



ANNO NONO
VICTORIÆ REGINÆ.

CAP. LXXI.

An Act to alter and amend the Act of Incorporation of the Town of
Cobourg.

[9th June, 1846.]

WHEREAS it is expedient to alter and amend the law relating to the qualification of persons voting at any future election for the members of the Board of Police of the Town of Cobourg, in the Newcastle District of Canada West, and to make other amendments in the Act incorporating the said Town: 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 Town of Cobourg, been found to produce well-founded complaints on the part of the inhabitants of the said Town, and it is therefore expedient to provide for the more equal and just levying of the rates and assessments in the said Town; And whereas it is also expedient that the whole of the rates and assessments rated and assessed on property within the said Town should be paid and applied to the uses of the said Town, the said Town paying to the funds of the Newcastle District, a certain yearly sum, as the just proportion which the said Town ought to bear and pay in the general expenses of the District: And whereas it is expedient that the Statute Labour should be enforced in the said Town or commuted at the discretion of the Board of Police, the present law regulating the same not being clearly defined in the Act of Incorporation of the said Town: And whereas it is necessary to increase the powers of the Board of Police for the more effectual good government of the said Town: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted 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 of the Legislature of Upper Canada, passed in the fifty-ninth year of the Reign of His late Majesty King George the Third, intituled, *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 rateable property throughout this Province*; and a certain other Act of the said Legislature, passed in the sixth year of the Reign of His late Majesty King George the Fourth, intituled, *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*

Preamble.

Acts of U.
59 G. 3. c.
6 Geo. 4. c.
9 Geo. 4. c.
repealed in
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of His late Majesty King George the Third, intituled, '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 rateable 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 of the said Legislature, passed in the ninth year of the Reign of His late Majesty King George the Fourth, intituled, *An Act to amend the Assessment Laws of this Province*, so far as the said Acts relate to or affect land and other rateable property within the said Town of Cobourg, and the rates or assessments to be rated, levied or collected therein, 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 Town, or the rates or assessments to be rated, levied or assessed thereon within the said Town.

Part of the Act of U. C. relating to the Town of Cobourg repealed.

II. And be it enacted, That so much of the fourth section of an Act of the said Legislature, passed in the seventh year of the Reign of His late Majesty King William the Fourth, intituled, *An Act to establish a Police in the Town of Cobourg, and to define the limits of the said Town*, as relates to the qualification of voters in the said Town; and also so much of the sixth section of the said Act as relates to the period of the year when the annual elections in the several Wards of the said Town shall be held; and so much of the fourteenth section of the said Act as relates to the period to which the President and members of the said Corporation shall hold their office; and also the eighteenth, twentieth, twenty-first, twenty-second and twenty-third sections of the said Act, and so much of the twenty-sixth section of the said Act as relates to the Statute Labour; and also the twenty-eighth and twenty-ninth sections of the last mentioned Act, shall be and the same are hereby repealed.

A certain sum to be paid yearly to the Newcastle District, instead of rates.

Proviso.

III. And be it enacted, That in lieu of the payment of any part of the rates or assessments heretofore payable to the general funds of the Newcastle District, the said Corporation shall sometime in the month of January in each and every year, out of the monies of the said Town, pay to the Treasurer of the Newcastle District for the general uses of the said District, the yearly sum of one hundred and twenty 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 Town from paying to the general funds of the Newcastle District, all such sum and sums of money as are or may be hereafter collected within the said Town 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 Town for the year before the passing of this Act: Provided always, that when and so soon as the said Newcastle District shall, by any Legislative Enactment passed during the present or any future Session of the Legislature, be relieved from payment of the expenses of the Administration of Justice within such District, or from any part thereof, then the payment of the said sum of one hundred and twenty pounds so to be paid by the said Town of Cobourg to the said District of Newcastle as aforesaid, or such part thereof as shall be proportionate to the share or portion of such expenses whereof the said District shall from time to time be relieved, shall cease and be no further made.

Proviso.

