

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

1 Victoria – Chapter 27

**An Act to Incorporate the Town of Kingston, under the name of “The Mayor and Common Council of the Town of Kingston.” Passed 6th March, 1838.**

Whereas the Incorporation of the Town of Kingston, in consequence of its increase, has become advisable and necessary for the improvement and prosperity of said Town: Be it therefore enacted, by the Queen’s most Excellent Majesty, by and with the advice and consent of the Legislative Council and 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 forty-first year of the reign of His Majesty King George the Third, entitled, “An Act to empower the Commissioners of the Peace for the Midland District, in their Court of General Quarter Sessions, to establish and regulate a Market in and for the Town of Kingston, in the said District”; and also an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled, “An Act to make more ample provision for regulating the Police of the Town of Kingston”; and also an Act passed in the seventh year of the reign of His late Majesty King George the Fourth, entitled, “An Act to repeal part and extend the provisions of an Act passed in the fourth year of His Majesty’s reign, entitled, ‘An Act to make more ample provision for regulating the Police of the Town of Kingston’; and also an Act passed in the Parliament of this Province in the seventh year of the reign of His late Majesty King William the Fourth, entitled, “An Act authorising the Magistrates of the Midland District to make rules and regulations for the prevention of accidental fires in the Town of Kingston, and for other purposes therein- mentioned”; and also so much of an Act passed in the sixth year of the reign of His late Majesty King George the Fourth, entitled, “An Act for the better regulating the Assize, and fixing the price of Bread in the several Police Towns throughout this Province,” as applies to the Town of Kingston, in the Midland District, be and the same are hereby repealed.

II. And be it further enacted by the authority aforesaid, That the Justices of the Peace of the Midland District, in General Quarter Sessions, on or before the first day of April next, be and they are hereby authorised and required to define and establish the limits between the said Town and Township, including within the said Town the tracts of land called Park Lots number one and two, granted from the Crown to Sir John Johnson, and Ann Earl respectively; the lot of land on the eastern side of the original Town plot of Kingston, granted to Magdalen Ferguson; and also Lot number twenty-five, in the first Concession of the said Township of Kingston, granted from the Crown to Michael Grass.

III. And be it further enacted by the authority aforesaid, That the said Town shall be and the same is hereby divided into four Wards.

IV. And be it further enacted by the authority aforesaid, That Ward Number One shall consist of all that part of the said Town which lies west of Brock-street, and south of Grass-street, to the line of Lot number twenty-four, in the first Concession of the Township of Kingston.

V. And be it further enacted by the authority aforesaid, That Ward Number Two shall consist of all that part of the said Town which lies west of Brock-street, and north of Grass-street, to the line of the said Lot number twenty-four.

VI. And be it further enacted by the authority aforesaid, That Ward Number Three shall consist of all that part of the said Town which lies east of Brock-street, and south of Quarry-street.

VII. And be it further enacted by the authority aforesaid, That Ward Number Four shall consist of all that part of the said Town which lies east of Brock-street, and north of Quarry-street, including the land granted to Magdalen Ferguson, to the line of the said Lot number twenty-four.

VIII. And be it further enacted by the authority aforesaid, That the Harbour shall consist of all that part of the River and Bay opposite the said Town.

IX. And be it further enacted by the authority aforesaid, That all the Inhabitants of the said Town shall be, and they and their successors, Inhabitants aforesaid, from time to time, and at all times hereafter, shall continue to be one body, corporate and politic, in fact and in name, by the name of the "Commonalty of the Town of Kingston."

X. And be it further enacted by the authority aforesaid, That for every Ward within the limits of the said Town, one Alderman and one Common Council-man shall be chosen, in manner hereinafter mentioned; and the Aldermen and Common Council-men shall choose a Mayor from among the inhabitants duly qualified, as hereinafter mentioned, by vote of the majority of such Aldermen and Common Council-men, in person, to be a Mayor of the said Town; and in case it shall happen that the votes shall be equally divided, then that Alderman who shall have been rated upon the last Assessment List of the said Town for the greatest amount of property, shall give a second or casting vote, and that one-fourth of the said Aldermen and Common Council-men shall retire in each year, by rotation, the order in the first instance to be by ballot, and afterwards in succession, but that they shall be capable of being re-elected.

XI. And be it further enacted by the authority aforesaid, That the Legislative power of the Town of Kingston shall be, and is hereby vested in the Mayor, Aldermen and Common Council-men, who together shall form the Common Council of the said Town.

XII. And be it further enacted by the authority aforesaid, That every Legislative Act of the said Town be expressed to be enacted by the Mayor, Aldermen and Commonalty, of the Town of Kingston, in Common Council assembled.

XIII. And be it further enacted by the authority aforesaid, That the Town of Kingston shall not have authority, by Act of Common Council or otherwise, to borrow any sum of money whatever, on the credit of the said Town, except in anticipation of the revenue to accrue within five years next after such loans shall be made, unless authorised by Act of Parliament: Provided always, that nothing in this clause contained shall be construed to prevent the said Town, by Act of Common Council or otherwise; from borrowing a sufficient sum of money to provide for the erection of a new Market-House in the said Town.

XIV. And be it further enacted by the authority aforesaid, That the Assessment shall not exceed Six Pence in the Pound in any one year.

XV. And be it further enacted by the authority aforesaid, That Aldermen and Common Council-men of the said Town shall be chosen in each of the said Wards, on the last Tuesday in March, and that the Officer or Officers whose duty it shall be to hold such Election, shall, five days previous thereto, give public notice thereof, in writing, in at least three public places in such Ward, of the place where such Election shall be held, and that they shall be sworn in on the following Monday, by the Judge of the District Court, or the Chairman of the Quarter Sessions.

