



A N N O N O N O
V I C T O R I Æ R E G I N Æ .

C A P. L X X I I .

An Act to amend the Act of Incorporation of the Town of Cornwall, and to establish a Town Council therein, in lieu of a Board of Police.

[9th June, 1846.]

WHEREAS an Act was passed by the Parliament of Upper Canada, in the fourth year of the Reign of His late Majesty King William the Fourth, intituled, *An Act to establish a Police in the Town of Cornwall in the Eastern District*; And whereas it is found that the provisions of the said Act are insufficient, and it is expedient for the better protection and management of the local interests of the inhabitants that the said Act should be amended: 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 twenty-eighth clause of the said recited Act establishing a Police in the Town of Cornwall, and such other parts of the said Act, and all other Act or Acts or Laws now in force, as are repugnant to or inconsistent with the provisions of this Act be, and the same are hereby repealed.

Preamble.
 Act of U. C.
 4 Will. 4. c.
 25, cited.

The 28th clause of the said Act, and all other Acts inconsistent with this Act, are hereby repealed.

Name of President and Board of Police of Cornwall changed, and new powers granted.

II. And be it enacted, That after the passing of this Act, the name and style of the President and Board of Police of Cornwall, shall be changed to that of *The Mayor and Town Council of the Town of Cornwall*, by which name it shall hereafter be known, and as such shall have perpetual succession and a common seal, with power to break, renew, change and alter the same at pleasure, and shall be capable of suing and being sued, and of impleading and being impleaded in all Courts of Law and Equity, and other places, in all manner of actions, causes and matters whatsoever, and of accepting, taking, purchasing and holding goods and chattels, lands and tenements, real and personal, moveable and immoveable estates, and of granting, selling and alienating, assigning, demising and conveying the same, and of entering into and becoming a party to contracts, and of granting and accepting any bills, bonds, judgments or other instruments or securities for the payment or securing of the payment of any money borrowed or lent, or for the performance or securing the performance of any other duty, matter or thing whatsoever: Provided always, that such change of the corporate name shall not be construed to make the said Corporation a new Corporation, but merely to continue the former Corporation with another name and with new powers; and whenever in any

Proviso: Such change of name not to make the Corporation
 Act

poration a new
one, &c.

Act or provision of Law remaining in force, the name of *The President and Board of Police of Cornwall* occurs, the same shall be construed hereafter as if instead of the said name that of *The Mayor and Town Council of the Town of Cornwall*, had been inserted.

The Town to
be divided into
three Wards.

III. And be it enacted, That the said Town shall be and the same is hereby divided into three Wards, to be called respectively the East Ward, the West Ward, and the Centre Ward.

East Ward.

IV. And be it enacted, That the East Ward shall consist of all that part of the said Town which lies between Amelia street and the eastern limits of the said Town.

West Ward.

V. And be it enacted, That the West Ward shall consist of all that part of the said Town which lies between Augustus street and the western boundary of the said Town.

Centre Ward.

VI. And be it enacted, That the Centre Ward shall consist of all that remaining part of the said Town which lies between Amelia street and Augustus street, and not included in either of the before mentioned Wards.

East and West
Wards to elect
each two
Members, and
Centre Ward
three, annu-
ally.

VII. And be it enacted, That the East and West Wards respectively, shall elect annually two persons, and the Centre Ward shall elect annually three persons to be members of the said Town Council, from among the persons at present eligible for the office of member of the Board of Police, or persons who being subjects of Her Majesty have built a dwelling house on leasehold property and residing therein, which would *bonâ fide* rent for thirty pounds, currency, per annum.

Majority of
Members to
elect Mayor.

VIII. And be it enacted, That the members of the said Town Council so elected, or a majority of them, shall choose one of their number to be Mayor, who shall hold his office for one year, or until his successor be appointed, but may be capable of re-election.

Persons enti-
tled to vote.

IX. And be it enacted, That the persons entitled to vote at any of the Wards for the election of such members, to serve in the said Town Council, shall be the persons now entitled to vote for members of the Board of Police, and also such non-resident freeholders in the said Town on whose land a dwelling house shall be erected as would at present be entitled to vote if they were resident householders therein.

