



ANNO OCTAVO

VICTORIÆ REGINÆ.

C A P. LXII.

An Act to Incorporate the Town of Niagara, and to establish a Police therein.

[29th March, 1845.]

WHEREAS from the great increase of population in the Town of Niagara, in the District of Niagara, 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 of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the second section of an Act of Parliament of that part of this Province which formerly constituted Upper Canada, passed in the second year of the Reign of His late Majesty King George the Fourth, intituled, *An Act to repeal in part a certain part of an Act passed in the forty-third year of His late Majesty's Reign, intituled, "An Act to extend the provisions of an Act passed in the thirty-fourth year of His Majesty's Reign, intituled, 'An Act to restrain the custom of permitting horned cattle, horses, sheep and swine to run at large, and further to enable the magistrates in their respective Districts in this Province, in General Quarter Sessions assembled to make such rules and regulations as may restrain swine running at large in the respective Towns in this Province where a Police is or may hereafter be established by Law,'"* as affects the said Town of Niagara; and also so much of an Act of Parliament of that part of this Province which formerly constituted the Province of Upper Canada, passed in the sixth year of the Reign of His late Majesty King George the Fourth, intituled, *"An Act for the better regulating the assize and fixing the price*

Preamble.

2 Geo. 4. cap. 11. s. 2.

6 Geo. 4. cap. 6.

of

of Bread in the several Police Towns throughout this Province, as applies to the said Town of Niagara; and also so much of an Act of Parliament of that part of this Province formerly constituting Upper Canada, passed in the fourth year of the Reign of His late Majesty King George the Fourth, intituled, *An Act to amend and make perpetual an Act passed in the fifty-ninth year of His late Majesty's Reign, intituled, "An Act to repeal part of and amend the Laws now in force for laying out, amending and keeping in repair the public highways and roads in this Province,"* and also to amend an Act passed in the fiftieth year of His late Majesty's Reign, intituled, *"An Act to provide for the laying out, amending and keeping in repair the public highways and roads in this Province, and to repeal the laws now in force for that purpose,"* as affects the said Town of Niagara and its limits; and also an Act passed in the fifty-seventh year of the Reign of His late Majesty King George the Third, intituled, *An Act to establish a Market in the Town of Niagara, in the Niagara District;* and also a certain Act passed in the fifty-ninth year of the Reign of His late Majesty George the Third, intituled, *An Act to amend and repeal part of an Act passed in the fifty-seventh year of His Majesty's Reign, intituled, "An Act to establish a Market in the Town of Niagara, in the Niagara District;"* and also another Act passed in the said fifty-ninth year of the Reign of His said Majesty King George the Third, intituled, *"An Act for establishing a Police in the Town of Niagara in the District of Niagara, and for other purposes therein mentioned;* and also an Act passed in the fourth year of the Reign of His late Majesty King George the Fourth, intituled, *An Act to continue and amend an Act passed in the fifty-ninth year of His late Majesty's Reign, intituled, "An Act for establishing a Police in the Town of Niagara, in the District of Niagara, and for other purposes therein mentioned;"* and also an Act passed in the second year of the Reign of our Sovereign Lady Queen Victoria, intituled, *An Act to authorize the trustees of the Market reserve in the Town of Niagara, to raise a sum of money for certain purposes therein mentioned, save and excepting that portion of the second clause of the said last recited Act which reserves to all and every lessee, tenant or their assignees at the time of passing the said Act entitled to the occupation or interest of or in any lot then before leased, all those privileges and advantages vested in them or which they or their assignees might have been entitled to under and by virtue of any original lease theretofore at any time granted, be, and the same are hereby repealed; and that there shall be in the said Town of Niagara a Board of Police to be composed and constituted in the manner hereinafter described which shall be and is hereby declared to be a body corporate and politic, in fact and in Law, by the name of *The President and Board of Police of Niagara,* 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*

4 Geo. 4. cap.
9.

57 Geo. 3. cap.
4.

59 Geo. 3. cap.
11.

4 Geo. 4. cap.
31.

2 Vict. cap. 46.

The acts above
cited in certain
of their provi-
sions repealed.

A Board of
Police incor-
porated for
Niagara.

any estate real or personal, either for their own use or in trust for other purposes, and for giving and receiving any bills, bonds, covenants, judgments, statutes, recognizances or other instruments or securities of what nature or kind soever, for the payment or securing the payment of any money borrowed or lent, or for the performance of, or securing the performance of, any other duty, matter or thing whatsoever.

