

*Laws of Her Majesty's Province of Upper Canada*, passed in the year 1838. York: Robert Stanton, 1838.

1 Victoria – Chapter 21

**An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers. Passed 6th March, 1838.**

Whereas it is expedient that the several laws now in force relative to the appointment and duties of Township Officers, and the mode of notifying and holding Township Meetings, except an Act passed in the fourth year of the reign of King William the Fourth, chapter twelve, entitled, "An Act to regulate Line Fences and Water Courses," and to repeal so much of an Act passed in the thirty-third year of the reign of His late Majesty King George the Third, entitled, "An Act to provide for the nomination and appointment of Parish and Town Officers within this Province," as relates to the office of Fence-viewers being discharged by Overseers of Highways and Roads," should be repealed and reduced into one Act of Parliament: Be it therefore enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That an Act passed in the fifth year of the reign of King William the Fourth, entitled, "An Act to reduce to one Act of Parliament the several laws relative to the appointment and duties of Township Officers in this Province, except an Act passed in the fourth year of the reign of William the Fourth, chapter twelve, entitled, 'An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the thirty-third year of the reign of His late Majesty King George the Third, entitled, 'An Act to provide for the nomination and appointment of Parish and Town Officers within this Province, as relates to the office of Fence Viewers being discharged by Overseers of Highways and Roads'; An Act passed in the sixth year of the reign of King William the Fourth, entitled, 'An Act to amend and extend the provisions of an Act passed during the last Session of the Provincial Legislature, entitled, 'An Act to reduce to one Act of Parliament the several Laws relative to the appointment and duties of Township Officers in this Province, except an Act passed in the fourth year of the reign of William the Fourth, chapter twelve, entitled, 'An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the thirty-third year of the reign of His late Majesty King George the Third, entitled, 'An Act to provide for the nomination and appointment of Parish and Town Officers within this Province as relates to the office of Fence Viewers being discharged by Overseers of Highways and Roads'; and an Act passed in the seventh year of the reign of King William the Fourth, entitled, 'An Act to amend the Laws for the appointment of Parish and Township Officers''; Provided always, that any prior Act or enactment repealed by any of the Act hereinbefore recited, shall be and remain repealed.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, it shall and may be lawful for any two of Her Majesty's Justices of the Peace, acting within the

division in which any Parish, Township, reputed Township or place may be, to issue their warrant, giving not less than ten days previous notice to the Township Clerk of such Parish, Township, reputed Township or place, authorising him, on the first Monday in January in each year, to assemble the inhabitant Freeholders and Householders, paying or liable to any public Assessment or rate of such Parish, Township, reputed Township or place, at such place as may be appointed by the Magistrates in their said warrant, for the purpose of choosing or nominating the Parish or Township Officers hereinafter mentioned, to serve in their respective office one year from the time of their being so chosen; at which meeting the Town Clerk of said Town or Township shall preside, until a Chairman be chosen: Provided always, that such Township meeting shall be held in the Township Hall, if there be such public building in the Township out of the limits of any Incorporated Town, or Town having Police Regulation.

III. And be it further enacted by the authority aforesaid, That in case the Township Clerk of any Parish, Township or reputed Township, shall neglect or refuse to assemble the said inhabitant Freeholders and Householders at the time and place appointed in the warrant aforesaid, the said inhabitant Freeholders and Householders may nevertheless lawfully meet and choose a Chairman, and transact all such public business as is provided by this Act; and after the Township Officers have been chosen and appointed at said meeting, the Township Clerk then and there chosen shall proceed upon the duties of his office, as provided by this Act.

Form of Justices' Warrant to Assemble the Inhabitants of \_\_\_\_\_ District.

"To the Township Clerk of the Township of \_\_\_\_\_ in the said District."

By virtue of the power for such purposes granted by an Act of the Legislature, made and passed in the \_\_\_\_\_, to us A. B. and C. D. Esquires, two of Her Majesty's Justices of the Peace in and for the said District: These are to authorise and require you, giving at least eight days previous notice, by affixing the same in at least three public places within the said Parish, Township or place, to assemble the inhabitant Freeholders and Householders living within your Parish or Township, to meet at \_\_\_\_\_ on the first Monday in January next, being the \_\_\_\_\_ of January next, at the hour of twelve o'clock noon, for the purpose of choosing and nominating certain fit and proper persons to serve as Township Officers for the ensuing year, according to the directions in the said Act contained.

Given under our hands and seals, at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_,  
18\_\_\_\_\_

"Township Clerk's Notice to assemble the Inhabitants of \_\_\_\_\_ District."

Whereas by virtue of a warrant from \_\_\_\_\_ and \_\_\_\_\_, Esquires, two of Her Majesty's Justices of the Peace, to assemble the Inhabitants of the Township of \_\_\_\_\_ on Monday, the \_\_\_\_\_ day of January next, at \_\_\_\_\_, for the purpose of choosing and nominating Township Officers for the ensuing year. Notice is hereby given, that the annual Township meeting,

of the Township of \_\_\_\_\_, will be holden at \_\_\_\_\_, on Monday, the \_\_\_\_\_ day of January \_\_\_\_\_, at the hour of twelve o'clock noon, accordingly.

Dated \_\_\_\_\_, \_\_\_\_\_, Town Clerk.

