same locality), or one of such assessors shall, until a new appointment, perform the duties, and shall certify upon his or their assessment roll the name of the delinquent assessor, and also, if he or they know it, the cause of the delinquency; and any council may, after an assessor neglects or omits to perform his duties, appoint some other person to discharge such duties; and the assessor so appointed shall have all the powers and be entitled to all the emoluments which appertain to the office.

Other assessors may act for those in default.

177. If any clerk, treasurer, assessor or collector, acting under this Act, makes any unjust or fraudulent assessment or collection, or copy of any assessor's or collector's roll, or wilfully and fraudulently inserts therein the name of any person who should not be entered, or fraudulently omits the name of any person who should be entered, or wilfully omits any duty required of him by this Act, he shall upon conviction thereof, before a Court of competent jurisdiction, be liable to a fine not exceeding two hundred dollars, and to imprisonment until the fine be paid, or to imprisonment in the common gaol of the county or city, for a period not exceeding six months, or to both such fine and imprisonment, in the discretion of the Court.

Punishment of clerks, assessors, etc., making fraudulent assessments, etc.

178. Proof to the satisfaction of the jury, that any real property was assessed by the assessor at an actual value greater or less than its true actual value, by thirty per centum thereof, shall be *prima facie* evidence that the assessment was unjust or fraudulent.

What shall be evidence of fraudulent assessment.

179. An assessor convicted of having made any unjust or fraudulent assessment, shall be sentenced to the greatest punishment, both to fine and imprisonment, allowed by this Act.

Assessor liable to the greatest punishment.

180. With reference to the Upper Canada Jurors' Act, if an assessor

Penalty for assessor

not making
and complet-
ing assess-
ment rolls
by the
proper time.

Not to impair
any other
liability.

Proceedings
for compelling
collectors to
pay over
moneys collec-
ted to the pro-
per treasurer.

Warrant.

Warrant to be
delivered to
sheriff, etc.

Sheriff, etc.,
to execute it;
and pay money
levied.

Mode of com-
pelling sheriff
etc., to pay
over.

assessor of any township, village or ward, neglects or omits to make out and complete his assessment roll for the township, village or ward, and to return the same to the clerk of such township or village, or of the city or town in which such ward is situated, or to the proper officer or place of deposit of such roll, on or before the first day of September, of the year for which he is assessor, every such assessor so offending shall forfeit for every such offence the sum of two hundred dollars, one moiety thereof to the use of the municipality, and the other moiety, with costs, to such person as may sue for the same in any Court of competent jurisdiction by action of debt or information; but nothing herein contained shall be construed to relieve any assessor from the obligation of returning his assessment roll, at the period required elsewhere by this Act, and from the penalties incurred by him by not returning the same accordingly.

181. If a collector refuses or neglects to pay to the proper treasurer or chamberlain, or other person legally authorized to receive the same, the sums contained in his roll, or duly accounted for the same as uncollected, the treasurer or chamberlain shall, within twenty days after the time when the payment ought to have been made, issue a warrant under his hand and seal, directed to the sheriff of the county or city (as the case may be) commanding him to levy the goods, chattels, lands and tenements of the collector and his sureties, such sum as remains unpaid and unaccounted for, with costs, and to pay to the treasurer or chamberlain the sum so unaccounted for, and to return the warrant within forty days after the date thereof.

182. The said treasurer or chamberlain shall immediately deliver the said warrant to the sheriff of the county or city, as the case may require.

183. The sheriff to whom the warrant is directed shall within forty days cause the same to be executed, and make return thereof to the treasurer or chamberlain, and shall pay to him the money levied by virtue thereof, deducting for his fees the same compensation as upon writs of execution issued out of Courts of Record.

184. If a sheriff refuses or neglects to levy any money when so commanded, or to pay over the same, or makes a false return to the warrant, or neglects or refuses to make any return, or makes an insufficient return, the treasurer or chamberlain may, upon affidavit of the facts, apply in a summary manner, to either of the Superior Courts of Common Law in term time

or

or to any Judges of either Court in vacation, for a rule or summons calling on the sheriff to answer the matter of the affidavit. Rule of Court.

185. The said rule or summons shall be returnable at such time as the Court or Judge directs. When returnable.

186. Upon the return of such rule or summons the Court or a Judge may proceed in a summary manner upon affidavit, and without formal pleading, to hear and determine the matters of the application. Hearing on return.

187. If the Court or Judge be of opinion that the sheriff has been guilty of the dereliction alleged against him, such Court or Judge shall order the proper officer of the Court to issue a writ of *fieri facias*, adapted to the case, directed to a coroner of the county in which the municipality is situate, or to a coroner of the city or town (as the case may be) for which the collector is in default. Fi. Fa. to the coroner to levy the money.

188. Such writ shall direct the coroner to levy of the goods and chattels of the sheriff the sum which the sheriff was ordered to levy by the warrant of the treasurer or chamberlain, together with the costs of the application and of such writ and of its execution; and the writ shall bear date on the day of its issue, whether in term or vacation, and shall be returnable forthwith upon its being executed, and the coroner, upon executing the same, shall be entitled to the same fees as upon a writ grounded upon a judgment of the Court. Tenor of such writ. Execution of writ. Fees.

189. If a sheriff wilfully omits to perform any duty required of him by this Act, and no other penalty is hereby imposed for the omission, he shall be liable to a penalty of two hundred dollars, to be recovered from him in any court of competent jurisdiction at the suit of the treasurer of the county or town or chamberlain of the city. Penalty on sheriff, if no other imposed.

190. All money assessed, levied and collected for the purpose of being paid to the receiver general of the Province of Canada or to the treasurer of the Province, or to any other public officer, for the public uses of the Province, or for any special purpose or use mentioned in the Act under which the same is raised, shall be assessed, levied and collected by, and accounted for and paid over to the same persons and in the same manner and at the same time as taxes imposed on the same property for county or city purposes, and shall, in law and equity be deemed and taken to be moneys collected for the county, town or city, so far as to charge every collector, chamberlain or treasurer with the same, and to render him and his sureties responsible Payment of money collected for the Province.

sible therefor, and for every default or neglect in regard to the same, in like manner as in the case of moneys assessed, levied and collected for the use of the city, town or county.

How money collected for county purposes shall be paid over.

191. All moneys collected for county purposes, or for any of the purposes mentioned in the preceding section, shall be payable by the collector to the township, town or village treasurer, and by him to the county treasurer, and the corporation of the township, town or village shall be responsible therefor to the corporation of the county.

Collectors or treasurers bound to account for all moneys collected by them.

192. Any bond and security given by the collector or treasurer to the corporation of the township, town or village, that he will account for and pay over all moneys collected or received by him, shall apply to all moneys collected or received for county purposes, or for any of the purposes mentioned in the one hundred and ninety-first section.

Local treasurer to pay over county moneys to county treasurers.

193. The treasurer of every township, town or village shall, within fourteen days after the time appointed for the final settlement of the collector's rolls, pay over to the treasurer of the county all moneys which were assessed and by law required to be levied and collected in the municipality for county purposes, or for any of the purposes mentioned in the one hundred and ninety-first section of this Act.

Mode of enforcing such payment.

194. If default be made in such payment, the county treasurer may retain or stop a like amount out of any moneys which would otherwise be payable by him to the municipality, or may recover the same by a suit or action for debt against such municipality, or whenever the same has been in arrear for the space of three months, he may, by warrant under his hand and seal, reciting the facts, direct the sheriff of the county to levy and collect the amount so due with interest and costs from the municipality in default.

Warrant to Sheriff.

How the sheriff shall levy.

195. The sheriff upon receipt of the warrant, shall levy and collect the amount, with his own fees and costs as if the warrant had been a writ of execution issued by a Court of Law, and he shall levy the amount of costs and fees in the same manner as is provided by the "Act respecting the Municipal Institutions of Upper Canada," in cases of writs of execution.

County treasurer, etc., to account for and pay over Crown moneys.

196. The county treasurer and city chamberlain, respectively, shall be accountable and responsible to the Crown for all moneys collected for any of the purposes mentioned in the one hundred and ninety-first section of this Act, and shall pay over such moneys to the treasurer of the Province.

197.

197. Every county, city and town shall be responsible to Her Majesty, and to all other parties interested, that all moneys coming into the hands of the treasurer or chamberlain of the county, city or town, in virtue of his office, shall be by him duly paid over and accounted for according to law.

Municipality
responsible for
such moneys.

198. The treasurer or chamberlain and his sureties shall be responsible and accountable for such moneys in like manner to the county, city or town, and any bond or security given by them for the duly accounting for and paying over moneys coming into his hands, belonging to the county, city or town, shall be taken to apply to all such moneys as are mentioned in the one hundred and ninetieth section, and may be enforced against the treasurer or chamberlain, or his sureties, in case of default on his part.

Treasurer,
etc., respon-
sible to coun-
ty, etc.

Bonds to
apply.

199. The bond of the treasurer or chamberlain and his sureties shall apply to school moneys, and all public moneys of the Province, and in case of any default, Her Majesty may enforce the responsibility of the county, city or town, by stopping a like amount out of any public money, which would otherwise be payable to the county, city or town, or to the treasurer or chamberlain thereof, or by suit or action against the corporation.

Bonds to
apply to
school
moneys, etc.

200. Any person aggrieved by the default of the chamberlain or treasurer, may recover from the corporation of the city, county or town, the amount due or payable to such person as money had and received to his use.

City, etc., re-
sponsible for
default of
chamberlain,
etc.

MISCELLANEOUS.

201. If any person wilfully tears down, injures or defaces any advertisement, notice or other document, which is required by this Act to be posted up in a public place for the information of persons interested, he shall, on conviction thereof in a summary way before any Justice of the Peace having jurisdiction in the county, city or town, be liable to a fine of twenty dollars, and in default of payment or for want of sufficient distress, to imprisonment not exceeding twenty days.

Penalty for
tearing down
notices, etc.

202. The fines and forfeitures authorized to be summarily imposed by this Act shall, when not otherwise provided, be levied and collected by distress and sale of the offender's goods and chattels, under authority of a warrant of distress to be issued by a Justice of the Peace of the county, city or town, and in default of sufficient distress, the offender shall be committed to the common gaol of the county, and be there kept to hard labour for a period not exceeding one month.

Recovery of
fines, and for-
feitures hereby
imposed.

203.

Application. **203.** When not otherwise provided, all penalties recovered under this Act, shall be paid to the treasurer or chamberlain, to the use of the municipality.

REPEALING CLAUSE.

Chap. 55, Con. Stat. U.C., and Acts amending it repealed. **204.** The Assessment Act of Upper Canada hereby repealed, and all other Acts inconsistent with this Act are hereby repealed, saving any rights, proceedings, or things legally had, acquired or done under such Acts or any of them, and all things begun but not completed thereunder may be continued to completion as validly and with the same effect as if this Act had not been passed, and all bonds and covenants made to any municipal corporation shall be as valid and binding as if made or given under this Act.

 SCHEDULE A.

Form of notice by non-resident owner of land requiring to be assessed therefor :—

To the clerk of the municipality of

Take notice that I (*or we*) own the land hereunder mentioned, and require to be assessed, and have my name (*or our names*) entered on the Assessment Roll of the Municipality of (*or ward of the municipality of*) therefor.

That my (*or our*) full name (*or names*), place of residence, and post office address, are as follows :—

A .B., of the township of York, shoemaker, Weston Post Office (*as the case may be*). Description of land (*here give such description as will readily lead to identification of the land*).

Dated the day of 18

C. D.

Witness, G. H.

 SCHEDULE

ASSESSMENT OF PROPERTY.

SCHEDULE B.

TOWNSHIP OF

NAMES AND DESCRIPTION OF PERSONS ASSESSED.		DESCRIPTION AND VALUE OF REAL PROPERTY.							PERSONAL PROPERTY AND INCOME.			AGGREGATE VALUE OF ALL PROPERTY.	STATUTE LABOUR.		DOGS.		STATISTICS.					DATE OF DELIVERY OF NOTICE, UNDER SECTION 48.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26		
No. on roll.	Name of occupant or other taxable party.	Occupation.	Freeholder, householder or tenant.	Age of occ. a.t.	Name and address of owner when not the owner.	Non-resident.	School section.	Concession, street, square or other designation.	No. of lot, house, etc.	No. of acres, feet, etc.	No. of acres cleared in townships, vacant or built on, or in cities, towns and villages.	Value of each parcel of real property.	Total value of real property.	Value of personal property other than income.	Taxable income.	Total value of personal property and taxable income.	Persons from 21 to 60 years old.	No. of day's labour.	Dogs.	Bitches.	No. of persons in family of person rated as resident.	Helington.	No. of cattle.	No. of sheep.	No. of hogs.	No. of horses.	