II. And be it enacted, That the said Town shall be comprised within the following limits or boundaries, that is to say : commencing at Missisagua Point, thence westerly along Lake Ontario to Crookston, thence along the rear or town line of Niagara to the Black Swamp Road, thence along the Eastern limit of the lands of the late Thomas Butler, Esquire, deceased, and the lands of Garret Slingerland, to the north-west angle of the lands of John Eccleston, thence easterly to where the lands formerly owned by the Honorable William Dickson, and the late Martin M'Lennon, deceased, come in contact, thence easterly along the northern boundary of the lands of the said Martin M'Lennon, deceased, to the River Niagara, thence northerly down the said Niagara River to the place of beginning.

Town limits.

III. And be it enacted, That the said Town shall be divided into five Wards, by the names of Saint Lawrence's Ward, Saint George's Ward, Saint Patrick's Ward, Saint David's Ward, and Saint Andrew's Ward, as follows, that is to say : All that part of the Town south of the centre of the street called King Street, which runs directly from the River Niagara and commencing at the house now occupied by Mr. Walter Elliott, or the Lower Ferry, and terminating at the western limit of the Town, shall compose Saint Lawrence's Ward ; that part of the Town north of the centre of the street, forming the northern boundary of Saint Lawrence's Ward, and south of the centre of the next parallel street, shall compose Saint George's Ward ; that part of the Town north of the street forming the northern boundary of Saint George's Ward, and south of the centre of the next parallel street, shall compose Saint David's Ward ; that part of the Town north of the street forming the northern boundary of Saint David's Ward, and south of the centre of the next parallel street, shall form Saint Patrick's Ward ; that part of the Town north of the street forming the northern boundary of Saint Patrick's Ward, shall compose Saint Andrew's Ward.

Town to be divided into five Wards, and the limits of the Wards defined.

IV. And be it enacted, That each of the said Wards shall annually elect one person to be a member of the said Corporation, from among the male inhabitant householders of the said Town, of the full age of twenty-one years, who, being subjects of Her Majesty, shall be freeholders therein, whose freehold property shall be valued by the Assessor or Assessors for the Town, at the rental or annual value of not less than twenty pounds per annum, or lease-holders therein holding by lease made

Election of members of the Corporation and qualification of such members.

made for a term of years, and who shall pay for and in respect of any property by them held as aforesaid, within the said Town, an annual rent of not less than twenty pounds : Provided always, that any building erected upon any lease-hold tenement held as aforesaid, shall be valued with such tenement, and where both shall amount to the annual value of twenty pounds, or upwards, the *bonâ fide* owner thereof being otherwise qualified as aforesaid, shall be eligible as a member of the said Corporation ; and at the first election under the authority of this Act, the Returning Officers respectively shall judge of the qualification of the candidates respectively, and their decision shall be final ; and that no person shall be capable of holding the office of member of the said Corporation, who shall not have been a resident within the said Town for the space of one year or upwards previous to his election : Provided always, that no person shall be capable of serving as a member of the said Board who shall be a Minister, Priest, or Ecclesiastic or Teacher, under any form or profession of religious faith or worship.

Proviso.

Residencia.

Proviso as to Ecclesiastics.

Qualification of voters.

Where each shall vote.

First election.

Proviso.

V. And be it enacted, That the persons entitled to vote at either of the Wards for the election of such members shall be male inhabitant freeholders and householders, resident within their respective Wards, being subjects of Her Majesty, Her Heirs and Successors, whose names shall be entered upon the last Assessment Roll for the said Town ; and all persons as aforesaid, shall vote in the Wards in which they reside respectively, and no person shall be entitled to vote in more than one Ward, or more than once in any Ward at any election of members of the said Corporation ; and for the first election to be held under the authority of this Act, persons whose names shall appear on the last Assessment Roll of the Town shall be entitled to vote for members of the said Corporation, under the limitations and provisions hereinbefore contained : 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 outer door, shall be considered a dwelling-house within the meaning of this section of this Act.

Proceedings at first and subsequent elections.

VI. And be it enacted, That the first election of members for the said Corporation under this Act, shall be holden on the first Monday in May next, at some place in each Ward, respectively, to be appointed by the Sheriff of the District of Niagara, for the time being, who shall give public notice at least six days previous to the election, at which election the said Sheriff shall preside in Saint George's Ward, and shall appoint fit and proper persons, under his hand and seal, to hold the said elections for Saint Lawrence's, Saint David's, Saint Patrick's and Saint Andrew's Wards, respectively, which said Sheriff, and the persons so appointed, shall hold the said election for each Ward respectively, and shall keep the Poll open for receiving and entering votes for the election of members of the said Corporation, from the hour of nine of the clock of the forenoon, until three of the clock of the afternoon,

afternoon, on the said first Monday in May next, and at the close of the Poll at the hour aforesaid, shall declare the person or persons in each Ward, who shall have the greatest number of votes, duly elected members of the said Corporation, and shall give notice thereof to the persons so elected, within three days after such election, by leaving at the usual place of abode of such person or persons a notice in writing to that effect, and that all subsequent elections of members shall be held by the officers to be appointed by the said Corporation, the time, place, and all proceedings to be held in such elections, to be regulated from time to time by the said Corporation; and that the members of the said Corporation so chosen as aforesaid, shall serve until the first Monday in May in the next year, and until a new Board shall be chosen and formed as hereinafter mentioned; and that on the first Monday in May in every year, an election shall be holden in each Ward of the said Town of Niagara, for choosing members of the said Corporation, according to the general provisions of this Act.

