

*Laws of Her Majesty's Province of Upper Canada*, passed in the year 1840. York: Robert Stanton, 1840.

3 Victoria – Chapter 31

**An Act to define the Limits of the Town of London, in the District of London, and to establish a Board of Police therein. Passed 10th February, 1840.**

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

II. And be it further enacted by the authority aforesaid, That the said Town of London shall be comprised within the following limits or boundaries, that is to say: all the lands comprised within the old and new surveys of the said Town, together with the lands adjoining thereto, lying between the said surveys and the River Thames, producing the Northern Boundary Line of the said new survey until it intersects the North Branch of the said River.

III. And be it further enacted by the authority aforesaid, That the said Town shall be divided into four Wards, by the names of Saint George's Ward, Saint Patrick's Ward, Saint Andrew's Ward, and Saint David's Ward, as follows, that is to say: all that part of the Town that lies North of Dundas Street shall compose Saint George's Ward; that part of the Town lying between Dundas and King Street shall compose Saint Patrick's Ward; that part of the Town lying between King Street and Bathurst Street shall compose Saint Andrew's Ward; and that part of the Town lying South of Bathurst Street shall compose Saint David's Ward.

IV. And be it further enacted by the authority aforesaid, That each of the said Wards shall elect annually one person to be a Member of the said Corporation from among the Inhabitant Householders of the said Town, who being Subjects of Her Majesty shall be Freeholders therein to the assessed value of Forty Pounds for the previous year, and that no person shall be capable of

holding the Office of Member of the said Corporation who shall not be a resident within the said Town for the time being.

V. And be it further enacted by the authority aforesaid, That the persons entitled to vote at either of the Wards for the Election of such Members, shall be the Male Inhabitant Householders of the said Town, resident within their respective Wards, being Subjects of Her Majesty, possessed of Freehold Estate in the said Wards of the assessed value of Twenty Pounds; or Tenants, like Subjects of Her Majesty, being rated upon the Assessment Roll of the said Town, and who shall have paid within one year next before the Election one year's rent for their Dwelling House within the said Ward, at the rate of not less than Ten Pounds per annum.

VI. And be it further enacted by the authority aforesaid, That the Members of the said Corporation so elected shall choose another of the like qualifications as themselves, and that the last chosen Member, together with those elected, shall proceed to elect one of their number to be President.

VII. And be it further enacted by the authority aforesaid, That the first Election shall take place on the first Monday in March next, and shall be held by the Sheriff of the District of London, in Saint George's Ward, and by persons appointed by him under his hand and Seal, in Saint Patrick's, Saint Andrew's, and Saint David's Wards; and that all subsequent Elections of Members shall be held by the Officers to be appointed by the said Board of Police, on the first Monday in February in each year.

VIII. And be it further enacted by the authority aforesaid, That any controverted Elections, either as to the qualification of the Members or of that of the Voters, or on any other grounds whatsoever, shall be determined by the Members whose Election shall not be disputed; that the scrutiny shall take place within six days of the Election; and in case of the Election being declared void, that a new Election shall take place within eight days thereafter; such Election to be held by the proper Officer, after having given eight days' notice thereof by advertisement in the public Newspapers of the Town, or by affixing two or more notices thereof in some public place in each Ward.

IX. And be it further enacted by the authority aforesaid, That the said Board, as soon as they shall have chosen a President, shall have the power of enacting such Laws and Regulations for the internal government of the said Town as to them shall seem meet; and shall have the power of appointing all such Officers as shall be required for the due execution of the Laws to be by them enacted, and requiring such security to be given by any of the said Officers as to the said Board may seem meet, and of removing the said Officers at pleasure.

X. Provided always, and be it further enacted by the authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to authorise the said Board of Police to make any Laws, Rules or Regulations, which may in any manner relate to or interfere with the Military Reservation made by Her Majesty's Government within Saint George's Ward, in the said Town of London, for a Garrison and Barracks, and the accommodation of Her Majesty's Troops.