XVI. And be it further enacted by the authority aforesaid, That the Mayor of the said Town shall be elected by a majority of votes of the Aldermen and Common Council-men, from among the inhabitants of the said Town: Provided always, that no person shall be eligible to be elected a Mayor of the said Town, unless he shall have been resident within the said Town for the space of ten years next before his election, and being so resident at the time of such election, shall be possessed, to his own use and benefit, of real property within the said Town, either in freehold or for a term of years, which shall be assessed under this Act at seventy-five pounds, or in the receipt of seventy-five pounds or upwards, of yearly rent or profit, accruing from or out of real property within the said Town.

XVII. And be it further enacted by the authority aforesaid, That neither the Officer holding any Election for Aldermen or Common Council-men of the said Town, nor any Clerk or Assistant employed by him in holding such Election, or taking the votes at the same, shall be eligible to be a Candidate at any such Election; nor shall any such Officer, Clerk, or Assistant, vote at any such Election: Provided always, nevertheless, that in the event of there being, at the conclusion of the Poll, an equal number of votes polled at any such Election, for two or more persons, for the same office, it shall and may be lawful to and for the Officer holding such Election, and he is hereby required, whether otherwise qualified or not, to give a vote in favor of one or the other of the persons having such equality of votes, in order that the Election may be completed.

XVIII. And be it further enacted by the authority aforesaid, That neither any Minister or Clergyman, in Holy Orders of any religious persuasion, nor any of the Judges of the Court of King's Bench or District Court, or Her Majesty's Attorney or Solicitor General, nor any practising Physician or Surgeon, shall be compelled to serve in any of the Municipal Offices created by or under the authority of this Act.

XIX. And be it further enacted by the authority aforesaid, That until provision shall have been made by Act of Common Council for a registry of votes, every person offering to vote at any election for Aldermen or Common Council-men, before he be permitted to vote, shall, if required by the Presiding Officer at any such election, or by any person qualified to vote thereat, make oath or affirmation of the particulars of his qualification, and that he has not before voted at said election, which oath or affirmation the said Presiding Officer is hereby authorised and required to administer.

XX. And be it further enacted by the authority aforesaid, That if there shall happen any vacancies in the Officers elected for any Ward of the said Town, by death, resignation, removal out of Town, or other disqualification, before the return of another election, it shall be lawful for the Common Council to direct an election to supply such vacancy in the office and Ward, when and where the same shall happen, and to appoint a time and place for holding such election in such Ward, previous notice of such time and place being given in at least three public places in such Ward, in manner hereinbefore mentioned; and such election shall in other respects be held and conducted in like manner as the regular elections in the said Town are to be held and conducted: Provided always, that any person elected to supply any such vacancy, shall hold his office only for the residue of the term of office of his immediate predecessor.

XXI. And be it further enacted by the authority aforesaid, That in the Court of Common Council, two Aldermen, and two Common Council-men, together with the Mayor, shall form a quorum for the despatch of business: Provided always, that a smaller number may adjourn from time to time, and may be authorised to compel the attendance of absent Members, in such manner and under such penalties as may be provided by Act of Common Council.

XXII. And be it further enacted by the authority aforesaid, That the Mayor, or in his absence from sickness or otherwise, a Member, being the senior Alderman, shall preside at the meetings of the Common Council, and that the said Mayor or President pro tempore, shall, in all cases when the votes are equal, be entitled to the casting vote.

XXIII. And be it further enacted by the authority aforesaid, That it shall be lawful for the Mayor of the said Town to call special meetings of the Common Council; and in case of his death or removal from the Town, it shall be lawful for the remaining Aldermen, at a special meeting to be summoned by the Clerk of the Common Council for that purpose, within three days, to elect from among the inhabitants duly qualified, a successor to such Mayor, who shall hold his office for the remainder of the term of service of his immediate predecessor, which Mayor shall be sworn into office by the Judge of the District Court or Chairman of the Quarter Sessions of the Midland District.

XXIV. And be it further enacted by the authority aforesaid, That it shall not be lawful for the Mayor, Aldermen or Common Council-men, of the said Town, to receive any salary.

XXV. And be it further enacted by the authority aforesaid, That the said Common Council shall be and is hereby declared to be a Court of Record, and it shall have the same power to punish for contempt, as is by law vested in any other Court of Record.

XXVI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Common Council of the said Town to appoint a Clerk, a Treasurer and a High Bailiff, in and for the said Town, with such salaries as they may think proper: Provided always, that such salaries shall not exceed the sum of one hundred pounds each: And provided also, that it shall and may be lawful for the said Common Council to remove either of such Officers for misconduct, and to appoint another in the place of such removed Officer: And provided also, that in the event of either of the said offices becoming vacant by death, resignation or removal from the said Town, it shall be lawful for the said Common Council to appoint to the vacant office: And provided also, that nothing in this clause contained shall be construed to prevent the Common Council to appoint the Treasurer of the Midland District for the time being to the office of Treasurer of the said Town, if the said Common Council shall see fit, and also the Clerk of the Peace of the Midland District to be their Clerk.

XXVII. And be it further enacted by the authority aforesaid, That the said Clerk so to be chosen and appointed, shall receive, have and take charge of and keep such writings and papers belonging to the Mayor, Aldermen and Common Council-men, of the Town of Kingston, as the Mayor of the said Common Council shall direct from time to time, or order to be delivered to and kept by the said Clerk, so from time to time to be appointed, under the direction and subject to the order and control of the said Common Council.

XXVIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Common Council, from time to time, to appoint one or more Clerks of the Market; one Surveyor of Streets; one Harbour Master; one or more Inspectors of Beef, Pork, Flour, Pot and Pearl Ashes, and one Pound-keeper, for the said Town; and one Assessor and one Collector for each Ward of said Town; and to prescribe the duties of such Officers respectively, and at their pleasure to remove any such Officer and appoint another in his place; and that so much of the Acts of the Parliament of this Province as may regard the nomination and appointment of any such Officer or Officers for that part of the Province hereby declared to be the Town of Kingston, shall be and the same are hereby repealed: Provided always nevertheless, that the Assessors and Collectors to be appointed for the said Town respectively, shall perform all such duties as before the passing of this Act were to be performed by the Assessors and Collectors for the Town of Kingston, in order to the collecting and paying over into the general funds of the Midland District the rates and assessments to be levied and raised upon the inhabitants of said Town under the general assessment Act of this Province, which rates and assessments shall continue to be paid and applied as before the passing of this Act; and that the said Common Council shall make such order as shall be necessary respecting the paying over and accounting for the said rates and assessments by the Collectors and the proper Officers to the Treasurer of the Midland District.

XXIX. And be it further enacted by the authority, aforesaid, That if any person shall refuse to pay the sum or rate for which he stands rated in manner aforesaid, 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 Her Majesty's Justices of the Peace in and for the Midland District, 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 be, over and above the said rate, to the owner thereof, after deducting the legal charges of the distress and sale.

XXX. And be it further enacted by the authority aforesaid, That the Justices of the Peace of the said District, in Quarter Sessions assembled, shall from time to time employ so many Bailiffs and Constables for the said Town as to the Common Council shall seem necessary and proper, and pay them such sum per annum, out of the funds of said Town, for their services, as to the said Common Council shall appear just, and shall allow to the Collectors, Assessors and other inferior Officers of the said Town, such remuneration as to the said Council shall seem meet.

XXXI. And be it further enacted by the authority aforesaid, That the Common Council shall be required to publish half yearly, in the Newspapers of said Town, a detailed account of the state of the finances of the said Town, and also a detailed account of the receipt and expenditure of all sums of money that may have been paid into the Town already.

XXXII. And be it further enacted by the authority aforesaid, That the said Council shall keep a journal of its proceedings, and all discussions shall be open to the public, unless three members shall require otherwise: Provided always nevertheless, that upon all proposals, discussions, debates, resolutions or other proceedings, of the said Court of Common Council, of or concerning the raising, levying or imposing, any rates, taxes or assessments, or requiring the performance of any duty or service by the inhabitants of said Town, or any of them, the same shall be proposed, discussed, debated and resolved on and determined in open Court, accessible to the inhabitants of the said Town, any thing herein contained to the contrary thereof notwithstanding.

XXXIII. And be it further enacted by the authority aforesaid, That the said Common Council shall determine the rules of its proceedings, and judge of the qualifications, elections and returns of its Members.

XXXIV. And be it further enacted by the authority aforesaid, That all Resolutions and Reports of Committees, which shall recommend any specific improvement involving the appropriation of any public money, shall be published in at least one Newspaper a week, and every measure for taxing or assessing the inhabitants of the said Town, or for imposing fines, shall be published ten days before the same shall be adopted, and after adoption shall be published fifteen days before it shall have effect.

XXXV. And be it further enacted by the authority aforesaid, That the said Common Council shall have authority to punish its Members for disorderly behaviour, and to expel a Member convicted of an infamous crime, and that the Member so expelled shall by such expulsion forfeit all his right and power as Alderman or Common Council-man, as the case may be.

XXXVI. And be it further enacted by the authority aforesaid, That immediately after any Act shall be passed by the Common Council, it shall be signed by the Mayor, and sealed with the Seal of the Corporation, and enrolled; and such Act shall thenceforth go into effect, as a law of the Town of Kingston; and all such laws, together with this Act, and all other Acts of Parliament particularly relating to the said Town, shall be entered, verbatim, in a book to be kept by the Clerk, and signed by the Mayor, and be open to the public for inspection, between the hours of eleven of the clock, A. M. and two of the clock, P. M. on payment to the Clerk of three pence, and no more, for every examination.

XXXVII. And be it further enacted by the authority aforesaid, That the Council shall meet on the first Monday of every month, in each year, at the least.

XXXVIII. And be it further enacted by the authority aforesaid, That it shall be lawful for the Mayor and Common Council of the Town of Kingston, to regulate and license owners of Livery Stables, and to regulate and license the owners and keepers of Hackney Coaches, and of Horse Phaetons, Chairs, Sleighs, Sleds, Waggons, Carts, and Carriages of every description, used for hire or reward in the said Town.

XXXIX. And be it further enacted by the authority aforesaid, That upon the trial of any issue, or upon the taking or making of any inquisition, or upon the judicial investigation of any fact whatsoever, to which issue, inquest or investigation, the said Town, or the Mayor, Aldermen and Common Council-men thereof, or either of them, are a party, or in which they are interested, no person shall be deemed an incompetent Witness or Juror, by reason of his being an Inhabitant Freeholder or Freeman of the said Town; and if any person shall be sued or impleaded by reason of any thing done by virtue of this Act, it shall be lawful for such person to plead the general issue, and to give this Act and the special matter in evidence at the trial.

XL. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Common Council, from time to time to appoint so many of the members thereof as shall be thought necessary to form a Board of Health, to aid and assist the Mayor of the said Town to carry into effect the provisions of the Statutes which now are, or may be passed, to preserve the health of the said Town, and to prevent the introduction and spreading of infectious and pestilential diseases in the same; and the said Board, in conjunction with the Mayor, shall have the like power and authority for the purposes aforesaid, as are vested in Boards of Health established under the provisions of an Act passed in the third year of His late Majesty's reign, entitled, "An Act to establish Boards of Health, and guard against the introduction of malignant, contagious, and infectious diseases, in this Province."