Legislative
power vested
in Mayor and
Council.

X. And be it enacted, That the Legislative power of the Town of Cornwall shall be and is hereby vested in the Mayor and Council, who together shall form the Town Council.

Legislative
Acts of the
Town how
enacted.

XI. And be it enacted, That every legislative act of the said Town be expressed to be enacted by the Mayor and Town Council of Cornwall in Council assembled.

Majority to be
a *quorum* for
dispatch of
business.

Proviso.

XII. And be it enacted, That a majority of the said Town Council shall be a *quorum* for the despatch 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 an Act of the said Town Council.

XIII. And be it enacted, That any rate or assessment with which any real estate within the said Town may be legally rated or assessed, 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.

Rates or assessments may be recovered from owner or occupier of real property.

XIV. And be it enacted, That in all cases where the person who shall be rated in respect of any vacant ground or other real property within the Town, shall not reside within the said Town, and the rates and assessments payable in respect of such vacant ground or property shall remain due and unpaid for the space of four years, and no sufficient distress shall be found therein, then and in such case it shall and may be lawful for the said Town Council to issue a Precept to the Sheriff of the Eastern District, commanding him to sell and dispose of such property by public sale, or so much thereof as shall be necessary for the payment of the arrears of taxes, together with all costs accruing by reason of such default, and the Sheriff is hereby authorized and required to dispose of such property as is herein directed: Provided always, that no property shall be sold without having been first advertised in a public newspaper, published in the Eastern District for the three months next preceding such sale; and all owners of property sold under the authority of this clause in this Act, shall be allowed to resume possession of the same within the space of twelve months next after the date of such sale, on paying or tendering to the purchaser the full amount of the purchase money with legal interest thereon, together with the costs attendant upon the default and sale, with an addition of twenty-five per centum on the purchase money.

Proceedings when any person rated in respect of vacant ground shall not reside within the Town, and assessments due by him shall remain unpaid, &c.

Proviso—No property to be sold without having been advertised three months before sale.

XV. And be it enacted, That the Sheriff and Gaoler of the Eastern District 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 Town Council or any member thereof, under the authority thereof.

Duty of Sheriff and Gaoler with respect to parties committed to their charge by Town Council.

XVI. And be it enacted, That the said Town Council of Cornwall shall have full power and authority in addition to the powers heretofore vested in the Board of Police, and now transferred to them, and which may not be hereafter enumerated, from time to time to make, revise, alter and amend, administer and enforce such By-laws as they may deem proper and necessary for making, gravelling, flagging, paving, ditching, levelling, raising, repairing, mending, lighting, macadamizing and changing any of the streets, squares, alleys, lanes, walks, side-walks, cross-walks, roads, highways, bridges, wharves, docks, quays and sewers (such wharves, docks or quays being the exclusive property of the said Corporation) now laid out or erected within the limits of the said Town, and to impose a reasonable toll on vessels touching at such wharves, docks or quays; to regulate and license ale houses, victualling houses and ordinaries, where fruit, victuals and liquors, not distilled, are sold to be eaten and drunk in such houses, or on the street, or in groceries, and to limit the number of them, at such rates as they may think fit, the proceeds of such license to form part of the public funds of the said Town; to prevent the sale of any strong or intoxicating drink to any child, apprentice or servant, without the consent of his, her or their legal protector; to regulate the weighing of hay and measuring of wood; to regulate carts and carters, and to punish inhuman treatment

Additional powers conferred on Town Council of Cornwall.

