

of land hereinbefore mentioned and described, and hereby established as a site for the Market in the said West Ward of the said Town shall be conveyed to the President and Board of Police of the said Town and their successors in office for ever, for the use of the said West Ward of the said Town as a Market Place, within six months from and after the passing of this Act, then and in such case it shall and may be lawful for the said President and Board of Police of the said Town to fix upon any such site or place for a Market within the limits of the said West Ward thereof as they may think suitable and proper.

or another site may be selected.

CHAP. XIV.

AN ACT to repeal an Act passed in the fourth year of His present Majesty's reign, entitled "An Act to establish a Board of Police in the Town of Belleville," and to make further provisions for the establishment of a Police in said Town.

[Passed 20th April, 1836.]

WHEREAS an Act passed in the fourth year of His Majesty's reign, entitled "An Act to establish a Board of Police in the Town of Belleville," ^{Preamble.} has been found insufficient for the purposes intended, and it is expedient to repeal the said Act, and to make other provisions in lieu thereof: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the above-recited Act be and the same is hereby repealed.

II. *And be it further enacted by the authority aforesaid,* That there shall be in the said Town of Belleville a Board of Police, to be composed and constituted in the manner hereinafter described, which shall be and is hereby declared to be a body corporate and politic, in fact and in law, by the name of "The President and Board of Police of Belleville," and by that name they and their successors may have perpetual succession, and be capable of suing and being sued, impleading and being impleaded,

Board of Police incorporated.

Common Seal.

May hold lands.

in all Courts and in all actions, causes and complaints whatsoever; and may have a common seal, and may alter the same at pleasure; and shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said Town.

Limits of the Town.

III. *And be it further enacted by the authority aforesaid*, That the following shall be the limits of the said Town of Belleville, to wit:—Commencing at the limits between lots number five and six, in the first concession of Thurlow, so as a line at right angles will run on the northerly side of Wonnacott's Bridge; thence south seventy four degrees west, to the limit between lots number two and three; thence south sixteen degrees east to the Bay of Quinté; thence easterly following the winding of the Bay to the limit between lots number five and six aforesaid; thence north sixteen degrees west to the place of beginning; together with the Island opposite Mr. Baldwin's wharf and the harbour.

Qualification of voters.

IV. *And be it further enacted by the authority aforesaid*, That all the persons entitled to vote for Members of the said Corporation shall be subjects of His Majesty, and shall be the male inhabitant householders or leaseholders of a shop or other tenement within the said Town, who shall severally be possessed, for their own use and benefit, of a dwelling-house, shop, store, or other tenement therein, such dwelling-house, store, shop, or other tenement being by them held in freehold or leasehold, or who being subjects of His Majesty, and male inhabitants of the said Town at the time of such election, shall *bona fide* for one year next before the election have paid one year's rent on a dwelling-house, shop, store, or other tenement, at the rate of ten pounds per annum or upwards: *Provided always*, that if they shall within the year have changed their place of residence within the said Town, or occupied a different shop, store, or other tenement, they shall not thereby be disqualified from voting.

Qualification of Members of the Board.

V. *And be it further enacted by the authority aforesaid*, That no person shall be qualified or eligible to be elected a Member of the said Board of Police unless he shall be a subject of His Majesty, and shall have been a resident freeholder in the said Town of Belleville to the assessed value of sixty pounds or upwards for the space of one year previous to the said election.

Town divided into two Wards.

VI. *And be it further enacted by the authority aforesaid*, That for the purpose of electing the Members of the said Corporation, the said Town of Belleville shall be divided into two Wards in the following manner, that is to say—All that part of the said Town of Belleville, situated to the north and west of Bridge Street, shall be and compose the first Ward;

and that all that part of the said Town lying to the south and east of the said Bridge Street shall be and compose the second Ward ; and that each of the said Wards shall annually elect two Members.

VII. *And be it further enacted by the authority aforesaid,* That the first election of Members of the said Corporation under this Act shall be holden on the first Monday in June next, at some place within each Ward respectively, to be appointed by the Clerk of the Court of Requests for the tenth division, who shall give public notice thereof at least six days previous to the election ; and that the said Clerk shall appoint a fit and proper person to preside at the first election for each of the said Wards, which persons so appointed shall hold the said election for each Ward respectively, and shall declare the two persons in each Ward who shall have the greatest number of votes duly elected Members of the said Corporation, and shall give notice thereof to the persons so elected within six days after such election.