IV. And the better to enable the said Corporation to erect a suitable Town-Hall and Market Buildings, and build public sewers, and from time to time as required to make other improvements in the said Town for the comfort, health, and general welfare of the said Town, Be it enacted, That it shall and may be lawful for them to borrow from time to time sufficient sums of money for those purposes, not exceeding six thousand pounds, from any person or persons willing to advance the same at a rate of interest not exceeding that fixed by law; and the said Corporation are hereby authorized and empowered to mortgage or place in security the property of the said Town, as well as to secure the rates and assessments to be levied and collected under the provisions of this Act, to the person or persons so lending, for the purpose of repaying the same, with the legal interest thereon, in such manner as the said Corporation may see fit.

Corporation empowered to borrow a sum not exceeding £6000.

V. And be it enacted, That from and after the first day of January next, any law to the contrary thereof notwithstanding, the members of the said Corporation shall be elected annually from among the male inhabitant householders of the said Town, of the full age of twenty-one years, who being subjects of Her Majesty shall be freeholders therein, which freehold property shall be valued by the Assessor or Assessors for the Town at the rental or annual value of not less than thirty pounds per annum, or leaseholders therein holding by lease made for a term of seven years and upwards, and who shall pay for and in respect of any property by him or them held as aforesaid within the said Town, an annual rent of not less than thirty pounds; Provided always, that any buildings erected upon any leasehold tenement held as aforesaid shall be valued with such tenement; and where both shall amount to the annual value of thirty pounds or upwards, the *bonâ fide* owner thereof, being otherwise qualified as aforesaid, shall be eligible as a member of the said Corporation, and at the first election made under the authority of this Act the Returning Officers respectively shall judge of the qualification of the Candidates respectively, and their decision shall be final; and that no person shall be capable of holding the office of Member of the said Corporation who shall not have been resident within the said Town for the space of five years or upwards previous to his election: Provided always, that no person shall be capable of serving as a member of the said Board who shall be a Minister, Priest or Ecclesiastic, or Teacher under any form or profession of religious faith or worship.

Out of what inhabitants of the Town the members of the Corporation shall be elected after 1st January, 1847.

Proviso.

Proviso.

VI. And be it enacted, That it shall and may be lawful for the inhabitants at their Annual Elections to elect an Assessor at each Ward within the said Corporation, being an inhabitant of the ward wherein he shall be elected and who is qualified to be elected a Member of the said Board of Police, and that it shall be the duty of the said Assessors conjointly to take the assessment of the said Town as hereafter established by law.

Assessor to be elected for each Ward.

VII. And be it enacted, That the Assessors to be so as aforesaid elected, shall not in pursuance of the duties vested in them and imposed upon them by law, base their proceedings, estimate or assessment of property on a fancied value or rental thereof, as has heretofore often been done, but that the said Assessors be and they are hereby required to determine the assessment to be made by them on the interest of the actual value of the property assessed, or upon the actual or *bonâ fide* rent thereof; and when property to be assessed is in the occupation of the proprietor or proprietors thereof, the said Assessors shall be and they are hereby required to determine the assessment to be paid thereon upon and according to the rent which the said property is worth and would obtain

Valuation to be a *bonâ fide* one.

Rent.

obtain were the same to be leased by the said proprietor or proprietors thereof at the time the said property is assessed.

Penalty for refusing to act as Assessor.

VIII. And be it enacted, That every person duly qualified who shall be elected to the office of Assessor as aforesaid of the said Town, shall accept the office to which he shall have been so elected, or shall, in default thereof, pay to the Clerk of the said Corporation and for the use of the said Town a fine for non-acceptance thereof of ten pounds; and any such vacancy shall be filled up by a new election, to be made in the manner prescribed for the new election of Members of the Board of Police under similar circumstances.

Further penalty may be imposed by any By-law.

IX. And be it enacted, That it shall and may be lawful for the said Members of the Board of Police of the said Town, at a meeting or meetings of the said Board, composed of not less than two-thirds of the said Board, to impose by By-law a penalty not exceeding one hundred pounds, currency of the said Province, on any Assessor or Assessors of, in or for the said Town or any Ward thereof, refusing or wilfully neglecting to attend to, perform or fulfil the duty or duties which he or they, the said Assessor or Assessors, are or may be bound and required by law to attend to, perform and fulfil.

Who shall be electors of Councillors and Assessors.

