

Laws of His Majesty's Province of Upper Canada, passed in the year 1834. York: Robert Stanton, 1834.

4 William IV — Chapter 24

An Act to establish a Board of Police in the Town of Belleville. Passed 6th March, 1834.

Whereas from the great increase of Population of the Town of Belleville, in the Midland District, it is necessary to make further provision than by Law exists for the internal regulation thereof; 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 there shall be in the said Town of Belleville a Board of Police, to be composed and constituted in the manner hereinafter described, which shall be, and is hereby declared to be, a Body Corporate and Polite in fact and in law, by the name of the "President and Board of Police of Belleville," and by that name they and their successors may have perpetual succession, and be capable of suing and being sued, impleading and being impleaded, in all Courts and in all actions, causes, and complaints whatsoever; and may have a common Seal, and may alter the same at pleasure; and shall be in law capable of purchasing, holding and conveying, any Estate real or personal for the uses of the said Town.

II. And be it further enacted by the authority aforesaid, That all that part of Lot number Three, in the first Concession of the Township of Thurlow, which lies between the Western side of Front Street, in the said Town of Belleville, and the Eastern bank of the River Moira, together with the Bridge across the said River opposite Bridge Street and the Harbour, be annexed to and included within the limits of the said Town.

III. And be it further enacted by the authority aforesaid, That the persons entitled to vote at the Election for Members of the said Corporation shall be Subjects of His Majesty and the male inhabitant Householders resident within the said Town, who shall severally be possessed for their own use and benefit of a dwelling House and Lot of ground therein, such dwelling House and Lot of ground being by them held in freehold, or who being Subjects of His Majesty and male inhabitant Householders in the said Town at the time of such Election, shall bona fide have paid, within one year next before the Election, one years rent for the dwelling House or dwelling Houses, if they shall within one year have changed their place of residence within the said Town, at the rate of ten pounds per annum, or upwards.

IV. And be it further enacted by the authority aforesaid, That no person shall be qualified or eligible to be elected a Member of the said Board of Police unless he shall be a Subject of His Majesty, and shall have been a Freeholder in the said Town of Belleville to the assessed

value of Seventy-five Pounds or upwards for the space one year previous to the said Election.

V. And be it further enacted by the authority aforesaid, That for the purpose of electing the Members of the said Corporation the said Town of Belleville shall be divided into two Wards in the following manner, that is to say:—all that part of the said Town of Belleville situated to the North and West of Bridge Street, shall be and compose the first Ward; and that all that part of the said Town lying to the South and East of the said Bridge Street, shall be and compose the second Ward; and that each of the said Wards shall annually elect two Members.

VI. And be it further enacted by the authority aforesaid, That the first election of Members of the said Corporation shall be holden on the first Monday in the month of April next, at some place within each Ward respectively, to be appointed by the Sheriff of the Midland District, who shall give public notice thereof at least six days before the said election; and that the Sheriff shall appoint a fit and proper person to preside at the first election for each of the said Wards, which persons so appointed shall hold the said election for each Ward respectively, and shall declare the two persons in each Ward who shall have the greatest number of votes duly elected Members of the said Corporation, and shall give notice thereof to the persons so elected within six days after such election.

VII. And be it further enacted by the authority aforesaid, That the Members of the said Corporation so chosen shall serve until the first Monday of March in the next year, and until a new Board shall be chosen and formed as hereinafter mentioned; and that on the first Monday in March in every year an election shall be holden. in each Ward of the said Town of Belleville for choosing Members of the said Corporation before the Bailiff of such Ward, who shall be appointed from time to time by the said Corporation, and who shall appoint the place of holding the said Election, and shall give notice thereof, and proceed in all respects as the persons appointed by the Sheriff are hereby required to do at and after the first election to be holden as aforesaid.

VIII. And be it further enacted by the authority aforesaid, That before any person shall proceed to hold an Election under this Act he shall take the following Oath, which any Justice of the Peace for the Midland District may administer:—

“I solemnly swear that I will faithfully and impartially, to the best of my ability, discharge the duty of Presiding Officer at the Election which I am about to hold for a Member, or Members, (as the case may be) of the Board of Police in the Town of Belleville—so help me God.”

IX. And be it further enacted by the authority aforesaid, That the Officer presiding at any Election under this Act shall have authority, and he is hereby required, at the request of any person qualified to vote at such election, to examine on oath or affirmation (when the party is allowed to affirm) which oath or affirmation the said officer presiding at such election is

hereby authorised to administer, any Candidate for the office of Member of the said Corporation respecting his qualification to be elected to the said office; and shall also have authority, and is hereby required, upon such request as aforesaid, to examine on oath or affirmation (when the party is allowed to affirm) any person tendering his vote at any election respecting his right to vote, and that the oath to be administered for either of the said purposes shall and may be in the following form:—

“You shall true answer make to all such questions as the officer presiding at this election shall put to you respecting your qualification to be elected at this election (or respecting your qualification to vote at this election, as the case may be) so help you God.”
And the affirmation to be taken shall be according to the common form of an affirmation to the same effect.

