

CHAP. XXXIX.

AN ACT to alter and amend an Act passed in the fourth year of His Majesty's reign, entitled, "An Act to extend the limits of the Town of York, to erect the said Town into a City, and to Incorporate it under the name of the City of Toronto."

[Passed 4th March, 1837.]

Preamble.

WHEREAS it is expedient to alter and amend the law relating to the qualification of persons voting at any future election for the Aldermen and Common Council-men of the City of Toronto, and also to alter the qualification of Aldermen and Common Council-men, and to provide for the due proof of such qualification, and to make other amendments in the Act Incorporating the said City: *And whereas* the several laws now in force relative to the levying and collecting Rates and Assessments within this Province have, in their application to the City of Toronto, been found to produce well-founded complaint on the part of the Inhabitants of the said City, and it is therefore expedient to provide for the more equal and just levying of Rates and Assessments in the said City: *And whereas* it is also expedient that the whole of the Rates and Assessments, rated and assessed on property within the said City, should be paid and applied to the uses of the said City, the said City paying to the funds of the Home District a certain yearly sum as the just proportion which the said City ought to bear and pay in the general expenses of the said District: *And whereas* the several laws of this Province relating to Road or Statute Labour will, in consequence of the repeal of the Assessment Laws of this Province hereinafter mentioned, become inapplicable to the said City, and it is therefore expedient to repeal the said Laws relating to the Road or Statute Labour aforesaid, in so far as the same affect the said City and Liberties: *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 several Laws now in force relative to the levying and collecting Rates and Assessments therein, that is to say: An Act passed in the fifty-ninth year of the reign of His late Majesty King

George the Third, entitled, “An Act to repeal the several Laws now in force relative to levying and collecting Rates and Assessments in this Province, and further to provide for the more equal and general Assessment of Lands and other ratable property throughout this Province”; and a certain other Act passed in the sixth year of the reign of His late Majesty King George the Fourth, entitled, “An Act to amend and make permanent a certain Act of the Parliament of this Province, passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled, “An Act to repeal the Laws now in force relative to the levying and collecting Rates and Assessments in this Province, and further to provide for the more equal and general Assessment of Lands, and other ratable property throughout this Province, and to render more effectual the several Laws of this Province, imposing Rates and Assessments, by providing, under certain restrictions, for the levying Rates and Assessments, by a sale of a portion of the Lands on which the same are charged”; and a certain other Act passed in the ninth year of the reign of His late Majesty King George the Fourth, entitled, “An Act to amend the Assessment Laws of this Province”; and also, the several Laws now in force in this Province, relating to Road and Statute Labour, that is to say: An Act passed in the fiftieth year of the reign of His late Majesty King George the Third, entitled, “An Act to provide for the laying out, amending, and keeping in repair the Public Highways and Roads in this Province, and to repeal the several Laws now in force for that purpose”; a certain other Act passed in the fifty-sixth year of the reign of His late Majesty King George the Third, entitled, “An Act to repeal and amend part of an Act passed in the fiftieth year of His Majesty’s reign, entitled, ‘An Act to provide for the laying out, amending, and keeping in repair the Public Highways and Roads in this Province, and to repeal the laws now in force for that purpose;’” a certain other Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled, “An Act to repeal part of and amend the Laws now in force for laying out, amending, and keeping in repair the Public Highways and Roads in this Province”; a certain other Act passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled, “An Act to amend and make perpetual an Act passed in the fifty-ninth year of His late Majesty’s reign, entitled, ‘An Act to repeal part of and amend the Laws now in force for laying out, and amending, and keeping in repair the Public Highways and Roads in this Province,’ and also to amend an Act passed in the fiftieth year of His late Majesty’s reign, entitled, ‘An Act to provide for the laying out, amending, and keeping in repair the Public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose’”; and a certain other Act passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled, “An Act to repeal part of and amend an Act passed

6 Geo. 4, ch. 7;

9 Geo. 4, ch. 3;

50 Geo. 3, ch. 1;

56 Geo. 3, ch. 39;

59 Geo. 3, ch. 8;

4 Geo. 4, ch. 9;

4 Geo 4, ch 10,

in the fiftieth year of His late Majesty's reign, entitled, 'An Act to provide for the laying out, amending, and keeping in repair the Public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose,' and also to repeal part of and amend the provisions of an Act passed in the fifty-ninth year of His late Majesty's reign, entitled, "An Act to repeal part of and amend the Laws now in force for laying out, amending, and keeping in repair the Public Highways and Roads in this Province," so far as the same Acts relate to or affect Land, and other ratable property within the said City of Toronto and the Liberties thereof, and the Rates or Assessments to be rated, levied, or collected therein, or the performance of Road or Statute Labour, or the composition therefor within the said City and Liberties, shall be, and they are hereby repealed, save and except only so far as the same Acts respectively may have repealed any prior Act or enactment, affecting or concerning the land or property within the said City or Liberties, and the Rates or Assessments to be rated, levied, or Assessed thereon, or the Road or Statute Labour, or composition therefor, within the said City and Liberties.

so far as relates to the City of Toronto repealed.