IV. And be it further enacted by the authority aforesaid, That no person shall be qualified to vote at any Township meeting under the provisions of this Act, except he be a Freeholder or Householder in such Township, of the full age of twenty-one years; and that all public matters and questions at such Township meeting shall be decided by the majority of the inhabitant Freeholders and Householders of the Township then and there present; that any person voting or offering to vote at any such Township meeting as aforesaid, not being duly qualified by law to vote, shall be subject and liable to a penalty of not less than five shillings, or more than twenty shillings, to be recovered with costs, on complaint of two witnesses, by a warrant of one Magistrate, the said fine to be paid over to the Town Clerk, and to be expended on the Roads in said Township: Provided, the complaint shall be made to the Court having jurisdiction of similar offences within three months thereafter, unless it shall appear to the Court that the person so offending shall not have had his vote objected to at the time of his voting, and that the offence was committed through his ignorance of the law upon this subject.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the inhabitant Freeholders and Householders at such Township meetings to choose one Clerk of said Town or Township; one Assessor; one Collector; a sufficient number of persons to serve as Pound-keepers, Overseers of Highways, and also three Town Wardens for the said Township: Provided always, that should the inhabitant Freeholders and Householders of any Township within this Province, from any cause whatever, neglect or refuse to assemble and appoint any particular Officer or Officers for the year as aforesaid, then and in such case the Officers of the Township for the preceding year, or such of them as shall not be relieved by the appointment of other Officers as their successors, shall continue and remain in office for the succeeding year, and shall have the same powers and be subject to the same responsibilities as if they had been chosen to such office in the usual manner; and that no Magistrate shall be liable without his consent to serve in any Township office: Provided always, that no person shall be compelled to serve in any of the aforesaid offices in any Township in which he doth not reside, except in such cases where two Townships are joined in one Township meeting, nor shall be elected to serve in any Township office oftener than once in three years, unless he shall consent thereto: Provided also, that where any Town in any Township in this Province shall be incorporated, or have Police Regulations established therein, no annual Township meeting for the purpose among other things of electing Township Officers shall be held in any such Town, but that the said annual Township meeting shall be holden in such convenient place out of such Town as the Magistrates in their warrant shall appoint.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the inhabitant Freeholders and Householders in any newly settled Township, in which no regular Township Meeting has been by Law hitherto holden, to hold Township Meetings for the purpose of appointing persons to serve in the different offices for the Township, mentioned in this Act, so soon as such new Township shall contain thirty inhabitant Freeholders or Householders: Provided

always, that where a Township doth not contain thirty inhabitant Freeholders and Householders, such inhabitants shall be taken and reputed as inhabitants of such Township adjacent, which, in the opinion of the Magistrates granting the Warrant, may be deemed most convenient for the new Township.

VII. And be it further enacted by the authority aforesaid, That it shall be the duty of the Clerk appointed as aforesaid to any Township, to record all such matters as shall be lawfully transacted at such meetings, all other matters relating to the Township which by virtue of his office it shall be his duty to record; which record, together with all other records, papers, monies unexpended, and property, belonging to the Township which may come into his hands by virtue of his office, shall be faithfully kept and preserved by such Clerk, and by him delivered over to his successor duly appointed.

VIII. And be it further enacted by the authority aforesaid, That it shall be the duty of every Township Clerk appointed agreeably to the provisions of this Act, to make out two copies from his record of the proceedings of the meeting, at which he was appointed Clerk for the Township, within twenty days after his appointment, one of which he shall post up in a conspicuous manner at the place where the meeting was held, and deliver the other, with a copy of the account current of the Township for the preceding year, to the Clerk of the Peace for the District; and it shall be duty of the Clerk of the Peace to file in his office all such copies as may be transmitted or delivered to him by the respective Township Clerks in each and every year, which shall be and remain in his office as a record, and shall be open to the inspection of every person desiring it, on payment of one shilling and three pence to the Clerk of the Peace, as his fee for his trouble in making such search; any Township Clerk who shall be lawfully chosen and appointed at any such Township meeting, and who shall have accepted or taken upon himself the said office, and shall not have delivered to the office of the Clerk of the Peace the documents hereinbefore mentioned, within the said period of twenty days as aforesaid, such said Township Clerk shall forfeit and pay the same sum as persons refusing to subscribe the declaration in the Clerk's book as hereinafter provided, to be expended upon the Roads in said Township, to be levied by warrant of any Justice of the Peace in the District, upon complaint of the Clerk of the Peace or any other person; and any two Magistrates shall then nominate and appoint a Township Clerk, who shall have the same powers and be subject to the same responsibilities as if he had been legally chosen and appointed in the usual manner; that the Township Clerk who shall have duly performed the duties assigned him by this Act, at the termination of each year, receive the sum of four pounds for his trouble, and the Treasurer of the District is hereby authorised to pay the same on the certificate of the Clerk of the Peace, that the said Township Clerk hath lodged in the office the several papers required as aforesaid.

IX. And be it further enacted by the authority aforesaid, That it shall be the duty of the Township Clerk of any Township, during the continuance of his office, to provide and keep a book wherein shall be entered declarations in the form hereinafter contained, which declarations shall be severally signed by the said Township Clerks, and by all other Township Officers of the Township; and so soon as the annual Township meeting shall have adjourned, the Township Clerk shall put up at some conspicuous place where the said Township meeting was held, a list containing the

names of all such persons as have been chosen to any office in such Township; and all and every such Officer shall subscribe to the said declaration in the Township Clerk's book within twenty days from his appointment; and every Township Officer making default herein, shall forfeit and pay the sum hereinafter mentioned; and it shall be the duty of the Township Clerk, immediately after the expiration of the said twenty days, to transmit to a Justice of the Peace of his division, a list of all such Township Officers who have been chosen for the current year, and have not subscribed the declaration aforesaid; and the said Justice shall proceed against such defaulter, and recover the sum forfeited under this Act; and any two Justices acting within the division may then appoint other Township Officers in lieu of those who shall make default as aforesaid, who shall subscribe the said declaration in the Clerk's book, and have the same power and be liable to the same responsibilities as if they had been elected or appointed in manner hereinbefore pointed out.

Declaration.

I, \_\_\_\_\_, do sincerely promise and declare, that I will faithfully and diligently perform the duties of \_\_\_\_\_, for the Township of \_\_\_\_\_ for the current year.