X. And be it further enacted by the authority aforesaid, That if any person, being examined upon oath or affirmation under this Act touching his qualification to vote or to be elected, shall wilfully forswear himself, he shall be deemed guilty of wilful and corrupt perjury, and on conviction thereof shall suffer as in other cases of wilful and corrupt perjury.

XI. And be it further enacted by the authority aforesaid, That if the election of any Member of the Board of Police aforesaid shall be complained of, either on the ground of want of qualification in the person returned, or on the ground that such person had not a majority of legal votes at such election, it shall be the duty of the person appointed by the Sheriff of the said Midland District as aforesaid to preside at the election for the Ward in which such person or persons against whose return such complaint shall have been made, may have been elected after the first election to take place under this Act, upon receiving within forty-eight hours after the termination of the election a written requisition signed by any three Inhabitants of the Town having a right to vote at such elections, to appoint a time and place within the Town for which the election was held for entering upon a Scrutiny into the matters complained of, and that such time shall be within six days after the election, and such person so appointed as aforesaid shall have power to Summon Witnesses, and to take evidence on oath respecting the matters to be inquired into, and shall determine upon the validity of the election or return as shall appear to him to be right according to the evidence; and in case an election shall be declared void, but it shall not appear proper for any cause to amend the return by substituting the name of any person as entitled to have been returned at such election, then he shall, after giving eight days notice thereof, hold a new election of a member to serve according to this Act; and that if after any election to be holden after a Board of Police under this Act shall have been completely organized, a requisition, signed as aforesaid, shall within forty-eight hours after the termination of such election be served upon the President, or any other member of the Corporation, it shall be lawful for the said Corporation, and they are hereby required, to appoint a time for entering upon a scrutiny of the matters complained of, at any place within said Town, which time shall be within six days after the election; and the Corporation, or such member or members thereof as shall not be individually concerned in the question to be determined, shall have power to summon witnesses and to take evidence on oath respecting the matter to be inquired into, and shall

determine upon the validity of the election or return as shall appear to be right according to the evidence; and in case an election shall be declared void but it shall not appear proper for any cause to amend the return or substitute the name of any other person as entitled to have been returned at such election, then the Corporation shall issue their precept for a new election, as in other cases under this Act.

XII. And be it further enacted by the authority aforesaid, That before the person presiding at such election, or any member of the said Corporation shall enter upon any such trial or scrutiny as aforesaid, he shall take an oath in the following form before some one of the Justices of the Peace for the Midland District, that is to say:—

“I do solemnly swear that I will truly and impartially, to the best of my judgment, try and determine the merits of the complaint against the Election of A.B. as a Member of the Board of Police of the Town of Belleville—so help me God.”

XIII. And be it further enacted by the authority aforesaid, That any Witness who, being duly Summoned to attend upon such trial or scrutiny, shall wilfully neglect or refuse to attend, shall, on conviction before any one of His Majesty’s Justices of the Peace for the Midland District, having been duly summoned to answer such complaint, be liable to be imprisoned, on the commitment of such Justice, in the Common Gaol of the District, for a time not exceeding one month; and if any witness shall upon any trial or scrutiny wilfully and corruptly swear falsely, he or she shall be deemed guilty of wilful and corrupt perjury.

XIV. And be it further enacted by the authority aforesaid, That the person presiding at any such election shall give public notice immediately upon declaring the result of the election, of the time and place at which the members of the Corporation so chosen are first to meet, which meeting shall be at such time and place in the said Town as the Sheriff, after the first election, or the Corporation after every subsequent election shall appoint, being within ten days after each general election of Members; and that at such meeting a fifth Member of the said Corporation shall be appointed by the concurrent voice of any three of the Members chosen, which person shall possess the same qualifications as are required by this Act of the other Members to be chosen as aforesaid; and in case they cannot agree in the election or appointment of such fifth person they shall issue a Precept to either of the persons appointed by the Sheriff as aforesaid after the first election, or to any of the Bailiffs so to be appointed as aforesaid after every subsequent election, requiring him to appoint some proper time and place within the said Town, giving forthwith eight days notice thereof, and then and there proceed to the election of such fifth Member of the Corporation by the Electors of the Town generally, at which election the person to whom such precept shall be directed shall preside, and shall declare that person elected who shall have the greatest number of votes of the persons present qualified to vote, and shall within six days thereafter give notice thereof to the person so elected.