XI. And be it further enacted by the authority aforesaid, That for the purpose of raising Funds to provide for the purchase of any real Estate for the use of the said Town; to procure Fire Engines; for building a Market House; for lighting and repairing the Streets, and for all other purposes deemed expedient and necessary by the said Board for the welfare and improvement of the said Town, it shall and may be lawful for the said Board to levy an Assessment annually upon the persons rated, or liable to be rated upon any Assessment for property in said Town, any sum not exceeding Four-pence in the Pound; and it shall be the duty of the Officer to be appointed by the said Board, to make out an Assessment List for the said Town, and lay the same before the said Board annually upon its organization after any general Election.

XII. And be it further enacted by the authority aforesaid, That such rates as shall be so imposed, shall be collected by the Officer to be appointed by such Board, according to such laws as shall be enacted for that purpose by the said Board, and be paid into the Treasury of the said Corporation.

XIII. And be it further enacted by the authority aforesaid, That every Town Lot in London shall be rated at the sum of Five Pounds; and that every portion of a Lot on which a Dwelling has been erected shall be deemed a Lot; and that all Lots located by the Crown, and for which the Titles may not have been completed, be liable to be assessed.

XIV. And be it further enacted by the authority aforesaid, That before any person shall proceed to hold an Election under this Act, he shall take the following oath, which any Justice of the Peace for the District of London shall have the authority to administer, that is to say:—"I do solemnly swear that I will faithfully and impartially, to the best of my ability, discharge the duty of Presiding Officer at the Election, which I am about to hold for a Member of the Board of Police, in the Town of London: So help me God."

XV. And be it further enacted by the authority aforesaid, That the Officer presiding at any Election under this Act, shall have authority, and he is hereby required at the request of any person qualified to vote at such Election, to examine on oath or affirmation (when the party is allowed to affirm) any Candidate for the Office of Member of the said Corporation, respecting his qualification to be elected to the said Office, and shall also have authority, and is hereby required upon such request as aforesaid, to examine on oath or affirmation (when the party is allowed to affirm) any person tendering his vote at any Election, respecting his right to vote, and that the oath to be administered for either of the said purposes, shall and may be in the form following:—"You shall true answer make to all such questions as the Officer presiding at this Election shall put to you respecting your qualification to be elected at this Election, (or respecting your qualification to vote at this Election, as the case may be): So help you God." And the affirmation to be taken shall be according to the common form of an affirmation to the same effect.

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

XVII. And be it further enacted by the authority aforesaid, That before the Sheriff, or any Member of the said Corporation, shall enter upon any such Trial or Scrutiny as aforesaid, he shall take an oath in the following form, before some one of the Justices of the Peace for the District of London, that is to say:—"I do solemnly swear that I will truly and impartially, to the best of my judgment, try and determine the merits of the complaint against the Election of A. B.: So help me God."

XVIII. And be it further enacted by the authority aforesaid, That any Witness who, being duly summoned to attend upon such Trial or Scrutiny, shall wilfully neglect or refuse to attend, shall on conviction before any one of Her Majesty's Justices of the Peace for the District of London, having been duly summoned to answer such complaint, be liable to be imprisoned on the commitment of such Justice in the common Gaol of the District, for a time not exceeding one month; and if any Witness shall upon any Trial or Scrutiny, wilfully and corruptly swear falsely, he shall be deemed guilty of wilful and corrupt perjury.

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

XX. And be it further enacted by the authority aforesaid, That in case any vacancy shall at any time happen among the Members of the said Corporation, by neglect or refusal to take the oath of Office hereinafter contained, within the time hereinbefore limited, or by death, removal from the Town, or from any other cause, the Corporation shall issue a precept to the Bailiff of the Ward for which the Member whose Office shall have become vacant was chosen, to hold an Election for the said Ward, giving notice of the time and place of holding the said Election; and the Member so elected shall hold his Office until the next annual Election, and until another is chosen in his place, and that if the vacancy shall occur in the Office of the Member appointed by the four Members elected as aforesaid, or elected by the Town generally, such vacancy shall be filled by the appointment of the then Members of the said Corporation, or a majority of them, and in case they cannot agree, then in the same manner as provided for the Election of the fifth Member by the Electors of the Town generally; and in case any such vacancy shall happen among the Members elected at the first Election of Members of the said Corporation, by one of the Members neglecting or refusing to take the oath of Office as aforesaid, or in case it shall happen that the Member appointed by the Members elected respectively after the first Election, or the Members elected by the Town generally after the first Election, shall neglect or refuse to take the oath of

Office as aforesaid, then the Precept shall issue to the Sheriff of the District as is hereinbefore provided.