VIII. *And be it further enacted by the authority aforesaid,* That the Members of the said Corporation so chosen shall serve until the first Monday of March in the next year, and until a new Board shall be chosen and formed as hereinafter mentioned ; and that on the first Monday in March in every year an election shall be holden in each Ward of the said Town of Belleville for choosing Members of the said Corporation before the Bailiff of such Ward, who shall be appointed from time to time by the said Corporation, and who shall appoint the place of holding the said election, and shall give notice thereof and proceed in all respects according to the general provisions of this Act.

IX. *And be it further enacted by the authority aforesaid,* That before any person shall proceed to hold an election under this Act, he shall take the following oath, which any Justice of the Peace for the Midland District may administer:—" I solemnly swear that I will faithfully and impartially to the best of my ability discharge the duty of presiding Officer at the election which I am about to hold, for a Member or Members (as the case may be) of the Board of Police in the Town of Belleville—So help me God."

X. *And be it further enacted by the authority aforesaid,* That the Officer presiding at any election under this Act, shall have authority, and he is hereby required at the request of any person qualified to vote at such election, to examine on oath (or affirmation when the party is allowed to affirm,) which oath or affirmation the said Officer presiding at such election is hereby authorised to administer to any candidate for the office of

Member of the said Corporation respecting his qualification to be elected to the said office, and shall also have authority and is hereby required upon such request as aforesaid, to examine on oath (or affirmation when the party is allowed to affirm) any person tendering his vote at any election respecting his right to vote, and that the oath to be administered for either of the said purposes, shall and may be in the following form—

Oath to be taken.

“You shall true answer make to all such questions as the Officer presiding at this election shall put to you respecting your qualification to be elected at this election”—(or respecting your qualification to vote at this election, as the case may be)—“So help you God;” and the affirmation to be taken shall be in the common form of an affirmation to the same effect.

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

False swearing under this Act perjury.

Scrutiny may be had upon requisition of three voters,

XII. And be it further enacted by the authority aforesaid, That if the election of any Member of the Board of Police aforesaid, shall be complained of either on the ground of want of qualification in the person returned, or on the ground that such person had not a majority of legal votes at such election, it shall be the duty of the person appointed by the Clerk of the Court of Requests for the tenth division, as aforesaid, to preside at the election for the Ward in which such person or persons against whose return such complaint shall have been made may have been elected after the first election to take place under this Act, upon receiving within forty-eight hours after the termination of the election a written requisition signed by any three inhabitants of the Town, having a right to vote at such election, to appoint a time and place within the Town for which the election was held, for entering upon a scrutiny into the matters complained of; and that such time shall be within six days after the election, and that such person so appointed, as aforesaid, shall have power to summon witnesses and to take evidence on oath, respecting the matters to be enquired into, and shall determine upon the validity of the election or return as shall appear to him to be right according to the evidence; and and in case an election shall be declared void, but it shall not appear proper for any cause to amend the return by substituting the name of any person as entitled to have been returned at such election, then he shall after giving eight days notice thereof, hold a new election of a Member to serve according to this Act, and that if after any election to be holden, after a Board of Police under this Act shall have been completely orga-

within six days of the election.

New election may be held on giving eight days notice.

After a Board of Police shall have been organized, scrutiny to be held before the Corporation,

nized, a requisition signed as aforesaid shall within forty-eight hours after the termination of such election be served upon the President or any other Member of the said Corporation, it shall be lawful for the said Corporation, and they are hereby required to appoint a time for entering upon a scrutiny of the matters complained of at any place within said Town, which time shall be within six days after the election, and the Corporation or such Member or Members thereof as shall not be individually concerned in the question to be determined, shall have power to summon witnesses and to take evidence on oath respecting the matters to be enquired into, and shall determine upon the validity of the election or return as shall appear to be right according to the evidence; and in case an election shall be declared void, but it shall not appear proper for any cause to amend the return or substitute the name of any other person as entitled to have been returned at such election, then the Corporation shall issue their precept for a new election, as in other cases under this Act.

within six days after election;

witnesses may be summoned.

In case of void election, precept for new election to issue.

XIII. *And be it further enacted by the authority aforesaid,* That before the person presiding at such election, or any Member of the said Corporation shall enter upon any such trial or scrutiny, as aforesaid, he shall take an oath in the following form before some one of the Justices of the Peace for the Midland District, that is to say—"I do solemnly swear that I will truly and impartially, to the best of my judgment, try and determine the merits of the complaint against the election of A. B. as a Member of the Board of Police of the Town of Belleville—So help me God."

Presiding Officer at such scrutiny to be sworn.

Form of oath.