Proclamation
of persons
elected.
Notice to them.

Period of ser-
vice of persons
so elected.

Annual elec-
tions.

VII. And be it enacted, 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 Niagara is hereby authorized to administer, that is to say :

Oath of per-
son presiding
at such elec-
tion.

“ 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 Board of Police in the Town of Niagara: So help me God.”

VIII. And be it enacted, That the officer presiding at any election under this Act, shall have authority and 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 by law 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 upon oath or affirmation, when the party is allowed by law to affirm, any person tendering his vote at any election, respecting his right to vote; and that the oath to be administered for either of the said purposes, shall and may be in the following form :

Candidates
may be exam-
ined as to
their qualifica-
tion.

And so of
voters.

“ You shall true answer make to all such questions as the presiding officer 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 :”

Oath of a vot-
er or candiate
examined as to
his qualifica-
tion.

And the affirmation taken shall be in the common form of an affirmation to the same effect.

IX.

Wilful falso
swearing to be
perjury.

IX. And be it enacted, 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 guilty of wilful and corrupt perjury, and on conviction thereof he shall suffer as in other cases of wilful and corrupt perjury.

Penalty on
persons elected
refusing to
swear, &c.

X. And be it enacted, That if any of the members of the said Board, elected as aforesaid after notice thereof, shall neglect or refuse for ten days after having been elected, to take the oath of office hereinafter contained, which any one of the said members so to be elected, is hereby authorized to administer to the others, he shall for such neglect or refusal forfeit the sum of ten pounds to be recovered with costs by information before any Justice of the Peace, who is authorized to proceed in the same manner, as is hereafter 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 (unless such member shall previously have permitted himself to be put in nomination for the said office,) 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.

Proviso.

Election of a
President.

Making By-
Laws.

Appointment
of officers.

Proviso.
Vacancy in
the office of
President how
filled.

And for the
case of his ab-
sence.

Members to
serve gratis.

XI. And be it enacted, That after the first and every subsequent election of members of the said Corporation, so soon as they shall respectively have taken the oath of office hereinafter contained, it shall be the first duty of the said Corporation, and they are hereby required to proceed to the election of a President from their number; and as soon as they shall have chosen a President, the said Board shall have power to enact such Laws and Regulations for the internal government of the said Town as to them shall seem meet, not repugnant to the laws of this Province, and have full power to revise, alter, amend, administer, and enforce the same, 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 of 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: Provided always, that should the office of President of the said Board become vacant from any cause whatsoever, it shall and may be lawful for the said Board, and they are hereby required to proceed to elect one from their number to fill the said office until the expiration of the term of office of the then existing Board; and during the absence of the President, the said Board are required to elect from their number, an Acting President, who shall in the absence of the President perform all the duties and functions of the President of the said Board; that the services of the members of the said Board of Police shall be wholly gratuitous; and that the oath to be taken by the members of the said Board of Police shall be according to the following form, that is to say:

“ I,

"I, A. B. do swear that I will faithfully discharge the duties of member of the Board of Police of the Town of Niagara to the best of my ability—So help me God."

Oath of office.

XII. And be it enacted, That in case any vacancy at any time shall happen among the members of the said Corporation, by neglect or refusal to take the oath of office hereinbefore contained, within the time limited, or by death, removal from the Town, or from any other cause, the Corporation shall issue a precept to the proper officer, who, (unless otherwise ordered by the Corporation) shall be 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 six days 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.

Vacancy among members how filled.

XIII. And be it enacted, That in case an equality of votes shall happen at any election for the members of the said Corporation, it shall and may be lawful for the person presiding at the said election, and he is hereby required, to give a casting vote, whether qualified as hereinbefore mentioned or not; and that except in cases of the votes being equal, it shall not be lawful for the person presiding at any election under this Act, to vote at such election.

Casting vote of person presiding at an election.