X. And be it further enacted by the authority aforesaid, That it shall and may be lawful for Her Majesty's Justices of the Peace to pay into the hands of the Township Clerk appointed under this Act, all monies arising from fines, and also the commutation money in lieu of Militia service in said Township, which may have been directed by law to be expended upon the high roads, all which monies shall and may be expended in making and improving the public highways, roads and bridges accordingly, by the Overseers of Highways, in such division of the roads as the Magistrates may order for the advantage of the inhabitants of said Township, and all monies arising from the Wild Land Assessment and other sources, except specially provided for by law.

XI. And be it further enacted by the authority aforesaid, That it shall be the duty of the Town or Township Clerk to make out a full and detailed statement of all monies received and expended by him, by virtue of this Act, during the current year, which statement shall be signed and certified by the said Clerk, a copy of which shall be put up at the place at which the ensuing Town meeting shall be ordered to be held, on or before ten o'clock on the day of meeting; that his accounts of receipts and disbursements for the current year shall be laid before the Township meeting, which accounts shall be examined and approved by the Town Wardens at such meeting, before any other business be transacted; and that every Township Clerk shall give bond for the due performance of his duty, which bond may be in the following form:

"Bond" — "Township Clerk."

Know all men by these Presents, that we, K. L., Township Clerk for the Township of \_\_\_\_\_, in the District of \_\_\_\_\_, and D. K. of \_\_\_\_\_, and T.H. of \_\_\_\_\_, are held and firmly bound to F.B., Treasurer of the District of \_\_\_\_\_ in the sum of \_\_\_\_\_, to be well and truly paid to F. B., Treasurer, or his successors in office, for which payment well and truly to be made to the said F. B., we bind ourselves, jointly and severally, our heirs, executors and administrators, firmly by these presents, sealed with our seals, dated, &c. The condition of the

above bond is such, that if the above bounden K. L. shall well and truly pay over, according to law, for the use of the Township, all monies coming into his hands by virtue of his office, and applicable to the general uses of the Township, and deliver the remainder, (if any there be,) together with all books, records and papers, belonging to the Township, into the hands of his successors in office as the law directs, then this obligation is null and void, or otherwise to remain in full force.

(Signed) A.B., Township Clerk.

XII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the inhabitant freeholders and householders of the several Townships in this Province, at such Township meetings assembled, to determine and order in what manner, at what periods, and what description of horned cattle, horses, sheep and other animals, shall be allowed to run at large, or be restrained from so doing, within their respective Townships for the year; and what shall be the fine or forfeiture upon the owner of any animals running at large, contrary to such regulations; and also to make such rules and regulations as the majority may deem necessary relative to pits, precipices and deep waters, or other places dangerous to travellers, or the destroying or suppressing the growth of such weeds as are detrimental to good husbandry; the height and description of lawful fences, and such other matters connected with the Township as may tend to promote the peace and welfare of the Township.

XIII. And be it further enacted by the authority aforesaid, That it shall and may be the duty of the Town Wardens to report to the Magistrates of the District, any persons who shall be insane or of unsound mind, going out at large to the danger of the peace of the inhabitants of such Township; and also it shall be the duty of the Town Wardens to audit and examine the Township Clerk's accounts, and to approve the same if found correct, and this examination to be the first duty performed at the Township meeting.

XIV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Assessor of any Township, and he is hereby authorised and required to demand and receive from every ratable inhabitant resident within the Township, a list of all the ratable personal property in his, her or their possession, in the Province, and of all the lands, tenements or other real estate, in his, her or their possession, in the Township, specifying the number of the lot or lots, or parts thereof, the number of concession or concessions in which the same is or are situated, or otherwise particularly describing the same; and also the number of acres cultivated or uncultivated in each lot or parcel of land, which list shall be taken between the first Monday in January and the sitting of the Court of General Quarter Sessions of the District, which shall be holden next after the first day of March in every year; and shall make a return within the time aforesaid, duly attested under oath (or affirmation) before the Clerk of the Peace for the District, of all the ratable inhabitants, with a true list of their ratable property, specifying the particulars above-mentioned, and shall, in like manner, insert his own ratable property therein, and shall also extend on said roll the amount on which he, she or they, shall be liable to pay tax, opposite to their respective names, at the foot of which he shall subscribe his name; and shall cause the said return to be delivered to the Clerk of the Peace, on or before the sitting of the said Court of Quarter Sessions, holden next after the first day of March aforesaid, to be by the said Clerk of the Peace

laid before the Court of Quarter Sessions at its said sitting; and shall also, within the time aforesaid, put up a correct copy thereof in some conspicuous place within the Township for the inspection of the inhabitants; and the said Assessor shall, and he is hereby required to report to a Magistrate of the division, the names of all such persons in the Township as he conceives to have either given in a false list, or have refused or neglected to give any list, as the law directs, of their ratable property, in order that such offenders may be dealt with according to law, at least fourteen days previous to his returning such roll to the Clerk of the Peace.

XV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for every Assessor, and he is hereby authorised and required to demand and receive from every inhabitant householder or head of a family in his Township, a true and correct list of the number of persons composing such family, male and female, and their respective ages, also all deaf and dumb and insane persons, including therein all persons employed by or resident with such householder or head of a family, which list shall specify the different denominations of Christians to which they severally belong, and may be in the following form, to which he shall add the necessary number of columns, to define their different religious denominations for such return:

Form.

Names of head of Families.	Number in each Family.				Deaf and Dumb.	Insane.
	Males.		Females.			
	Under 16.	Over 16.	Under 16.	Over 16.		