Take notice that you are assessed as above specified, for the year 18 under the statutes. If you deem yourself overcharged, or otherwise improperly assessed, you or your agent may notify the clerk of the municipality, in writing, of such overcharge or improper assessment, within fourteen days after this notice has been left with you, and your complaint shall be tried in conformity with the provisions of the statutes, by the Court of Revision for the municipality of

(ENDORSED.)

SIR,— Take notice that I intend to appeal against this assessment, for the following reasons :—
 I am, Sir, your obedient servant,
 18

SCHEDULE C.

To all to whom these Presents shall come.

We, of the of Esquire,
Warden and of the of
Treasurer of the County of send greeting:—

WHEREAS by virtue of a warrant under the hand of the Warden and seal of the said County, bearing date the day in the year of our Lord one thousand eight hundred and commanding the Treasurer of the said County to levy upon the land hereinafter mentioned, for the arrears of taxes due thereon with his costs, the Treasurer of the said County did on the day of in the year of our Lord one thousand eight hundred and sell by public auction to of the of in the County of that certain parcel or tract of land and premises hereinafter mentioned at and for the price or sum of of lawful money of Canada, on account of the arrears of taxes alleged to be due thereon up to the day of in the year of our Lord one thousand eight hundred and together with costs :

Now know ye that we, the said and as Warden and Treasurer of the said County in pursuance of such sale, and the Assessment Act of 1869, and for the consideration aforesaid, do hereby grant, bargain and sell unto the said his heirs and assigns, all that certain parcel or tract of land and premises containing being composed of (describe the land so that the same may be readily identified.)

In witness whereof we, the said Warden and Treasurer of the said County, have hereunto set our hands and affixed the seal of the said County, this day of in the year of our Lord one thousand eight hundred and and the Clerk of the County Council hath countersigned.

A. B., Warden, [Corporate Seal.]
C. D., Treasurer.

Countersigned,
E. F., Clerk.

SCHEDULE D.

Form of declaration by party complaining in person of overcharge on personal property:

I, A. B., (set out name in full with place of residence, business, trade, profession or calling), do solemnly declare that the true value of all the personal property assessable against me (or as the case may be), as trustee, guardian or executor, etc., without deducting any debts due by me in respect thereof is

(in case debts are owed in respect of such property), that I am indebted on account of such personal property, in the sum of _____ and that the true amount for which I am liable to be rated and assessed in respect of personal property other than income is _____

SCHEDULE E.

Form of declaration of party complaining in person of overcharge on account of taxable income:

I, A. B., (set out name in full with place of residence, business, trade, profession or calling), do solemnly declare that my gross income, derived from all sources, not exempt by law from taxation, is _____

SCHEDULE F.

Form of declaration by party complaining of overcharge in respect of personal property and taxable income:

I, A. B., (set out name in full with place of residence, business, trade, profession or calling), do solemnly declare that the true value of my personal property other than income, is _____

(if there are debts add), that I am indebted on account of such personal property in the sum of _____ that my gross income derived from all sources, not exempt by law from taxation, is _____ and that the full amount for which I am by law justly assessable, in respect of both personal property and income, is _____

SCHEDULE

SCHEDULE

SCHEDULE G.

Form of declaration by agent of a party complaining of overcharge on personal property:—

I, A. B., (set out name in full, with place of residence, business, trade, profession or calling), agent for C. D. (set out name in full, with place of residence, and calling of person assessed), do solemnly declare that the true value of all the personal property assessable against the said C. D. (or as the case may be), as trustee, guardian or executor, etc.) is
 (In case there are debts in respect of the property add)—the said C. D. is indebted on account of such personal property in the sum of _____ and that the true amount for which the said C. D. is liable to be rated and assessed in respect of personal property, other than income, is _____ and that I have the means of knowing, and do know, the extent and value of the said C. D.'s personal property, and debts in respect thereof.

A. B.

SCHEDULE H.

Form of declaration by agent of party complaining of overcharge in taxable income:—

I, A. B. (set out name in full, with place of residence, business, trade, profession, or calling), agent for C. D. (set out name in full, with place of residence, and calling of person assessed), do solemnly declare that the gross income of the said C. D. derived from all sources not exempt from taxation by law, is _____ and that I have the means of knowing, and do know, the income of the said C. D.

SCHEDULE I.

Form of declaration by agent of party complaining of an overcharge in respect of personal property and taxable income:—

I, A. B. (set out name in full, with place of residence, business, trade, profession, or calling), agent for C. D. (set out name in full,

full, with place of residence, and calling of person assessed), do solemnly declare that the true value of the personal property of the said C.D. other than income, is

that the gross income of the said C.D. derived from all sources not exempt by law from taxation, is and that the full amount for which the said C.D. is justly assessable, in respect of both personal property and income, is

(If there are debts on account of the property add)—the said C.D. is indebted on account of such personal property in the sum of and that I have the means of knowing, and do know, the truth of the matters hereinbefore declared.

plaining of

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A. B.

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AN ACT
RESPECTING
TAVERN AND SHOP LICENSES.

(Assented to 23rd January, 1869.)

WHEREAS it is expedient to amend and consolidate the Preamble several enactments relating to tavern and shop licenses: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. No person shall sell by wholesale or retail any spirituous, No person to fermented or other manufactured liquors within the Province of sell liquors without license, except brewers and distillers. Ontario, without having first obtained a license authorizing him so to do, as hereinafter provided: Provided always, that nothing in this Act contained shall prevent brewers and distillers, duly licensed by the Government of Canada, from selling, by whole- 33 Vic., c. 28, sale only, spirituous, fermented or manufactured liquors, in casks s. 1. ks or vessels containing not less than five gallons each.

2. It shall be lawful for the Lieutenant-Governor in Council Licenses to on stamped paper. to direct the issue of licenses on stamped paper, written or printed, or partly written and partly printed, of the several values after mentioned, which said licenses shall be signed by the treasurer of this Province.

3. Over and above the sum which may be imposed by muni- Duties pay- cipalities, as hereinafter provided, there shall be paid for each able. tavern license, to and for the use of Her Majesty (and forming part of the Consolidated Revenue Fund of this Province), in cities, a duty of twenty dollars; in towns, of seventeen dollars; and in townships and incorporated villages, of ten dollars; for vessels navigating the waters of this Province, of twenty dollars; and for each shop license, of twelve dollars: Provided Proviso. that for each tavern license mentioned in section six, subsection five, the Provincial duty shall be twenty-five dollars.

- Issuer of licenses to be appointed.** 4. The Lieutenant-Governor may, from time to time, appoint one fit and proper person in each county, city, riding or municipality, to be called "Issuer of licenses," whose duty it shall be to issue licenses for the county, city, riding or municipality for which he shall be appointed, and who shall countersign every license issued by him, for which service he shall be entitled to retain out of the moneys received by him for licenses the sum of six per centum, and the residue thereof he shall pay to the treasurer of Ontario in such manner as the said treasurer shall from time to time direct.
- Duties and remuneration.**
- Licenses how issued.** 5. Every license shall be issued by the issuer of licenses for the county, city, riding or municipality in which the tavern, shop, house or place to which the license is to apply shall be situate, except in the case of licenses for vessels, which may be issued by any issuer of licenses without any certificate or any of the terms, conditions or formalities required in other cases: Provided always, that all licenses shall be constantly and conspicuously exposed in the shops, or in the bar room of taverns, inns, ale houses, beer houses, or other places of public entertainment, and in the bar saloon or bar cabin of vessels, under a penalty of five dollars for every day's wilful or negligent omission so to do, to be recovered with costs from the shop-keeper or tavern, inn, ale house or beer house keeper, or keeper of any other place of public entertainment, or master, captain, or owner of the vessel so making default.
- Vessels' licenses.**
- Proviso.**
- Penalty.**
- Council and police commissioners may make by-laws,** 6. The council of every township, town and incorporated village, and the commissioners of police in cities, may respectively pass by-laws:—
- for granting tavern and shop license certificates, 33 V., c. 28, s. 2.** (1.) For granting certificates to obtain tavern licenses for the retail of spirituous, fermented or other manufactured liquors, to be drunk in the tavern, inn, ale house, beer house or other place of public entertainment in which the same is sold, and also licenses for the sale of such liquors in quantities not less than one quart in shops, or places other than taverns, inns, ale houses, beer houses or places of public entertainment;
- Terms and conditions.** (2.) For declaring the terms and conditions required to be complied with by an applicant for a tavern license, and the security to be given by him for observing the same;
- Security.** (3.) For declaring the security to be given by an applicant for a shop license, for observing the by-laws of the municipality;
- Number limited.** (4.) For limiting the number of tavern and shop licenses respectively;

(5.)

(5.) For declaring that in cities a number not exceeding ten persons, and in towns a number not exceeding four persons, qualified to have a tavern license, may be exempted from the necessity of having all the tavern accommodation required by law ;

Certain persons exempted from having accommodations.

(6.) For regulating the houses or places to be licensed ; the time the licenses are to be in force, not exceeding one year, dating from the first day of March in each year ; and the sums to be paid therefor respectively ;

Regulation of public houses.

(7.) For prohibiting the sale by retail of spirituous, fermented or other manufactured liquors in any tavern, inn or other house or place of public entertainment ; and for prohibiting altogether the sale thereof in shops and places other than houses of public entertainment : Provided that the by-law before the final passing thereof has been duly approved of by the electors of the municipality in the manner provided by the Acts twenty-nine and thirty Victoria, chapter fifty-one ;

Sale of liquors in taverns or shops may be prohibited.

(8.) For appointing annually one or more fit and proper persons, possessing the same property qualifications as that required for members of the council of the municipality, to be inspector or inspectors of licenses ;

Inspectors may be appointed,

(9.) For fixing and defining the duties, powers and privileges of the inspector or inspectors so appointed ; the remuneration he or they shall receive ; and the security to be given for the efficient discharge of the duties of the office of inspector.

and their duties and remuneration defined.

7. Every tavern and inn authorized to be kept under the provisions of this Act shall contain, and during the continuance of the licenses shall continue to contain, in addition to what may be needed for the use of the family of the tavern or inn-keeper, not less than four bed-rooms, with a suitable complement of bedding and furniture, and (except in cities and incorporated towns) there shall also be attached to the said tavern or inn, proper stabling for at least six horses.

Accommodation required, 33 V. c. 28, s. 3

8. The clerk of every municipality and the police commissioners in every city shall, where the number is fixed by by-law, on or before the fifteenth day of February in each year, deliver to the issuer of licenses for the county, city, riding or municipality in which such municipality is situate, a certificate under his or their hand, stating and shewing the number of tavern and shop licenses which are authorized by the by-law in that behalf to be issued for the then next ensuing year, and any such clerk or police commissioners neglecting, omitting

Certificate of number of licenses issuable to be furnished to issuer.

or

Penalty. or refusing to deliver such certificate by the time aforesaid, shall incur a penalty of not less than forty dollars, nor more than one hundred dollars.

Issuer not to issue a greater number. **9.** The issuer of licenses for each county, city, riding or municipality, as the case may be, shall not issue a greater number of tavern and shop licenses in any county, city, riding or municipality, than is named in such certificate or certificates, as the case may be.