XIV. And be it enacted, That if the election of any member of the Board of Police shall be complained of, either on the ground of want of qualification in the person returned, or on the ground that such person had not the majority of legal votes at such election, a written requisition, signed by ten inhabitants of the Ward in which such election shall have taken place, having a right to vote at such election, shall within two days after the termination of such election, be served upon the President or any other member of the said Corporation, requiring the said Corporation to appoint a time and place within the Town or Ward for which the election was held for entering upon a scrutiny into the matters complained of, and that such time shall be within six days after the election complained of, and it shall be lawful for the said Corporation upon service of such requisition as aforesaid, and they are hereby required to appoint a time and place within the Town for entering upon a scrutiny of the matters complained of, which time shall be within six days after such election; and the Corporation or such member or members thereof, as shall not be individually concerned in the question to be disposed of, shall have power to summon witnesses and to take evidence on oath respecting the matters to be inquired into, and shall determine upon the validity of the election or return as shall appear to be right according to the evidence; and in case the election shall be declared void, and it shall not appear proper for any cause to amend the return or substitute the name of any other person as entitled to have been returned at such election,

Controverted elections of members how decided.

Scrutiny.

Summoning and examining of witnesses.

Determination and consequences thereof.

election, then the Corporation shall issue their precept for a new election as in other cases under this Act.

Members who shall try any election to be sworn.

XV. And be it enacted, That before any member of the said Corporation shall enter upon any such trial or scrutiny as aforesaid, he shall take an oath or affirmation (where the party is allowed by law to affirm) in the following form, which oath or affirmation the members of the said Corporation shall have authority to administer to one another, that is to say :

Oath.

“I do solemnly swear, that I will truly and impartially to the best of my judgment, try and determine the merits of the complaint against the election of A. B. as a member of the Board of Police of the Town of Niagara.”

Punishment of witnesses refusing to attend.

XVI. And be it enacted, That any witness, who being duly summoned to attend upon such trial or scrutiny shall wilfully neglect or refuse to attend, shall upon conviction before any one of Her Majesty's Justices of the peace for the District of Niagara, 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.

False swearing.

On what subjects the Corporation may make By-Laws.

Roads and streets.

Cattle, &c., running at large.

Dogs.

Incumbering streets, &c.

Selling in the streets.

Sale of strong liquors.

Immoderate driving, &c.

XVII. And be it enacted, That the said Corporation of Niagara shall have full power and authority from time to time to make, revise, alter and amend, administer and enforce such By-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, shores and sewers now laid out or erected, or that may hereafter 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 and 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 wheelbarrows, carts, carriages, lumber, stone or other materials whatsoever; to prevent the selling or vending by retail in the public highways, any meat, vegetable, 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

upon the side-walks of the street, or other improper places ; to regulate wharves or quays, to prevent all obstructions in the lake, harbor or river near or opposite to any dock, wharf or slip, to regulate the fishing with nets or seines, the use of fishing lights, and 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 tipping 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 showmen ; to prevent the excessive beating or other inhuman treatment of horses, cattle, or other beasts, in the public highways ; to regulate or suppress all public billiard tables, roulette tables, as well as any species of gambling and gambling apparatus whatsoever ; and to regulate and license all theatres kept for profit ; auctioneers, butchers, cartmen and cartage, hawkers and pedlars, and persons exhibiting for gain or profit any puppet show, wire-dance, circus-riding, or any other idle acts or feats which common showmen, circus-riders, or mountebanks or jugglers usually practice or perform, and to limit the number, and to provide for the purpose of licensing of the same ; to regulate and prevent the firing of guns, pistols, and other fire arms, and to prevent the firing of squibs and crackers ; to regulate or prevent the erection of slaughter houses and tanneries ; to abate or cause to be removed any nuisances within the limits of the said Town ; to regulate any taverns, ale-houses, victualing 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 them at such rates as to the said Corporation may seem expedient, the proceeds of such license, except tavern licenses, to form part of the public funds of the said Town, and to be disposed of in such manner as to the said Corporation may seem meet for the benefit of the said Town, any law or usage of this Province to the contrary notwithstanding ; 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 butchers' meat and fish by persons called runners and hucksters, to regulate the weighing and measuring of coal, cord wood and other fuel, salt and lime exposed for sale in any part of the Town ; to regulate and assize the 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 or any other market that may be hereafter erected in the said Town ; 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 cleansing of chimneys, and to regulate the dimension of chimneys hereafter to be built, and to regulate one or more fire companies, to regulate and require

Obstruction in
the Harbor.

Tipping.
Sabbath break-
ing.
Exhibitions.
Cruelty to ani-
mals.

Gambling.

Theatre.
Certain call-
ings.
Circus-riding.

Fire-arms and
fire-works.
Nuisances.

Taverns, &c.

Markets.

Assize of
bread.
Vending of
meat, &c.

Prevention of
fires and town
improvements.

Supply of
water at fires.
Preventing de-
predations
thereat.

Pulling down
houses.

Watching.
Appointing
officers.

Pounds.
Bills of morta-
lity.

Police.
Water.

Bonds and
securities
of officers, &c.
Penalties and
fines.