XXI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Corporation, from time to time, to establish such Ordinances, By-laws and Regulations as they may think reasonable in the said Town: to regulate and License Victualling Houses and Ordinaries, where Fruit, Victuals, and Liquors not distilled shall be sold, to be eaten or drunk in such Houses or Groceries; to regulate Wharves and Quays; to regulate the Weighing of Hay and Measuring of Wood; to regulate Carts and Cartmen; to regulate Slaughter Houses; to prevent the Firing of any Guns, Muskets, Pistols, Squibs and Fire Balls, or injuring or destroying Trees planted or growing for shade or ornament in said Town; to prevent the pulling down or defacing of Sign Boards, or inscribing or drawing any indecent words or figures or pictures on any building, wall, fence or other public place; and generally to prevent vice and preserve good order in the said Town; to enter into and examine all Dwelling Houses, Warehouses, Shops, Yards and Out-houses, to ascertain whether any such places are in a dangerous state with respect to Fires, and to direct them to be put in a safe and secure condition; to appoint Five Wardens and Fire Engineers; to appoint and remove Firemen; to make such Rules and By-laws as may be thought expedient for the conduct of such Fire Companies as may be raised with the sanction of the said Corporation; to compel any person to aid in the extinguishment of any Fire; to require the Inhabitants to provide and keep Fire Buckets and Scuttles and Ladders to their Houses; to stop or authorise any other person to stop any one Riding or Driving immoderately in any Street, or Riding or Driving on any Side-walk, or to inflict Fines for any such offence; to regulate the Assize of Bread; to prevent and abate and remove any Nuisance; to restrain and prevent any Horses, Cattle or Swine from running at large; to prevent and remove encroachments in any Streets; and to make such Rules and Regulations for the improvement of good Order and Government of the said Town as the said Corporation may deem expedient, not repugnant to the Laws of this Province, except in so far as the same may be virtually repealed by this Act, and to enforce the due observance thereof, by inflicting penalties on any person for the violation of any By-law or Ordinance of the said Corporation, not exceeding One Pound Ten Shillings; and to fix upon and to appoint such days and hours for the purpose of selling Butchers' Meat, Butter, Eggs, Poultry, Fish and Vegetables, and to make such other Orders and Regulations relative thereto as they shall deem expedient.

XXII. And be it further enacted by the authority aforesaid, That any Rule or Regulation of the said Corporation, for the infraction of which any penalty is inflicted, before it shall have any effect, shall be published in one or more of the Newspapers of the said Town of London; and that in like manner shall be published in each and every year before the Annual Election, an Account of all moneys received and in the Treasury, and the amount expended, and for what purpose.

XXIII. And be it further enacted by the authority aforesaid, That if any person shall transgress the Orders or Regulations made by the said Corporation under the authority of this Act, such person shall for every such offence forfeit the sum which in every such Order, Rule or Regulation shall be specified, with Costs, to be recovered by information before the said Corporation, to be levied of the Goods and Chattels of such offender, and in default of such Goods and Chattels, the offender shall be liable to be committed to the Common Gaol of the District for a time not exceeding one

month, in the discretion of the said Corporation before whom such offender shall have been convicted; and that no person shall be deemed an incompetent Witness upon any information under this Act, by reason of his being an Inhabitant of the said Town of London: Provided always that the information and complaint for a breach of any Orders or Regulations of the said Corporation must be made within fifteen days of the time of the offence committed.

XXIV. And be it further enacted by the authority aforesaid, That all penalties recovered under the provisions of this Act, shall be paid into the Treasury of the said Corporation, and applied in the same manner as other moneys coming into the said Treasury may be applied for the public uses of the said Town.

XXV. And be it further enacted by the authority aforesaid, That the said Corporation shall and may in the said Town of London, perform all the functions, and exercise the authority now by Law given to Justices of the Peace acting within their divisions, with respect to making or amending any Street or Highway or Road within the said Town.

Form of Oath.

I. A. B., do swear that I will faithfully discharge the duties of a Member of the "Board of Police of the Town of London," to the best of my skill and knowledge: So help me God.