Sum to be paid in addition to Provincial duty. **10.** The sum to be paid for a tavern or shop license, in addition to the Provincial duty hereinbefore imposed, shall be such a sum as shall be fixed by by-law as aforesaid, and, including the Provincial duty, shall be in cities, not less than eighty dollars; in towns, not less than sixty dollars; and in townships and incorporated villages, not less than thirty dollars for each tavern license; and in all the places aforesaid, not less than fifty dollars for each shop license: Provided always, that for each tavern license mentioned in section six, subsection five, the said sum in cities shall not be less than one hundred and twenty dollars, and in towns not less than one hundred dollars; but no by-law by which a greater sum than one hundred and thirty dollars per annum is intended to be exacted for any tavern or shop license, or for leave to exercise any other calling, or to do any other thing for which a license may be required, shall have any force or effect, unless the by-law, before the final passing thereof, shall have been duly approved by the electors of the municipality in the manner provided by the Act twenty-nine and thirty Victoria, chapter fifty-one; and any by-law so passed shall not be varied or repealed, unless the varying or repealing by-law shall have been in like manner submitted to and approved of, by the electors of the said municipality.

Proviso.

Such sums to be approved by public vote, etc.

Licenses to be such for purposes of Provincial duty, etc. **11.** Every tavern and shop license issued under this Act shall be a license for the purpose of the Provincial duty, as well as for the sum to be fixed therefor by by-law as aforesaid; and the sum paid for the license, over and above the Provincial duty, shall be applied to the use of the municipality within which is situate the tavern, inn, ale house, beer house, shop or other place in which such license is to have effect.

No certificate to be granted except upon petition.

33 V., c. 23, s. 4.

12. No certificate for a license to sell spirituous, fermented or other manufactured liquors by wholesale or retail in any tavern, ale house, beer house, place of public entertainment or shop, shall be granted to any applicant, except upon petition by the applicant to the council of the township, town, or incorporated village, and to the commissioners of police in cities, as the case may be, in which the license is to have effect, praying for the

same;

same; nor until the inspector, to be appointed as aforesaid, shall have reported that the applicant is a fit and proper person to have a license, and has all the accommodation required by law: Provided always, that it shall not be lawful for the council of any township, town, incorporated village, or the commissioners of police in any city, to grant any certificate for a license, or any certificate whatsoever, whereby any person can obtain or procure any license for the sale of spirituous, fermented or intoxicating liquors, on the days of the exhibition of the Agricultural Association of Ontario, or of any county, electoral division, or township Agricultural Society exhibition, either on the grounds of such society, or within the distance of three hundred yards from such grounds.

And not to be granted at certain times and places.

13. Any member of a municipal corporation, or officer or other person who shall, contrary to the provisions of this Act, vote for or issue, or cause or procure to be issued, a certificate for a tavern or shop license, shall, upon conviction thereof, for each offence pay a fine of not less than forty dollars nor more than one hundred dollars; or the offender or offenders may be imprisoned in the county jail of the county in which the conviction takes place for a period not exceeding three calendar months.

Penalty for issuing certificate contrary to this Act.

14. It shall be the duty of the commissioners of police in cities, of the mayor and clerk in towns, and reeve and clerk in townships and incorporated villages, respectively, upon application of any person requiring a license or transfer thereof, if it shall appear that such applicant has complied with the requirements of the law, and of the by-laws and regulations of the municipality made in that behalf, and is therefore entitled thereto, to grant such applicant a certificate under his or their hand, stating that he is entitled to a license for a certain time, and for a certain tavern, inn, house or place of public entertainment, or shop within the municipality to be mentioned in such certificate; and the said applicant shall forthwith take the said certificate to the issuer of licenses for the municipality within which the said license is to have effect, and, on presentation thereof to the said Issuer of licenses, and payment to him of the Provincial duty thereon, the said issuer of licenses shall issue to such applicant a license: Provided always, that the said license shall be invalid, inoperative and of no effect until the said applicant shall have paid to the chamberlain or treasurer of the said municipality the sum fixed therefor by the said municipality in manner in this Act provided, for the use of the said municipality, and shall have obtained a receipt for such payment signed by the said chamberlain or treasurer, and endorsed on the said license; and it shall be the duty of the said chamberlain

Cases in which certificates to be granted.

33 V., c. 28, s. 5.

Mode of procedure for obtaining tavern licenses.

Proviso.

chamberlain or treasurer, on payment or tender to him of the money last aforesaid and the said license, to fill up and sign such receipt.

Not lawful for chamberlain or treasurer to take money for certificate, until Provincial duty paid.

15. It shall not be lawful for the commissioners of police in cities, or any of them, nor for any member of any municipal council, nor for the clerk, chamberlain, treasurer or any officer of such municipality, either directly or indirectly, to receive, take or have any money whatsoever, for any certificate, matter or thing connected with, or relating to any license, or the sum to be therefor paid to the said municipality, or any part thereof, or to receive, take or have any note, security or promise for the payment of any such money or any part thereof, from any person or persons whatsoever, until and after the said license shall have been issued by the Issuer of licenses, in the manner aforesaid; and any person or persons guilty of or concerned in, or a party to any act, matter or thing contrary to the provisions of this section, or that immediately preceding it, shall forfeit and pay to and for the use of Her Majesty a penalty not less than fifty dollars, nor more than one hundred dollars, besides costs, for every such offence.

Penalty.

Forfeiture of office by municipal officer, if convicted under Act.

16. If any officer of any municipal corporation shall be convicted of any offence under this Act, he shall thereby forfeit and vacate his office, and he shall be disqualified to hold any office in any municipality in this Province for two years thereafter.

Forfeiture of office by municipal councillor, if convicted under penalty.

17. If any member of any municipal council shall be convicted of any offence under this Act, he shall thereby forfeit and vacate his seat, and shall be ineligible to be elected to or to sit or vote in any municipal council for two years thereafter; and if any such person, after the forfeiture aforesaid, shall sit or vote in any municipal council, he shall incur a penalty of forty dollars for every day he shall so sit or vote.

Transfers of licenses.

18. If any person, having lawfully obtained a license under this Act, dies before the expiration of his license, or removes from the house or place in respect of which the said license applies, such person, his assigns or legal representatives may, with the consent of the Issuer of licenses for the municipality in which the said license has effect, (such consent to be endorsed on the said license, and for which a fee of two dollars shall be paid to the said Issuer of licenses), transfer such license to any other person who, under such transfer, may exercise the rights granted by such license, subject to all the duties and obligations of the original holder thereof, until the expiration thereof, in the house or place for which such license was issued and

to

to which it applies, but in no other house or place: Provided ^{33 V., c. 28,} always, that in every such case the person in whose favour any ^{s. 6.} such transfer is to be made, shall first produce to the said Issuer of licenses a certificate similar to that mentioned in the fourteenth section of this Act: Provided also, that such transfer shall be made within one month after the death or removal of the original holder of such license, and not afterwards.

19. Any Inspector of licenses may, in his discretion, but subject to any by-law of the municipality, or Commissioners of Police, endorse on any license permission to the holder thereof, or his assigns or legal representatives, to sell the liquors mentioned in his license at any place out of his house, or to remove from the house to which his said license applies to another house to be described in an endorsement, to be made by the said Inspector on the said license, and situate within the same municipality; and such permission shall authorize the holder of the said license to sell the same liquors in the house mentioned in the endorsement during the unexpired portion of the term for which the said license was granted, and upon the same terms and conditions; and any bond or security which such holder of a license may have given for any purpose relative to such license, shall apply to the house or place to which such removal is authorized, but shall not entitle him to sell at more than one place at the same time.

Inspector of licenses may consent to removal of tavern keeper to another house.

20. Every person who keeps a tavern, inn, ale house, beer house, or other house or place of public entertainment, and has a tavern license, shall exhibit over the door of such tavern, inn, ale house, beer house, or other place of public entertainment, in large letters, the words, "Licensed to sell wine, beer, and other spirituous or fermented liquors," and in default thereof shall be liable to a penalty of one dollar besides costs.

Tavern keepers to exhibit notice of being licensed.

21. No licensed shop keeper, or other person having a shop license, shall allow any liquors sold by him, or in his possession for sale, and for the sale of which a license is required, to be consumed within his shop, or within the building of which such shop is a part, either by the purchaser thereof, or by any other person not usually resident within such building, under a penalty of ten dollars besides costs.

Shop license not to authorize liquor sold to be consumed in the house. 33 V., c. 28, s. 7. Penalty.

22. Any person who shall sell or barter spirituous, fermented or manufactured liquors of any kind, or intoxicating liquors of any kind, without the license therefor by law required, shall, for the first offence, on conviction thereof, forfeit and pay a penalty of not less than twenty dollars besides costs, and not more than fifty dollars besides costs; and for the second offence,

Penalty for selling without license.

on conviction thereof, such person shall be imprisoned in the county gaol of the county in which the offence was committed, to be kept at hard labour for a period not exceeding three calendar months; and for the third and any after offence, on conviction thereof, such person shall be imprisoned in the county gaol of the county in which the offence or offences were committed, to be kept at hard labour for a period of six calendar months; and the number of convictions may be ascertained by the production of a certificate under the hand of the convicting Justice, or by other satisfactory evidence.

All places where intoxicating liquors sold to be closed from seven o'clock on Saturday night till six o'clock on Monday morning.

Exception.

Penalty for contravention of section 23.

23. In all places where by the laws of the Province of Ontario intoxicating liquors are, or may be allowed to be sold by wholesale or retail, no sale or other disposal of the said liquors shall take place therein, or on the premises thereof, or out of or from the same to any person or persons whomsoever from or after the hour of seven of the clock on Saturday night till the hour of six of the clock on Monday morning thereafter, and during any further time on the said days, and any hours on other days during which, by any by-law of the municipality wherein such place or places may be situated, the same, or the bar-room or bar-rooms thereof, ought to be kept closed, save and except in cases where a requisition for medicinal purposes, signed by a licensed medical practitioner, or by a Justice of the Peace, is produced by the vendee or his agent, nor shall any such liquor be permitted or allowed to be drunk in any such places, except as aforesaid, during the time prohibited by this Act for the sale of the same.

24. For punishment of offences against the next preceding section of this Act, a penalty, for the first offence against the provisions thereof, of not less than twenty dollars with costs, or fifteen days imprisonment with hard labour, in case of conviction, shall be recoverable from, and leviable against, the goods and chattels of the person or persons who are the proprietors in occupancy, or tenants or agents in occupancy of the said place or places, who shall be found by himself, herself, or themselves, or his, her or their servants or agents, to have contravened the enactment in the preceding section, or any part thereof; for the second offence, a penalty against all such of not less than forty dollars with costs, or twenty days imprisonment with hard labour; for a third offence, a penalty against all such of not less than one hundred dollars with costs, or fifty days imprisonment with hard labour; and for a fourth or any after offence, a penalty against all such of not less than three months imprisonment with hard labour, in the common jail of the county wherein such place or places may be, the number of such offences to be ascertained by the production of a certificate under the hand

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of the convicting Justice, or by other satisfactory evidence to the Justice before whom the information and complaint may be made; and it is hereby enacted, that convictions for several offences may be made under this Act, although such offences may have been committed in the same day: Provided always, that the increased penalties hereinbefore in this section imposed shall only be recoverable in the case of offences committed on different days.

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25. All prosecutions under this Act for the offences of vend- ing, selling or disposing of wine, whiskey, gin, rum, brandy, beer, ale, cider, or any spirituous, fermented or manufactured liquors without license, whether the prosecution be for the re- covery of a penalty or for punishment by imprisonment, shall take place before any two or more of Her Majesty's Justices of the Peace having jurisdiction in the municipality in which the offence is committed, or in cities and towns where there is a Police Magistrate, before the Police Magistrate, who it is hereby declared shall have authority to hear and determine the same in a summary manner according to the practice and procedure, and after forms contained in and appended to the Act chapter one hundred and three of the Consolidated Statutes of Canada, entitled *An Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders*, and the Act or Acts amending the same; and on such trial and proceedings the prosecutor or complainant shall be a competent witness, and the conviction or order of the said two or more Justices, or of the said Police Magistrate, as the case may be, shall be final and conclusive; and against such conviction or order, there shall be no appeal to the Court of General Sessions of the Peace, or to any other Court, any statute, usage, custom, or law to the contrary notwithstanding; and all prosecutions under this section shall be commenced within twenty days after the commission of the offence or after the cause of action arose, and not afterwards.

Prosecutions for selling without license to be before two or more Justices or Police Magistrate.

Mode of procedure.

Conviction to be final.

Prosecutions to be commenced within twenty days.