Exception.

Part of the 22d clause 4th Wm. 4, ch. 23;

II. *And be it further enacted by the authority aforesaid,* That so much of the twenty-second clause of an Act passed in the fourth year of the reign of His present Majesty, entitled, "An Act to extend the Limits of the Town of York, to erect the said Town into a City, and to Incorporate it under the name of the City of Toronto," as relates to the levying and collecting annually, by Tax upon the real and personal property in the said City and the Liberties thereof, a sum of money in addition to the Rates and Assessments payable to the General Funds of the Home District; and also, so much of the fifty-fifth clause of the said Act, as relates to the collecting or paying over into the General Funds of the Home District, the Rates and Assessments to be levied and raised upon the inhabitants of the said City and Liberties, under the General Assessment Laws of the Province; and so much of the said clause as relates to the appointment of one Assessor and one Collector for each Ward of the said City and the Liberties thereof; and also, the sixteenth, seventeenth, eighteenth, twenty-fourth, thirty-fourth, thirty-ninth, fifty-sixth, and sixty-second clauses of the said last-mentioned Act, shall be, and the same are hereby repealed.

part of the 55th clause,

the 16, 17, 18, 24, 34, 39, 56, & 62d clauses of the said Act repealed.

Chamberlain in January in every year to pay to the Treasurer of the Home District, £400.

III. *And be it further enacted by the authority aforesaid,* That in lieu of the payment of any part of the Rates or Assessments heretofore payable to the General Funds of the Home District, the Chamberlain of the said City shall, some time in the month of January in each and every year, out the monies in his hands, of the said City, pay to the Treasurer of the Home District, for the general uses of the said District, the yearly sum of four hundred pounds, the first payment thereof to begin and be made some

time in the month of January next ensuing the passing of this Act: *Provided always*, that nothing in this Act contained shall extend, or be construed to extend, to prevent or excuse the said City from paying to the General Funds of the Home District, all such sum and sums of money as are or may be hereafter collected within the said City, for or on account of the Assessment already imposed by the General Assessment Laws of this Province, and due and payable by the inhabitants of the said City and Liberties, for the year before the passing of this Act.

Proviso as to former assessments.

IV. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said Corporation, and they are hereby required, within five years after the passing of this Act, to build or cause to be built, at the expense of the said Corporation, on some convenient site, to be by them procured for that purpose within the said City or the Liberties thereof, a good and sufficient Gaol and House of Correction, for the confinement and imprisonment of all and every offender or offenders, who shall, at any time after the completion of such Gaol and House of Correction, be committed or adjudged to be imprisoned under any order or warrant of the Mayor or any of the Aldermen of the said City; and from and immediately after the completion of such Gaol and House of Correction, no person adjudged to be imprisoned under and by virtue of any order or warrant of the Mayor, or any of the Aldermen aforesaid, shall be committed to the Gaol of the Home District, except in cases of parties charged with offences, which, from their nature, require to be tried before a Court of Oyer and Terminer and General Gaol Delivery: *Provided always*, that so soon as such Gaol and House of Correction shall be built and finished, as aforesaid, the payment of the said sum of four hundred pounds to the Treasurer of the Home District, hereinbefore mentioned, shall cease and determine.

Corporation authorised to build a Gaol and House of Correction.

Persons committed by the Civic authorities, not to be sent to Gaol of the Home District.

When Gaol, &c. finished, payment of £400 to District to cease.

V. *And be it further enacted by the authority aforesaid*, That the better to enable the said Corporation to build such Gaol and House of Correction, it shall and may be lawful for them to borrow, for a term not to exceed twelve years, a sufficient sum of money for that purpose, not exceeding Five Thousand Pounds, from any person or persons willing to advance the same, at a rate of Interest not exceeding that fixed by law.

Corporation may borrow £5000.

Rate of interest.

VI. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Mayor, Aldermen, and Common Council of the said City, from time to time, to appoint two fit and discreet persons, being inhabitant Householders of the said City, or the Liberties thereof, Assessors for the said City, and the Liberties thereof; and in like manner from time to time, to appoint one or more fit and discreet person or persons to be Collector or Collectors of the said City, and the Liberties thereof.

Two Assessors to be appointed.

One or more Collectors.