XV. And be it further enacted by the authority aforesaid, That the five Members elected as aforesaid shall within ten days after their election or appointment, or election of a fifth

Member of the Corporation aforesaid, appoint one of their number President, and the said President and Members shall form the said Corporation, and shall hold their office until the first Monday in March in the ensuing year, and until the election and formation of a new Board.

XVI. And be it further enacted by the authority aforesaid, That if either of the Members elected or appointed as aforesaid shall neglect or refuse, after ten days notice thereof, to take the oath of office hereinafter contained, which any one of the said Members so to be elected or appointed is hereby authorised to administer to the others, he shall for such neglect or refusal forfeit the sum of ten pounds, to be recovered with costs by information before any Justice of the Peace of the Midland District, who is hereby authorised to proceed in the same manner as hereinafter is provided for the recovery of any penalty for the transgression of any order or regulation of the said Corporation: Provided that no person having been elected a Member of the said Corporation during his absence from the said Town, or who at the time of the election shall openly give notice to the officer presiding that he will not accept the office, shall be subject to the penalty hereinbefore stated for his refusal to act as a Member of the said Corporation.

XVII. And be it further enacted by the authority aforesaid, That in case any vacancy shall at any time happen among the Members of the said Corporation by neglect or refusal to take the oath of office hereinafter contained, within the time hereinbefore limited, or by death, removal from the Town, or from any other cause, the remaining Members, or a majority of them, shall under their hands, within ten days after notice of such vacancy, appoint a person duly qualified according to the provisions of this Act to fill such vacancy, and in case the said remaining Members, or a majority of them, cannot agree on such appointment, then and in such case the Corporation shall issue a Precept to the Bailiff to hold an election, giving notice of the time and place of holding such election, and the Member so appointed or elected shall hold his office until the next annual election; and in case any such vacancy shall happen among the Members elected at the first election of Members of the said Corporation, by one of the Members neglecting or refusing to take the oath of office as aforesaid or otherwise, then the Precept from the remaining Members shall be issued to either of the persons appointed by the Sheriff as is hereinbefore provided.

XVIII. And be it further enacted by the authority aforesaid, That in case it shall at any time happen that an election or appointment of Members of the said Corporation shall not be made on any day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an election or appointment of Members in such manner as shall have been regulated by the laws and ordinances of the said Corporation.

XIX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Corporation from time to time to establish such Ordinances, By-Laws and Regulations as they may think reasonable in the said Town; to regulate and license victualing houses, and ordinaries where fruit, victuals and liquors, not distilled, shall be sold to be

eaten or drank in such houses or groceries; to regulate wharves and quays; to regulate the weighing of hay and measuring of wood; to regulate carts and cartmen; to regulate slaughter-houses; to prevent the firing of any guns, muskets, pistols, squibs and fire balls; or injuring or destroying trees growing for shade or ornament in the said Town; to prevent the pulling down or defacing of signboards, or inscribing or drawing any indecent words, or figures or pictures, on any building, wall, fence or other public place, and generally to prevent vice and preserve good order in the said Town; to enter into and examine all dwelling-houses, ware-houses, shops, yards and out-houses, to ascertain whether any such places are in a safe and secure condition; 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 Corporation; to compel any person to aid in the extinguishment of any fire; to require the inhabitants to provide keep fire-buckets, and scuttles and ladders to their houses; to stop, or authorise any other person to stop, any one riding or driving immoderately in any street, or riding or driving on any sidewalk, or to inflict fines for any such offence; to regulate the assize of bread; to prevent and abate and remove any nuisance; to restrain and prevent any horses, cattle or swine, from running at large; to prevent and remove encroachments in any streets, and to make such rules and regulations for the improvement good order and government of the said Town as the said Corporation may deem expedient, not repugnant to the Laws of this Province, except in so far as the same may be virtually repealed by this Act, and to enforce the due observance thereof, by inflicting penalties on any person for the violation of any By-law or Ordinance of the said Corporation, not exceeding One Pound Ten Shillings, and to fix upon and to appoint such days and hours for the purpose of selling Butcher's meat, butter, eggs, poultry, fish and vegetables, and to make such other orders and regulations relative thereto as they shall deem expedient.