And if such householder or head of a family shall refuse or neglect to give a true and correct list to the Assessor, he shall be liable to pay the same penalty as persons are liable to pay who neglect or refuse to give in a true list of their ratable property to the said Assessor, to be levied and collected and expended in the same way; blank books, or forms for taking the Assessment, shall be furnished to the Assessors, on their application to the Clerk of the Peace, who shall charge the expense of the same in his account against the District; and the Clerk of the Peace shall report to the Quarter Sessions next after the first day of March aforesaid, the names of all Assessors belonging to his District, who have not completed and delivered into his office their Assessment rolls, for which neglect every such Assessor shall forfeit and pay the same sum as is imposed on officers neglecting to make the declaration of office, which money shall be expended on the roads in said Township; and the Magistrates shall appoint other Assessors for that year, who shall have the same powers and authority, and be liable to the same responsibilities, as they would have been had they been appointed at the Township meeting; which new Assessors so appointed, shall be notified by the Clerk of the Peace of their appointment, and shall proceed to take such Assessment and make their returns to the Clerk of the Peace, as herein-before provided, in one month after having been so notified, and shall sign the declaration in the Clerk's book; and the

Collectors shall lodge their bond, as required by this Act, before the sitting of the Court of General Quarter Sessions next after the first day of July in each year.

XVI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for each and every Assessor to receive from the Treasurer of their respective Districts, on the certificate of the Clerk of the Peace, that the Assessment roll hath been duly delivered according to law, the following fees:— If the Assessment of the rate of one penny in the pound for the year does not amount to fifty pounds, he shall receive a sum equal to seven pounds for every one hundred pounds; if above fifty pounds, and under one hundred pounds, a sum equal to six pounds ten shillings for every one hundred pounds; if above one hundred pounds, and under one hundred and fifty pounds, a sum equal to six pounds for every one hundred pounds; if above one hundred and fifty pounds, and under two hundred pounds, a sum equal to five pounds five shillings for every one hundred pounds; if above two hundred pounds, and under two hundred and fifty pounds, a sum equal to four-pounds fifteen shillings for every one hundred pounds; if above two hundred and fifty pounds, and under three hundred pounds, a sum equal to four pounds five shillings for every one hundred pounds; if above three hundred pounds, and under three hundred and fifty pounds, a sum equal to four pounds for every one hundred pounds; if above three hundred and fifty pounds, a sum equal to three pounds ten shillings for everyone hundred pounds.

XVII. And be it further enacted by the authority aforesaid, That it shall be the duty of the Collector appointed for a Township to make application to the Clerk of the Peace, (first having lodged with the Treasurer of the District the Bond hereinafter mentioned, the securities to which Bond shall be Freeholders, and as such certified by the Town Clerk to be good and sufficient,) for a certified copy of the Assessment Roll for the Township, for the year in which he is appointed; which copy, after being duly examined and certified by the Clerk of the Peace, shall be to each and every Collector sufficient authority for collecting the same, and from time to time to demand and receive from the inhabitants of the Township, all such rates and assessments as may be due and payable on such Assessment List; and it shall be the duty of all Collectors for any Town, Township or place, to deliver his Bond, duly executed according to Law, to the Treasurer of the District, and to take up the Assessment Roll on or before the Quarter Sessions next after the first day of July in each year.

“Bond”

“Collectors.”

Know all men by these presents, that we A. B., Collector of the rates for the Township or Townships of \_\_\_\_\_, in the District of \_\_\_\_\_, and C. D. of \_\_\_\_\_, and E. F. of \_\_\_\_\_, are held and firmly bound to J. O. Treasurer of the District of \_\_\_\_\_, in the sum of \_\_\_\_\_, Currency, to be well and truly paid to the said J. O., Treasurer, as aforesaid, or his successor in office, for which payment well and truly to be made to the said J.O., we bind ourselves, jointly and severally, our heirs, executors and administrators, firmly by these presents, sealed with our seals, and dated this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord \_\_\_\_\_.



The condition of the above bond is such, that if the above-bounden \_\_\_\_\_, shall collect all rates and assessments of the Town, Township or Townships of \_\_\_\_\_, for the year eighteen hundred and \_\_\_\_\_, for which he has been appointed, and shall pay all monies which he may so collect (except, his own per centage) to the Treasurer of the District, on or before the third Monday in December, in the said year eighteen hundred \_\_\_\_\_, then this obligation shall be null and void, or otherwise to remain in full force and virtue.

XVIII. And be it further enacted by the authority aforesaid, That every Collector of a Town, Township or place, shall collect all rates (which can be collected,) set forth in the Assessment roll, and shall pay over the amount, and finally settle his account with the Treasurer, on or before the third Tuesday in December in each and every year; and that no Collector who has not so settled his account with the Treasurer, shall be eligible to be elected to any Township office at the next Township meeting, and shall also be proceeded against, as hereinafter provided, for the recovery of the amount then due for that year: Provided always, that it shall and may be lawful for every such Collector to reserve for himself the following fees, as a compensation for his services:— If the Assessment of the Township for which he is Collector, does not amount to fifty pounds, he shall retain a sum equal to eight pounds for every hundred pounds he collects; if above fifty pounds, and under one hundred pounds, a sum equal to seven pounds ten shillings for every hundred pounds; if above one hundred pounds, and under one hundred and fifty pounds, a sum equal to seven pounds five shillings for every hundred pounds; if above one hundred and fifty pounds, and under two hundred pounds, a sum equal to seven pounds for every hundred pounds; if above two hundred pounds, and under two hundred and fifty pounds, a sum equal to six pounds ten shillings for every hundred pounds; and for all sums over two hundred and fifty pounds, a sum equal to five pounds for every hundred pounds.