X. And be it enacted, That the Members of the Board of Police and the Assessors of the said Town of Cobourg, at the periods hereinafter appointed, shall be chosen by the majority of votes of such persons, being male inhabitants of the age of twenty-one years, and subjects of Her Majesty within the Ward for which such election shall be had, as shall severally be possessed, on the first day of January next preceding such election, of a dwelling-house within the said Ward, held by them respectively in freehold, or for a term of years, or for a term of not less than one year, the annual value whereof, if held in freehold or in ground rent leases, or the rent paid therefor if otherwise held, shall not be less than ten pounds, current money of the said Province, and who shall have been resident within the said Town during one year or more previous to the first day of January next before any such election, and who shall have resided within the particular Ward for which such election shall be had, not less than three months next before the first day of January preceding any such election, and who shall have been rated and assessed to and in respect of the rates or assessments laid under the Laws and By-laws in force on the first day of January next preceding any such election; and part of a dwelling-house in which an inhabitant shall reside as a householder, and not as a boarder or lodger, and having an outer door by which a separate communication with the street may be afforded, shall be considered a dwelling-house within the meaning of this enactment, provided the annual value thereof, or the rent paid therefor as aforesaid, be not less than ten pounds, current money aforesaid, per annum, and every male person as aforesaid, though not a householder, who shall have been resident in the said Town during one year next before the first day of January preceding any such election of Members of the Board of Police, and of the Assessors, who, individually, or jointly as a co-partner with any other person or persons, shall have occupied any warehouse, counting-house or shop, within any of the said Wards of the said Town during three months next before the first day of January preceding such election, and shall have been rated for not less than one year in respect of such premises for such rate or assessment as aforesaid, shall, whether the year for which he may so have been rated be or be not expired, provided the rate or assessment for that year be paid, be entitled to vote at the election of Members or Assessors to be had in the
Ward

Ward in which such premises shall be situated : And provided also, that no such inhabitant, householder or occupier of a warehouse, counting-house or shop, within the said Town, shall be entitled to vote at any such election of Members or Assessors, unless he shall, on or before the first day of January next before the holding of any such election, have paid the amount of all rates and assessments within the said Town that may have been due and payable by him up to the first day of January next before the holding of any such election. Proviso.

XI. And be it enacted, That it shall be lawful for the said Corporation of the said Town, by a By-law or By-laws, to be enacted in this behalf, to make provision for the making of lists or a registration of all persons qualified to vote at elections of Members of the Board of Police and other Officers in the said Town, whereby the right to vote at such elections may be determined ; and until such provision shall have been made by such By-law or By-laws, every person desirous of voting at any election of Members of the Corporation as aforesaid, shall, before he be permitted to vote, if required by the Officer or person holding any such election, or by any person qualified to vote at the same, make oath to the particulars of his qualification, and that he has not before voted at such election : which oath the Officer or person holding such election is hereby authorized and required to administer. Council may provide for registration of voters.

XII. And be it enacted, That after provision shall have been made by a By-law or By-laws as aforesaid, for the making of lists or a registration of persons qualified to vote, whereby the right in individuals to vote may be determined as aforesaid, every person desirous of voting at any election of a Member or Members of the said Board of Police, and of an Assessor or Assessors as aforesaid, shall, before he be permitted to vote, produce a certificate under the hand of the proper Officer of his qualification, pursuant to any such By-law, and shall, if required by the Officer or person holding such election, or by any person qualified to vote at the same, take the following oath, which the said Officer or person holding such election is hereby authorized and required to administer, that is to say : Certificate of qualification to be produced by voters after such registration.

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

XIII. And be it enacted, That if any person shall knowingly swear falsely as to any of the particulars of his alleged qualification, in pursuance of the next preceding section of this Act, or if he shall knowingly swear falsely in taking the oath prescribed by the next preceding section of this Act, he shall be deemed guilty of wilful and corrupt perjury, and suffer the pains and penalties provided by law, in cases of wilful and corrupt perjury. False swearing to be perjury.