VII. *And be it further enacted by the authority aforesaid,* That for carrying the several purposes of the said Act, entitled “An Act to extend the limits of the Town of York, to erect the said Town into a City, and to Incorporate it under the name of the City of Toronto,” into execution, and for the securing, raising and paying, any monies which shall or may be borrowed under the authority of the same, or this Act, and the interest of such monies, there shall be made, levied and assessed, under the authority of the Mayor, Aldermen and Commonalty, of the said City, in Common Council assembled, at yearly periods, upon all and every person who shall inhabit, hold, use or occupy, any House, Shop, Warehouse, Building, or piece or parcel of Land, or any part or portion of a House, Shop, Warehouse, Building, or piece or parcel of Land, being a separate Tenement, situate, lying and being, within the said City, or Liberties thereof, according to the yearly value thereof respectively, to be ascertained in manner hereinafter mentioned; and the time for which such yearly Rate or Assessment for the present year shall be so Rated and Assessed, shall be held to have commenced from the second Monday in February, One Thousand Eight Hundred and Thirty-seven, and shall end on the day next preceding the second Monday in February, in the ensuing year, both days inclusive; and the time for which every future yearly Rate shall be so Rated or Assessed, shall commence from the period at which the time for the last Rate ended, and not otherwise.

Assessments to be made on real property,

according to yearly value of property;

Time of the commencement of the rate.

Description of chattel property to be rated.

Not to extend to property of the Crown.

VIII. *And be it further enacted by the authority aforesaid,* That the Rate or Rates aforesaid, shall also be raised, levied or assessed, upon the owners or possessors of the following Chattel Property, that is to say:—Stone Horses, kept for the purpose of covering Mares; other Horses, of the age of three years, and upwards; Horned Cattle, at the age of three years, and upwards; Phaetons, Carriages, Curricles, Gigs, Wagons, Sleighs, and other Carriages kept for pleasure only, according to the yearly value thereof, ascertained as hereinafter mentioned: *Provided always,* that nothing in this Act contained shall extend, or be construed to extend, to any House, Lands, Property, Goods, Effects, matters or things, herein mentioned or enumerated, which shall belong to, or be in the actual possession or occupation of His Majesty, His Heirs or Successors, unless the same shall be actually leased to Individuals, nor to any Churches, Chapels, places of Public Worship, or Burying Grounds.

Rates, with certain exceptions, to be imposed on the yearly value of real property.

IX. *And be it further enacted by the authority aforesaid,* That except as respects vacant grounds, or other Property hereinafter specially mentioned and provided for, the annual value of all such Houses, Shops, Warehouses, Buildings, Gardens, Grounds, Lands, Tenements, and parts and portions thereof, being separate Tenements as aforesaid, so to be

rated and assessed as aforesaid, shall be settled according to the real rack-rent or full yearly value, which said rent or yearly value shall be ascertained by the said Assessors, once in each year.

X. *And be it further enacted by the authority aforesaid,* That every Lot or Parcel of Ground, whereon any House or other Building, or Houses or Buildings, to be valued as aforesaid, are situate and being, held therewith as the same Tenement, when such Lot of Ground is not above an Acre in extent, and to the amount of an Acre thereof shall be assessed and valued, with the House or Building, Houses or Buildings, thereon, and the overplus, if any, above an Acre, shall be valued as a separate Tenement and vacant ground, as hereinafter mentioned.

Every lot of Ground to the extent of an Acre to be valued, with the Buildings thereon.

The overplus beyond an Acre to be considered a separate Tenement.

XI. *And be it further enacted by the authority aforesaid,* That the possessors or owners of all cultivated, vacant or unoccupied Ground, Farms, Gardens, and other Lands not valued with any House or Building as above mentioned, situate or partly situate within the said City, and also the said Horses, Cattle and Carriages, hereinbefore mentioned, as well within the Liberties of the City as within the City itself, shall not be rated in respect thereof as hereinbefore mentioned, but the same shall be valued according to the certain fixed rates following, that is to say:—

every Lot or piece of ground, being a separate Tenement, under half an Acre in extent, shall be valued at Five Pounds, of yearly value; every Lot or piece of ground, being a separate Tenement, above half an Acre in extent, and not containing an Acre, at Ten Pounds, of yearly value; every Lot or piece of ground, being a separate Tenement, containing an Acre in extent, and not containing two Acres, at Twenty Pounds, yearly value; and every Lot or piece of ground, being a separate Tenement, containing two Acres in extent, or upwards, shall be valued at Twenty Pounds, yearly value, for the first Acre, Ten Pounds, yearly value, for the second Acre, Five Pounds, yearly value, for the third Acre, and One Pound Ten Shillings, yearly value, for every subsequent Acre; every Stone Horse, kept for the purpose of covering Mares for hire or gain, at Forty Pounds, yearly value; every other Horse, Mare or Gelding, above the age of three years, at Three Pounds, yearly value; Milch Cows and other horned Cattle, above the age of two years, at One Pound, of yearly value; every close Carriage with four wheels, kept for pleasure only, at Fifty Pounds, of yearly value; every Phaeton, or other open Carriage, with four wheels, kept for pleasure only, at Twenty-five Pounds, of yearly value; and every Waggon or other Carriage, or Gig, kept for pleasure only, at Ten Pounds, of yearly value; every two-horse Sleigh, kept for pleasure

Land not valued with any Building, and Chattel Property.