XIX. And be it further enacted by the authority aforesaid, That if any person who shall occupy a house, farm or tenement, in any Town, Township or place, in this Province, and shall have been assessed for the same, shall leave the said Town, Township or place, before the said assessed rates have been paid, it shall and may be lawful for the said Collector to ask, claim and recover, the said rates (except such part thereof as shall have been charged on movable property) from the owner of the said house, farm or tenement: Provided, the same shall be demanded fourteen days before the second Monday in December in each year; but should the year in which the said rates are due, expire before the said rates be demanded, then and in that case the Collector shall be liable for the amount; nevertheless the said Collector shall be entitled to proceed, by warrant of distress, against any such tenant, although he may have left the Township; and that the Collector may, in like manner, proceed to recover from all other persons residing in his Township, the assessed rates which shall not have been paid by the first Monday in November in each and every year, the same having been demanded fourteen days previous to the date of the Magistrate's warrant of distress.

XX. And be it further enacted by the authority aforesaid, That it shall be the duty of the Overseers of Highways of any Township, and they are hereby severally authorised and required to superintend, make and keep in repair, the highways, roads, streets and bridges, that may be allotted to them severally, from time to time, and ordered by the Magistrates acting for the division; which divisions the Magistrates acting within the division are hereby authorised and

empowered to make at a Special Sessions, by them for that purpose to be holden, on or before the third Saturday in the month of April in each year, of which Special Sessions at least six days public notice shall be given, by putting up the same in at least three public places within each Township; and every such Overseer shall, after having received such order, notify all persons within his division, liable to perform Statute Labour, and order them, after having given three days notice of the day, hour and place, which notice may be delivered either in writing or verbally at the place of residence of said persons so liable to work, within the time stated in such order, on such part of the roads, bridges or highways, as they are directed to make, mend or repair; and shall and may direct all persons performing such labour to destroy such weeds as may be, in his opinion, hurtful to good husbandry; and shall give to every person who may have done his Statute Labour for the year, requiring the same, a certificate under his hand of having performed his share of Statute Labour in that Township for the year, in order to prevent such person from being called out again in any other Township into which he may remove.

XXI. And be it further enacted by the authority aforesaid, That it shall be the duty of the Township Clerk for each and every Township in this Province, to obtain a list of persons in his Township liable to perform Statute Labour, showing the number of days each person is liable to work, which list the Overseers of Highways for the Township shall have authority to take a copy or extract from the same.

XXII. And be it further enacted by the authority aforesaid, That when any road or highway passes any deep water, precipice or other dangerous place, the Overseer in whose division such may be situated, shall, by Statute Labour, cause good and sufficient guards, rails or fences, to be erected, in order to make such place safe, and shall also erect finger posts at all such places within his division, as shall be necessary for the direction of travellers.

XXIII. And be it further enacted by the authority aforesaid, That any person liable to perform Statute Labour, according to law, may compound for such duty, if he or she shall think fit, on or before the first Monday in May, by paying the Overseer acting for the divisions which he resides, the sum of two shillings and sixpence for every day which he or she may be required to work as aforesaid; and such Overseer is hereby authorised and required to accept the said sum in lieu of such Statute Labour, and shall and may lay out and expend the same, as to him shall seem best, for the improvement of the roads and bridges allotted to his division, and render an account of the same as is provided by this Act: Provided always, that nothing herein-contained shall affect any provision in any Act passed for Macadamizing certain roads within this Province.

XXIV. And be it further enacted by the authority aforesaid, That in order to provide materials for making or erecting bridges or causeways, or making or repairing any road with the money or labour of any Township, it shall and may be lawful for any Overseer of Highways, in the actual discharge of his duty, to direct the persons performing the work to cut down or make use of any trees or underwood standing upon any uninclosed and unimproved lands, and also to break up and make use of any stone upon any unimproved and uncultivated land that the Overseer may think necessary for that purpose, doing no unnecessary damage to the premises from whence they are taken.

XXV. And be it further enacted by the authority aforesaid, That the roads and highways in and through every Township, and also a just share of any road actually required and necessary, running between the same and any other Township, shall be cleared, repaired and maintained, by the inhabitants thereof; and that every person liable to perform Statute Labour, if not compounded for as aforesaid, shall, either in person or by a sufficient and able-bodied man in his stead, be obliged, under the direction of an Overseer acting for the division, to work faithfully and diligently on the said road, and shall bring with him such tools or implements useful for the purpose as he may be owner of, and be directed by the Overseer to bring, for and during the time he may be liable to work on the said road, in each and every year, allowing eight hours to each day's work, exclusive of the time of going and coming to and from the place of work; and that every person within the Township keeping a cart, waggon or team, of one or more horses, or yoke of oxen, shall send, on every day to be appointed by the said Overseers, a cart or waggon, or other implement and team, and one able-bodied man to drive the same for such space of time as he shall be liable to work on the said roads, according to law, allowing eight hours for such day's work, which said day's work, with a team and driver, shall be held equivalent to two days' personal labour for one man; and if any labourer or driver shall refuse or neglect to work faithfully, or to carry sufficient loads during the time above-mentioned, it shall and may be lawful for the said Overseer, and he is hereby authorised and required to discharge such labourer, and the person furnishing such team shall be liable to the forfeiture which every such person would have incurred by virtue of this Act, in case such labourer had not attended, or such team and driver had not been sent, and shall not be allowed for the part or portion of the day which he may have laboured.

XXVI. And be it further enacted by the authority aforesaid, That the several Overseers, of Highways in the several Townships, shall cause all Statute Labour under their direction and control to be performed, and all monies coming into their hands, in lieu of Statute Labour, to be expended between the tenth day of May and the twenty-fourth day of July, in each and every year; and in default thereof, shall be liable to forfeit, to be expended on the roads in the Township in the succeeding year, the same sum as is hereinafter imposed for refusing to make and sign the declaration of office.