XIV. *And be it further enacted by the authority aforesaid,* That any witness who being duly summoned to attend upon such trial or scrutiny, shall wilfully neglect or refuse to attend, shall on conviction before any one of His Majesty's Justices of the Peace for the Midland District, having been duly summoned to answer such complaint, be liable to be imprisoned on the commitment of the said Justice in the common gaol of the District for a time not exceeding one month; and if any witness shall upon any trial or scrutiny wilfully and corruptly swear falsely, he or she shall be deemed guilty of wilful and corrupt perjury.

Witnesses neglecting to attend liable to imprisonment.

False swearing perjury.

XV. *And be it further enacted by the authority aforesaid,* That the person presiding at any such election shall give public notice immediately upon declaring the result of the election of the time and place at which the Members of the said Corporation so chosen are first to meet, which meeting shall be at such time and place in the said Town as the Clerk of the Court of Requests for the tenth division, after the first election, or the Corporation after every subsequent election shall appoint, being within ten days after each general election of Members; and that at such meet-

Presiding Officer to give notice of the meeting of the Board.

Meeting within ten days of the election.

A fifth Member to be appointed by the Board.

In case of disagreement, precept to be issued for election of such fifth Member.

ing a fifth Member of the said Corporation shall be appointed by the concurrent voice of any three of the Members chosen, which person shall possess the same qualifications as are required by this Act of the other Members to be chosen, as aforesaid; and in case they cannot agree in the election or appointment of such fifth person they shall issue a precept to either of the persons appointed by the Clerk of the Court of Requests for the tenth division as aforesaid, after the first election, or to any of the Bailiffs so to be appointed as aforesaid, after every subsequent election, requiring him to appoint some proper time and place within the said Town, giving forthwith eight days notice thereof, and then and there proceed to the election of such fifth Member of the Corporation by the electors of the Town generally, at which election the person to whom such precept shall be directed shall preside, and shall declare that person elected who shall have the greatest number of votes of the persons present qualified to vote, and shall within six days thereafter give notice thereof to the person so elected.

Members elected to appoint a President.

XVI. *And be it further enacted by the authority aforesaid,* That the five Members elected as aforesaid, shall within ten days after their election or appointment, or election of a fifth Member of the Corporation as aforesaid, appoint one of their number President; and the said President and Members shall form the said Corporation, and shall hold their office until the first Monday in March in the ensuing year, and until the election and formation of a new Board.

Members refusing to take the oath of office to forfeit £10.

XVII. *And be it further enacted by the authority aforesaid,* That if either of the Members elected or appointed, as aforesaid, shall neglect or refuse after ten days notice thereof, to take the oath of office hereinafter contained, which any one of the said Members so to be elected or appointed is hereby authorised to administer to the others, he shall for such neglect or refusal forfeit the sum of ten pounds, to be recovered with costs by information before any Justice of the Peace of the Midland District, who is hereby authorised to proceed in the same manner as is hereinafter provided for the recovery of any penalty for the transgression of any order or regulation of the said Corporation: *Provided,* that no person having been elected a Member of the said Corporation during his absence from the said Town, or who at the time of the election shall openly give notice to the Officer presiding that he will not accept the office shall be subject to the penalty hereinbefore stated for his refusal to act as a Member of the said Corporation.

Exceptions.

XVIII. *And be it further enacted by the authority aforesaid,* That in case any vacancy shall at any time happen among the Members of the

said Corporation, by neglect or refusal to take the oath of office hereinafter contained within the time hereinbefore limited, or by death, removal from the Town, or from any other cause, the remaining Members or a majority of them shall, under their hands, within ten days after notice of such vacancy, appoint a person duly qualified, according to the provisions of this Act, to fill such vacancy; and in case the said remaining Members or a majority of them cannot agree on such appointment, then and in such case, the Corporation shall issue a precept to the Bailiff to hold such election, giving notice of the time and place of holding such election, and the Member so appointed or elected shall hold his office until the next annual election, and in case any such vacancy shall happen among the Members elected at the first election of Members of the said Corporation by one of the Members neglecting or refusing to take the oath of office as aforesaid, or otherwise, then the precept from the remaining Members shall be issued to either of the persons appointed by the Clerk of the Court of Requests for the tenth division, as is hereinbefore provided.

Vacancies to be supplied.

XIX. *And be it further enacted by the authority aforesaid,* That in case it shall at any time happen that an election or appointment of Members of the said Corporation shall not be made on any day, when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an election or appointment of Members in such manner as shall have been regulated by the laws and ordinances of the said Corporation.

Corporation not dissolved by non-election of Members on day specified.