Value at fixed rates;

Lots under half an Acre.

Lots containing one Acre.

Lots containing two Acres, and upwards.

Stallions.

Horses, &c.

Cows.

Horned Cattle.

Close Carriages.

Open Carriages.

Waggons &c., kept for pleasure.

Double Sleigh.

Single Sleigh.

only, at Twenty-five Pounds, yearly value; and every one-horse Sleigh, kept for pleasure only, at Ten Pounds, of yearly value.

Assessors to be sworn.

XII. *And be it further enacted by the authority aforesaid,* That every Assessor of the City, before entering on the duty of such Assessor, shall be first sworn by the Mayor of the City, well, faithfully and impartially, to perform and fulfil the duties of Assessor, to the best of his knowledge and ability, which said Oath the Mayor of the said City is hereby authorised to administer.

Duty of Assessors.

XIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Assessors of the said City, to make such valuation as aforesaid, as soon as conveniently may be, on the requisition of the Mayor, in pursuance of any resolution of the Common Council, authorising such valuation as aforesaid; and also, to leave for every person so rated, whether he or she shall reside within the Ward in which such property is situate, or elsewhere, in the said City or Liberties, at the residence of such person, a notice, of the rent or yearly value of the Property in respect whereof he or she shall be so rated, and immediately after such Assessment or yearly value shall be completed, the Assessor or Assessors, respectively, shall deposite with the Clerk of the Common Council of the said City, distinct Rent or Assessment Rolls, Books or Returns, of the said yearly rents or value which shall be rated as aforesaid; and in case any person shall think himself or herself overcharged in such Rent or Assessment Roll, Book or Return, it shall and may be lawful for such person within six days next after the said notice shall have been given, or left at his or her residence as aforesaid, to give notice in writing to the Clerk of the Common Council of the said City, of the overcharge complained of, and the same shall be tried by a Court of five Members of the Common Council aforesaid, to be appointed by the said Common Council, for the purpose of hearing and determining such complaints, at such times and Meetings of the said Court, as the Members composing the same shall direct and appoint, reasonable notice of such time and meeting to be given to the same complaining party, and to the Assessor who shall have made such rate; and the Court after hearing the complaining party, and his or her Witnesses, upon oath, (or affirmation, as the case may be) shall, by a majority of voices or votes, finally decide and determine upon such complaint, and affirm or amend the return of the Assessor or Assessors accordingly: *Provided always,* that if the said complaining party shall neglect to appear at such Meeting of the said Court, he or she having had reasonable notice thereof as aforesaid, the said Court shall proceed to make their final decision without hearing such party; and in case it shall appear to any two or more Members of the Common Council aforesaid, that the

Remedy provided in case of overcharge.

Court of five members to be appointed,

to determine complaints.

Notice.

Court to decide by a majority.

If complainant neglect to attend,

Court may proceed.

Remedy in case any property be under-rated.

rent or yearly value has been in any case or cases given in or returned by the Assessor too low, they shall cause the Clerk aforesaid to give to the person or persons so rated as aforesaid, and to the person who shall have made such rate, notice of the time of meeting of the Court aforesaid, at which the same matter shall be heard, and the same shall be finally determined by the said Court, in like manner as aforesaid, after hearing the said parties and Witnesses, upon oath or affirmation as aforesaid, or in default of their appearance as aforesaid: *Provided always*, that any three or more Members of the said Court shall be a quorum for the despatch of business, and that the said Court shall have power to adjourn from time to time, as they shall see fit.

Three Members of the Court to form a quorum. Court may adjourn.

XIV. *And be it further enacted by the authority aforesaid*, That any Member of the said Court shall have full power and authority, to administer such oath or affirmation as aforesaid, and the Mayor or any one of the Aldermen of the said City shall have full power and authority, to issue a Summons for each Witness, who shall be required to attend before the said Court; and if any person shall neglect or refuse to obey such Summons, upon being tendered a reasonable remuneration for his services, not exceeding Two Shillings and Six Pence per day, he shall be liable to such fine, not exceeding Five Pounds, as the Mayor and Aldermen of the City, in the next Mayor's Court assembled, on proof upon oath, (or affirmation, as the case may be) of the due service of such Summons, and of such neglect or refusal, shall impose; and in default of payment of such fine, it shall and may be lawful for the said Mayor's Court to commit such person or persons to the Gaol of the Home District, or other House of Correction, for the said City, until such fine shall be paid: *Provided always*, that such imprisonment shall not exceed, in any case, thirty days; and if any person shall knowingly swear or affirm falsely, in any of the cases referred to in this or the next preceding Section of this Act, he or she shall be deemed guilty of wilful and corrupt perjury, and shall be punished accordingly, on conviction before any Court having Jurisdiction thereof.