XLI. And be it further enacted by the authority aforesaid, That the person appointed as aforesaid Clerk of the Market shall, during his continuance as such Clerk, under the direction of the Mayor, inspect the weights, measures and balances, that shall or may be used in any market in the said Town of Kingston, and seize and destroy such as are not according to the established standard;

and also to inspect all meats and fish that may be exposed for sale in such market, and seize and destroy such as may be tainted or otherwise unfit to eat; and also inspect the stalls in such market, and cause the occupants to keep them clear; and also to enquire into the conduct of all persons who shall expose for sale or vend any provisions in such market, and whether they, or any of them, are guilty of a breach of any of the by-laws of the Common Council, and report all offenders against such by-laws, to the Clerk of the Common Council, whose duty it shall be forthwith to prosecute the offenders for the penalties annexed to their several offences.

XLII. And be it further enacted by the authority aforesaid, That the Mayor or Aldermen, or any one or more of them, shall have full power and authority to take up and arrest, or order to be taken up and arrested, all rogues, vagabonds, drunkards, and disorderly persons, and as the said Mayor, Aldermen, or any two of them, shall see fit or cause to order, all or any such rogues, vagabonds, drunkards, and disorderly persons, to be committed to any Work-house that may hereafter be erected, or else to any House of Correction or Gaol, there to receive such punishment, not exceeding three days imprisonment, or the common Stocks, as the said Mayor or Aldermen, or any two of them, shall think fit.

XLIII. And be it further enacted by the authority aforesaid, That the Market-square be, and the same is hereby conveyed to and vested in the said Town of Kingston, to hold to the said Town of Kingston, for ever, to and for the public uses of the said Town, to be superintended and managed, as the said Town, by Act of Common Council, shall or may from time to time direct.

XLIV. And be it further enacted by the authority aforesaid, That the said Town of Kingston shall, by its Representatives in whom the Legislative power of the Town shall be vested, as hereinbefore mentioned, have full power and authority, from time to time to make, revise, alter, amend, administer and enforce, such laws as they may deem proper, for making, gravelling, flagging, paving, pitching, levelling, raising, repairing, mending, lighting, macadamizing, and cleansing any of the streets, squares, alleys, lanes, walks, side-walks, cross-walks, roads, highways, bridges, public wharves, docks, slips, shoves and sewers, now laid out or erected, or hereafter to be laid out or erected, within the limits of the said Town; to regulate or restrain cattle, horses, sheep, goats, swine, and other animals, geese or other poultry, from running at large within the limits of the said Town; and to prevent and regulate the running at large of dogs, and to impose a reasonable tax upon the owners or possessors thereof; to regulate, or prevent, the incumbering or injuring of the streets, squares, lanes, walks, side-walks, cross-walks, roads, highways, bridges, public wharves, docks and slips, with any wheel-barrows, carts, carriages, lumber, stone, or other materials whatsoever; to regulate or prevent the selling or vending, by retail, in the public highways, any meat, vegetables, fruit, cakes, cider, beer, or other beverage whatsoever; to prevent the sale of any strong or intoxicating drink to any child, or apprentice or servant, without the consent of his legal protector; to prevent the immoderate riding or driving horses, or other cattle, in any of the public highways of the said Town; to prevent the leading, riding or driving, horses upon the side-walks of the streets, or other improper places; to regulate wharves and quays; to prevent all obstructions in the Bay, Harbour or River, near or opposite to any dock, wharf or slip; to regulate or prevent the fishing with nets or seines, the use of fishing lights, or the erecting or use of weirs for eels, or other fish; to prevent or regulate bathing and swimming in and about the docks,

wharves, slips and shores, within the limits of the said Town; to suppress tippling-houses, and restrain persons from keeping the same; to enforce the due observance of the Sabbath; to regulate the licensing of, or to prevent the exhibition of wax figures, wild animals, mountebanks, and all other shows exhibited by common show-men; to prevent the excessive beating, or other inhuman treatment of horses, cattle or other beasts, in the public highways; to regulate or suppress all billiard-tables, and to regulate all theatres kept for profit; stills kept for the purposes of distilling spirituous liquors for sale; auctioneers, butchers, cart-men and cartage, hawkers and pedlars; all persons exhibiting for gain or profit any puppet-show, wire-dance, circus-riding, or any other idle acts or feats, which common show-men, mountebanks, circus-riders or jugglers, usually practise or perform, and to limit the number, and to provide for the purpose of licensing of the same; to regulate and to prevent the firing of guns, pistols, and other fire-arms, and to prevent the firing off squibs and crackers; to regulate and prevent the erection of slaughter-houses and tanneries; to abate and cause to be removed, any nuisances within the limits of the said Town; to regulate any taverns, ale-houses, victualling-houses, and all houses where fruit, oysters, clams, victuals, or spirituous liquors, or any other manufactured beverage, may be sold, to be eaten or drunk therein, and all other places for the reception and entertainment of the public, and to limit the number of them, and to provide for the proper licensing of the same; to regulate the place and manner of selling and weighing hay, and the selling pickled and other fish; to restrain and regulate the purchase of country produce, butcher's meat, and fish, by persons called runners or hucksters; to regulate the weighing or measuring of coal, cord-wood, and other fuel, salt and lime, exposed for sale in any part of the said Town; to regulate the assize and price of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto; to regulate the vending of meat, vegetables and fruit; to regulate the present market; to regulate and enforce the erection of party walls; to provide for the permanent improvement of the said Town, in all matters whatsoever, as well ornamental as useful; to enforce the sweeping and cleaning of chimneys, and to regulate the dimension of chimneys hereafter to be built, so as to admit chimney sweeps to sweep and clean the same; and to regulate one or more fire companies; to regulate and require the safe constructing of deposits for ashes, and to regulate the manner of depositing and keeping ashes, at the time they are taken from fire-places; to regulate, remove, or prevent the construction or erection of any fire-place, hearth, chimney, stove, stove-pipe, oven, boiler, kettle, or apparatus used in any house, building, manufactory or business which may be dangerous in causing or promoting fires; to regulate the keeping and transporting of gunpowder, or other combustible or dangerous materials, and the use of lights and candles in livery or other stables; to regulate or prevent the carrying on of manufactories dangerous in causing or promoting fire; to regulate the conduct of the inhabitants at fires; to provide for the keeping of fire-buckets, ladders and fire-hooks, and the making them a part of the real property to which they are attached; to erect, preserve and regulate, public cisterns, and other conveniences for the stopping or preventing fires; to provide for the preservation of property exposed at fires, and to prevent goods and other effects from being purloined thereat; to adopt and establish all such other regulations for the prevention and suppression of fires, and the pulling down of adjacent houses, for such purposes as they may deem necessary or expedient; to provide for the security of the public property of the said Town; to establish and regulate a town watch, and prescribe the powers of watchmen; to license, and appoint by warrant under the common seal of the said Town, or otherwise, such and so many inferior officers, other than those already mentioned in this Act, as shall from time to time