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26. All prosecutions under this Act, other than those men- tioned in the next preceding section and section thirty-five, whether for the recovery of a penalty or otherwise, may be brought and heard before any one or more of Her Majesty's Jus- tices of the Peace in and for the county where the forfeiture took place, or the penalty was incurred, or the offence was com- mitted or wrong done, and in cities and towns in which there is a Police Magistrate, before the Police Magistrate; and the pro- cedure shall be that of Justices out of Sessions in relation to summary convictions and orders; and all prosecutions provided for under this section shall be commenced within two months after

All other pro- secutions may be before one or more Jus- tices, or a Police Magis- trate.

Mode of pro- cedure.

Prosecutions to be com-

menced within after the commission of the offence or the cause of action arose, two months. and not afterwards.

Any person may be prosecutor, etc.

27. Any person may be the prosecutor or complainant in prosecutions under this Act; and no person shall be rendered incompetent as a witness by reason of his being entitled to any portion of the penalty sought to be recovered.

Provision as to harbouring constables on duty.

28. Any person licensed to sell wine, beer or spirituous liquors, or any keeper of any house, shop, room, or other place for the sale of liquors, who shall knowingly harbour or entertain any constable belonging to any police force, or suffer such person to abide or remain in his shop, room or other place during any part of the time appointed for his being on duty, unless for the purpose of quelling any disturbance, or restoring order, or otherwise in the execution of his duty, shall, for any of the offences aforesaid, be deprived of his license.

Right of constables to enter taverns, etc.

33 Vic., c. 28, s. 8.

29. Any police officer or constable, or inspector of licenses may, at any time, enter into any tavern, inn, ale house, beer house, or other house or place of public entertainment, or into any shop or other place wherein refreshments or liquors are sold, or reputed to be sold, whether legally or illegally; and any person being therein, or having charge thereof, who refuses, or after due summons, fails to admit such police officer or constable into the same, or offers any obstruction to his admission thereto, shall be liable to a penalty of not less than ten dollars, nor more than fifty dollars for every such offence.

Penalty.

Penalty for tampering with a witness.

30. Any person who, on any prosecution under this Act, tampers with a witness, either before or after he or she is summoned or appears as such witness on any trial or proceeding under this Act, or by the offer of money, or by threats, or in any other way, either directly or indirectly, induces or attempts to induce any such person to absent himself or herself, or to swear falsely, shall be liable to a penalty of fifty dollars for each offence.

Penalty in money in certain cases, how to be paid.

31. Except otherwise expressly declared, the penalties in money in this Act mentioned, or any portion of them which may be recovered, shall be paid to the convicting Justice or Justices in the case, and by him or them paid equally, one-half to the prosecutor or complainant, and the other to the Treasurer of the municipality wherein the offence was committed and the cause of action arose; and for the recovery of the said penalties and legal costs upon and after conviction, in cases not appealable, and in cases appealable where no appeal has been perfected according to law, it shall and may be lawful for any Justice

tice or Justices to issue a warrant of distress to any constable or peace officer against the goods and chattels of the person or persons convicted; and in case no sufficient distress be found to satisfy the said conviction, then it shall and may be lawful for the said Justice or Justices to order that the person or persons so convicted be imprisoned in any common gaol within the county in which such conviction was made for any period not exceeding thirty days, unless the penalty and all costs be sooner paid.

Penalties and costs, how recoverable.

32. Any person who, having violated any of the provisions of this Act, shall compromise, compound or settle, or shall offer or attempt to compromise, compound or settle the offence with any person or persons, with the view of preventing any complaint being made in respect thereof, or if a complaint shall have been made with the view of getting rid of such complaint, or of stopping or having the same dismissed for want of prosecution, or otherwise shall be guilty of an offence under this Act, and on conviction thereof, shall be imprisoned at hard labour in the common gaol of the county in which the offence was committed for the period of three calendar months.

Penalty in case any person shall compromise, compound or settle a case.

33. Every person who shall be concerned in, or be a party to the compromise, composition or settlement mentioned in the next preceding section, shall be guilty of an offence under this Act, and on conviction thereof shall be imprisoned in the common gaol of the county in which the offence was committed, for the period of three calendar months.

Penalty for being concerned in any such compromise, etc.

34. In case any by-law respecting tavern or shop licenses is repealed, altered or amended, no person shall be required to take out a new license, or to pay any additional sum upon his license during the time for which the same has been granted to him.

Licenses when not required to be renewed.

35. The Mayor or Police Magistrate of a town or city, or the Reeve of a township or village, with any one Justice of the Peace, or any two Justices of the Peace having jurisdiction in the township or village, upon complaint made on oath to them, or one of them respectively, of riotous or disorderly conduct in any inn, tavern, ale house, beer house, or other house of public entertainment situate within their jurisdiction, may summon the keeper of the inn, tavern, ale or beer house to answer the complaint, and may investigate the same summarily, and either dismiss the complaint with costs to be paid by the complainant, or convict the keeper of having a riotous or disorderly house, and annul his license, or suspend the same for not more than sixty days, with or without costs,

Keepers of disorderly inns subject to certain penalties.

as in his or their discretion may seem just; and in case the keeper of any such inn, tavern, ale house, beer house or place of public entertainment, shall be convicted under this section, and his license annulled, he shall not be eligible to obtain a license for the period of two years thereafter.

Penalties or punishments not to be remitted.

Proviso.

36. No Police Magistrate or Justice or Justices of the Peace, municipal council or municipal officer, shall have any power or authority to remit or compromise any penalty or punishment inflicted under this Act: Provided, however, that any conviction under this Act, except convictions under sections twenty-five and thirty-five, may be appealed from to the Court of General Sessions of the Peace, under the provisions of chapter one hundred and fourteen of the Consolidated Statutes of Upper Canada; but every such appeal shall be tried by the chairman of the said court, without a jury.

Meaning of words "liquors" and "liquor."

37. In this Act, the word "liquors" or "liquor" shall be understood to mean and comprehend all spirituous and malt liquors, and all combinations of liquors and drinks and drinkable liquids which are intoxicating.

By-laws by police commissioners in cities may have penalties attached thereto, etc.

38. In all cases where the Board of Police Commissioners in cities are authorized to make by-laws, either under this or any other Act or law, they shall have power in and by such by-laws to attach penalties for the infraction thereof, to be recovered and enforced by summary proceedings before the Police Magistrate of such city for which the same may be passed, or in his absence, before any Justice of the Peace having jurisdiction therein, in the manner and to the extent that by-laws of city councils might be enforced under the authority of the Municipal Act of one thousand eight hundred and sixty-six; and the convictions in such proceedings may be in the form set forth in the said Act.

How such by-laws authenticated, etc.

39. All by-laws of such Board of Police Commissioners shall be sufficiently authenticated by being signed by the chairman of such Board, who shall pass the same; and a copy of any such by-law written or printed and certified to be a true copy by any member of such Board, shall be deemed authentic, and be received in evidence in any Court of justice without proof of any such signature, unless it is specially pleaded or alleged that the signature to any such original by-law has been forged.

Certain Acts and sections of Acts hereby repealed, but pending proceedings not

40. Sections from two hundred and forty-nine to two hundred and sixty-three, both inclusive, and sections two hundred and sixty-five, two hundred and sixty-six and two hundred and sixty-seven of the Act of the last session of the Parliament of the

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the late Province of Canada, entitled *An Act respecting the Municipal Institutions of Upper Canada*, and also the Act of the Legislature of this Province, passed in the first session of the present Legislature, thirty-one Victoria, chapter five, and all other Acts or parts of Acts which may be inconsistent with this Act are, and each and every of them is hereby repealed: Proviso. Provided always, that all things and all proceedings done, taken or commenced, shall not be affected by the repeal of the said last mentioned Act, or of the said sections of the said first mentioned Act, or of any other Acts, but the same and every of them shall be, remain and continue the same as though this Act had not passed.

41. This Act may be cited as "The Tavern and Shop License Title Act of 1868."

AN ACT

To amend sub-sections two and three of section nine of the Act passed in the thirty-second year of Her Majesty Queen Victoria, chaptered six, entitled "The Law Reform Act of 1868," and to repeal section two of chapter one hundred and twenty-one of the Consolidated Statutes for Upper Canada.

[Assented to 24th December, 1869.]

WHEREAS it is desirable to amend sub-sections two and three of section nine of the Act passed in the thirty-second year of Her Majesty Queen Victoria, chaptered six, entitled "The Law Reform Act of 1868," and to repeal section two of Chapter one hundred and twenty-one of the Consolidated Statutes for Upper Canada entitled "An Act respecting the expenditure of County Funds for certain purposes within Upper Canada": Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That from and after the passing of this Act, the word "Magistrates" in the eighth line of sub-section two of section nine of the first recited Act shall be struck out, and the words "Board of Audit hereinafter mentioned" substituted instead thereof. 32 Vic., ch. 6, s. 9, sub-s. 2, amended.

2. That sub-section three of section nine of the first recited Act

s. 9, sub-s. 3, repealed. Act shall be repealed from and after the passing of this Act, and the following substituted in lieu thereof:—

County accounts, how and when audited.

“Such of the said accounts and demands as shall be delivered on the first day of the sittings of the said Courts of General Sessions of the Peace, or of Oyer and Terminer and General Gaol Delivery, shall be audited by a Board of Audit, composed of the Chairman of the Court of General Sessions of the Peace, and two other persons, who shall be appointed annually for that purpose by the County Council of such county or union of counties at their first meeting in each year, not more than one of such persons, being a member, for the time being of such County Council: and such accounts and demands shall be taken into consideration in the week next succeeding the week in which such sittings ended, and disposed of as soon as practicable.”

Fees to auditors.

3. That it shall and may be lawful for the County Council of any county or union of counties to pay the persons appointed by them to serve on the Board of Audit constituted by this Act, any sum not exceeding two dollars each for their attendance at such audit.

Con. Stat. U. C. ch. 121, s. 2, repealed.

4. That from and after the passing of this Act section two of Chapter one hundred and twenty-one of the Consolidated Statutes of Upper Canada (now Ontario), entitled “An Act respecting the expenditure of County Funds for certain purposes in Upper Canada” be and the same is hereby repealed.

AN ACT

To amend section seventy-eight of Chapter thirty-one of the Consolidated Statutes of Upper Canada.

[Assented to 24th December, 1869.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows;—

Con. Stat. ch. 31, s. 78 amended.

Amount to be paid Justices of the Peace for each panel.

1. That the following words shall be added to the above quoted seventy-eight section, and shall be read as a part of it “and for which services the said Justices shall each receive the sum of one dollar for each of such panels drafted, which sums shall be paid by the treasurer, on the receipt of the Sheriff’s certificate that such service has been performed.”

AN ACT

To regulate travelling on Public Highways.

HER MAJESTY, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

WHEELED CARRIAGES OR SLEIGHS MEETING.

1. In case any person travelling or being upon any highway in charge of a vehicle drawn by one or more horses, or one or more other animals, meets another vehicle drawn as aforesaid, he shall turn out to the right from the centre of the road, allowing to the vehicle so met, one half of the road. 18 V. c. 138, s. 2.

Carriages meeting to drive to the right giving half the road.

2. In case any person travelling or being upon any Highway in charge of a vehicle as aforesaid, or on horseback, be overtaken by any vehicle or horseman travelling at greater speed, the person so overtaken shall quietly turn out to the right, and allow the said vehicle or horseman to pass. 18 V. c. 138, s. 3.

Carriage overtaken to turn to the right.

3. In the case of one vehicle being met or overtaken by another, if by reason of the extreme weight of the load on either of the vehicles so meeting, or on the vehicle so overtaken, the driver finds it impracticable to turn out as aforesaid, he shall immediately stop, and if necessary for the safety of the other vehicle and if required so to do, he shall assist the person in charge thereof to pass without damage.

If the weight of one of them prevents this.

PENALTY IF DRIVER INTOXICATED.

4. In case any person in charge of a vehicle, or of a horse or other animal used as the means of conveyance travelling or being on any Highway as aforesaid, be through drunkenness unable to drive or ride the same with safety to other persons travelling on or being upon the highway, he shall incur the penalties imposed by this Act. 18 V. c. 138, s. 4.

Penalty on drivers, &c., too drunk to manage their horses.