Power to administer oaths.

Summons for Witnesses.

Penalty for not obeying.

Fine.

Imprisonment;

not exceeding thirty days.

False swearing, perjury.

XV. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Mayor, Aldermen and Commonalty of the said City, at some convenient time after the return of the Rent or Assessment Rolls aforesaid, to pass a yearly Act, declaring the amount in the Pound on such rent or valuation, which shall be raised and levied for the year in which such Act shall be passed.

Common Council to declare the amount in the pound to be raised for the year.

XVI. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said Court so constituted in the thir-

Court of five members authorised to compound and remit rates in certain cases.

teenth section of this Act mentioned, to hear on memorial or petition the case or cases of such person or persons as during any one year, for which the Rates aforesaid shall be respectively levied, shall have been assessed for any House or Building, or any part thereof, which during such year shall have continued vacant for more than three calendar months of such year; and also, the case or cases of such person or persons, not assessed in respect of any property in the said City or Liberties thereof, who, from sickness or extreme poverty, shall be unable to pay any Rate by this Act imposed, and on hearing such case or cases, it shall and may be lawful for the said Court to compound for, or remit the whole or any part of such Rate or Rates.

Landlords as well as Occupiers liable for rates.

XVII. And be it further enacted by the authority aforesaid, That all Proprietors, Lessees, and others who shall let for rent Premises within the said City or liberties, for a space less than one year, shall themselves, as well as the Occupiers of such Premises, be liable and responsible for the Rates and Assessments aforesaid; and such Assessment shall and may be recovered from the said Proprietors, Lessees, and others, or from the said Occupiers, as the Collector or Collectors of the said City, or Liberties thereof, shall judge convenient.

Every male inhabitant between twenty-one and sixty years old, not otherwise rated, and liable to perform Statute Labour, to pay 10s. yearly.

XVIII. And be it further enacted by the authority aforesaid, That each Male Inhabitant of the said City and Liberties, of the age of twenty-one years and upwards, and not above the age of sixty years, not otherwise rated under the authority of this Act, and who by the laws now in force would be liable to perform statute labor, shall be rated and assessed in the sum of Ten Shillings yearly, which said sum shall be paid to the general uses of the said City, in like manner as the other Rates, Levies and Assessments, under the authority of this Act; and it shall be the duty of the Assessor of the said City to return, with the Rent or Assessment Rolls to be made and returned under the authority of this Act, a true and correct List of the Persons within the City and the Liberties attached thereto, who shall be liable to pay the said last mentioned sum; to give notice to the persons respectively who shall be so liable and placed upon the said list; and it shall be the duty of the Collector of the City to collect and receive such Sum and Sums of Money, and pay over the same, in like manner as other monies to be levied and raised under the authority of this Act.

Assessor to return list of such persons.

Notice.

Collector to collect the same.

Penalty for neglecting or refusing to pay.

XIX. And be it further enacted by the authority aforesaid, That if any person or persons rated or assessed as in manner herein directed, shall refuse or neglect to pay the Rates or Assessments charged upon him, her, or them, for the space of Fourteen Days next after such

Rates shall be due and demanded by any one of the Collectors of the City; it shall and may be lawful for the said Collector to apply to the Mayor, or one of the Aldermen of the said City, for a Warrant to the High Bailiff, or any Constable of the said City, to enter into the house or houses, other dwellings or premises of such person or persons, and to seize and take possession of his, her, or their Goods and Effects, (whether in the Ward in which the Assessed Property is situate, or elsewhere in the said City or Liberties,) which Warrant the said Mayor or Alderman is hereby authorised to grant, upon a Certificate signed and sworn to by such Collector of a demand of such Rate having been made, and of such person or persons being in arrear to the amount stated in such Certificate; and if such Rate or Assessment shall not be paid within Five Days next after such seizure, the said Collector is hereby authorised to sell by Public Auction, at such place as may be proper, such part of the said Goods and Effects as shall be sufficient to pay the said Rates and Assessments, with the Costs and Charges attending such seizure and sale, returning the overplus, if any there be, to the owner or owners.

Warrant to levy.

Sale.

Overplus.

XX. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, every Landlord, Proprietor, Factor, or Agent, who shall wilfully grant a certificate or receipt, which contains a less sum than the rent really paid or payable for the premises therein-mentioned or referred to, and every Tenant who shall present to the Assessor aforesaid, or otherwise utter or publish such a certificate or receipt, in order to procure a lessening or abatement of such Rate or Assessment, shall be liable to a penalty not exceeding five pounds, to be recovered and disposed of in like manner as other penalties are recovered and disposed of in the said City, for breach of any of the By-Laws or Ordinances thereof.