be found necessary or convenient to enforce and execute such by-laws and regulations as may hereafter be made by the said Corporation or Common Council, and to displace all or any of them as often as the said Common Council of the said Town shall think fit; to establish and regulate one or more Pounds; to direct the returning and keeping the bills of mortality, and to impose penalties on Physicians, Sextons and others, for default in the premises; to regulate the Police of the Town; to preserve the Wells, Pumps and Cisterns, and to provide for the supply of good and wholesome Water to the said Town, and to prevent the waste of water; to regulate the burial of the dead; to regulate the Bonds, Recognizances or other Securities, to be given by all Municipal Officers for the faithful discharge of their duties, and the amount for which the same shall be taken; to inflict reasonable penalties and fines for the refusing to serve in any Municipal Office when duly elected or appointed thereto, and for the infringement of any and every law of the said Town; to regulate the time and place of holding elections for all Municipal Officers, and to make provision for a Register of Electors or voters for Aide-men or Common Council-men, and other elective Officers of the said Town; to impose and provide for the raising, levying, and collecting annually, by a tax on the real and personal property in the said Town, in addition to the rates and assessments payable to the general funds of the Midland District, a sum of money, the better to enable them to carry fully into effect the powers hereby vested in them; Provided, that such additional tax shall never exceed, in one year, six pence in the pound, upon the assessed value of property lying and being within the limits of the Town, according to the value, as hereinafter provided; to require the road-labour of the said Town, required or to be required under the general road laws of the Province, to be commuted for money, and such money paid into the hands of said Town, to be at the disposal of the said Town, for the purpose of improving the public highways of the said Town; and generally, to make all such laws as may be necessary and proper for carrying into execution the powers hereby vested, or hereafter to be vested in the said Corporation, or in any department or office thereof, for the peace, welfare, safety and good government of the said Town, as they may from time to time deem expedient, such laws not being repugnant to this Act, or the general laws of this Province; Provided always, that no person shall be subject to be fined more than five pounds, or to be imprisoned more than thirty days, for the breach of any by-law or regulation of the said Town: And provided also, that no person shall be compelled to pay a greater fine than ten pounds, for refusing to serve in any municipal office, when duly elected or appointed thereto.

XLV. And whereas it may be expedient, for the convenience of the inhabitants of the said Town, to protract the streets already laid out within the Town of Kingston, or some of them, so as to continue them through the extent of the tract which may hereafter form the Town: Be it therefore further enacted by the authority aforesaid, That it shall be competent for the Common Council of the said Town, at any time, to consider and report upon the expediency of protracting any street or streets laid out and opened in the Town of Kingston, and of widening or otherwise altering any street now laid out, or hereafter to be laid out, within the said Town; and for that purpose, the said Common Council, and any person authorised and empowered by them, may enter upon the grounds of any person, for the purpose of surveying and examining the same, with a view to the laying out, altering and protracting, any street, either in a straight line or otherwise; and if the Common Council shall determine upon recommending the protraction or alteration of any street, or the laying out of any new street, they shall specify in some Act or Resolution, the precise line of the street which they desire to have made, with its proposed width, and the points of termination

and departure; which Act or Resolution shall be entered or recorded in the books of the said Common Council, and a copy thereof shall be published in the several newspapers published in the said Town, with a notification that the Common Council intend to apply in the ensuing Session of the Legislature of this Province, for an Act to authorise such improvement, upon the terms and conditions which to the Legislature shall seem just; and that if the Legislature shall, in either of the two next succeeding Sessions, after the publication of such notice, pass an Act, authorising the laying out and protracting and altering such street, as desired by the Common Council, no claim to compensation shall be allowed, in respect of any building or erection that shall be put up in the line of such proposed street, between the time of the publishing of such report or resolution as aforesaid, and the passing of any Act of the Legislature, authorising such alteration or improvement: Provided always, that such notification or application to the Legislature, shall not be necessary, when the proprietors of the land assent in writing to the proposed alterations.

XLVI. And be it further enacted by the authority aforesaid, That the rate or rates aforesaid shall also be raised, levied or assessed, upon the owners or possessors of the following chattel property, that is to say: stone horses, kept for the purpose of covering mares; other horses of the age of three years and upwards; horned cattle, phaetons, carriages, gigs, waggons, sleighs, and other carriages kept for pleasure only, according to the yearly value thereof, ascertained as hereinafter mentioned: Provided always, that nothing in this Act contained shall extend, or be construed to extend, to any house, lands, property, goods, effects, matters or things, herein mentioned or enumerated, which shall belong to, or be in the actual possession or occupation of Her Majesty, Her Heirs or Successors, unless the same shall be actually leased to individuals, nor to any churches, chapels, public places of worship, or burying grounds.