XIV. And be it enacted, That persons entitled to vote at the election of Members as aforesaid, shall vote within the particular Ward, in which the property constituting their qualification to vote shall be situated, and not otherwise ; and if any such person shall be possessed of property entitling him to vote in two or more Wards, he shall be entitled to vote in that Ward only in which he may reside. In what Ward electors shall vote.

XV. And be it enacted, That the first election of Members and Assessors under this Act, shall be holden on the third Monday in July next, after the passing of this Act, Times of first and subsequent elections.

Act, and that the Members and Assessors of the said Corporation, so chosen as aforesaid, shall remain in office until the second Monday in January next, and until a new Board shall be chosen and formed according to the provisions of this Act. And that on the second Monday of January, in every year thereafter, an election shall be holden in each Ward of the said Town of Cobourg, for choosing Members of the said Corporation, as well as Assessors, according to the general provisions of the Act of Incorporation hereby amended, and that the Members and Assessors of the said Corporation, to be elected on the third Monday in July next, shall hold office only until the second Monday in January next, or until a new Board be formed as aforesaid.

Corporation may enact By-laws for divers purposes connected with the good government and police of Cobourg.

XVI. And be it enacted, That the said Corporation of Cobourg shall have full power and authority from time to time to make, revise, alter and amend, administer and enforce, such By-laws as they may deem proper for making, opening and widening, gravelling, flagging, paving, pitching, levelling, raising, repairing, mending, lighting, macadamizing and cleaning any of the streets, squares, alleys, lanes, walks, side-walks, cross-walks, roads, highways, bridges and sewers now laid out or erected, or that may hereafter be laid out or erected within the limits of the said Town; to regulate or restrain cattle, horses, sheep, goats, swine and other animals, geese and other poultry, from running at large within the limits of the said Town; and to prevent and regulate the running at large of dogs, and to impose a reasonable tax upon the owners or possessors thereof; to regulate or prevent the encumbering or injuring of the streets, squares, lanes, walks, side-walks, cross-walks, roads, highways, bridges, with any wheel-barrows, carts, carriages, lumber, stone or other materials whatsoever; to prevent the selling or vending by retail in the public highways, any meat, vegetables, fruit, cakes, cider, beer or other beverage whatsoever; to prevent the sale of any strong or intoxicating drink to any child, apprentice or servant without the consent of his legal protector; to prevent the immoderate riding or driving of horses or other cattle in any of the public highways of the said Town; to prevent the leading, riding or driving of horses upon the side-walks of the streets or other improper places; to prevent or regulate bathing and swimming in and about the docks, wharves, slips and shores in front of the limits of the said Town; to suppress tippling houses and restrain persons from keeping the same; to enforce the due observance of the Sabbath; to prevent the excessive beating or other inhuman treatment of horses, cattle or other beasts on the public highways of the said Town; to regulate or suppress all public billiard tables, roulette tables, horse racing, as well as any species of gambling and gambling apparatus whatsoever; and to regulate and licence all theatres kept for profit; and persons exhibiting for gain or profit, any wild beasts, puppet-show, wire dance, circus riding, or any other idle acts or feats which common showmen, circus riders or mountebanks or jugglers usually practice or perform, and to limit the number, and to provide for the purpose of licensing the same; to regulate and prevent the firing of guns, pistols and other fire-arms, and to prevent the firing of squibs and crackers; to regulate or prevent the erection of slaughter houses or tanneries; to abate or cause to be removed any nuisances within the limits of the said Town; to regulate victualling-houses, and all houses where fruit, oysters, clams or victuals may be sold to be eaten or drunk therein, and all other places for the reception and entertainment of the public, and to limit the number of them, and to provide for the proper licensing of them at such rates as to the said Corporation may seem expedient, the proceeds of such licenses, except Tavern licenses, to form part of the public funds of the said Town, and to be disposed of in such manner as to the said Corporation may seem meet for the benefit of the said Town; any law or usage of