Penalty for giving false Receipts for Rent.

XXI. *And be it further enacted by the authority aforesaid,* That every Tenant, for a term of years, or for one year, or for any shorter period, who shall pay any Rates, Levies, or Assessments, under the authority of this Act, shall, when such Rate or Assessment shall be paid and discharged, be at liberty to deduct the amount of such Rate or Assessment out of the rent due, or to fall due, next after the payment of such Rate or Assessment, excepting always, when there shall be any covenant, stipulation, or agreement between the Landlord and the Tenant, for the payment of Rates or Taxes by the Tenant, or for the payment of the rent by such Tenant, without abatement, for or on account of such Rates or Taxes.

Tenants paying Rates may deduct the amount from their rent.

Exception.

Yearly Rates to be in the proportion of a certain sum in the pound on the yearly rent or value of the property

Rate in the pound on property in the Liberties to be one-fourth of property in the City.

Rates not to exceed 1s. 6d. in the pound.

Qualification of Special Jurors.

Clerk of Common Council to make an Annual Return of persons liable to serve on Special Juries.

Rates on certain real property remaining in arrear, the same to accumulate with interest, and payable by any future proprietor or occupier.

XXII. *And be it further enacted by the authority aforesaid,* That the yearly Rate so to be Rated and Assessed, as aforesaid, shall be in the proportion of a certain sum in every pound of yearly rent or value so ascertained, as aforesaid, within the said City and Liberties; and that the said Rate or sum in the pound, within the said Liberties, shall be one-fourth of the sum in the pound which shall be rated within the said City, and no more: *Provided always, and it is hereby further enacted by the authority aforesaid,* that except, as hereinafter provided, the Rate or Rates so to be levied and Assessed, as aforesaid, shall not exceed in any one year the amount or sum of one shilling and sixpence in the pound of such yearly rent or value on the premises within the said City.

XXIII. *And whereas,* it is necessary to provide for the qualification and summoning of Special Jurors within the said City and Liberties, *be it further enacted by the authority aforesaid,* That all male inhabitants of the said City and Liberties, not by Law exempt or disqualified from service upon Juries, who shall be rated in respect of any premises within the said City or Liberties, in fifty pounds of yearly rent or value, or upwards, shall be liable and qualified to be summoned and to serve upon Special Juries within the Home District, in like manner as other inhabitants of the said District, who are liable and qualified to be summoned and to serve upon such said Juries; and from and after the passing of this Act, it shall be the duty of the Clerk of the Common Council of the said City, once in every year, within one month after the said Rent or Assessment Rolls of the said City and Liberties shall have been returned, as aforesaid, to deliver to the Clerk of the Peace of the Home District, a correct list of all male inhabitants of the said City and Liberties, who shall be so liable to serve upon such Special Juries, as aforesaid.

XXIV. *And be it further enacted by the authority aforesaid,* That in all cases where the person or persons, who shall be rated in respect of any vacant ground or other real property within the said City or Liberties, shall not reside within the said City or Liberties, and the Rates and Assessments payable in respect to such vacant ground or other property, shall remain unpaid, the Rates or Assessments payable in respect of such vacant ground or other property, shall remain charged against the same, and shall be paid by any future occupier of the same, or by any proprietor thereof, who shall reside within the said City or Liberties, at any time after the said Rates and Assessments shall be due and in arrear, together with interest on the sum and sums so in arrear, from the time at which they shall respectively become payable, after the rate of six per centum per annum, and the said sum or sums so in arrear, and the interest thereon, shall be

recovered in like manner as hereinafore provided, for the recovery of other Rates and Assessments. Mode of recovery.

XXV. *And be it further enacted by the authority aforesaid,* That the wages of any Member or Members of the House of Assembly representing the said City and Liberties in Parliament, shall be paid and payable to such Member or Members by the Chamberlain of the said City, out of the monies in his hands for the uses of the said City, on warrant from the Mayor, and without any particular rate or assessment being raised or rated in respect thereof: *Provided always, nevertheless,* that nothing in this Act contained shall extend or be construed to extend, to prevent the recovery of any rates or assessments for the year now last passed, under the laws hereby repealed, which now are and shall be actually in arrear and unpaid at the time of the passing of this Act. City Members' wages to be paid by Chamberlain.