RACING PROHIBITED.

5. No person shall race with or drive furiously any horse or other animal, or shout or use any blasphemous or indecent language upon any highway. 18 V. c. 138, s. 5.

Racing on highways, forbidden.

6.

Swearing on highways, forbidden. **6.** In case any person so races or drives, or shouts or uses blasphemous or indecent language, he shall incur the penalties imposed by this Act. 18 V. c. 138, s. 5.

SLEIGH BELLS.

Sleigh horses to have bells. **7.** Every person travelling upon any highway with a sleigh, sled or cariole, drawn by horse or mule, shall have at least two bells attached to the harness. 18 V. c. 138, s. 7.

BRIDGES.

Notice to be posted at the bridges to which this Act applies. **8.** Every person who has the superintendence and management of any bridge exceeding thirty feet in length, shall cause to be put up at each end thereof, conspicuously placed, a notice legibly printed in the following form :

“Any person or persons riding or driving on or over this Bridge at a faster rate than a walk, will, on conviction thereof, be subject to a fine, as provided by law.” 8 V. c. 44, s. 3.

Penalty on persons defacing such notice. **9.** In case any person injures, or in any way interferes with such notice, he shall incur a fine of not less than one nor more than eight dollars, to be recovered in the same manner as other penalties imposed by this Act. 8 V. c. 44, s. 4.

Fast driving over bridges, forbidden. **10.** If, while such notice continues up, any person rides or drives a horse or other beast of burden, over such bridge at a pace faster than a walk, he shall incur the penalties imposed by this Act. 18 V. c. 138, s. 6.

PENALTIES.

Penalty for contravening this Act. **11.** In cases not otherwise specially provided for, if any person contravenes this Act, and such contravention be duly proved by the oath of one credible witness, before any Justice of the Peace having jurisdiction within the locality where the offence has been committed, the offender shall incur a penalty of not less than one dollar nor more than twenty dollars, in the discretion of such Justice, with costs.

To be enforced by distress. **12.** If not paid forthwith, the penalty and costs shall be levied by distress and sale of the goods and chattels of the offender, under a warrant signed and sealed by the convicting Justice, and the overplus, if any, after deducting the penalty, and costs and charges of sale, shall be returned, on demand, to the owner of such goods and chattels.

13. In default of payment or distress, the offender shall, by warrant signed and sealed as aforesaid, be imprisoned in the common gaol for a period of not less than one day, nor more than twenty days, at the discretion of the Justice, unless such fine, costs and charges be sooner paid. Or, by imprisonment.

14. No such fine or imprisonment shall be a bar to the recovery of damages by the injured party before any Court of competent jurisdiction. 18 V. c. 138, s. 8. Not to bar action of damages.

15. Every fine collected under this Act shall be paid to the Chamberlain or Treasurer of the Local Municipality or Place in which the offence was committed, and shall be applied to the general purposes thereof. 18 V. c. 138, s. 9. Application of penalties.

16. Any conviction under this Act may be appealed in the manner provided in the Act respecting appeals in cases of summary convictions. 18 V. c. 138, s. 10. Appeal.

AN ACT

Respecting Line Fences and Water-courses.

HER MAJESTY, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Each of the parties occupying adjoining tracts of land shall make, keep up and repair a just proportion of the Division or Line Fence on the line dividing such tracts, and equally on either side thereof. 8 V. c. 20, s. 2. Each party to make and repair a portion of the division fence.

2. Any Fence coming within the meaning of a lawful fence in any By-law of the Municipal Council in that behalf, is to be considered a lawful Fence, and when no such By-law exists, any Fence-Viewers, when called upon, are to exercise their own judgment, and decide what they consider to be a lawful fence. 8 V. c. 20, s. 3. What constitutes a lawful fence.

3. The owner of the whole or part of a Division or Line Fence which forms part of the Fence inclosing the occupied or improved land of another person, shall not take down or remove any part of such Fence: 8 V. c. 20, s. 9. Division fences not to be removed without notice.

1. Without giving at least twelve months previous notice of 12 months previous. his

his intention to the owner or occupier of such adjacent enclosure; 8 V. c. 20, s. 9.

Nor unless the adjoining occupant refuses to pay therefor. 2. Nor unless such last mentioned owner or occupier, after demand made upon him in writing by the owner of such Fence, refuses to pay therefor a sum to be determined, as provided in the next subsection; 8 V. c. 20, s. 9.

Nor if he pays what three fence-viewers award. 3. Nor, if such owner or occupier will pay to the owner of such Fence, or of any part thereof, such sum as three Fence-Viewers, or a majority of them in writing, determine to be the reasonable value thereof. 8 V. c. 20, ss. 8, 9.

When vacant land is inclosed the owner to pay a share of any adjoining division fence. 4. When any land which has laid uninclosed or in common, is afterwards inclosed or improved, the occupier shall pay to the owner of the Division or Line Fence standing upon the divisional line between such land and the enclosure of any other occupant or proprietor, a just proportion of the value thereof. 8 V. c. 20, s. 8.

Water-fences to be made in equal proportions. 5. When a Water-Fence or a Fence running into the water is necessary, the same is also to be made in equal parts, unless the parties otherwise agree. 8 V. c. 20, s. 10.

When lands are divided by a river or creek. 6. When lands belonging to or occupied by different persons, are divided from each other by any river, brook, pond or creek, which of itself is not a sufficient barrier, and it is impracticable to fence upon the true boundary line, the Fence shall be set up on one side of the river, brook, pond or creek, or partly on one side and partly on the other, as may be just. 8 V. c. 20, s. 11.

When ditches or water-courses may be opened. 7. When it is the joint interest of parties resident, to open a ditch or water-course for the purpose of letting off surplus water from swamps or low miry lands, in order to enable the owners or occupiers thereof to cultivate or improve the same, such several parties shall open a just and fair proportion of such ditch or water-course according to their several interests. 8 V. c. 20, s. 12.—See 22 V. c. 99, s. 271.

Three fence-viewers to decide all disputes. 8. Three Fence-Viewers of the Municipality, or a majority of them, may decide all disputes between the owners or occupants of adjoining lands, or lands so divided or alleged to be divided as aforesaid, in regard to their respective rights and liabilities under this Act, and also all disputes respecting the opening, making or paying for ditches and water-courses under this Act. 8 V. c. 20, ss. 2, 11.

9. Every determination or award of Fence-Viewers shall be in writing signed by such of them as concur therein, and they shall transmit the same (or a certified copy thereof) to the Clerk of the Municipality, and shall also deliver a copy to every party requiring the same, and such determination or award shall be binding on the parties thereto. 8 V. c. 20, s. 2.

Award to be in writing and copy delivered.

10. When the dispute is as to the commencement or extent of the part of the Fence to be made or repaired by either party, or as to the opening of a Ditch or Water-Course, or as to the part, width, depth, or extent that any person should open or make, either party may by writing notify the Fence-Viewers of the dispute, and name in the notice for the investigation thereof, the time and place of meeting, and shall also notify the other party to appear at the same time and place. 8 V. c. 20, ss. 2, 12.—See 18 V. c. 137.

What the fence-viewers are to determine.

11. On receiving such notice, the Fence-Viewers shall attend at the time and place named, and after being satisfied that the other party has been also duly notified, they shall examine the premises, and hear the parties and their witnesses if demanded, and according to the subject matter of the reference, shall decide the commencement or extent of the part of the fence which either party claims to have made or repaired, or refuses to make or repair; or shall divide or apportion the Ditch or Water-Course among the several parties, having due regard to the interests of each in the opening thereof, and shall fully determine the matters in dispute. 8 V. c. 20, s. 2.

The fence-viewers upon receiving notice, are to attend, investigate and decide or apportion, &c.

12. On any reference regarding the opening or making of a Ditch or Water-Course, the Fence-Viewers shall decide what length of time each of the parties shall have to open the share of the Ditch or Water-Course, which the Fence-Viewers decide each such party shall open, and if it appears to the Fence-Viewers that the owner or occupier of any tract of land is not sufficiently interested in the opening of the Ditch or Water-Course to make him liable to perform any part thereof, and at the same time that it is necessary for the other party that such Ditch should be continued across such tract, they may award the same to be done at the expense of such other party; and after such award, the last mentioned party may open the Ditch or Water-Course across the tract, at his own expense, without being a trespasser. 8 V. c. 20, ss. 12, 13.

To decide what length of time shall be allowed to open ditches, &c.

13. When by reason of any material change of circumstances in respect to the improvement and occupation of adjacent lots or parcels of land, an award previously made under this Act ceases, in the opinion of either of the parties, to be equitable between

When an award of fence-viewers may be reviewed.

between them, such party may obtain another award of Fence-Viewers by a like mode of proceeding; and if the Fence-Viewers called upon to make a subsequent award find no reason for making an alteration, the whole cost of the reference shall be borne by the party at whose instance it has been made. 8 V. c. 20, s. 12.

If a party refuses to perform his share of a ditch or water-course, the other party may do it for him, but at the expense of the person in default.

14. If any party neglects or refuses upon demand made in writing as aforesaid, to open or make and keep open, his share or proportion of the Ditch or Water-Course allotted or awarded to him by the Fence-Viewers within the time allowed by them, any of the other parties may, after first completing his own share or proportion, open the share or proportion allotted to the party in default, and shall be entitled to recover not exceeding forty cents per rod for the same from the party so in default. 8 V. c. 20, s. 14.

If a party does not perform his share of the division fence, the other party may do it, but at the expense of the party in default.

15. If after an award of Fence-Viewers, or after being required by a demand in writing by the party occupying the adjoining tract, or a tract separated therefrom by a River, Pond or Creek, a party in the occupation of any tract of land neglects or refuses for a period of thirty days, to make or repair (as the case may be) his proportion of the Division or Line Fence between his tract and such adjoining or separated tract, or if the party making the demand neglects or refuses for the like period to make or repair his own proportion of the Fence, either party, after first completing his own proportion, may make or repair, in a substantial manner and of good sound materials, the whole or any part of the Fence, which ought to have been made or repaired by the other party, and may recover from him the value thereof. 8 V. c. 20, s. 3.

How the amount shall be ascertained.

16. To ascertain the amount payable by any person who, under the authority of this Act, makes or repairs a Fence, or makes, opens, or keeps open any ditch or water-course which another person should have done, and to enforce the payment of such amount, the following proceedings shall be taken: 8 V. c. 20, s. 4.

A Justice of the Peace to summon three fence-viewers.

1. Any of the persons interested may apply to a Justice of the Peace residing within the Municipality or Township in which any such Fence is situated, and if there be no such Justice residing therein, then to any Justice of the Peace residing in any adjacent Municipality or Township, and thereupon such Justice shall issue a summons under his hand and seal, directed, by name, to three Fence-Viewers of the Municipality in which the Fence is situated, requiring them to attend at the place and on the day and hour therein mentioned, to view such Fence and to appraise the same; 8 V. c. 20, s. 4.

2. The Justice shall at the same time issue a summons to the party so having neglected or refused to make or repair his proportion thereof (who shall thenceforth be considered the Defendant in the case), requiring him to appear at the same time and place, to shew cause why the party claiming payment (who shall thenceforth be considered the plaintiff in the case) should not recover the same; 8 V. c. 20, s. 4.

And the party alleged to be in default.

3. The Fence-Viewers shall be personally served with the summons at least four days before the day named for their attendance; 8 V. c. 20, s. 5.

Fence-viewers to receive four days' notice.

4. If either party desires to procure the attendance of any person to give evidence before the Fence-Viewers, the Justice shall, upon the application of such party, issue a summons to such witness or witnesses to attend before the Fence-Viewers at the time and place mentioned in the summons to the Fence-Viewers; 8 V. c. 20, s. 6.

Witnesses may be summoned.

5. The Fence-Viewers when met at the time and place appointed shall, whenever desired by either party, or whenever they themselves think it proper, may administer an oath to any witness, which oath is to be in the following form: 8 V. c. 20, s. 6.

The fence-viewers may swear witnesses.

“You do solemnly swear that you will true answer make to such questions as may be asked of you by either of the Fence-Viewers now present, touching the matters which they are now to examine and determine. So help you God.”

Oath.