XLVII. And be it further enacted by the authority aforesaid, That except as respects vacant grounds, or other property hereinafter specially mentioned and provided for, the annual value of all such houses, shops, warehouses, buildings, gardens, grounds, lands, tenements, and parts and portions thereof, being separate tenements as aforesaid, so to be rated and assessed as aforesaid, shall be rated according to the real rack rent or full yearly value, which said rent or yearly value shall be ascertained by the said Assessors, once in each year.

XLVIII. And be it further enacted by the authority aforesaid, That every lot or parcel of ground whereon any house or other building to be valued as aforesaid is situate, and being held therewith as the same tenement, when such lot of ground is not above an acre in extent, and to the amount of an acre thereof, shall be assessed and valued with the house or building thereon; and the overplus (if any) above an acre, shall be valued as a separate tenement and vacant ground, as hereinafter mentioned.

XLIX. And be it further enacted by the authority aforesaid, That the possessors or owners of all cultivated, vacant or unoccupied ground, farms, gardens and other lands, not valued with any house or buildings as above- mentioned, situate or partly situate within the said Town; and also the said horses, cattle and carriages hereinbefore mentioned, shall not be rated in respect thereof as hereinbefore mentioned, but the same shall be valued according to the certain fixed rates following, that is to say— Every lot or piece of ground being a separate tenement, under half an

acre in extent, shall be valued at five pounds of yearly value; every lot or piece of ground being a separate tenement, above half an acre in extent, and not containing an acre, at ten pounds of yearly value; every lot or piece of ground being a separate tenement, containing an acre in extent, and not containing two acres, at twenty pounds yearly value; and every lot or piece of ground being a separate tenement, containing more than two acres, at twenty pounds yearly value for the first acre, ten pounds yearly value for the second acre, five pounds yearly value for the third acre, and one pound ten shillings yearly value for every subsequent acre; every stone horse kept for the purpose of covering mares for hire or gain, at forty pounds yearly value; every other horse, mare or gelding, above the age of three years, at three pounds yearly value; milch cows, and other horned cattle, above the age of two years, at one pound of yearly value; every close carriage with four wheels, kept for pleasure only, at twenty-five pounds of yearly value; every phaeton, or other open carriage with four wheels, kept for pleasure only, at twelve pounds ten shillings of yearly value; and every waggon, or other carriage or gig, kept for pleasure only, at five pounds of yearly value; every two-horse sleigh, kept for pleasure only, at twelve pounds ten shillings yearly value; and every one-horse sleigh, kept for pleasure only, at ten pounds of yearly value.

L. And be it further enacted by the authority aforesaid, That every Assessor of the Town, before entering on the duty of such Assessor, shall be first sworn by the Mayor of the Town faithfully and impartially to perform and fulfil the duties of Assessor to the best of his knowledge and ability; which said oath the Mayor of the said Town is hereby authorised to administer.

LI. And be it further enacted by the authority aforesaid, That it shall be the duty of the Assessor of the said Town to make such valuation as aforesaid as soon as conveniently may be on the requisition of the Mayor, in pursuance of any resolution of the Common Council, authorising such valuation as aforesaid; and also to leave for every person so rated, whether he shall reside within the Ward in which such property is situate, or elsewhere in the said Town, at the residence of such person, a notice of the rent or yearly value of the property in respect whereof he shall be so rated; and immediately after such assessment or yearly value shall be completed, the Assessor or Assessors respectively shall deposit with the Clerk of the Common Council of the said Town, distinct rent or assessment rolls, books or returns, of the said yearly rents or value which shall be rated as aforesaid; and in case any person shall think himself over-charged in such rent or assessment roll, book or return, it shall and may be lawful for such person, within six days next after the said notice shall have been given or left at his residence as aforesaid, to give notice, in writing, to the Clerk of the Common Council of the said Town, of the over-charge complained of; and the same shall be tried by a Court of five Members of the Common Council, to be appointed by the said Common Council for the purpose of hearing and determining such complaints, at such times and meetings of the said Court as the Members composing the same shall direct and appoint, reasonable notice of such time and meeting to be given to the complaining party, and to the Assessor who shall have made such rate; and the Court, after hearing the complaining party and his witnesses, upon oath (or affirmation, as the case may be,) shall, by a majority voices or votes, finally decide and determine upon such complaint, and: affirm or amend the return of the Assessor accordingly: Provided always, that if the said complaining party shall neglect to appear at such meeting of the said Court, he having had reasonable notice thereof as aforesaid, the said

Court shall proceed to make their final decision without hearing such party; and in case it shall appear to any two or more Members of the Common Council aforesaid, that the rent or yearly value has been in any case given in or returned by the Assessor too low, they shall cause the Clerk aforesaid to give to the person so valued as aforesaid, and to the person who shall have made such rate, notice of the time of meeting of the Court aforesaid, at which the said matter shall be heard, and the same shall be finally determined by the said Court, in like manner as aforesaid, after hearing the said parties and witnesses, upon oath or affirmation as aforesaid; or in default of their appearance as aforesaid, that any three or more Members shall be a quorum for the despatch of business, and that the said Court shall have power to adjourn, from time to time, as they shall see fit.