XXVII. And be it further enacted by the authority aforesaid, That every person liable to perform Statute Labour, in any Township or division, and not having compounded for the same, according to law, who shall neglect or refuse, after having been duly notified as aforesaid, to attend himself, or send a sufficient able-bodied man in his stead, with such carriage, team, implement or instrument, as may be by this Act required by the Overseers, at the time and place appointed, shall forfeit and pay the sum of five shillings for each day he shall so neglect or refuse, to be recovered on complaint of the said Overseer of Highways, by warrant under the hand and seal of a Magistrate, by distress and sale of the goods and chattels of the person so offending, rendering the overplus, (if any there be,) to the party, after deducting the penalty, and legal charges attending such distress and sale; and the imposing of any such fine or penalty on any person, shall not in anywise release such person from performing any duty required of him by this Act, but he shall be liable and subject to perform the same, at any time within the current year, when called upon so to do by the proper officer, as though no such penalty had been imposed.

XXVIII. And be it further enacted by the authority aforesaid, That if any person shall wilfully stop up any road or roads in any Township, or shall pull down or destroy any fence, railing or guard, that shall have been erected along any water, bridge or precipice, for the safety of travellers, or any guide or finger post, such person or persons so offending, shall forfeit and pay, on conviction for every such offence, a sum not less than five shillings, nor more than five pounds, to be recovered in the manner provided by the preceding clause of this Act; or in case any tree or trees shall be cut down in or fall out of any enclosed land, or other lands which shall be occupied by a resident settler, in such a way as to obstruct any public road or highway, or any other thing which may be represented as a nuisance, the owner or occupier of such land shall remove the same within twenty-four hours after notice received of such obstruction, under the penalty of ten shillings for every day the obstruction shall continue, the penalty to be recovered in like manner as aforesaid.

XXIX. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, any person who is not assessed more than twenty-five pounds, and who, by reason of age, sickness, numerous family or misfortune, may be in poor and indigent circumstances, may apply to the Town Wardens for the Township in which such person resides, and the said Town Wardens, on such application, having first notified the Overseer acting for the division in which such person resides, to appear on the part of the public, shall enquire into the situation and circumstances of the person making such application, the said Town Wardens may exempt such person from the performance of the whole or part of his Statute Labour upon the highways for the year, and give him a certificate to that effect, which shall be the Overseer's acquittance for the work.

XXX. And be it further enacted by the authority aforesaid, That if through any inadvertency or otherwise, the name of any person which should have been inserted in the Assessment roll shall be omitted, such person shall be liable to work on the highways in the Township in which they reside, in the same proportion as if no such omission had taken place; and the Overseer is hereby authorised and required to insert, in his road list, for labour, any such person as may come into the Township to reside, after the Assessment roll has been taken for the year, and to call them out to perform Statute Labour, in the same manner as other persons who reside in the Township: Provided always, that immigrant labourers shall have resided full six months in this Province.

XXXI. And be it further enacted by the authority aforesaid, That the Overseers of each and every Township shall severally make out a true list or account of all persons within their respective divisions, who are liable to work on the highways, and of the labour done or unperformed by any person liable to perform or compound for the same; and also of all monies that may come into his hands by virtue of his office, and of the expenditure or payment of the same; which list and account shall be subscribed by such Overseer, and delivered, verified upon oath, which oath any Magistrate of the District is hereby authorised to administer, to the Township Clerk, on or before the first day of September in each and every year; and the said account shall be examined by the said Clerk for the purpose of being placed with the records of the Township; and it shall be the duty of the said Township Clerk, on or before the first day of December in each and every year, to furnish the Magistrates of the division with the names of the Overseers of Roads who shall not

have so rendered their account for the current year, in order that the said Overseers of Highways may be called upon for their accounts; and every Overseer of Roads who shall neglect to render his account as aforesaid, shall be liable to the same penalty, to be recovered in the same manner as provided by this Act, for persons refusing to take the oath or declaration of office.

XXXII. And be it further enacted by the authority aforesaid, That it shall be the duty of any Pound Keeper appointed under the provisions of this Act, to provide himself with sufficient yards or enclosures for the safe keeping of all such animals as it may be his duty to impound, and he is hereby authorised and required to impound all animals unlawfully running at large, trespassing and doing damage, that may be delivered to him by any persons resident within his Division taking up the same; and it shall be his duty to furnish the same with necessary food and drink; and if after the space of forty-eight hours the said animals shall not be claimed and redeemed by the owner, or some one on his behalf, paying the Pound Keeper his lawful demand and charges, and the amount of damages awarded, in the manner hereinafter mentioned to have been done by such animals, to the person taking up the same, he shall cause a notice in writing to be affixed in three public places in the Township for at least fifteen days, which notice shall give a description of such animals, and also state the time and place at which he intends to expose the same for sale; and if the owner of such animals, or some one in his or her behalf, does not within the time specified in such notice as aforesaid, redeem the same, by paying to the said Pound Keeper his legal fees, which shall be regulated from time to time by the Town Wardens of each Township, who are hereby required to regulate the same, and furnish the copy or schedule to the Township Clerk for the information of the Pound Keepers, and charges and the damages awarded to the person taking up such animals, the said Pound Keeper shall proceed to sell the same to the highest bidder, at the time and place mentioned in the said notice, which sale is hereby declared to be valid in law; and the said Pound Keeper shall, after deducting his own legal charges and the damages awarded to the person taking up the said animals, provided he is the party injured, return the overplus (if any there be) to the original owner: Provided always, that if no person shall appear to claim the said animals within the space of three months after public notice and sale as aforesaid, the said Pound Keeper shall pay the overplus (if any) into the hands of the Township Clerk for the time being, to be laid out and expended for the improvement of the roads and bridges within the said Township.

XXXIII. And be it further enacted by the authority aforesaid, That if any Ox or Oxen, Horse or Horses, Cow or Cows, shall be impounded as aforesaid, and not claimed before the expiration of fifteen days as aforesaid, and the owner thereof shall not be known by the said Pound Keeper, then and in that case the Pound Keeper shall not sell such Ox or Oxen, Horse or Horses, Cow or Cows, at the time stated in such notice, but shall postpone the sale thereof for the space of forty days, at the expiration of which time such Pound Keeper shall proceed to sell the same, and dispose of the proceeds in the manner mentioned in the last preceding clause of this Act: Provided always, that the owner of the same may at any time before such sale redeem such animal or animals by paying demands as aforesaid.