6. The Fence-Viewers, or any two of them being present, shall after having duly examined the Fence and received evidence, determine whether the Plaintiff is entitled to recover any and what sum from the Defendant; 8 V. c. 20, s. 5.

A majority of the fence-viewers may decide.

7. In case the commencement or extent of the part of the Division or Line Fence which each should make or repair had not been previously determined by the award of Fence-Viewers, the Fence-Viewers named in the summons, or any two of them, shall determine the same, and if they determine that the Plaintiff is entitled to recover from the Defendant, they shall also state what distance of Fence the Defendant should have made or repaired; 8 V. c. 20, s. 5.

What to be decided if there has been no previous award.

8. The Fence-Viewers, if required by either party, before they report, shall give to such party a copy of their determination; 8 V. c. 20, s. 5.

Fence-viewers to deliver copy of award, if required.

9.

To deliver
their award to
the Justice of
the Peace.

9. The Fence-Viewers shall report their determination in writing under their hands to the Justice who issued the Summons, and such determination shall be final; 8 V. c. 20, s. 5.

Who shall send
the same to the
Clerk of the
Division
Court.

10. The Justice to whom the determination of the Fence-Viewers is returned, shall transmit the same to the Clerk of the Division Court having jurisdiction over that part of the Municipality, and shall certify and transmit a copy thereof to the Clerk of the Municipality, to be entered in the book in which the Municipal proceedings are recorded; 8 V. c. 20, s. 7.

Who after
forty days may
issue execution
thereon.

11. After the expiration of forty days, from the time of the determination, the Clerk of the Division Court shall issue an execution against the goods and chattels of the Defendant in the same manner as if the party in whose favour the determination has been made had recovered judgment in the Division Court for the sum which the Fence-Viewers have determined him to be entitled to receive with costs. 8 V. c. 20, s. 7.

Fees.

17. The following fees, and no more, may be received under this Act, by the persons mentioned, that is to say:

To the Justice of the Peace :

For summons to Fence-Viewers, twenty-five cents ;

For Subpcena, which may contain three names, twenty-five cents ;

For transmitting copy of Fence-Viewers' determination to Division Court and to Clerk of the Municipality, twenty-five cents.

To the Fence-Viewers.

One dollar per day each : if less than half a day employed, fifty cents.

To the Bailiff or Constable employed :

For serving Summons or Subpcena, twenty cents.

Mileage—per mile six and two-thirds cents.

To Witness—per day, each, fifty cents.—8 V. c. 20, s. 16.

Disburse-
ments.

18. Upon the party in whose favour the determination of the Fence-Viewers has been made, making an affidavit, which the Clerk of the Division Court may administer, that such fees have

have been duly paid and disbursed to the persons entitled there-
to, the Clerk shall include the amount thereof in the execution,
and when collected shall pay over the same to the said party.
8 V. c. 20, s. 17.

AN ACT

To Amend Chapter Fifty-seven of the Consolidated
Statutes of Upper Canada, entitled "An Act re-
specting Line Fences and Water-courses."

[Assented to 23rd January, 1869.]

WHEREAS it is expedient to amend the Act chaptered fifty-
seven of the Consolidated Statutes of Upper Canada,
by making the provisions thereof applicable to unoccupied or
non-resident lands, and the owners thereof: Therefore Her
Majesty, by and with the advice and consent of the Legislative
Assembly of the Province of Ontario, enacts as follows:—

1. The provisions of the said Act, so far as the same relate to
water-courses, shall be construed to apply to unoccupied and
non-resident lands, and to the owners thereof, to the same extent
as to occupied lands and the occupants thereof; and the fence-
viewers shall, in like manner as in other cases, determine the
share of the expense of any water-course made under the
said Act as hereby amended, (which expense is to be borne by
the owner of such unoccupied or non-resident lands,) and report
the same to the Justice in the said Act mentioned, who shall
transmit such report to the Clerk of the municipality; Pro-
vided always, that the share of the expense of any such water-
course chargeable against such unoccupied and non-resident
lands, shall not exceed the sum of twenty-five cents per rod.

2. The Clerk shall bring such report before the council of
the municipality at its first meeting after the receipt thereof,
and the council shall cause the amount so reported to be paid
to the party entitled thereto, together with a proportionate
share of the costs attending the investigation and report.

3. Forthwith after such payment, the Clerk shall transmit to
the county Treasurer an account of the amount and date of
such payment, and the land against which the same is charge-
able; and the county Treasurer shall, upon receipt thereof,
charge the same against such land in the same manner as the
wild

Preamble.

Provisions of
chap. 57 Con.
Stat. U. C.
to apply to un-
occupied
lands, etc.

Proviso.

Fence-view-
ers' report to
be brought be-
fore council.

Amount to be
charged on
lands, etc.

wild land tax; and the same shall thereupon become, to all intents and purposes, a charge upon the said land, and shall be subject to the provisions of the statutes respecting such tax, and shall be collected by distress, or by the sale of such land, in the same manner as such tax is now or may hereafter be directed to be collected.

Interest and fees to be added.

4. In collecting the amount of such charge there shall be added to the same eight per centum thereof, and all fees and incidental expenses in the same way and to the same amount, as in the case of such tax.

Owner when not found to be notified by letter.

5. When the owner of such unoccupied non-resident lands cannot be found after reasonable diligence, or is absent from the Province, it shall be in the power of the Justice referred to in the said Act, to cause such owner to be notified by letter, mailed to his last known place of residence, and to proceed and to cause all subsequent proceedings to be taken in his absence; and all such proceedings shall be as valid as if the notification required by the said Act to be given to an occupant had been given to such owner.

Extension of ditch or water-course.

6. When any ditch or water-course is extended to the limit or boundary of a township, and, in order to be effective, should be continued into or through another or adjoining municipality, it shall be the duty of such municipality to extend and continue such ditch or water-course through the whole of such part of its territorial limits as may be necessary for making such ditch or water-course effective.

Provisions for cases in which both municipalities mutually benefited, etc.

2. If the lands in both municipalities are benefited in an equal degree in proportion to the extent of such work in each, then the duty of deciding in what proportion the expense shall be borne by and amongst the owners of occupied and unoccupied lands in each municipality, shall devolve upon and appertain to the fence-viewers in each such municipality; and the proceedings provided by the said Act, as amended by this Act, shall be taken and apply; but if such ditch or water-course does not benefit the lands in both municipalities in an equal degree in proportion to the expense of the work in each, then the duty of deciding in what proportion the expense shall be borne by and amongst the owners of occupied and unoccupied lands in both the municipalities, shall devolve upon and appertain to six fence-viewers (three from each of such municipalities,) to be nominated and notified of such nomination by some Justice of Peace having jurisdiction in such municipalities or one of them; and the decision of such fence-viewers, or a majority of them, shall be binding, and shall be in duplicate; and one of such duplicates

duplicates shall be transmitted by such Justice to the Clerk of each such municipalities; and, in such case, the subsequent proceedings provided by the said Act, as amended by this Act, shall be taken and apply.

7. It shall be competent for any party affected by any decision of such fence-viewers to appeal to the Judge of the County Court, within which the said land is situate, against such decision within thirty days after the same shall be filed with the Clerk of the municipality in this Act mentioned. When appeal allowed.

8. This Act shall be read as if it were a part of the Act hereby amended. Act to be part of amended Act.

AN ACT

Respecting Weights and Measures.

HER MAJESTY, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Set of Weights and Measures according to the Standard of Her Majesty's Exchequer in England, heretofore procured for Upper Canada, shall at all times be and remain in the charge and custody of the Provincial Secretary. 4 G. 4, c. 16, s. 2. The standard weights and measures to remain in the custody of Provincial Secretary.

2. Whenever any Municipal Council, authorized to appoint an Inspector of Weights and Measures, addresses the Governor requesting that the Municipality may be furnished with a true copy or set of such Weights and Measures, the Governor may direct the Provincial Secretary forthwith, at the cost of the Municipal Corporation, to furnish such copy or set made of such durable materials as the Secretary deems the most proper for the purpose. 4 G. 4, c. 16, s. 3,—12 V. c. 85, s. 12,—See 22 V. c. 99, ss. 273, 274. Provincial Secretary to furnish each Municipality with standard weights, &c.

(Sections 3, 4 and 5 superseded by 29 and 30 Vic., cap. 51 sec. 283. See p. 84.)

6. When there are two or more Inspectors in the Municipality, the Council thereof shall, by By-law, appoint one of them to be the Senior Inspector. 18 V. c. 135, s. 1.—See 12 V. c. 85, s. 9. When more than one, the Council to appoint who to be the Senior.

To continue in office till removed. **7.** Every Inspector now or hereafter appointed shall continue in office until removed by the Municipal Council. 18 V. c. 135, s. 1.

Standard to be deposited with Inspector or Senior Inspector, as the case may be. **8.** The Inspector, or where there is more than one, the Senior Inspector shall have charge of the Standard Weights and Measures of the Municipality, and of the Mark, Stamp, or Brand marked with the Royal initials V. R., for the purpose of marking such Weights and Measures as are required to be marked under this Act; and such Senior Inspector shall keep the same for the use of himself, and of the other Inspectors. 12 V. c. 85, ss. 2, 9.

Inspectors to take an oath of office. **9.** Every Inspector shall, before entering on the duties of his office, take and subscribe the following oath :

The oath.

"I, A. B., do hereby promise and swear that I will carefully preserve all Weights and Measures given me in charge, or for my use as Inspector, as a Standard for the Municipality (or Division, as the case may be,) of _____, and that I will deliver them over to my successor in office, duly appointed for that purpose, when required so to do, and that I will honestly and faithfully discharge the duties of Inspector of Weights and Measures for such Municipality (or Division), pursuant to the true intent and meaning of the law in that behalf according to the best of my abilities and knowledge. So help me God." 12 V. c. 85, s. 2.

Inspector to inspect and mark if correct all weights and measures submitted to him. **10.** Every Inspector shall carefully examine and compare, with the Standard so furnished as aforesaid, any Weights and Measures presented to him for that purpose within his Municipality or Division, and when the same are found of the true weight or measure, he shall mark, stamp or brand the same, (if a measure, as near the two ends, top and bottom, as may be,) with a stamp or brand furnished for the purpose. 12 V. c. 85, s. 3.

Inspector to attend for that purpose at such times and places as the Municipal Council appoints. **11.** Every Inspector shall attend at such time and place in his Municipality or Division as the Municipal Council may appoint, once, but not oftener than twice in each year, with the Stamps and Set of Standard Weights and Measures in his custody to examine and compare, and if found correct to stamp all Weights and Measures brought to him for that purpose.

To give notice. **12.** He shall give one month's notice of the time and place so appointed, by publishing the same in one or more newspapers, or by posting up copies thereof in four of the most public places in his Municipality or Division. 12 V. c. 85, ss. 4, 10.

13.

13. Every Inspector may demand and receive ten cents, Fees of Inspect and no more, for every Weight or Measure he marks or stamps. 12 V. c. 85, s. 8.

14. The following rates shall be the Standard Weight, and shall in all cases be allowed to be equal to the Winchester Bushel, namely :

Standard weights of different kinds of grain, &c., established for U. C.

Wheat.....	Sixty pounds,
Indian Corn.....	Fifty-six pounds,
Rye.....	Fifty-six pounds,
Peas.....	Sixty pounds,
Barley.....	Forty-eight pounds,
Oats.....	Thirty-four pounds,
Beans.....	Sixty pounds,
Clover Seed.....	Sixty pounds,
Timothy Seed.....	Forty-eight pounds,
Buck-Wheat.....	Forty-eight pounds.

But the effect of any contract made before this Act, shall not be varied by anything herein contained. 16 V. c. 193, s. 2. Certain contracts not affected.

15. Upon every sale and delivery, and in every contract for the sale or delivery of any Grain, Pulse or Seeds, the Bushel shall, unless otherwise agreed upon by the parties, be taken to mean the Weight of a Bushel as regulated by this Act, and not a Bushel in Measure, or according to any greater or less Weight. 16 V. c. 193, s. 3. The bushel to be regulated by weight not by measure.