XX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Corporation from time to time, to establish such ordinances, by-laws and regulations as they may think reasonable in the said Town to regulate victualling houses and ordinaries, where fruit and victuals shall be sold; to regulate wharves and quays; to regulate the weighing of hay and measuring of wood; to regulate carts and cartmen; to regulate slaughter-houses; to prevent the firing of any guns, muskets, pistols, squibs and fire-balls, or injuring or destroying trees growing for shade or ornament in the said Town; to prevent the pulling down or defacing of sign boards, or inscribing or drawing any indecent words or figures or pictures on any building, wall, fence, or other public place, and generally to prevent vice and preserve good order in the said Town; to enter into and examine all dwelling-houses, warehouses, shops, yards, and out-houses, to ascertain whether any such places are in a safe and secure condition; to appoint Fire Wardens and fire engineers; to appoint and remove firemen; to make such rules and by-laws as may be thought expedient for the conduct of such Fire Companies as may be

Authority to make by-laws,

raised with the sanction of the said Corporation ; to compel any person to aid in the extinguishment of any fire ; to require the inhabitants to provide and keep fire-buckets and scuttles and ladders to their houses ; to stop or authorise any other person to stop any one riding or driving immoderately in any street, or riding or driving on any side-walk, or to inflict fines for any such offence ; to regulate the assize of bread ; to prevent and abate and remove any nuisance ; to restrain and prevent any cattle, horses or swine from running at large ; to prevent and remove encroachments in any street ; and to make such rules and regulations for the improvement, good order, and government of the said Town, as the said Corporation may deem expedient, not repugnant to the laws of this Province, except in so far as the same may be virtually repealed by this Act ; and to enforce the due observance thereof by inflicting penalties on any person for the violation of any by-law or ordinance of the said Corporation, not exceeding one pound ten shillings ; and to fix upon and to appoint such days and hours for the purpose of selling butchers' meat, butter, eggs, poultry, fish, and vegetables, and to make such other orders and regulations relative thereto, as they shall deem expedient.

and enforce penalties.

appoint days and hours for sale of provisions.

XXI. And be it further enacted by the authority aforesaid, That for the purpose of raising a fund to provide for the purchasing any real estate for the use of the said Town ; to procure fire engines, aqueducts, and a supply of pure and wholesome water ; for lighting, paving, flagging, and repairing the streets ; and for all other purposes deemed expedient and necessary by the said Corporation for the welfare and improvement of the said Town, it shall and may be lawful for the said Corporation to lay an assessment annually upon the persons rated or liable to be rated on any assessment for property in the said Town, not exceeding threepence on the pound, exclusive of the sum such person may be rated for in and upon any other assessment of this Province ; and it shall be the duty of the Clerk of the Peace of the said District to select from a general assessment of the Township of Thurlow a list or assessment of the ratable property that every person owns or possesses in the said Town, and lay the same before the Corporation annually, upon its organization after every general election.

Annual assessment to be made for the purposes of this Act.

not exceeding 3d. in the pound.

A list of ratable property to be made annually by Clerk of the Peace.

Collection of rates.

XXII. And be it further enacted by the authority aforesaid, That if any person shall refuse to pay the sum or rate for which he or she stands rated in manner aforesaid, for the space of ten days after demand duly made of the same by the Collector to be appointed by the said Corporation for that purpose, the said Collector shall and he is hereby required to levy the same by distress and sale of the goods and chattels of the person so neglecting or refusing to pay after having obtained a warrant for that pur-

pose from some one of His Majesty's Justices of the Peace, who is hereby authorised to grant the same upon information made on oath before him of the neglect or refusal to pay the said assessment, and to render the overplus, if any there shall be over and above the said rate, to the owner thereof, after deducting the legal charges of the distress and sale.

XXIII. *And be it further enacted by the authority aforesaid,* That the said Corporation may from time to time appoint and at their discretion remove and re-appoint a Surveyor of Streets for the said Town, a Clerk, an Assessor or Assessors, a Bailiff or Bailiffs, a Collector or Collectors, a Treasurer, and so many and such other officers as they may require, and assign the duty and services to be performed by each with such salaries or allowances as to them may seem meet, and may take such reasonable security for the due performance of the duties assigned to any officer or servant as they shall think proper.

Appointment of town officers.

XXIV. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, it shall not be lawful for any person holding lands within the boundaries of the said Town to lay out any new street or protract any street or streets already laid out, which new street or protraction of a street shall be less than sixty-six feet in width.

New streets not to be less than sixty-six feet wide.