XXXIV. Provided also, and be it further enacted by the authority aforesaid, That it shall be the duty of all and every person taking any animal or animals to a Pound Keeper to be impounded, at the

same time, or within twenty-four hours, to state in writing to the said Pound Keeper, all demands he may have against the owner of such animal or animals, for damages done by them; and in case the owner of such animal or animals shall tender to the Pound Keeper the full sum which shall or may be awarded as damages to the party suffering the same, with the costs then incurred, such owner shall not be liable to any costs afterwards incurred, but all such subsequent costs in such case shall be borne by the party claiming extravagant damages.

XXXV. And be it further enacted by the authority aforesaid, That it shall be the duty of the Pound Keeper, and he is hereby authorised and required, when the owner of any animal impounded shall object to the amount of damages claimed, within forty-eight hours after the same have been impounded as aforesaid, to notify three disinterested resident Freeholders or Householders, farmers in the said Township, to appraise the damages, and also to judge of the sufficiency of the fence enclosing the ground wherein such animals were found doing damage, and such Freeholders or Householders, farmers, or any two of them, shall within twenty-four hours after the receipt of such notice view said fence, and determine whether the same is a lawful fence according to the regulations of the Township meeting on the subject, and if so, appraise the damage done; and having reduced this their award to writing, shall deliver the same signed with their names to the Pound Keeper, within the space of twenty-four hours after having been so notified: Provided always, that if any person shall neglect or refuse to attend to examine said damage after being notified as aforesaid, he shall be liable to a penalty of five shillings for every such neglect or refusal, to be recovered and applied in the same manner as fines imposed by this Act for refusing or neglecting to perform Statute Labour: Provided always, that the owner, of any animal or animals not permitted to run at large by the regulations of such Township meeting, shall be liable for any damage done by such animal or animals, notwithstanding that the fence enclosing the premises was not of the height required by the said regulations.

XXXVI. And be it further enacted by the authority aforesaid, That if any person legally appointed to any Township Office agreeably to the provisions of this Act, shall neglect or refuse to make the declaration of office, and to sign his name thereto in the Township Clerk's book, within twenty days after his being so appointed, or after making said declaration, shall neglect or refuse to perform the duties of his office agreeably to the provisions of this Act, or if any person shall neglect or refuse to deliver to the Assessor a true list of his or her ratable or personal property, as the law directs, in manner and form aforesaid, or shall wilfully mis-state such ratable property, such person shall forfeit and pay a sum not less than one pound nor more than five pounds, with costs, for every such neglect, refusal or violation of the laws, to be levied by distress and sale of the Offender's goods and chattels, eight days previous notice of said sale being given, and the overplus (if any there be) being rendered to the owner.

XXXVII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons to examine any document on record, in possession of the Township Clerk, on payment of one shilling and three pence, as the Clerk's fee for his trouble in making or assisting to make the same.

XXXVIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the District Treasurer, and he is hereby authorised and required to prepare and place before the Quarter Sessions, to be holden in said District next after the first day of January in each and every year, a list of such Collectors of rates as may be in arrears, and shall not have paid over the rates to the Treasurer for the year in which he or they shall have been appointed; and it shall be the duty of the Magistrates in Quarter Sessions assembled, to issue their warrant, and distrain the goods and chattels of said Collector or Collectors, and cause the same to lie sold, after having given twenty days notice of the time and place of such sale, to the amount of rates due to the District, with the costs thereon; and also may proceed in like manner against the goods and chattels of the Sureties named in said Collector's bond.

XXXIX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Township Commissioners, who have been appointed at the Township meeting on the first day of January, one thousand eight hundred and thirty-eight, to perform the duties of Township Wardens, provided for in this Act; and their offices as Township Commissioners shall hereafter cease, and that the duties of all other Township Officers, appointed at the annual Township meeting aforesaid, shall be performed and regulated agreeably to the provisions contained in this Act.

XL. And be it further enacted by the authority aforesaid, That in case it shall have happened that any Township in this Province shall, from neglect of the Assessors or Collectors, or other cause, not have been assessed, or the rates therein not have been collected for any one year or more previously to the passing of this Act, when by law it should have been done, it shall and may be lawful for the Magistrates of the District in which such Township or Townships are situated, in Quarter Sessions assembled, to authorise the Collector for the current year to collect the said rates in like manner and under the same provisions and penalties provided for by this Act.

XLI. And be it further enacted by the authority aforesaid, That it shall be the duty of the Assessors of each and every Parish, Township or place, within this Province, to make out a schedule of all lands within the same, not included in their several Assessment Rolls, and they shall sign and deliver the same to the Clerks of the Peace of the several Districts along with the Assessment Rolls, for the information of the Treasurer, in the following form:—

Lots or Parts of Lots.	Concession.	Number of Acres.
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XLII. And be it further enacted by the authority aforesaid, That it shall and maybe lawful for the Town Wardens of any Township, legally appointed according to the provisions of this Act, to compound or agree with any person or persons resident in the Township, for making in a permanent and substantial manner, any part of any public road within their Township, in lieu of his or their Statute Labour, which he or they may be by law required to perform in the Township, for any number of years not exceeding five, which agreement shall be committed to waiting and

signed by the parties, and thereupon it shall be binding on the Town Wardens and their successors, and the other person or persons being a party to such agreement, and upon the due performance and completion of such agreement, the person or persons performing the same shall be exempt from all Statute Labour in the Township for the full term of time agreed upon as aforesaid.

XLIII. Provided always, and be it further enacted by the authority aforesaid, That in case any person or persons, after having subscribed to any agreement as aforesaid, shall neglect or refuse to perform the same in the manner and within the time specified in such agreement, he or they shall be liable to the like penalty that persons are by this Act who refuse or neglect to perform their Statute Labour.