Municipal
elections.
Registration of
votes.
Taxes.

require the safe construction of deposits for ashes, and to regulate the manner of depositing and keeping ashes at the time they are taken from the fire-places, to regulate, remove, or prevent the construction or erection of any fire-places, 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 light and candles in livery and other stables, to regulate or prevent the carrying on manufactories dangerous in causing or promoting fire, to regulate the conduct of 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 conveniencies 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 preservation 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 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, and to displace all or any of them as often as the said Corporation of the said Town shall think fit; to regulate the management and provide for the security of the public property of the said Town; 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 bonds, recognizances, and 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 such Municipal officers as are elective, and to make provision for a Register of electors or voters for members of the Corporation; to impose and provide for the raising, levying, and collecting annually for the sole use of the said Town, by a tax on the real and personal property in the said Town, in addition to the rates and assessments payable to the General Fund of the Niagara District, a sum of money the better to enable them to carry into effect fully the powers hereby vested in them:
Provided,

Provided, that such additional tax shall not exceed in one year three 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 labor of the said Town to be commuted for money, and such money paid to the Treasurer of the said Corporation to be at the disposal of the said Corporation 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 ten pounds or less than five shillings for the breach of any by-law or regulation of the said Town, and in default of payment of such fine, to be imprisoned in the Common Gaol of the said Niagara District for a period of not more than thirty days or less than one day; that such imprisonment shall be at the expense of the said Corporation: 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.

Limitation of taxing power.

Commutation of statute labour.

General purposes.

Limitation of penalties.

Imprisonment.

Proviso.

XVIII. And be it enacted, That a majority of the said Board of Police shall be a Board for the despatch of business: Provided always, that a smaller number may adjourn from time to time, and are hereby authorized to compel the attendance of absent members in such manner, and under such penalties as may be provided by any Act of said Board.

Majority of Board to act, and penalty on absent members.

XIX. And be it enacted, That for the purpose of raising funds to provide for the purchase of any real estate for the use of the said Town, for building a Market House or other public building, for procuring Fire Engines, for the securing, raising, and paying any monies that may be borrowed under the authority of this Act, and the interest of such monies, and for all other purposes deemed expedient and necessary by the said Corporation for the welfare and improvement of the said Town, it shall and may be lawful for the said Corporation to levy an assessment upon all and every person who shall inhabit, hold, use or occupy any house, shop, warehouse, building, or piece or parcel of land, being a separate tenement, situate, lying and being within the said Town of Niagara, according to the value thereof respectively, to be ascertained in manner hereinafter mentioned; and the time for which such yearly rate or assessment for the present year shall be so rated and assessed shall be held to commence from the first Monday in May in the year of our Lord one thousand eight hundred and forty-five, and shall end on the day next preceding the first Monday in May in each ensuing year, both days included

Assessments may be imposed by the corporation for certain purposes.

Time from which the Assessments shall be reckoned to commence.

included, and the time for which every future yearly rate shall be so rated and assessed shall commence from the period at which the time for the last rate ended.

On what chattels the rates shall be imposed.

Property of the Crown, Churches, &c., exempted.

XX. And be it enacted, That the rate or rates aforesaid shall all 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, or other horses of the age of three years or upwards ; horned cattle ; phaetons, carriages, gigs, waggons, sleighs, and other carriages kept for pleasure only, according to the value thereof, ascertained as hereinafter mentioned : Provided always, That nothing in this Act contained shall tend to 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 actual possession 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.

Provision as to vacant lots, houses, &c.

XXI. And be it enacted, That except as respects vacant grounds or other property hereinafter specially mentioned and provided for, the value of all such houses, shops, warehouses, buildings, gardens, grounds, lands, tenements, and parts and portions thereof, being separate tenements as aforesaid, shall be rated according to the real or full value thereof, which said value shall be ascertained by the Assessor or Assessors for the Town, to be appointed as hereinafter provided.

Lots of ground of more than a certain extent.

XXII. And be it enacted, That any 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 or ground is not above an acre in extent, and to the extent 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.

Values at which certain chattel property shall be assessed.

XXIII. And be it enacted, That the possessors or owners of 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 stone horse kept for the purpose of covering mares for hire or gain, at two hundred pounds value : every other horse, mare, or gelding above the age of three years, at twenty pounds value ; milch cows and other horned cattle above the age of two years, at five pounds value ; every carriage with four wheels, drawn by two or more horses, kept for pleasure only, at one hundred pounds value ; every phaeton or other open carriage with four wheels, drawn by one horse, and kept for pleasure only, at twenty-five pounds value ; every

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two horse sleigh kept for pleasure only, at fifty pounds value ; and every one horse sleigh kept for pleasure only, at fifteen pounds value.

XXIV. And be it enacted, That it shall and may be lawful for the Corporation of the said Town from time to time to appoint one or more fit and discreet person or persons, inhabitant householder or householders of the said Town to be Assessor or Assessors for the said Town, and in like manner to appoint one or more fit and discreet person or persons to be Collector or Collectors for the said Town.