of this Province to the contrary notwithstanding; to regulate the place and manner of selling and weighing hay, and the selling pickled and other fish; to restrain and regulate the purchase of butchers' meat and fish by persons called runners and hucksters; to regulate the weighing and measuring of coal, cord wood and other fuel, salt and lime, exposed for sale in any part of the Town; to regulate and assize the price of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto; to regulate the vending of meat, vegetables and fruit; to regulate the present Market or any other Market that may be hereafter erected in the said Town; to regulate and enforce the erection of party walls; to provide for the permanent improvement of the said Town in all matters whatsoever, as well ornamental as useful; to enforce the sweeping and cleaning of chimnies, and to regulate the dimensions of chimnies hereafter to be built, and to regulate one or more Fire Companies; to regulate and require the safe construction of deposits for ashes, and to regulate the manner of depositing and keeping ashes at the time they are taken from the fire-places and stoves; to regulate, remove or prevent the construction or erection of any fire-places, hearth or chimney, stove, stove-pipe, oven, boiler, kettle or apparatus, used in any house, building, manufactory or business, which may be dangerous in causing or promoting fires; to regulate the keeping and transporting of gunpowder or other combustible or dangerous materials, and the use of light and candles in livery and other stables; to regulate or prevent the carrying on of manufactories dangerous in causing or promoting fire; to regulate the conduct of inhabitants at fires; to provide for the keeping of fire-buckets, ladders and fire-hooks, and the making them a part of the real property to which they are attached; to erect, preserve and regulate public cisterns and other conveniences for the stopping or preventing fires; to provide for the preservation of property exposed at fires, and to prevent goods and other effects from being purloined thereat; to adopt and establish all such other regulations for the preservation from and suppression of fires, and the pulling down of adjacent houses for such purposes as they may deem necessary or expedient to provide for the security of the public and of the property of the said Town; to establish and regulate a Town watch and prescribe the powers of Watchmen; to license and appoint by warrant under the common seal of the said Town, or otherwise, such and so many inferior officers other than those mentioned in this Act, as shall from time to time be found necessary or convenient to enforce and execute such By-laws and Regulations as may hereafter be made by the said Corporation, and to displace all or any of them as often as the said Corporation of the said Town shall think fit; to regulate the management and provide for the security of the public property of the said Town; to establish or regulate one or more pounds; to direct the returning of bills of mortality, and to impose penalties on physicians, sextons and others, for default in the premises; to regulate the Police of the Town; to preserve the wells, pumps and cisterns, and to provide for the supply of good and wholesome water for the said Town, and to prevent the waste of water; to regulate the bonds, recognizances and other securities to be given by the Municipal Officers for the faithful discharge of their duties, and the amount for which the same shall be taken; to inflict reasonable penalties and fines for the refusing to serve in any Municipal office when duly elected or appointed thereto, and for the infringement of any and every law of the said Town; to regulate the time and place of holding elections for such Municipal Officers as are elective; to impose and provide for the raising, levying and collecting annually for the use of the said Town by a tax on the real and personal property in the said Town, a sum of money the better to enable them to carry into effect fully the powers hereby invested in them; provided that such tax on real property shall not

Corporation may enact By-laws for divers purposes connected with the good government and police of Coubourg.

exceed

Corporation may enact By-laws for divers purposes, connected with the good government and police of Co-bourg.

exceed in one year one shilling and three pence in the pound upon the assessed annual value of property lying and being within the limits of the said Town, and three pence in the pound upon the assessed value of personal property according to the value as hereinafter provided; and to impose a duty or duties by a By-law or By-laws on all grocers, bakers, butchers, hucksters, livery stable keepers or carters within the said Town; on all manufactories carried on or exercised, or in operation within the said Town; on all grist and flour mills, brewers, and distillers; on all soap and candle factories; on all ball alleys and other means of gambling, and on all tanneries and slaughter houses within the said Town; and to assess the proprietors of real property for such sum or sums as may at any time be necessary to defray the expenses of making or repairing any common sewer in any public street or highway within the said Town, and immediately in front of such real property respectively; and to regulate the mode in which such assessments shall be collected and paid, and to make a By-law or By-laws for assessing the inhabitants residing in any particular street, or lane, square or section of the Town, in any sum or sums necessary to meet the expense of sweeping and watering the said street, lane, square or section of the said Town, provided that not less than two-thirds of the said inhabitants residing as aforesaid in such said street, lane, square or section, shall have first prayed or demanded to have the same swept or watered; and provided also, that the said assessment shall in no case exceed the amount of three pence in the pound; and generally to make all such laws as may be necessary and proper for carrying into execution the powers hereby vested or hereafter to be vested in the said Corporation or in any department or office thereof, for the peace, welfare, safety and good government of the said Town, as they may from time to time deem expedient; such laws not being repugnant to this Act or the general laws of this Province: Provided always, that no person shall be subject to be fined more than five pounds for the breach of any By-law or regulation of the said Town, and in default of payment of such fine, and of a sufficient distress being found for collection thereof, to be imprisoned in the Common Gaol of the said Newcastle District for a period of not more than thirty days.