XX. And be it further enacted by the authority aforesaid, That for the purpose of raising a fund to provide for the purchasing any real Estate for the use of the said Town; to procure fire engines, aqueducts, and a supply of pure and wholesome water; for lighting, paving, flagging and repairing the streets, 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 lay an assessment annually upon the persons rated or liable to be rated on any assessments for property in the said Town, not exceeding Four Pence on the Pound, exclusive of the sum such persons may be rated for, in and upon any other assessments of this Province; and it shall be the duty of the Clerk of the Peace of the said District, to select from a general assessment of the Township of Thurlow, a list or assessment of the rateable property that every person owns or possesses in the said Town, and lay the same before the Corporation annually, upon its organization after every general election.

XXI. And be it further enacted by the authority aforesaid, That if any person shall refuse to pay the sum or rate for which he or she stands rated in manner aforesaid, for the space of ten days after demand duly made of the same by the Collector to be appointed by the said Corporation for that purpose, the said Collector shall, and he is hereby required, to levy the

same by distress and sale of the goods and chattels of the person so neglecting or refusing to pay, after having obtained a Warrant for that purpose from some one of His Majesty's Justices of the Peace who is hereby authorised to grant the same upon information made on oath before him of the neglect or refusal to pay the said assessment, and to render the overplus, if any there shall be over and above the said rate, to the owner thereof, after deducting the legal, charges of the distress and sale.

XXII. And be it further enacted by the authority aforesaid, That the said Corporation may from time to time appoint, and at their discretion remove and re-appoint, a Surveyor of streets for the said Town, a Clerk, an Assessor or Assessors, a Bailiff or Bailiffs, a Collector or Collectors, a Treasurer, and as many and such other officers as they may require, and assign the duty or services to be performed by each, with such salaries or allowances as to them may seem meet, and may take such reasonable security for the due performance of the duties assigned to any officer, or servant, as they shall think proper.

XXIII. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, it shall not be lawful for any person holding Lands within the boundaries of the said Town to lay out any new streets, or protract any street or streets already laid out, which new street or protraction of a street shall be less than sixty-six feet in width.

XXIV. And be it further enacted by the authority aforesaid, That any rule or regulation of the said Corporation, for the infraction of which any penalty is inflicted, before it shall have any effect, shall be published in one or more of the newspapers published within the District, and shall be affixed in four of the most public places in the said Town of Belleville, and that in like manner shall be published in each and every year before the annual election, an account of all monies received and in the Treasury, and the amount expended, and for what purposes.

XXV. And be it further enacted by the authority aforesaid, That if any person shall transgress the orders or regulations made by the said Corporation under the authority of this Act, such person shall, for every such offence, forfeit the sum which in every such order, rule or regulation shall be specified, with costs, to be recovered by information before the said Corporation, to be levied of the goods and chattels of such offender, and in default of such goods and chattels, the offender shall be liable to be committed to the common Gaol of the District, for a time not exceeding one month, in the discretion of the said Corporation, before whom such offender shall have been convicted, and that no person shall be deemed an incompetent Witness upon any information under this Act, by reason of his being an Inhabitant of the said Town of Belleville: Provided always, that the information and complaint for a breach of any order or regulation of the said Corporation shall be made within fifteen days after the time of the offence committed.

XXVI. And be it further enacted by the authority aforesaid, That all penalties recovered under the provisions of this Act shall be paid into the Treasury of the said Corporation, and

applied in the same manner as other monies coming into the said Treasury for the public uses of the said Town.

XXVII. And be it further enacted by the authority aforesaid, That the said Corporation shall and may, in the said Town of Belleville, perform all the functions and exercise the authority now by law given to Justices of the Peace acting within their Divisions, with respect to making or amending any street, or highway or road within the said Town.

XXVIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful, to and for the Corporation of the said Town, to borrow the sum of One Thousand Pounds, of and from any person or persons, body politic or corporate, willing to lend the same, for the purpose of building a Market-house, and for purchasing one or more Fire Engine or Fire Engines, and for such other purposes for the benefit of the said Town as may be deemed necessary, and to provide some fit and proper place where the same may be kept.

XXIX. And be it further enacted by the authority aforesaid, That the said Corporation shall set apart so much of the assessments authorised by this Act to be raised for the use of the said Town, as may be sufficient to pay the yearly interest of the said sum of One Thousand Pounds, and to liquidate the principal in a term not longer than ten years from and after the making of such loan.

XXX. And be it further enacted by the authority aforesaid, That in ease an equality of votes shall happen at any election for the Members of the said Corporation, it shall and may be lawful for the person presiding at the said election to give a casting vote, and that except in case of the votes being equal, it shall not be lawful for the person presiding at any election under this Act to vote at such election.

XXXI. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought against any person or persons, for any matter or thing done 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.

Form of Oath.

“I, A. B. swear, that I will faithfully discharge the duties of a Member of ‘The Board of Police of the Town of Belleville,’ to the best of my skill and knowledge.—So help me God.”