LII. And be it further enacted by the authority aforesaid, That any Member of the said Court shall have full power and authority to administer such oath or affirmation as aforesaid; and the Mayor, or any one of the Aldermen of the said Town, shall have full power and authority to issue a summons for each witness who shall be required to attend before the said Court; and if any person shall neglect or refuse to obey such summons, upon being tendered a reasonable remuneration for his services, not exceeding two shillings and six-pence per day, he shall be liable to such fine, not exceeding five-pounds, as the said Court, on proof upon oath (or affirmation, as the case may be,) of the due service of such summons, and of such neglect or refusal, shall impose; and in default of payment of such fine, it shall and may be lawful for the said Court to commit such person to the Gaol of the Midland District, until such fine shall be paid: Provided always, that such imprisonment shall not exceed in any case thirty days; and if any person shall knowingly swear or affirm falsely, in any of the cases referred to in this or the next preceding section of this Act, he shall be deemed guilty of wilful and corrupt perjury, and shall be punished accordingly, on conviction, before any Court having jurisdiction thereof.

LIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Mayor, Aldermen and Commonalty, of the said Town, at some convenient time after the return of the rent or assessment rolls aforesaid, to pass a yearly Act declaring the amount in the pound on such rent or valuation which shall be raised and levied for the year in which such Act shall be passed: Provided, that the same doth not exceed six-pence in the pound.

LIV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Court, so constituted in the thirteenth section of this Act mentioned, to hear on memorial or petition, the case or cases of such person or persons as during any one year for which rates aforesaid shall be respectively levied, shall have been assessed for any house or building, or any part thereof which during such year shall have continued vacant for more than three calendar months of such year; and also the case or cases of such person or persons not assessed in respect of any property in the said Town, who, from sickness or extreme poverty, shall be unable to pay any rate by this Act imposed; and on hearing such case or cases, it shall and may be lawful for the said Court to compound for or remit the whole or any part of such rate or rates.

LV. And be it further enacted by the authority aforesaid, That all proprietors, lessees and others, who shall let for rent premises within the said Town for a space less than one year, shall

themselves, as well as the occupiers of such premises, be liable and responsible for the rate and assessments aforesaid; and such assessment shall and may be recovered from the said proprietors, lessees or others, or from the said occupiers, as the Collector or Collectors of the said Town shall judge convenient.

LVI. And be it further enacted by the authority aforesaid, That each male inhabitant of the said Town, of the age of twenty-one years and upwards, and not above the age of sixty years, not otherwise rated under the authority of this Act, and who by the laws now in force would be liable to perform Statute Labour, shall be rated and assessed in the sum of ten shillings yearly, which said sum shall be paid to the general uses of the said Town, in like manner as the other rates, levies and assessments, under the authority of this Act; and it shall be the duty of the Assessor of the said Town to return, with the rent or assessment rolls to be made or returned under the authority of this Act, a true and correct list of persons within the Town; to give notice to the persons respectively who shall be so liable and placed upon the said list; it shall be the duty of the Collector of the Town to collect and receive such sum and sums of money, and pay over the same in like manner as other monies to be levied and raised under the authority of this Act.

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

LVIII. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, every landlord, proprietor or agent, who shall wilfully grant a certificate or receipt which contains a less sum than the rent usually paid or payable for the premises therein-mentioned or referred to, and every tenant who shall present to the Assessor aforesaid, or otherwise utter or publish such a certificate or receipt, in order to procure a lessening or abatement of such rate or assessment, shall be liable to a penalty not exceeding five pounds, to be recovered and disposed of in like manner as other penalties are recovered and disposed in the said Town, for breach of any of the by-laws and ordinances thereof.

LIX. And be it further enacted by the authority aforesaid, That the yearly rate so to be rated and assessed as aforesaid, shall be in the proportion of a certain sum in every pound of yearly rent or

value so ascertained as aforesaid, within the said Town: Provided always, and it is hereby further enacted by the authority aforesaid, that except as herein-after provided, the rate or rates so to be levied and assessed as aforesaid, shall not exceed in any one year, the amount or sum of six pence in the pound, of such yearly rent or value.

LX. And be it further enacted by the authority aforesaid; That in all cases where the person who shall be rated in respect of any vacant ground, or other real property within the said Town, shall not reside within the said Town, and the rates and assessments payable in respect to such vacant ground or other property, shall remain unpaid, the rates or assessments payable in respect of such vacant ground or other property, shall remain charged against the same, and shall be paid by any future occupier of the same, or by any proprietor thereof, who shall reside within the said Town, at any time after the said rates and assessments shall be due and in arrear, together with interest on the sum or sums so in arrear from the time at which they shall respectively become payable, after the rate of six per centum per annum, and the said sum or sums so in arrear, and the interest thereon, shall be recovered in like manner as hereinbefore provided for the recovery of the rates and assessments.

XLI. And be it further enacted by the authority aforesaid, That the wages of any Member or Members of the House of Assembly, representing the said Town in Parliament, shall be paid and payable to such Member or Members by the Treasurer of the said Town, out of the monies in his hands for the uses of the said Town, on warrant from the Mayor, and without any particular rate or assessment being raised or rated in respect thereof.

LXII. And be it further enacted by the authority aforesaid, That at every election of Aldermen and Common Council-men, or any of them, within the said Town, no person shall be eligible to be elected an Alderman of the said Town, unless he shall have been resident within the said Town for seven years next before the election, and being so resident at the time of such election, shall be possessed, to his own use and benefit, of real property within the said Town, either in freehold, or for a term of years was a tenant from year to year, which shall be assessed under this Act at sixty pounds, or in the receipt of sixty pounds or upwards of yearly rent or profit accruing from or out of real property within the said Town; and that no person shall be eligible to be elected as Common Council-man of the said Town, unless he shall have been resident within the said Town for the space of five years next before the election, and being so resident at the time of such election, shall be possessed, to his own use and benefit, either in freehold or for a term of years, or as a tenant from year to year, of real property within the said Town, which shall be rated under the Act at fifty pounds early rent or value, or in the receipt of forty pounds or upwards of yearly rents or profits, accruing from or out of real property within the said Town; and that every Candidate at such election shall, if thereunto required by any Elector for the Ward where such person is a Candidate, make and subscribe an oath or affirmation, of his qualification, and of the particulars of the property in respect whereof he is so qualified; which oath or affirmation the Returning Officer is hereby authorised and required to administer.