Corporation to appoint Assessors and Collectors.

XXV. And be it enacted, That every Assessor of the Town, before entering upon his duties as such Assessor, shall be first sworn by the President or acting President of the Corporation of the said Town, well, faithfully, and impartially to perform and fulfil his duties as Assessor to the best of his knowledge and ability, which said oath the President or acting President of the said Corporation is hereby authorized to administer.

Assessors to be sworn.

XXVI. And be it enacted, That it shall be the duty of the Assessor or Assessors of the said Town to make such valuation as aforesaid as soon as conveniently may be, on the requisition of the President or acting President of the said Corporation, in pursuance of any resolution of the said Corporation authorizing any such valuation as aforesaid ; and also to leave for every person or persons so rated, whether he or she or they shall reside within the Ward in which such property is situate or elsewhere in the said Town, at the residence of such person or persons, a notice of the value of the property in respect whereof he or she or they shall be so rated ; and immediately after such assessment or valuation shall be completed, the Assessor or Assessors, respectively, shall deposit with the Clerk of the Corporation of the said Town, or such other person as by the said Corporation shall be authorized to receive the same, distinct assessment rolls, books, or returns of the said value, which shall be rated as aforesaid ; and in case any person shall think himself, herself, or themselves overcharged in such assessment roll, book, or return, it shall and may be lawful for such person or persons, within six days after the said notice shall have been given or left at his, her, or their residence as aforesaid, to give notice in writing to the President or acting President of the said Corporation of the overcharge complained of, and the same shall be tried by the said Corporation, at such times and meetings of the said Corporation as the members composing the same shall direct and appoint, reasonable notice of such times and meetings to be given to the complaining party, and after hearing the said party and his, her, or their witnesses upon oath (or affirmation as the case may be) the said Corporation shall, by a majority of 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

Duty of the Assessors.
Valuation.

Notice of valuation.

Deposit of assessment rolls.

Correction of such rolls.

Trial of complaints against the rolls.

Proviso.

Complainant neglecting to appear.

And if property be rated too low.

such meeting of the said Corporation, he or she having had reasonable notice thereof as aforesaid, the said Corporation 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 said Corporation, that the value has in any case been given in or returned by the Assessor too low, they shall cause a notice to be served on the person so rated as aforesaid, and the person who made such rate of the time and place of the meeting of the said Corporation, at which the said matter shall be heard, and the same shall be finally determined by the said Corporation in like manner as aforesaid, after hearing the said parties and their witnesses upon oath or affirmation as aforesaid; and that the said Corporation shall have power to adjourn as they shall see fit.

Summoning of witnesses and administering oaths, &c.

Fine for non-attendance, &c.

Imprisonment.

Proviso.

False swearing to be perjury.

XXVII. And be it enacted, That any member of the said Corporation shall have full power to administer such oath or affirmation as aforesaid, and that the President or acting President or any one of the said Corporation shall have full power and authority to issue a summons for each witness who shall be required to attend before the said Corporation: 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 diem, he shall be liable to such fine not exceeding ten pounds as the said Corporation, 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 President or any member of the said Corporation, to commit such person to the Gaol of the Niagara District; 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 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.

Corporation. to make a yearly rate.

Limitation of rate

XXVIII. And be it enacted, That it shall and may be lawful for the said Corporation of the said Town, at some convenient time after the return of the Assessment Rolls aforesaid, to pass a yearly rate declaring the amount in the pound on such valuation which shall be raised and levied for the year in which the rate shall be passed, provided that the same doth not exceed three pence in the pound.

Corporation empowered to grant relief from rates in certain cases.

XXIX. And be it enacted, That it shall and may be lawful for the said Corporation 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

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, extreme poverty, or any other cause, 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 Corporation to compound for or receipt the whole of any such rate or rates.

XXX. And be it enacted, That all proprietors, lessees, and others, who shall let for rent premises within the said Town, shall themselves, as well as the occupiers of such premises, be liable and responsible for the rate and assessment 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, under any By-Law for that purpose made by the said Corporation.

By whom the rates shall be paid.

XXXI. And be it enacted, That each male inhabitant of the age of twenty-one years and upwards, and not above the age of sixty years, not otherwise rated under this Act, or whose assessment shall not be over six shillings and three pence, and who by the laws now in force would be liable to perform statute labour, shall be rated and assessed in the sum of five shillings yearly, which said sum shall be paid to the general public 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 Collector or Collectors 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.

Male inhabitants not paying more than a certain amount of assessment, to be subject to a rate per head.

XXXII. And be it enacted, 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, he, or them, for the space of fourteen days next after such rates shall be due and demanded by the Collector of the Town, it shall and may be lawful for the said Collector to apply to the President or acting President of the Corporation for a Warrant to the High Bailiff, or any Constable of the said Town, to enter into the house or houses, or 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 President or acting President of the said Corporation is hereby authorized 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; if such rate or assessment shall not be paid within five days next after such seizure, the said Collector is hereby authorized to sell at 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

Mode of obtaining distress.