XXVI. *And be it further enacted by the authority aforesaid,* That at every future Election of Aldermen and Common Council-men, or any of them, within the said City, no person shall be eligible to be elected an Alderman of the said City, unless he shall have been resident within the said City, or Liberties thereof, for one year next before the Election, and being so resident at the time of such Election, shall be possessed to his own use and benefit, of real property within the said City or Liberties, either in freehold, or for a term of years, or as Tenant from year to year, which shall be Assessed under this Act at sixty pounds, or in the receipt of sixty pounds or upwards of yearly rent or profit accruing from or out of real property within the said City or Liberties; and that no person shall be eligible to be elected as Common Council-man of the said City, unless he shall have been resident within the said City or Liberties for the space of one year next before such Election, and being so resident at the time of such Election, shall be possessed to his own use and benefit, either in freehold, or for a term of years, or as Tenant from year to year, of real property within the said City or Liberties, which shall be rated under this Act at forty pounds yearly rent or value, or in the receipt of forty pounds or upwards of yearly rents or profits, accruing from or out of real property within the said City and Liberties; and that every Candidate at such Election, shall, if thereunto required by any Elector for the Ward where such person is a Candidate, make and subscribe an oath or affirmation of his qualification, and of the particulars of the property in respect whereof he is so qualified, which oath or affirmation the Returning Officer is hereby authorized and required to administer. Qualification of Aldermen at future Elections.
Qualification of Common Council-men at future Elections.
Candidate may be required to take oath of qualification.

XXVII. *And be it further enacted by the authority aforesaid,* That the Aldermen and Common Council-men of the said City shall be elected

Qualification of Voters
for Aldermen and
Common Council-men

respectively by the majority of votes of such persons, being male Inhabitant Householders of the said City or the Liberties thereof, as shall be possessed at the time of being Registered as Electors, as hereinafter provided, and shall have been possessed three months prior thereto, either in freehold, or as tenants for a term of years, or from year to year, of a Town-lot or Dwelling-house within the Ward for which the Election shall be holden, or the Liberties attached thereto, which shall be rated at the yearly value of Ten Pounds, and shall have had their names duly Registered as Electors in manner hereinafter mentioned, and shall have actually paid their rents and taxes due at the time of his being registered as a Voter: *Provided always*, that a portion of a house in which any Inhabitant shall reside as a House-holder, and not as a Boarder or Lodger, and having a distinct communication with the street by an outer door, shall be considered a Dwelling-house within the meaning of this clause: *And provided also*, that no person shall vote at any such Election, who has not been a resident Inhabitant within the said City or Liberties thereof, for a period of twelve calendar months next before the Election.

Registry of Voters.

What to be considered
a distinct Tenement.

No person not being
a twelve-months'
Resident to vote.

Coroners to be
appointed.

XXVIII. *And be it further enacted by the authority aforesaid*, That the Common Council of the said City shall and may, from time to time, appoint two fit and discreet persons to be Coroners of the said City, and may in their discretion remove the person or persons so appointed, and appoint others in their room and stead.

Clerk of the Common
Council to make out
annually a list of
Voters.

XXIX. *And whereas* no provision has yet been made for a Register of Electors or Voters for Aldermen, Common Council-men, or other elective Officers of the said City: *be it further enacted by the authority aforesaid*, that the Clerk of the Common Council of the said City shall, on or before the first Monday of December in each and every year, make out an alphabetical list of every person residing within each Ward, entitled to vote under the provisions of this Act, and shall put up a correct copy of such list in the City Hall on the same day, and continually keep the same there until the next ensuing Election.

Court of five Members
to sit at certain times,

XXX. *And be it further enacted by the authority aforesaid*, That a Court of five Members of the Common Council, to be appointed by the Common Council, shall sit in the City Hall, on days whereof due notice shall be given, and not less than once in every week after such lists shall have been made out as aforesaid, and before the then next ensuing Election, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, for hearing and deciding upon all objections which may be made by any Elector of the City to the insertion or omission of names in the said lists, and for the purpose of expunging, retaining or inserting,

to decide on objections
to the lists;

names from or in the said lists according to the best of their judgment ; and such Court may adjourn from time to time as they may deem expedient ; and such Court are not to expunge any name to which no valid objection shall be made and established, either by the admission of the party himself, or by the oath of some person or persons deposing to such objection ; and the said Court are hereby required to add to and insert in such lists the name or names of any person or persons not therein inserted, and whose right to vote shall be satisfactorily established : *Provided always*, that no person's name shall be expunged without a notice, to be signed by the Clerk of the Common Council, shall be given to him, or left at his usual residence, that his right to vote is disputed, at least four days before such expunging ; and that no persons name shall be inserted in such list or lists unless he shall have given four days notice of his intention to apply to have his name inserted therein, to the Clerk of the Common Council, who shall forthwith communicate the same to the said Court.

may adjourn.

No name to be expunged without valid objection.

Names may be added.

No person's name to be expunged without notice ;

nor any person's name inserted.

XXXI. *And be it further enacted by the authority aforesaid*, That the said Court of five Members, shall have power to administer an oath to all persons making an objection to the insertion or omission of any name in such list as aforesaid, and to all persons objected against, or requiring their names to be inserted, and to all Witnesses tendered on either side, and the Member of the Court presiding shall sign his name to the lists, after the validity of the claims and objections shall have been decided on, and the names inserted or expunged accordingly ; and that such lists so signed shall be held to contain the names of all the Electors entitled to vote at the Election next ensuing the making and signing such lists.