XXV. *And be it further enacted by the authority aforesaid,* That any rule or regulation of the said Corporation for the infraction of which any penalty is inflicted, before it shall have effect shall be published in one or more of the newspapers published within the District, and shall be affixed in four of the public places in the said Town of Belleville; and that in like manner shall be published in each and every year before the annual election an account of all monies received and in the Treasury, and the amount expended and for what purpose.

By-laws to be published.

XXVI. *And be it further enacted by the authority aforesaid,* That if any person shall transgress the orders or regulations made by the said Corporation, under the authority of this Act, such person shall for every such offence forfeit the sum which in every such order, rule or regulation shall be specified with costs, to be recovered by information before the said Corporation, to be levied of the goods and chattels of such offender, and in default of such goods and chattels, the offender shall be liable to be committed to the common gaol of the District for a time not exceeding one month, in the discretion of the said Corporation, before whom such offender shall have been convicted; and that no person shall be deemed an incompetent witness upon any information under this Act, by reason of

Penalties imposed by by-laws recoverable before the Corporation ;
To be levied, &c. and in default, commitment, not exceeding one month,
Inhabitants competent witnesses.

Complaints to be made within fifteen days.

his being an inhabitant of the said Town of Belleville : *Provided always*, that the information and complaint for a breach of any order or regulation of the said Corporation shall be made within fifteen days after the time of the offence committed.

Application of penalties.

XXVII. *And be it further enacted by the authority aforesaid*, That all penalties recovered under the provisions of this Act shall be paid into the Treasury of the said Corporation, and applied in the same manner as other monies coming into the said Treasury for the public uses of the said Town.

Corporation invested with authority of Justices.

XXVIII. *And be it further enacted by the authority aforesaid*, That the said Corporation shall and may in the said Town of Belleville perform all the functions and exercise the authority now by law given to Justices of the Peace acting within their divisions, with respect to making or amending any street, highway, or road within the said Town.

Authority to raise £1,000 by way of loan, for building market-house.

XXIX. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful to and for the Corporation of the said Town to borrow the sum of one thousand pounds of and from any person or persons, body politic or corporate, willing to lend the same, for the purpose of building a Market-House, and for purchasing one or more Fire Engine or Fire-Engines, and for such other purposes for the benefit of the said Town as may be deemed necessary, and to provide some fit and proper place where the same may be kept.

Interest to be paid out of the assessments;

and the principal to be liquidated within ten years.

XXX. *And be it further enacted by the authority aforesaid*, That the said Corporation shall set apart so much of the assessments authorised by this Act to be raised for the use of the said Town as may be sufficient to pay the yearly interest of the said sum of one thousand pounds, and to liquidate the principal in a term not longer than ten years from and after the making of such loan.

Presiding officer to have casting vote at elections.

XXXI. *And be it further enacted by the authority aforesaid*, That in case an equality of votes shall happen at any election for the Members of the said Corporation, it shall and may be lawful for the person presiding at the said election to give a casting vote, and that except in case of the votes being equal it shall not be lawful for the person presiding at any election under this Act to vote at such election.

Limitation of actions.

XXXII. *And be it further enacted by the authority aforesaid*, That if any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be

brought within six calendar months next after the fact committed and not afterwards, and the Defendant or Defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial.

FORM OF OATH.

I, A. B. swear that I will faithfully discharge the duties of a Member of the Board of Police of the Town of Belleville, to the best of my skill and knowledge—So help me God.

Form of oath for members of the board.

CHAP. XV.

AN ACT for the preservation of the Fishery within Burlington Bay.

[Passed 20th April, 1836.]

WHEREAS an Act passed in the fourth year of the Reign of His late Majesty King George the Fourth, chapter thirty-seventh, entitled “An Act for the better preservation of the Herring Fishery at the outlet of Burlington Bay,” hath been found insufficient for the purposes intended, and it is necessary to repeal the said Act, and to make further provision for the preservation of the said Fishery: *Be it therefore enacted* by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s reign, entitled, ‘An Act for making more effectual provision for the Government of the Province of Quebec in North America,’ and to make further provision for the Government of the said Province,” and by the authority of the same, That the above-recited Act shall be and the same is hereby repealed.

Preamble.
Reciting 4 Geo. 4,
c. 37.

The recited Act
repealed.

II. *And whereas*, The use of Seines and Nets in the said Burlington Bay is found to be destructive to the Fishery by destroying the spawn deposited on the shallow parts thereof: *Be it therefore enacted by the authority aforesaid*, That it shall not be lawful from and after the passing of this Act at any time to draw any Seine or other Net in the said Bay, except within the distance of half a mile from the land at the outlet thereof.

Seines not to be used
within half a mile of
Burlington Bay.