Warrant for levying rates in arrear for more than fourteen days.

Sale of property seized if the rates be not paid within a certain time.

Mode of collecting the capitation tax.

and assessments, with the costs and charges attending such seizure and sale, returning the overplus (if any) to the owner ; and that in cases where any person or persons not rated as respects any property, but under the authority of the next preceding section of this Act, shall neglect or refuse to pay the rate or assessment charged upon him or them for the space of fourteen days next after such rates shall be due and demanded by any Collector of the said Town, it shall and may be lawful for the said Collector to apply to the President or acting President of the said Corporation, and on proof on oath of such person or persons being in arrear, and on demand of such rate having been made, and when no goods or effects of such person or persons can be found to satisfy such rates, it shall and may be lawful for the President or acting President, or any member of the said Corporation, to commit such person to the Common Gaol of the District of Niagara, until such rate shall be paid : Provided always, that such imprisonment shall not exceed in any case ten days.

Proviso.

Penalty for pretending a less rent than is really paid.

XXXIII. And be it enacted, That from and after the passing of this Act, every landlord, proprietor, factor or agent, who shall wilfully grant a certificate or receipt which contains a less sum than the rent really paid or payable for the premises therein mentioned or referred to, and every tenant who shall present to the Assessor as aforesaid, or otherwise alter 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 ten pounds to be recovered and disposed of in the same manner as other penalties are recovered and disposed of in the said Town, for breach of any of the By-laws or regulations thereof.

Vacant lots may be seized and sold for taxes in certain cases.

XXXIV. And be it enacted, That in all cases where the person who shall be rated in respect of any vacant ground or other real property within the Town, shall not reside within the said Town, and the rates and assessments payable in respect of such vacant ground or property shall remain due and unpaid for the space of four years, and no distress shall be found therein, then and in such case it shall and may be lawful for the said Corporation to issue a Precept to the Sheriff of the Niagara District, commanding him to sell and dispose of such property by public sale, or so much thereof as shall be necessary for the payment of the arrear of taxes, together with all costs accruing by reason of such default and the Sheriff is hereby authorized and required to dispose of such property as is herein directed : Provided always, that no property shall be sold without having been first advertised in two newspapers published in the Niagara District for the three months next preceding such sale, and all owners of property sold under the authority of this Act shall be allowed to resume possession of the same within the space of twelve months next after the date of such sale, on paying or tendering to the purchaser the full amount of the purchase money with legal interest thereon,

Proviso: Property may be resumed by the owner on payment of purchase money with interest and a per centage.

thereon, together with the costs attendant upon the default and sale, with an addition of twenty per centum on the purchase money.

XXXV. And be it enacted, That in case it shall at any time happen that an election of members of the said Corporation shall not be made on the day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold an election of members, in such manner as shall have been regulated by the Laws and Ordinances of the said Corporation.

Corporation not to be dissolved by the failure of any Election.

XXXVI. And be it enacted, That any rule or regulation of the said Corporation for the infraction of which penalty is inflicted, before it shall have effect, shall be published in one or more of the newspapers published within the District, and shall be affixed in four public places in each Ward within the said Town; and in like manner shall be published in each and every year, one month previous to each general election for members to serve in the said Corporation, an account of all monies received into the Treasury, and the amount expended, and for what purpose.

By-laws imposing penalties to be published.

And accounts yearly.

XXXVII. And be it enacted, 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 order, rule, or regulation, shall be specified, with costs, to be recovered by information before the said Corporation, or any member or members thereof, 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 Niagara District, for a term, in the discretion of the Members of the said Corporation before whom such offender shall have been convicted, not less than one day and not exceeding thirty days; and no person shall be deemed an incompetent witness upon any information under this Act, by reason of his being a resident of the said Town of Niagara: Provided always, that the information and complaint for any breach of any order or regulation of the said Corporation, shall be made within fifteen days next after the time of the offence committed.

Mode of enforcing payment of penalty imposed by By-laws.

Inhabitants of Niagara may be witnesses.

Proviso.

Limitation of prosecutions.

XXXVIII. And be it enacted, That all penalties recovered under the provisions of this Act, shall be paid into the Treasury for the public uses of the said Town.

Application of penalties.

XXXIX. And be it enacted, That if any action or suit shall be brought against any person or persons, for any matter or thing done under the authority or in pursuance of this Act, such action or suit shall be brought within six calendar months next after the fact committed, and not afterwards; and the defendant or defendants

Protection of persons acting under this Act.

in

in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial.

Meetings of
the Corpora-
tion.

Place of meet-
ing.