16. Every Storekeeper, Shopkeeper, Miller, Distiller, Butcher, Baker, Huckster, or other trading person, and every Wharfinger or Forwarder in any County or place in Upper Canada, who, two months after the appointment of an Inspector therefor, uses any Weight or Measure, which has not been duly stamped according to Law, or which may be found light or otherwise unjust, shall, on conviction, forfeit a sum of not more than twenty, nor less than eight dollars; and every such light or unjust Weight or Measure so used shall, on being discovered by any Inspector, be seized, and on conviction of the person using the same, shall be forfeited, and broken up by the Inspector. 12 V. c. 85, s. 4,—4 G. 4, c. 16, s. 6,—3 V. c. 17, s. 3. Penalty if weight is not stamped within a certain time.

17. Every Inspector may, at all reasonable times, enter any shop, store, warehouse, stall, yard, or place whatsoever within his County or Division, where any commodity is bought, sold or exchanged, weighed, exposed or kept for sale, or weighed for conveyance or carriage, and there examine all Weights, [Measures, Inspector may enter shops, &c., to examine weights and measures.

Measures, Steel-yards or other Weighing Machines, and compare and try the same with the copies of the Standard Weights and Measures provided by Law. 12 V. c. 85, s. 5.

Forfeiture of false or un-stamped weights and measures.

18. If upon such examination it appears that the said Weights or Measures, or any or either of them, have not been stamped, or are light or otherwise unjust, the same shall be liable to be seized and forfeited, and the person or persons in whose possession the same are found, shall, on conviction, forfeit a sum not exceeding eight dollars for the first, and twenty dollars for every subsequent offence.

Penalty for having false steel-yards.

19. Any person who has in his possession a Steel-yard or other Weighing Machine, which on such examination is found incorrect or otherwise unjust, or who, when thereto required, neglects or refuses to produce for such examination, all Weights, Measures, Steel-yards or other Weighing Machines in his possession, or who otherwise obstructs or hinders such examination, shall be liable to a like penalty. 12 V. c. 85, s. 5.

Penalty not to be incurred till two months after receipt of standard weights, &c.

20. No penalty as aforesaid shall be incurred in any County Division or Locality, until two months at least after a Standard of Weights and Measures have been received by the Inspector legally appointed therefor.

How penalties recoverable.

21. All penalties under this Act, together with all reasonable costs, shall be recoverable before any Justice of the Peace, on the oath of the Inspector or of any other credible witness, and shall, if not forthwith paid, be levied by distress and sale of the goods and chattels of the offender, and in default of distress the offender shall be committed to the Common Gaol of the County wherein the conviction took place for a term not exceeding one month; and all such penalties, when recovered, shall belong to the Crown for the Public uses of the Province, and shall be paid over to the Inspector, and shall by him be accounted for in the same manner as other public moneys coming into his hands by virtue of his office. 12 V. c. 85, s. 5.

When recovered how to be applied.

Punishment of persons forging stamps, &c.

22. If any person makes, forges, or counterfeits, or causes, or procures to be made, forged, or counterfeited, or knowingly acts or assists in the making, forging or counterfeiting any stamp or mark legally used for the stamping or marking of any Weights or Measures in any County or place in Upper Canada, he shall be guilty of a misdemeanor, and on being convicted thereof, shall be liable at the discretion of the Court to be fined and imprisoned in the Common Gaol of the County where the conviction takes place; but such fine shall not exceed eighty dollars, and such imprisonment shall not exceed three months.

23. If any person knowingly sells, alters, disposes of or exposes to sale any Weight or Measure, with such forged or counterfeit stamp or mark thereon, he shall, for every such offence, forfeit, on conviction, a sum not exceeding forty dollars nor less than eight dollars, to be recovered under the provisions of the twenty-first section of this Act; and all Weights and Measures with such forged or counterfeited stamps or marks shall be forfeited, and broken up by the Inspector. 12 V. e. 85, s. 6.

Penalty for knowingly selling, &c., any weight or measure with counterfeit stamp.

24. If any Inspector stamps, brands or marks any Weight or Measure without having first duly compared and verified the same with and by the Standard Weights and Measures provided by law for that purpose, or is guilty of a breach of any duty imposed upon him by this Act, he shall, on conviction, forfeit a sum not exceeding twenty dollars to be recovered and applied as aforesaid. 12 V. e. 85, s. 7.

Penalty if Inspector stamps weights or measures without due examination.

25. When any Inspector of Weights and Measures is removed from office, or resigns, or removes from the place for which he has been appointed, he shall deliver to his successor in office, or to such other person as the Council of the Municipality may for that purpose by By-law appoint, all the Beams, Stamps and Standard Weights and Measures in his possession as such Inspector, and in case of the death of such Inspector, his representatives shall in like manner deliver the same to his successor in office, or to such other person as aforesaid.

Standards to be delivered over to successors in office.

26. In case of refusal or neglect to deliver such Beams, Stamps and Standard Weights and Measures entire and complete, the successor in office may maintain an action on the case against the person or persons so refusing or neglecting, and shall recover double the value of such of them as have not been delivered, and in every such action in which judgment is rendered for the Plaintiff, he shall recover double costs; and of the damages levied, one moiety shall be retained by the Plaintiff, and the other moiety shall be applied in supplying such Standards as may be required in his office. 12 V. e. 85, s. 13.

Remedy by action for standards not so delivered.

27. Any conviction under this Act may be appealed in the manner provided in the Act respecting Appeals in cases of summary convictions. 12 V. e. 85, s. 14.

Appeals.

28. This Act is to be subject to and controlled by and to be construed with the Consolidated Statute of Canada respecting Weights and Measures. 22 V. e. 21 (1859).

This Act governed by Joint Act chap. 53.

AN ACT

RESPECTING

CERTAIN WEIGHTS AND MEASURES.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Hundred-weight to be 100 lbs. avoirdupois.

Ton weight to be 2,000 lbs.

Act to apply to duties, tolls, &c.

Laws in force as to weights and measures to apply to those hereby established.

1. The hundred-weight for weighing all goods, wares and other commodities whatsoever, sold by the hundred weight or ton weight in this Province, shall consist of one hundred pounds avoirdupois, and not of one hundred and twelve pounds as before the fourth day of May, 1859, and the ton weight used for the said purposes shall consist of twenty hundred-weights, as hereinabove established, or of two thousand pounds avoirdupois, and not of two thousand two hundred and forty pounds as before the said day ; and the said hundred-weight and ton weight as hereinabove established, with their parts, multiples and proportions, shall be the standard weights in this Province, for the weighing of all such goods, wares and commodities as aforesaid ; —And in all cases in which a duty or toll is imposed by law upon or by the hundred-weight or the ton, such duty or toll shall be chargeable on the hundred-weight or ton as hereinabove established. 22 V. (1859) e. 21, s. 4.

2. All and every the laws in force in Upper and Lower Canada respectively, relating to the inspection and adjustment of weights and measures in the said sections of the Province, respectively, shall extend and apply to the standards of the ton weight and hundred-weight hereinabove established, and to the several parts and proportions thereof ; the said standard weights hereinabove established being, as regards such inspection and adjustment, and the duties of the Inspectors of weights and measures and others under the said Acts, and the penalties to be incurred for infraction thereof, in all respects substituted for the standard hundred-weight and ton in use before the fourth day of May, one thousand eight hundred and fifty-nine ; and no other standard of the hundred-weight or ton than that hereinabove established, shall be used in any part of this Province. 22 V. (1859) e. 21, ss. 3, 5.

3.

3. The following shall be the standard weights which, in all cases, shall be held to be equal to the Winchester Bushel of the grain, pulse or seeds opposite to which they are set : Standard weights of different kinds of grain, &c.

Wheat.....	Sixty pounds,
Indian corn.....	Fifty-six pounds,
Rye.....	Fifty-six pounds,
Peas.....	Sixty pounds,
Barley.....	Forty-eight pounds,
Oats.....	Thirty-four pounds,
Beans.....	Sixty pounds,
Clover seed.....	Sixty pounds,
Timothy seed.....	Forty-eight pounds,
Buck wheat.....	Forty-eight pounds.

16 V., c. 193, s 2, and 18 V., c. 15.

4. The following shall be the standard weights, which in all cases, shall be held to be equal to the Winchester Bushel of the articles opposite to which they are respectively set, namely : Standard weights of certain articles.

Potatoes, turnips, carrots, parsnips, beets and onions.....	Sixty pounds,
Flax seed.....	Fifty pounds,
Hemp seed.....	Forty-four pounds,
Blue grass seed.....	Fourteen pounds,
Castor beans.....	Forty pounds,
Salt.....	Fifty-six pounds,
Dried apples.....	Twenty-two pounds,
Dried peaches.....	Thirty-three pounds,
Malt.....	Thirty-six pounds.

22 V. (1859) c. 21, s. 1.

5. Upon any sale and delivery of any description of grain, pulse or seeds, or other articles mentioned in this Act, and in every contract for the sale or delivery of any such grain, pulse seeds or other articles, the bushel shall be taken and intended to mean the weight of a bushel as regulated by this Act, and not a bushel in measure, or according to any or greater or less weight, unless the contrary appears to have been agreed upon by the parties. Effect of this Act upon contract. 16 V., c. 193, s. 3, and 22 V. (1859) c. 21, s. 2.

6. Upon any sale and delivery of any description of grain, pulse or seeds or other articles mentioned in this Act, and in every contract for the sale or delivery of any such grain, pulse seeds or other articles, the *minot* shall be taken and intended to mean the weight of a bushel as regulated by this Act, and not a *minot*. What shall be understood by the word "minot."

minot or bushel in measure, or according to any greater or less weight, unless the contrary appears to have been agreed upon by the parties. 18 V., c. 15, s. 2, and 22 V. (1859) c. 21, s. 2.

This Act not to affect contracts before certain dates.

7. No part of this Act shall apply to any contract made in Upper Canada before the fifteenth day of June, one thousand eight hundred and fifty-three, or in Lower Canada before the first day of May, one thousand eight hundred and fifty-five, nor shall any thing in the first, second and fourth sections of this Act, or in any other part thereof as referring to the said sections, apply to or affect any contract made before the fourth day of May, one thousand eight hundred and fifty-nine. 16 V., c. 193, —18 V., c. 15, and 22 V. (1859) c. 21, s. 6.

Provisions cap. 56, Con. Stat. U. C. to be controlled by this Act.

8. The provisions of chapter fifty-six of the Consolidated Statutes for Upper Canada (respecting Weights and Measures), shall be subject to and controlled by those of this Act, as if they were incorporated in the said Act.

AN ACT

To prevent the spreading of Canada Thistles in Upper Canada.

[Assented to 18th September, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Owners of land to cut down thistles growing on their lands.

1. It shall be the duty of every occupant of land in Upper Canada, to cut, or to cause to be cut down all the Canada thistles growing thereon, so often in each and every year as shall be sufficient to prevent them going to seed ; and if any owner, possessor, or occupier of land shall knowingly suffer any Canada thistles to grow thereon and the seed to ripen so as to cause or endanger the spread thereof, he shall, upon conviction, be liable to a fine of not less than two nor more than ten dollars for every such offence.

Penalty.

Duty of Overseers of Highways under this Act.

2. It shall be the duty of the Overseers of Highways in any Municipality to see that the provisions of this Act are carried out within their respective highway divisions, by cutting or causing to be cut all the Canada thistles growing on the highways or road allowances within their respective divisions, and every

every such overseer shall give notice in writing to the owner, possessor, or occupier of any land within the said division whereon Canada thistles shall be growing and in danger of going to seed, requiring him to cause the same to be cut down within five days from the service of such notice; And in case such owner, possessor or occupier, shall refuse or neglect to cut down the said Canada thistles, within the period aforesaid, the said Overseers of Highway shall enter upon the land and cause such Canada thistles to be cut down with as little damage to growing crops as may be, and he shall not be liable to be sued in action of trespass therefor; Provided that no such Overseer of Highways shall have power to enter upon or cut thistles on any land sown with grain; provided also, that where such Canada thistles are growing upon non-resident lands, it shall not be necessary to give any notice before proceeding to cut down the same.

Proviso: as to lands sown with grain.

Proviso: as to non-resident lands.