Power to administer oaths.

Lists to be signed.

Lists considered to contain the names of all the voters.

XXXII. *And be it further enacted by the authority aforesaid*, That the list for each Ward, when so settled and signed, shall be filed in the Office of the Clerk of the Common Council, and a certified copy thereof shall be by him transmitted to the Returning Officer for the several Wards in the City, not less than five days before any such Election ; and that every person whose name shall appear in such list shall be entitled to vote at the Election for such Ward, without any further inquiry as to his qualification, and without taking any oath or affirmation, other than that he is the person named in such list, and has not before voted at such Election, which oath or affirmation the Returning Officer is hereby required and authorised to administer.

List for each ward to be filed ;

Copy to be sent to the Returning Officers ;

Persons named in such lists entitled to vote.

Oath.

XXXIII. *And be it further enacted by the authority aforesaid*, That except, as hereinafter provided, the Aldermen and Common Council-men

Aldermen and Common Council-men to continue in office two years ;

Exception.

Majority of Council to decide who goes out in certain cases.

Parties going out capable of immediate re-election.

Twelve members of Common Council, including Mayor or President, to be a quorum ;
A smaller number may adjourn.

who shall be elected at any Election after the passing of this Act, shall act in their Offices for two years : *Provided always*, that the Aldermen and Common Council-men for each Ward, who shall have the fewest votes at the Election next after the passing of this Act, shall go out of Office at the expiration of one year from such Election : *And provided also*, that in case of an equal number of votes having been given for both Aldermen or both Common Council-men in any Ward, then it shall be decided by a majority of votes of the said Common Council which of such Aldermen or Common Council-men shall vacate his seat, as aforesaid : *Provided also*, that every Alderman or Common Council-man so going out of Office shall be capable of being forthwith re-elected, if then duly qualified, according to the provisions of this Act.

XXXIV. *And be it further enacted by the authority aforesaid*, That twelve Members of the Court of Common Council, including the Mayor or President for the time being, shall be a quorum for the despatch of business : *Provided always*, that a smaller number may adjourn from time to time, and may be authorised to compel the attendance of absent Members, in such manner and under such penalties as may be provided by Act of Common Council.

Form of Collector's Certificate, for the purpose of procuring a Distress Warrant.

I, _____, one of the Collectors for the City of Toronto, do hereby certify, that the sum of _____, rated against _____, an inhabitant of the said City or Liberties, in respect of Ratable Property in the Ward of _____, or Liberties attached to the said Ward, or not Assessed in respect of Ratable Property in the said City or Liberties, is now in arrear and unpaid ; and further, that I did on the _____ day of _____, duly demand the said sum of _____, from the said _____.

_____,
COLLECTOR.

Form of Attestation.

I, _____, one of the Collectors of the City of Toronto, do swear, that the above Certificate is true in all its particulars.

Form of Warrant of Distress thereon.

To _____, High Bailiff, or one of the Constables of the City of Toronto,
(as the case may be.)

You are hereby authorised and required to Distrain the Goods Chat-

tels, and Effects of ———, which you shall find upon the premises of the said ———, in the City or Liberties thereof, for the sum of ———, Rated against him or her, and now in arrear and unpaid; and in default of payment of such Rate or Rates, and the lawful costs and expenses of the said Distress, to sell and dispose of the said Distress or Distresses, according to Law, for the recovery of the said Rate or Rates, together with the said costs and expenses, according to Law; and for so doing, this shall be your sufficient Warrant.

Given under my Hand and Seal, at the City of Toronto aforesaid, this ——— day of ———, one thousand eight hundred and ———.

XXXV. *And be it further enacted by the authority aforesaid, That this Act shall be and remain in force for two years, and from thence to the end of the then next ensuing Session of Parliament, and no longer.*

CHAP. XL.

AN ACT to authorise the Magistrates of the Home District to erect a New Gaol within the said District.

[Passed 4th March, 1837.]

WHEREAS, it appears by the Petition of the Magistrates of the Home District, that the Gaol of the said District is become so unsafe, that it is absolutely necessary for the safe keeping of Prisoners, that a new one should be erected, and that the situation of the present Gaol in the centre of the City of Toronto is highly objectionable, and that it is necessary to provide by Law for the erection of a new one: *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 Justices of the Peace for the said Home District, in General Quarter Sessions assembled, either at the next General Quarter Sessions after the passing of this Act, or at any subsequent General Quarter Sessions, shall be authorised, and they are hereby authorised, by such means as to them shall seem most fitting and convenient, to procure different

Preamble.

Justices of the Home District in general Quarter Sessions may procure plans &c. for a new Gaol and Court-house.