Additional
powers con-
ferred on the
Town Council.

treatment of any animals by excessive beating or otherwise; to regulate or prevent slaughter houses, tanneries and all other factories; to prevent the firing of any guns, pistols, muskets, squibs or fire balls; to suppress tippling houses, and restrain persons from keeping the same; to prevent or regulate bathing or swimming in and about the docks, wharves, slips and shores within the limits of the said Town and in front thereof; to enforce the due observance of the Sabbath day; to regulate, license, or suppress all public billiard tables, roulette tables, all games and ball alleys, as well as any species of gambling or gambling apparatus; to regulate and license all theatres kept for profit; auctioneers, butchers, hawkers, pedlars, hucksters, and all persons exhibiting for gain or profit any puppet-show, wire dance, circus riding and circus riders, and all other shows, and to provide for the licensing the same; to prevent and punish parties engaged in charivaries; to prevent the injuring or destroying of trees planted or growing for show or ornament in the said Town; to prevent the pulling down or defacing of sign boards; to prevent and punish breaches of the peace, and generally to prevent and punish vice, drunkenness, profane swearing, obscene language and every other species of immorality, and to preserve good order in the said Town; to enter into and examine all dwelling houses, warehouses, shops, workshops, distilleries, manufactories, yards and out-houses, to ascertain whether any such places are in a dangerous state with respect to fire or otherwise, and to direct them to be put in a safe and secure condition; to enforce the sweeping and cleaning of chimnies, and to regulate and license chimney sweeps; to appoint fire wardens and fire engineers; to appoint and remove firemen; to make such Rules and By-laws as may be thought expedient for the conduct of such fire companies as may be raised with the sanction of the said Town Council; to compel any person to aid in the extinguishing of fires; to require the inhabitants of the said Town to keep fire buckets, and to provide and keep scuttles and ladders to their houses; to regulate and enforce the erection of party walls; to regulate the manner of depositing and keeping ashes at the time they are taken from the fire places; to regulate the keeping and transporting of gunpowder or other dangerous or combustible material; to make, preserve and regulate public wells and cisterns, and other conveniences for the stopping or preventing fires; to prevent the extension and ravages of fire by pulling down adjacent buildings; to stop or authorize any other person to stop any immoderate riding or driving in any street in the said Town, or riding or driving or drawing or tying any horse or horses, or sleigh or wagon or carriage or cart, or any vehicle on any of the side-walks in the said Town, and to inflict fines for any such offence; to regulate the assize of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto; to prevent and abate and remove any nuisance; to regulate the market and the buildings, avenues, passages and appurtenances thereunto belonging, and to make rules and regulations for the good order and government thereof; to regulate or restrain any horses, cows, oxen and other cattle, sheep, goats, swine and other animals, geese and other poultry from running at large within the limits of the said Town; to prevent and regulate the running at large of dogs, and to impose a reasonable tax on the owners or possessors thereof; to prevent and remove encroachments, buildings, fences, or any thing else of whatsoever nature in any street; to establish and regulate one or more pounds; to require the road labour of the said Town to be commuted for money, and such money to be paid to the Treasurer of the said Town Council, to be at the disposal of the said Town Council for the purpose of improving the public highways of the said Town; to provide for the registration of voters under this Act; to establish, endow and regulate one or more public Schools; to establish one or more public libraries; to promote and encourage literary, scientific and agricultural institutions;

institutions; to regulate public hospitals; to establish and support a House of Industry, and enforce labour and discipline in the same, 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 Town Council or in any department thereof, for the peace, welfare, safety and good government of the said Town, as they may from time to time deem expedient, not repugnant to the laws of this Province, except in so far as the same may be virtually repealed by this Act: Provided always, that no person shall be subject to be fined more than five pounds, nor less than five shillings for the breach of any By-law or Regulation of the said Town, and in default of payment of such fine, to be imprisoned in the Common Gaol of the Eastern District for a period not longer than two calendar months.

Additional powers conferred on the Town Council.

Proviso—
Fines and imprisonment limited.

XVII. And be it enacted, That all the penalties recovered under the provisions of this Act shall be paid into the Treasury of the said Town Council, and the proceeds of all Licenses granted under this Act, and any income of whatsoever nature, shall form part of the public funds of the said Town; any law or usage of this Province to the contrary notwithstanding, and shall be applied in the same manner as other monies coming into the said Treasury may be applied for the public uses of the said Town.

Penalties to be paid into Treasury of Town Council.