3. It shall be the duty of the Clerk of any Municipality in which Railway property is situated, to give notice in writing to the Station Master of said Railway resident in or nearest to the said Municipality, requiring him to cause all the Canada thistles growing upon the property of the said Railway Company within the limits of the said Municipality to be cut down, as provided for in the first section of this Act, and in case such Station Master shall refuse or neglect to have the said Canada thistles cut down within ten days from the time of service of the said notice, then the Overseers of Highways of the said Municipality shall enter upon the property of the said Railway Company and cause such Canada thistles to be cut down, and the expense incurred in carrying out the provisions of this section shall be provided for in the same manner as in the next following section of this Act.

Clerks of Municipalities to warn Station Masters to cut down thistles on Railways.

Penalty.

4. Each Overseer of Highways shall keep an accurate account of the expense incurred by him in carrying out the provisions of the preceding sections of this Act, with respect to each parcel of land entered upon therefor, and shall deliver a statement of such expenses, describing by its legal description the land entered upon, and verified by oath, to the owner, possessor, or occupier of such resident lands, requiring him to pay the amount; in case such owner, possessor, or occupier of such resident lands shall refuse or neglect to pay the same within thirty days after such application, the said claim shall be presented to the Municipal Council of the Corporation in which such expense was incurred, and the said Council is hereby authorized and required to credit and allow such claim, and order the same to be paid from the funds for general purposes of the said Municipality; the said Overseer of Highways shall also present to the said Council

Account of expenses to be kept by overseer.

If the owners refuse to pay.

Proviso: appeal allowed.

Council a similar statement of the expenses incurred by him in carrying out the provisions of the said section upon any non-resident lands; and the said Council is hereby authorized and empowered to audit and allow the same in like manner; Provided always that if any owner, occupant, or possessor, amenable under the provisions of this Act, shall deem such expense excessive, an appeal may be had to the said Council (if made within thirty days after delivery of such statement) and the said Council shall determine the matter in dispute.

How expenses shall be collected.

5. The Municipal Council of the Corporation shall cause all such sums as have been so paid under the provisions of this Act, to be severally levied on the lands described in the statement of the Overseers of Highways, and to be collected in the same manner as other taxes; and the same, when collected, shall be paid into the Treasury of the said Corporation to reimburse the outlay therefrom aforesaid.

Penalty on sale of any seed mixed with thistle seed.

6. Any person who shall knowingly vend any grass or other seed among which there is any seed of the Canada thistle, shall for every such offence, upon conviction, be liable to a fine of not less than two nor more than ten dollars.

Penalty on overseer neglecting his duty.

7. Every Overseer of Highways or other officer who shall refuse or neglect to discharge the duties imposed on him by this Act, shall be liable to a fine of not less than ten nor more than twenty dollars.

Recovery of penalties.

8. Every offence against the provisions of this Act shall be punished, and the penalty hereby enforced for each offence shall be recovered and levied, on conviction, before any Justice of the Peace; and all fines imposed shall be paid into the Treasury of the Municipality in which such conviction takes place.

AN ACT

To Amend the Act chapter forty, Twenty-nine Victoria, entitled "An Act to prevent the spreading of Canada Thistles in Upper Canada."

[Assented to 23rd January, 1869.]

WHEREAS it is desirable to amend the Act relating to the spread of Canada thistles in Upper Canada: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Preamble.

1. Notwithstanding anything in the said Act contained, it shall not be lawful for any overseer of highways to enter upon any of the duties therein imposed, without having first obtained authority from the municipal corporation of which he is an officer.

Overseer to have authority from council.

2. It shall be lawful for all municipal corporations in the Province of Ontario to authorize the carrying out of the provisions of the said Act.

Municipal corporations to carry out Act.

AN ACT

To amend the Act imposing a Tax on Dogs and for the Protection of Sheep.

[Assented to 23rd January, 1869.]

WHEREAS it is expedient to amend the Act twenty-nine and thirty Victoria, chapter fifty-five, entitled *An Act to Amend and Consolidate the Acts to impose a Tax on Dogs, and to provide for the better protection of Sheep in Upper Canada*: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Preamble.

1. The Act passed in the twenty-ninth and thirtieth years of Her Majesty's reign, chapter fifty-five, entitled, *An Act to Amend and Consolidate the Acts to impose a Tax on Dogs, and*

repealed.

to

to provide for the better protection of Sheep in Upper Canada,
is hereby repealed.

Annual tax on dogs. **2.** There shall be levied annually in every municipality in Ontario, upon the owner of each dog therein, an annual tax of one dollar for each dog, and two dollars for each bitch: **Proviso.** Provided, however, that in case the council of any county or union of counties, may deem it advisable to dispense with the levy of the said tax, it may be lawful for such council to declare by by-law that the said tax shall not be levied in any of the municipalities within its jurisdiction; and, immediately upon the said by-law having been passed, shall cause its Clerk to transmit a copy of the same to the assessor or assessors of every municipality so within its jurisdiction.

Duty of assessors herein. **3.** The assessor or assessors of every municipality within which this Act shall not have been dispensed with, as provided in the foregoing section, shall, at the time of making their annual assessment, enter on their roll opposite the name of every person assessed, and also opposite the name of every resident inhabitant not otherwise assessed, being the owner or keeper of any dog or dogs, the number by him or her owned or kept, in a column prepared for the purpose.

Duty of owners of dogs. **4.** The owner or keeper of any dog shall, when required by the assessor or assessors, deliver to him or them in writing, the number of dogs owned or kept, whether one or more; and **Penalty.** for every neglect or refusal to do so, and for every false statement made in respect thereof, shall incur a penalty of five dollars, to be recovered before any justice of the Peace for the municipality, with costs.

Tax entered on collector's roll. **5.** The collector's roll shall contain the name of every person entered on the assessment roll as the owner or keeper of any dog or dogs, with the tax hereby imposed, in a separate column; and the collector shall proceed to collect the same, and at the same time and with the like authority, and make returns to the Treasurer of the municipality, in the same manner, and subject to the same liability for paying over the same in all respects to the Treasurer, as in the case of other taxes levied in the municipality.

Tax to form fund for damages, etc. **6.** The money so collected and paid to the Clerk or Treasurer of any municipality, shall constitute a fund for satisfying such damages as may arise in any year from dogs killing or injuring sheep or lambs in such municipality; and the residue, if any, shall form part of the assets of the municipality for the general purposes thereof; but the fund shall be supplemented, when

when necessary, in any year to pay charges on the same, to the extent of the amount which may have been applied to the general purposes of the municipality.

7. The owner of any sheep or lamb killed or injured by any dog, shall be entitled to recover the damage occasioned thereby from the owner or keeper of such dog, by summary proceedings before a Justice of the Peace, on information or complaint before such Justice, who is hereby authorized to hear and determine such complaint, and proceed thereon in the manner provided by chapter one hundred and three of the Consolidated Statutes of Canada, in respect to proceedings therein mentioned; and such aggrieved party shall be entitled so to recover, whether the owner or keeper of such dog knew or did not know that it was vicious or accustomed to worry sheep.

Extent of liability of owner or keeper of dog.

8. The owner of any sheep or lamb, killed or injured by any dog, the owner or keeper of which is not known, may, within three months, apply to the council of the municipality in which such sheep or lamb was so killed or injured, for compensation for the injury; and if such council (any member of which shall be competent to administer an oath or oaths in examining parties in the premises,) shall be satisfied that the aggrieved party has made diligent search and enquiry to ascertain the owner or keeper of such dog, and that such owner or keeper cannot be found, they shall award to the aggrieved party for compensation a sum not exceeding two-thirds of the amount of the damage sustained by him; and the Treasurer of such municipality shall pay over to him the amount so awarded.

Provision for cases in which owner of dog not known.

9. In case the owner of any sheep or lamb so killed or injured, shall proceed against the owner or keeper of the dog that committed the injury, before a Justice of the Peace, as provided by this Act, and shall be unable, on the conviction of the offender, to levy the amount ordered to be paid, for want of sufficient distress to levy the same, then the council of the municipality in which the offender resided at the time of the injury, shall order their Treasurer to pay to the aggrieved party the amount ordered to be paid by the Justice under such conviction, saving and excepting the costs of the proceedings before such Justice and before the council.

Provision for cases where there is a conviction, but distress insufficient.

10. After the owner of such sheep or lamb shall have received from the municipality any money under either of the preceding sections, his claim shall thenceforth belong to such municipality; and they may enforce the same against the offending party for their own benefit, by any means or form of proceeding

After compensation paid by municipality, claims to belong to them.

proceeding that the aggrieved party was entitled to take for that purpose: Provided always, that in case such municipality shall recover from the offender more than they had paid to the aggrieved party, besides their costs, they shall pay over the excess to such aggrieved party for his own use.

Dogs seen worrying. **11.** Any person may kill any dog which he may see worrying or wounding any sheep or lamb.

Dogs known to worry sheep to be killed by owner. **12.** The owner or keeper of any dog, to whom notice shall be given of any injury done by his dog or dogs to any sheep or lamb, or of his dog or dogs having chased or worried any sheep or lamb, shall, within forty-eight hours after such notice, cause such dog or dogs to be killed; and for every neglect so to do, he shall forfeit a sum of two dollars and fifty cents for every such dog, and a further sum of one dollar and twenty-five cents for each such dog for every forty-eight hours thereafter, until the same be killed: Provided that it shall be proved to the satisfaction of the Justice of the Peace before whom such suit shall be brought for the recovery of such penalties, that such dog or dogs has or have worried or otherwise injured such sheep or lamb: Provided also, that no such penalties shall be enforced in case it shall appear to the satisfaction of such Justice of the Peace that it was not in the power of such owner or keeper to kill such dog or dogs.

Penalty.

Proviso.

Proviso.

Proceedings where collector has failed to collect taxes from parties assessed for dogs. **13.** In cases where parties have been assessed for dogs, and the Township collector has failed to collect the taxes authorized by this Act, he shall report the same under oath to any Justice of the Peace, and such Justice shall, by an order under his hand and seal, to be served by any duly qualified constable, require such dogs to be destroyed by the owner or owners thereof; and if such owner or owners neglect or refuse to obey the said order he or they shall be liable to the penalty, to be recovered in the same way and manner as already provided in section number seven of this Act; and in case any collector neglects to make the aforesaid report within the time required for paying over the taxes levied in the municipality, he shall be liable to a penalty of ten dollars and costs, to be recovered in the same way and manner as already provided in section number seven of this Act.

Penalty.

Penalty.

Liability of dog owner to sheep owner where tax not imposed. **14.** If the council of any county or union of counties, should, as already provided by by-law, decide to dispense with the levy of the aforesaid tax in the municipality within its jurisdiction, the owner of any sheep or lamb to the contrary may, notwithstanding, sue the owner or keeper of any dog or dogs for the damage or injury done by the said dog or dogs to the said sheep

sheep or lamb ; and the same shall be recovered in the way and manner provided by section seven of this Act.

15. The owner of any sheep or lamb, killed or injured while running at large upon any highway or unenclosed land, shall have no claim under this Act to obtain compensation from any municipality.

Cases where owner of sheep, etc., has no compensation.

16. Every Justice of the Peace shall be entitled to charge such fees in cases of prosecutions or orders under this Act as it is lawful for him to do in other cases within his jurisdiction ; and he shall make the returns usual in cases of conviction, and also a return in each case to the Clerk of the municipality, whose duty it shall be to enter the same in a book to be kept for that purpose.

Fees and returns by Justices.

17. In case the council of any county or union of counties deems it advisable that the tax by this Act established should be maintained, but that the application of the proceeds thereof by this Act provided should be dispensed with, it shall be lawful for such council by by-law to declare, that such application shall be dispensed with ; and thereafter, during the continuance of such by-law, the clauses of this Act numbered from six to fifteen inclusive, shall have no force or effect in any of the municipalities within the jurisdiction of such council ; and the moneys collected and paid to the Clerk or Treasurer of any such municipality, under the remaining clauses of this Act, shall be the property of such municipality, and shall be subject to its disposition in like manner as other local taxes.

Provision for cases in which council maintains taxes, but does not apply proceeds thereof.

18. The council of any county or union of counties shall have power from time to time, to repeal any by-law passed under the authority of this Act, and to enact or re-enact any by-law authorized by this Act.

County council may repeal by-laws passed under Act.

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