

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 notwithstanding any omission in the above recited Act, respecting the appointment of Officers to hold the first Elections for the said Aldermen and Councilmen, the said Elections for Aldermen and Councilmen held in the Town of Kingston on the last Tuesday in March, in the year of our Lord one thousand eight hundred and thirty-eight, shall be held and taken to be legal and valid to all intents and purposes whatever, any Law to the contrary thereof in anywise notwithstanding.

First election of Members of the Corporation of Kingston, declared valid.

CHAP. XXXVII.

AN ACT to amend an Act passed in the first year of Her Majesty’s reign, entitled, “An Act to incorporate the Town of Kingston, under the name of the Mayor and Common Council of the Town of Kingston.”

[Passed 11th May, 1839.]

WHEREAS an Act was passed in the last Session of the Provincial Legislature, entitled, “An Act to incorporate the Town of Kingston, under the name of the Mayor and Common Council of the Town of Kingston,” in which it was enacted that the Mayor, Aldermen and Councilmen of the said Town of Kingston, shall be sworn into their respective offices on a certain day therein named, by the Judge of the District Court, or the Chairman of the Quarter Sessions: *And whereas* at the election in the month of March last past, the Officers in the fourth Ward of the said Town, and also the Mayor of the said Corporation, were sworn into office by the Chairman of an Adjourned Quarter Sessions of the Peace, in the absence of the Chairman; and doubts having arisen whether the same is lawful, for remedy thereof—*Be it enacted* by the Queen’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,

Preamble.

Made in which Mayor, Aldermen, &c. of Kingston, were sworn into office, declared valid.

That the said swearing into office of the Mayor of the said Town, and also the Aldermen and Common Council-men of the fourth Ward thereof, shall be, and the same is hereby declared to be legal, valid and effectual, in law, any thing in the said Act of Incorporation to the contrary thereof in anywise notwithstanding.

Corporation empowered to levy penalties imposed by their By-laws.

II. *And whereas* no power is given to the said Corporation to enforce any penalty or punishment, for disobedience of the provisions of any Act or By-law, which by the aforesaid recited Act the said Corporation are authorized to make: *Be it therefore further enacted by the authority aforesaid,* That the fines, penalties and punishments, imposed or to be imposed by such Acts and By-laws, shall be made, levied and recovered, on conviction, on the oath of one or more credible witness or witnesses, of the offender or offenders, before the Mayor or either of the Aldermen of the said Town, by distress and sale of the Goods and Chattels of such offender or offenders, or imprisonment of his or their persons, which fine shall in no case exceed five pounds, nor imprisonment more than thirty days, at the discretion of the said Mayor or Aldermen, which Warrant of Distress or Imprisonment the said Mayor, or either of the Aldermen, are hereby empowered to grant.

Mayor and Senior Alderman, Justices of the Peace.

III. *And be it further enacted by the authority aforesaid,* That the Mayor, and the Senior Alderman of the said Town, shall, by virtue of his and their respective offices, be Justices of the Peace in and for the said Town.

Returning Officer to be appointed by Common Council;

To take oath of office;

Persons qualified to vote in case of vacancies.

IV. *And be it further enacted by the authority aforesaid,* That at every General Election for any Ward in the said Town, or in case any vacancy shall occur in the office of Aldermen or Common Council-men for either of the said Wards, the same shall be held by and before a Returning Officer, to be appointed by the said Common Council, who shall be sworn by the Mayor, or either of the Aldermen of the said Town, duly and faithfully to discharge the duties of the said office; and in case of any Election to supply any vacancy as aforesaid, every person duly qualified according to the before recited Act of Incorporation, shall be entitled to vote thereat.