Mode of enforcing the payment of rates and assessments remaining unpaid more than fourteen days after they shall be due and demanded.

XVII. And be it enacted, That if any person or persons licensed, rated or assessed as in manner herein directed shall refuse or neglect to pay the duties, licenses, rates or assessments charged upon him, her or them, for the space of fourteen days next after such duties, licenses or rates shall be due and demanded by the Collector of the Town, it shall and may be lawful for the said Collector to apply to the President or acting President of the Corporation for a Warrant, to the High Bailiff or any Constable of the said Town, to enter into the house or houses, or other dwellings or premises, of such person or persons and seize and take possession of his, her or their goods and effects, whether in the Ward in which the assessed property is situate or elsewhere in the said Town; which Warrant the President or acting President of the said Corporation is hereby authorized to grant upon a certificate signed and sworn to by such Collector, of a demand of such duty, license or rate having been made and of such person or persons being in arrear to the amount stated in such certificate; and if such duty, license, rate or assessment shall not be paid within five days next after such seizure, the said Collector is hereby authorized to sell at public auction at such place as may be proper, such part of the said goods and effects as shall be sufficient to pay the said rates and assessments, with the costs and charges attending such seizure and sale, returning the overplus, if any, to the owner.

XVIII. And be it enacted, That a majority of the said Board of Police shall be a *Quorum* for the dispatch of business: Provided always, that a smaller number may adjourn from time to time, and are hereby authorized to compel the attendance of absent Members in such manner and under such penalties as may be provided by any Act of the said Board.

Quorum of the Board fixed.

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

Members of the Board invested with certain powers individually.

XX. And be it enacted, That any rate or assessment with which any real estate within the said Town may be legally rated or assessed, shall and may be exacted and recovered either from the owner of the real property so rated or assessed, or from any person occupying the same or any part thereof, either as a tenant or otherwise; and when any such rate or assessment shall be paid by any tenant, not bound to make such payment by the lease or other agreement, under which he holds or occupies such real estate, such tenant shall have the right to deduct the sum so paid by him from the rent payable by him, in respect of the enjoyment or occupation of the real estate so rated or assessed.

From whom rates may be recovered.

XXI. And be it enacted, That for the purpose of raising funds to provide for the purchase of any real estate for the use of the said Town,—for building a Market-house or other public building for the said Town,—for procuring Fire Engines,—for the securing, raising or paying any monies that may be borrowed under the authority of this Act, and the interest of such monies, 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 levy an assessment upon all and every person who shall inhabit, hold, use or occupy any house, shop, or warehouse, building, or piece or parcel of land, being a separate tenement, situate, lying and being within the said Town of Cobourg, according to the value thereof respectively, to be ascertained in manner hereafter mentioned; and the time for such yearly rate or assessment for the present year, shall be the first Monday in August, in the year of Our Lord, one thousand eight hundred and forty six, and shall end on the day next preceding the second Monday in January then next, and in each year ensuing, both days included, and the time for which every future yearly rate shall be so rated and assessed, shall commence from the period at which the time for the last rate ended.

Money may be raised for certain purposes.

XXII. And be it enacted, That the rate or rates as aforesaid shall all 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, or other horses of the age of three years and upwards; horned cattle; phaetons, carriages, gigs, wagons, sleighs and other carriages kept for pleasure only, according to the value thereof, ascertained in manner hereinafter mentioned: Provided always, that nothing in this Act contained shall

What chattel property shall be taxable, and at what rates.

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 actual possession of Her Majesty, Her Heirs or Successors, unless the same shall be actually leased to individuals, nor to any churches, places of public worship, or burying grounds.