XLIV. And be it further enacted by the authority aforesaid, That if it shall happen that any person or persons shall enter into an agreement with the Town Wardens as aforesaid, and in pursuance of such agreement make a part or the whole of the road required by such agreement, but upon which there will arise a dispute between the Town Wardens making the agreement or their successors and the other party thereto, touching the fulfilment of such agreement, such dispute shall and may be submitted to three Overseers of Highways acting in the Township for the year; and such three Overseers of Highways shall be drawn by a public and impartial ballot from the whole list of Overseers of Highways, acting in the Township for the year; which ballot shall be made by the Township Clerk, who shall give the two contending parties due notice of the time and place where such ballot shall take place; and it shall be the duty of such Clerk to appoint a time and place for the meeting of such Overseers of Highways so balloted, giving them, and also the parties to such dispute, at least eight days' notice; and thereupon it shall be the duty of such Overseers of Highways to meet, and after having the said agreement submitted to them, and examining the premises, to make such award as to them shall appear just and right, which award shall be binding on the parties and be final.

XLV. And be it further enacted by the authority aforesaid, That it shall be the duty of the Clerk of the Peace in every District, to make out a general return of the population of his District from the several returns which he may receive from the Assessors for the year, and to transmit the same to the office of the Governor, Lieutenant Governor, or Person Administering the Government of this Province for the time being, on or before the first day of July in each and every year; and if such return shall not contain the whole population of his District, he shall send in a return of such Townships as may be deficient, as soon as practicable after he shall be enabled to do so by returns of the Assessors of such Townships.

XLVI. And be it further enacted by the authority aforesaid, That if any person whose name is inserted upon such Assessment roll, shall neglect or refuse to pay the sum or rate for which he or she stands rated in manner aforesaid, for the space of fourteen days after demand duly made of the same by the said Collector or his agent duly appointed, the said Collector, upon oath before one Magistrate, of such demand and refusal of payment as aforesaid, shall be entitled to demand an execution for the amount of such rate or rates, which execution the said Magistrate is hereby authorised and required to grant; and upon receipt of the same, the said Collector shall, and he is



hereby authorised and required to levy the same by distress and sale of the goods and chattels of the person so neglecting or refusing to pay, having eight days' previous notice of such sale, in three public places in the Township, and render the overplus (if any there be) to the owner thereof, after deducting the amount of the rates assessed, and the legal charges of the distress and sale.

XLVII. And be it further enacted by the authority aforesaid, That the Constable to whom any warrant, execution or summons, may be directed, authorised to be issued by this Act, shall be entitled to the following fees, and no more, for executing such warrant, execution or summons, namely: Four-pence per mile for every mile he may have to travel to execute the same, which travel shall be verified upon oath, if required; and for levying, advertising, selling and making returns, two shillings and sixpence; for every summons served, eight-pence.

XLVIII. And be it further enacted by the authority aforesaid, That the Town Wardens appointed by this Act for their respective Townships, and their successors duly appointed, shall be as a Corporation to represent the whole inhabitants of the Township for which they are Town Wardens, and as such may have and hold the property of or belonging to the Township, and shall and may sue, prosecute or defend, in all presentments, indictments or actions, for and on behalf of the said Townships.

XLIX. And be it further enacted by the authority aforesaid, That if any one to whom an oath or affirmation may be administered, under the provision of this Act, shall wilfully swear or affirm falsely, such false swearing or affirmation shall be deemed wilful and corrupt perjury, and the person guilty thereof shall and may be prosecuted and punished therefor as for wilful and corrupt perjury.

L. Provided always, and be it further enacted by the authority aforesaid, That in case it shall be necessary to repair any sudden breach which may be caused in any public highway, by reason of any bridge or causeway giving way, or from any other casualty, or to remove any obstruction on account of snow, or to fix or set up beacons or stakes as a guide for travellers over any frozen waters, marsh, plain or other place, it shall and may be lawful for the Overseer or Overseers of Highways, in whose division the same may occur, and they are hereby required, to repair, remove or establish, as aforesaid, or cause the same to be done, by applying any money in their hands, and applicable to the roads and unappropriated, or to direct the application (for that purpose) of any Statute Labour subject to their control; and in case it shall happen that such Overseer or Overseers shall not at the time have any money or Statute Labour under his direction, which he may apply for the purposes aforesaid, it shall and may be lawful for such Overseer to direct any person in his division, and liable to perform Statute Labour, to repair such breach, remove such obstruction, or erect such guides as aforesaid; and such Overseer shall keep an account of the number of days any person or persons may work on the roads for the purposes aforesaid, which account such Overseer shall transmit to the Clerk of the Township, to be laid before the Town Wardens of the Township; and the said Town Wardens, after examining the said account, if it shall appear just and expedient, may exempt any person who may have worked as aforesaid, from performing any part of his or her Statute Labour for the next year, and shall give such person as aforesaid a writing to that effect, which shall be taken and considered by the Overseer under

whose direction such person may be liable to work, and credited to such person for so much of his Statute Labour; and any person who shall neglect or refuse to perform such labour, or obey the orders of the Overseer, when required to work as aforesaid., shall be liable to the same penalties, and which may be recovered and disposed of in the same way and manner, as is provided by this Act for neglecting to perform Statute Labour, or disobeying the Overseers of Highways, except such person can make it appear that he had a reasonable excuse for so doing: And provided also, that the said Overseer shall, and he is hereby required, to proportion such labour among the several persons within his division, liable to perform Statute Labour, as nearly equal as circumstances will permit.

LI. And be it further enacted by the authority aforesaid, That the following fee, and no more, shall and may by such Collectors be taken for every distress, advertising and sale, namely — Three shillings and nine-pence.