XVIII. And be it enacted, That the members of the said Town Council shall by virtue of their Office be Justices of the Peace in and for the said Town, and exercise within the limits thereof, the authority now given by law to Justices of the Peace; Provided always, that nothing in this Act shall be construed to give the members of the said Town Council any right or authority to sit, act, or in anywise interfere in any Court of General or Adjourned Quarter Sessions, and that it shall and may be lawful for any person or persons to appeal to the Court of Quarter Sessions in the same manner as is now provided by law, from any conviction of one or more members of the said Town Council, when such conviction shall have been made in the exercise of their Magisterial duty, and apart from the enforcement of any By-law or Regulation; Provided also, that if any action or suit shall be brought against any member of the said Town Council, for any thing done by him as a Justice of the Peace as aforesaid, he shall be entitled to, and receive the same notice of action as is now required to be given to Justices of the Peace in other cases.

Members of Town Council to be *ex officio* Justices of the Peace.
Proviso—
They shall have no authority to sit in any Court of Quarter Sessions.

Proviso.

XIX. And be it enacted, That nothing in this Act contained, shall deprive or be construed to deprive the qualified inhabitants of the Town of Cornwall of their right to be represented in the Municipal Council of the Eastern District.

Inhabitants of Cornwall to be still represented in the District Council.

XX. And be it enacted, That the first election of Members of the Town Council under this Act, shall be holden on the second Monday in January next, after the passing of this Act, and that the Members thereof so chosen as aforesaid, shall remain in Office until a new Council shall be chosen and formed, and that on the second Monday in January, in each and every year thereafter, an election shall be holden in each and every Ward of the said Town for choosing Members of the said Corporation according to the general provisions of the Act of Incorporation hereby amended.

First election of Members of Town Council when to be held.

XXI. And be it enacted, That all and every the Rules, Orders, Regulations and Acts of Authority for, touching or concerning the affairs of the Town of Cornwall, which may be in force at the time of the passing of this Act, shall continue, be and remain

Rules, &c., now in force to remain so until repealed

by Town
Council.

remain in full force and virtue until the same shall be rescinded, repealed or altered by the Town Council of the Town of Cornwall or other competent legal authority, and all Officers appointed by the President and Board of Police of the said Town, shall continue to act in the same capacity as heretofore, and with the same remuneration for their services until removed by the Town Council, or reappointed under the provisions of this Act.

Present Mem-
bers to remain
in office until
Town Council
be constituted
under this
Act.

XXII. And be it enacted, That until the first Town Council of the Town of Cornwall shall be constituted under the provisions of this Act, the President and Members of the Board of Police of the Town shall remain in Office, and when the said Town Council shall be constituted, they shall go out of Office, and their whole duties and powers shall cease, but nothing in this Act shall prevent any Member of the Board of Police of the said Town from being a Candidate at the first election for Town Councillors.

Bailiffs, &c., to
be appointed
for first elec-
tion.

XXIII. And be it enacted, That the President and Board of Police shall, and they are hereby authorized and required to take the necessary steps by appointing a sufficient number of Bailiffs and otherwise, for holding the first election of Town Councillors under this Act, and according to the spirit, intention and meaning thereof.

Interpretation
clause.

XXIV. And be it enacted, That whenever the word person or persons is used in this Act, it shall be held to comprehend a body politic or corporate as well as an individual, and every word importing the singular number shall when necessary be deemed to extend to several persons or things, and every word importing the masculine gender shall when necessary extend to a female as well as a male, and the converse, unless there be something in the subject or context repugnant to or inconsistent with such construction: And whenever power is by this Act given to any Officer or Functionary to do or enforce the doing of any Act, all such powers shall be understood to be also given as shall be requisite to enable such Officer or Functionary to do or enforce the doing of such Act: And generally all other words, terms and phrases in this Act shall receive such fair and liberal interpretation as shall be best adapted to give full effect to this Act, according to its true intent, meaning and spirit.

Public Act.

XXV. And be it enacted, That this Act as well as the said recited Act incorporating the Town of Cornwall, shall be taken and held to be a public Act, and shall be judicially taken notice of by all Judges, Justices and others without being specially pleaded.