Annual value
how to be
computed.

XXIII. And be it enacted, That the value of all such houses, shops, warehouses, buildings, gardens, grounds, lands, tenements, and parts and portions thereof, being separate tenements as aforesaid, shall be rated according to the real or full yearly value thereof, which said yearly value shall be ascertained by the Assessor or Assessors for the Town to be appointed as hereinafter provided.

Ground at-
tached to
buildings how
valued.

XXIV. And be it enacted, That any lot or parcel of ground whereon any house or other building to be valued as aforesaid; is situate, and being held therewith as the same tenement, shall be assessed and valued with the house or building thereon.

Value put on
certain chattel
property.

XXV. And be it enacted, That the possessors or owners of the said horses, cattle and carriages hereinbefore mentioned, 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 stone horse, kept for the purpose of covering mares for hire or gain, at two hundred pounds value ; every other horse, mare or gelding, above the age of three years, at ten pounds value ; milch cows, and other horned cattle, above the age of four years, at three pounds value ; every carriage with four wheels, drawn by two or more horses, kept for pleasure only, at fifty pounds value ; every phaeton or other open carriage, drawn by one horse, and kept for pleasure only, at twenty-five pounds value ; every two horse sleigh, kept for pleasure only, at fifteen pounds value ; and every one horse sleigh, kept for pleasure only, at seven pounds ten shillings value.

Collectors to
be appointed.

XXVI. And be it enacted, That it shall and may be lawful for the Corporation of the said Town from time to time to appoint one or more fit and discreet person or persons, inhabitant householder or householders of the said Town, to be Collector or Collectors for the said Town.

Assessors to
be sworn.

XXVII. And be it enacted, That every Assessor of the Town, before entering upon his duties as such Assessor, shall be first sworn by the President or acting President of the Corporation of the said Town, well, faithfully and impartially to perform and fulfil his duties as Assessor to the best of his knowledge and ability, which said oath the President or acting President of the said Corporation is hereby authorized to administer.

Duties of As-
sessor's in ma-
king the valu-
ation, &c.

XXVIII. And be it enacted, That it shall be the duty of the Assessor or Assessors of the said Town, in each and every year, to make such valuation as aforesaid within one month, or such further term as the Board of Police may allow, on the requisition of the President or acting President of the said Corporation, in pursuance of any resolution of the said Corporation authorizing any such valuation as aforesaid ; and also to leave for every person or persons so rated; whether he or she or they shall reside within the Ward in which such property is situate, or elsewhere in the said Town, at the residence of such person or persons, a notice of the value of the property in respect whereof he or she or they shall be rated ; and immediately after such assessment or valuation shall be completed the Assessor or Assessors respectively, shall deposit with the Clerk of the Corporation of the said Town, or such other person as by the said Corporation shall be

be authorized to receive the same, distinct assessment rolls, books or returns of the said value, which shall be rated as aforesaid ; and in case any person shall think himself, herself or themselves overcharged in such assessment roll book or return, it shall and may be lawful for such person or persons, within six days after the said notice shall have been given or left at his, her or their residence as aforesaid, to give notice in writing to the President or acting President of the said Corporation of the overcharge complained of, and the same shall be tried by the said Corporation, at such times and meetings of the said Corporation as the members composing the same shall direct and appoint, reasonable notices of such times and meetings to be given to the complaining party, and after hearing the said party, and his, her or their witnesses upon oath, (or affirmation, as the case may be,) the said Corporation shall, by a majority of voices or votes, finally decide and determine upon such complaint, and affirm or amend the return of the Assessor accordingly : Provided always, that if the complaining party shall neglect to appear at such meeting of the said Corporation, he, she or they having had reasonable notice thereof as aforesaid, the said Corporation shall proceed to make their final decision without hearing such party, and in case it shall appear to any two or more Members of the said Corporation that the value has in any case been given in or returned by the Assessor too low, they shall cause a notice to be served on the person so rated as aforesaid, and the person who made such rate, of the time and place of the meeting of the said Corporation at which the said matter shall be heard, and the same shall be finally determined by the said Corporation in like manner as aforesaid, after hearing the said complainants, and their witnesses upon oath or affirmation as aforesaid, and that the said Corporation shall have power to adjourn as they shall see fit.

