

Laws of His Majesty's Province of Upper Canada, passed in the year 1806. York: John Bennett, 1806.

46 George III – Chapter 5

An Act to alter and amend an Act passed in the thirty-third year of his present Majesty's reign, intituled, "*An Act to provide for the Nomination and Appointment of Parish and Town Officers*," and also to repeal certain parts of an Act passed in the thirty-third year of his present Majesty's reign intituled, "*An Act to authorize and direct the laying and collecting, of Assessments and Rates in every District in this Province, and to provide for the Payment of Wages to Members of the House of Assembly*." Passed 3d March, 1806.

Whereas an Act of the Parliament of this Province, passed in the thirty-third year of his present Majesty's reign, intituled, "*An Act to provide for the nomination and appointment of Parish and Town Officers within this Province*," requires to be amended, 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, intituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "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 from and after the passing of this Act, if any person or persons, who shall be chosen at any Town Meeting as a Town Clerk, Assessor, Overseer of the Highway Pound Keeper, or Town Warden shall die within the year for which he shall be chosen, or shall leave the Township or Parish; it shall and may be lawful for the Justices of the Peace in Quarter Sessions assembled, or the majority of them, to nominate and appoint a fit and proper person to fill the vacancy occasioned by such death or removal.*

II. And be it further Enacted by the Authority aforesaid, That when from any neglect, a Town Meeting shall not be holden on the first Monday in March in any Township, or united Townships in this Province, it shall and may be lawful for the Justices of the Peace in Quarter Sessions assembled, for the District in which such Township, or united Townships are situate or the majority of them, to nominate and appoint the said Parish and Town Officers of such Township, or united Townships until the next Town Meeting.

III. And be it further Enacted by the Authority aforesaid, That the Clerk of the Peace shall, within eight days after such nomination and appointment, send a written notice to each and every Parish and Town Officer so nominated and appointed as aforesaid, requiring him to appear before some one of his Majesty's Justices of the Peace (in the District in which such Quarter Sessions are holden) within eight days after the receipt of such notice, and take the Oath of Office, which Oath, or in the case of the people called Quakers, Menonists, or Tunkers, Affirmation, any Justice of the Peace as aforesaid, shall and is hereby required to administer in the following form: "You A. B. do promise and swear (or affirm, as the case may be) that you will faithfully, diligently and justly, serve

and perform the office and duties of _____ for the _____ of _____ for the year ensuing, according to the best of your abilities. So help you God.”

IV. And be it further Enacted by the Authority aforesaid, That it shall be the duty of any Constable, upon the request of the Clerk of the Peace, to serve such notice; and the Constable for such service, shall be entitled to such compensation as the said Justices of the Peace, or the majority of them, in Quarter Sessions assembled, shall think proper.

V. And be it further Enacted by the Authority aforesaid, That if any person or persons who shall be so nominated and appointed by the Justices of the Peace, or the majority of them, in Quarter Sessions assembled, in each and every District of the Province, shall refuse or neglect to repair to a Justice of the Peace in manner aforesaid, and take the said Oath of Office (or affirmation, being a Quaker, Menonist, or Tunker) the said person or persons so neglecting or refusing, shall forfeit and pay the sum of forty shillings, lawful money of this Province, with costs, upon conviction before the Court of Quarter Sessions; and the said Justices of the Peace or the majority of them, in Quarter Sessions assembled, shall and may, upon such refusal or neglect, appoint other person, and impose the like fine as often as the case may require.

VI. And be-it further Enacted by the Authority aforesaid, That so much of an Act passed in the thirty-third year of his present Majesty’s reign, intituled, “An Act to authorize and direct the laying and collecting of Assessments and Rates in every District in this Province, and to provide for the payment of Wages to Members of the House of Assembly,” as requires a Collector to give a Bond to the Church or Town Wardens, of one hundred pounds, Shall be, and the same is hereby repealed.

VII. And be it further Enacted by the Authority aforesaid, That each and every Collector hereafter to be chosen and nominated by any Town Meetings, shall within one month after such appointment (and before he shall collect any money) enter unto a Bond, jointly and severally with two sufficient sureties, to the Clerk of the Peace, in the sum of two hundred, pounds lawful money of this Province, which Bond shall be in the following form: “Know all Men by these presents, that we A. B. Collector of Rates for the Township of _____ in the District _____ of C. D. and E. F. of the same place, (Yeomen, as the case may be) are holden and firmly bound to G. H. Gentleman, Clerk of the Peace for said District, his Successor or Successors duly appointed, in the sum of Two Hundred pounds lawful Money of Upper Canada. To which payment, well and truly to be made to the said G. H. his Successor or Successors, We bind ourselves jointly and severally, our and each of our Heirs, Executors and Administrators, firmly by these presents, sealed with our Seals, dated at _____ The Condition of this Obligation is such, that if the above bounden A. B. shall collect and levy all the Rates and Assessments of the said Township of _____ for the present year, ending on the first Monday in March next, so far as the Law may enable him to do; and shall pay all the money which he shall so collect and levy, to the Treasurer of the said District on or before the eighth day of March next, then this Obligation to be void, or else to remain in full force and virtue.”

VIII. And be it further Enacted by the Authority aforesaid, That it shall be the duty of the Clerk of the Peace to draw the said Bond, and. he shall be allowed the sum of five shillings for drawing the same, to be paid out of the District Treasury.

IX. And be it further Enacted by the Authority aforesaid, That if any Collector for any Township, or united Townships, shall neglect or refuse to give such Bond within one month as aforesaid, it shall and may be lawful for the Justices of the Peace at the next General Quarter Sessions, or the majority of them, to appoint a Collector for the said Township or united Townships; and in the event of refusal, to appoint another as often as the case may require; and the said Collector so to be appointed by the Justices as aforesaid, shall give the like Bond that is herein directed to be given by the Collector chosen and nominated at the Town Meeting.

X. And be it further Enacted by the Authority aforesaid, That each and every Collector shall be allowed out of the Treasury of the District, the sum of one shilling for every mile which he shall travel in going to give a Bond to the Clerk of the Peace, as a compensation for the trouble and expence of himself and sureties.

XI. And be it Further Enacted by the Authority aforesaid, That in addition to the sum of three pounds for every hundred pounds now allowed to the Collector, it shall and may be lawful for the Treasurer of each and every District, to pay to each and every Collector the further sum of two pounds on every hundred pounds which shall be collected and paid by him to the said Treasurer.

XII. And be it further Enacted by the Authority aforesaid, That if at any time it shall happen, that through the neglect or refusal of any person or persons, appointed under the authority of this Act or otherwise, the Assessment or Rate of any Township or united Townships, shall not have been collected within the year for which such Assessment or Rate was made, it shall and may be lawful for the Collector for the year ensuing, and he is hereby authorized and required to levy the Rate and Assessment so in arrear.

XIII. And be it further Enacted by the Authority aforesaid, That all and every Officer and Officers appointed under and by virtue of this Act, shall be, and they are hereby declared to be vested with the same powers, and liable to the same penalties, as such Officer or Officers now are under by virtue of any other Act or Acts of the Legislature of this Province, except where it is in this Act especially provided for.

XIV. And be it further Enacted by the Authority aforesaid, that the Fines and Forfeitures that shall or may be incurred under and by virtue of this Act, shall be levied, applied and accounted for, in the same manner as the Fines, and Forfeitures under the aforesaid Act "To provide for the nomination and appointment of Parish and Town Officers," are directed to be levied, applied and accounted for.