XLIII. And be it further enacted by the authority aforesaid, That the Aldermen and Common Council-men of the said Town shall be elected respectively by the majority of the votes of such

persons, being male inhabitant householders of the said Town, as shall be possessed, at the time of being registered as Electors, as hereinafter provided, and shall have been possessed, three months prior thereto, either in freehold or as tenants for a term of years, or from year to year, of a town-lot or dwelling-house, within the Ward for which the election shall be held, shall be rated at the yearly value of ten pounds, and shall have had their names duly registered as Electors, in manner hereinafter mentioned, and shall have actually paid their rents and taxes due at the time of his being registered as a voter: Provided always, that a portion of a house in which any inhabitant shall reside as a householder, and not as a boarder or lodger, and having a distinct communication with the street, by an out-door, shall be considered a dwelling-house within the meaning of this clause: And provided also, that no person shall vote at any such election, who has not been a resident inhabitant within the said Town for a period of twelve calendar months next before the election.

LXIV. And whereas, it is necessary to provide a registry of electors or voters for Aldermen, Common Council-men, or other elective Officers of the said Town: Be it therefore further enacted by the authority aforesaid, That the Clerk of the Common Council of the said Town shall, on or before the first Monday of December in each and every year, make out an alphabetical list of every person residing within each Ward, entitled to vote under the provisoes of this Act, and shall put up a correct copy of such list in the Town Hall on the same day, and continually keep the same there until the next ensuing election.

LXV. And be it further enacted by the authority aforesaid, That a Court of three Members of the Common Council, to be appointed by the Common Council, shall sit in the Town Hall, on days whereof due notice shall be given, and not less than once in every week after such lists shall have been made out as aforesaid, and before the then next ensuing election, between the hours of ten o'clock in the forenoon, and four o'clock in the afternoon, for hearing and deciding upon all objections which may be made by any elector of the Town, to the insertion or omission of names in the said lists, and for the purpose of expunging, retaining or inserting, from or in the said lists, according to the best of their judgment; and such Court may adjourn from time to time as they may deem expedient; and such Court are not to expunge any name to which no valid objection shall be made and established, either by the admission of the party himself, or by the oath of some person or persons deposing to such an objection; and the said Court are hereby required to add to and insert, in such list the name or names of any person or persons not therein inserted, and whose right to vote shall be satisfactorily established: Provided always, that no person's name shall be expunged without a notice, to be signed by the Clerk of the Common Council, shall be given to him or left at his residence, that his right to vote is disputed, at least four days before such expunging; and that no person's name shall be inserted in such list or lists, unless he shall have given four days notice of his intention to apply to have his name inserted therein, to the Clerk of the Common Council, who. shall forthwith communicate the same to the said Court.

LXVI. And be it further enacted by the authority aforesaid, That the said Court of three Members shall have power to administer an oath to all persons making an objection to the insertion or omission of any name in such list as aforesaid, and to all persons objected against or requiring their names to be inserted, and to all witnesses tendered on either side; and the Member of the Court

presiding shall sign his name to the lists after the validity of the claims and objections shall have been decided on, and the names inserted or expunged accordingly; and that such lists, so signed, shall be held to contain the names of all the Electors entitled to vote at the election next ensuing the making and signing such lists.

LXVII. And be it further enacted by the authority aforesaid, That the list for each Ward, when so settled and signed, shall be filed in the office of the Clerk of the Common Council, and a certified copy thereof shall be by him transmitted to the Returning Officer for the several Wards in the Town, not less than five days before any such election; and that every person whose name shall appear in such list, shall be entitled to vote at the elections for such Ward, without any further inquiry as to his qualification, and without taking any oath or affirmation, other than that lie is the person named in such list, and has not before voted at such election; which oath or affirmation the Returning Officer is hereby required and authorised to administer.

Form of Collector's Certificate, for the purpose of procuring a Distress Warrant.

I, \_\_\_\_\_ one of the Collectors for the Town of Kingston, do hereby certify, that the sum of \_\_\_\_\_, rated against \_\_\_\_\_, an individual of the said Town, in respect of ratable property in the Ward \_\_\_\_\_, attached to the said Ward, or not assessed in respect of ratable property in the said Town, is now in arrear and unpaid; and further, that I did, on the \_\_\_\_\_ day of \_\_\_\_\_ duly demand the said sum of \_\_\_\_\_ from the said \_\_\_\_\_.  
\_\_\_\_\_ Collector.

Form of Attestation.

I, \_\_\_\_\_ one of the Collectors of the Town of Kingston, do swear, that the above Certificate is true in all its particulars.

Form of Warrant of Distress thereon.

To \_\_\_\_\_, High Bailiff, or one of the Constables of the Town of Kingston, (as the case may be.) You are hereby authorised and required to distrain the goods, chattels and effects, of \_\_\_\_\_, which you shall find upon the premises of the said \_\_\_\_\_, in the Town, for the sum of \_\_\_\_\_; rated against him or her, and now in arrear and unpaid; and in default of payment of such rate or rates, and the lawful costs and expenses of the said Distress, to sell and dispose of the said Distress or Distresses, according to law, for the recovery of the said rate or rates, together with the said costs and expenses, according to law; and for so doing, this shall be your sufficient warrant. Given under my hand and seal, at the Town of Kingston aforesaid, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_.