Appeal given
to persons
overcharged.

Proviso.
Party neglect-
ing to appear.

Notice to be
given.

XXIX. And be it enacted, That any member of the said Corporation shall have full power to administer such oath or affirmation as aforesaid, and that the President or acting President, or any member of the said Corporation shall have full power and authority to issue a Summons for each witness who shall be required to attend before the said Corporation ; 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 diem, he shall be liable to such fine not exceeding five pounds, as the said Corporation, 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 President or any member of the said Corporation to commit such person to the Gaol of the Newcastle District : Provided always, that such imprisonment shall not exceed in any case thirty days ; and if any person shall knowingly swear or affirm falsely, in any of the cases referred to in the next preceding section of this Act, he shall be deemed guilty of wilful and corrupt perjury, and shall be punished accordingly, on conviction before any Court having jurisdiction thereof.

Members of
Corporation
may adminis-
ter oaths.

Proviso as to
imprisonment :
and as to per-
jury.

XXX. And be it enacted, That it shall and may be lawful for the said Corporation of the said Town, at some convenient time after the return of the assessment rolls aforesaid, to pass a yearly rate declaring the amount in the pound on such valuation, which shall be raised and levied for the year in which the rate shall be passed : Provided that the same doth not exceed one shilling and three pence in the pound upon real estate, and three pence in the pound upon chattel property as aforesaid.

Yearly rates
limited to 1s
3d in the
pound.

Relief may be granted in certain cases by the Corporation.

XXXI. And be it enacted, That it shall and may be lawful for the said Corporation to hear, on Memorial or Petition, the case or cases of such person or persons as during any one year for which 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 Town, who, from sickness, extreme poverty, or any other cause, 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 Corporation to compound for or receipt the whole of any such rate or rates.

Proprietors and tenants to be jointly liable for rates.

XXXII. And be it enacted, That all proprietors, lessees, and others, who shall let for rent premises within the said Town, shall themselves, as well as the occupiers of such premises, be liable and responsible for the rate and assessment aforesaid, and such assessment shall and may be recovered from the said proprietors, lessees or others, or from the said occupiers, as the Collector or Collectors of the said Town shall judge convenient, under any By-law for that purpose made by the said Corporation.

Commutation for Statute Labour.

XXXIII. And be it enacted, That all male inhabitants heretofore liable under the general laws to perform Statute Labour within the limits of the said Town, shall be liable under this Act to perform the same in accordance with the general laws in force in Upper Canada regarding the same, but under the orders and superintendence of the Board of Police, as they may direct and enforce, or pay a commutation thereof at the discretion of the Board, the collection of which commutation shall be enforced in the same manner as the payment of taxes under this Act ; and in default of property, to be confined in the Common Gaol for any time not exceeding ten days.

Penalty for giving false certificates of amount of rent, &c.

XXXIV. And be it enacted, 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 as aforesaid, or otherwise alter 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 ten pounds, to be recovered and disposed of in the same manner as other penalties are recovered and disposed of in the said Town, for breach of any of the By-laws or Regulations thereof.

Fine for bringing suits for things done under this Act limited.

XXXV. And be it enacted, That if any action or suit shall be brought against any person or persons, for any matter or thing done under the authority or in pursuance of this Act, such action or suit shall be brought within six calendar 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.

Meetings of the Corporation.

XXXVI. And be it enacted, That the said Corporation shall assemble at the least twice in each month, for the transaction of the business of the said Town, and shall hold their sittings in the Town Hall.

XXXVII. And be it enacted, That the Sheriff and Gaoler of the District of New-castle shall be bound, and they are hereby authorized and required to receive and safely keep, until duly discharged, all persons committed to their charge by the said Corporation, or any member thereof, under the authority thereof.

Sheriff to obey warrants of commitment.

XXXVIII. And be it enacted, That notwithstanding the privileges that may be conferred by this Act, the Legislature may at any time hereafter in their discretion make any such additions to this Act, or such alteration of any of its provisions, as they may think proper.

Act may be amended.

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