XL. And be it enacted, That the said Corporation shall assemble at the least twice in each month, for the transaction of business of the said Town, and shall hold their sittings in the Town Hall when such building shall have been provided; and until such suitable public building shall have been provided, the said Corporation shall determine on the place of meeting of the said Corporation.

Sheriff and
Gaoler to de-
tain persons
committed un-
der this Act.

XLI. And be it enacted, That the Sheriff and Gaoler of the District of Niagara shall be bound, and they are hereby authorized and required to receive and safely keep until duly discharged, all persons committed to their charge by the said Corporation, or any member thereof under the authority thereof.

Justices for
the District not
to have juris-
diction in the
Town, except
in certain ca-
ses.

Provide as
to Quarter Ses-
sions.

Appeal to
Quarter Ses-
sions

Provide: pro-
tection of
members of
the Corpora-
tion when ac-
ting as Magis-
trates.

XLII. And be it enacted, That except in General or adjourned Quarter Sessions, the Justices of the Peace of the Niagara District, as such Justices, shall exercise no jurisdiction over offences committed within the Town of Niagara; and that the members of the Board of Police shall, by virtue of their offices, be Justices of the Peace in and for the said Town, and exercise within the limits of the said Town the authority now given by Law to Justices of the Peace: Provided always, that nothing in this Act shall be construed to give the members of the said Board of Police any right or authority to sit, act, or in any wise interfere in any Court of General or adjourned Quarter Sessions; and that it shall and may be lawful for any person or persons to appeal to the General Quarter Sessions, in the same manner as is now provided by law, from any conviction of any one or more members of the said Board of Police, when such conviction shall have been made in the exercise of their magisterial duty, and apart from the enforcement of any by-law or regulation: Provided also, that if any action or suit shall be brought against any member of the said Board of Police, for any matter or thing done by him as such Justice of the Peace as aforesaid, he shall be entitled to and receive such notice of action as is now required to be given to Justices of the Peace in other cases.

Recital of cer-
tain Letters
Patent, &c.

XLIII. And whereas by virtue of a Patent issued from the Crown, bearing date the fifteenth day of May, in the year of our Lord one thousand eight hundred and twenty-one, Lots numbered sixty-five and sixty-six in the said Town of Niagara, were granted to and vested in the Honorable William Claus, the Honorable William Dickson, and James Muirhead, Esquire, and to their heirs and assigns forever, in trust to hold the same as a site for a market-house, and for the use and purposes of a market, to be thereupon erected, held and established, for the benefit and convenience of the inhabitants of the Town of Niagara; and whereas the said

said William Claus and James Muirhead have departed this life, and the surviving Trustee is desirous of relinquishing the trust, and that the same shall be vested in the Corporation of the said Town of Niagara for the uses of the said Town; and whereas it is expedient to make further provisions for vesting the said estate: Be it therefore enacted, that the said Lots sixty-five and sixty-six in the said Town of Niagara, as reserved for a market, containing, as is said in the said Patent, two acres, more or less, be and the same is hereby vested in the said Corporation of the said Town of Niagara, for leasing and managing the same as to the said Corporation may seem best for the benefit of the inhabitants of the said Town of Niagara: Provided, that nothing herein contained shall extend or be construed to extend to do away with or in any way interfere with the present leases of the said Market Square, and that the said Corporation shall have full power and authority to ask, demand, and receive, sue for and recover in any of Her Majesty's Courts of Law and Equity within the Province, any sum or sums of money that now is, or are, or which ought of right to be due and payable to the said Corporation, for and on behalf of the inhabitants of the said Town of Niagara, for and in respect of the rents and profits of the said market reservation which may have accrued due and been collected or should have been collected by the above named Trustees, their heirs and assigns, at any time whatsoever; and all monies which of right should be due and payable in any wise to the said Corporation, for and on behalf of the inhabitants of the said Town of Niagara, for and in respect of the said market reservation, or the execution and fulfilment of the trust by the Trustees under the above cited Patent, or any or either of them, their heirs and assigns, or any or either of their heirs or assigns, and the said Trustees, their heirs and assigns, shall be bound to account to the said Corporation, and to pay over to the said Corporation any monies or security for money which may or ought to be in their hands accruing, or which may have accrued from the said market reservation at any time whatsoever; and also, the said Corporation shall have full power and authority to collect as aforesaid, all monies which shall hereafter become due in respect of the said market reservation: Provided always, that any monies now in the hands of the said Trustees, or that may now be due upon any portion or portions of the said market reservation, shall be appropriated to the erection of a Town Hall or Market House in the said Town of Niagara, and to no other purposes whatever.

Certain lots of ground vested in the Corporation.

Proviso.

Corporation may collect rents, &c., due on the said lots.

Collection of monies due.

Proviso

Application of such monies.

XLIV. And be it enacted, That the Corporation of the said Town of Niagara shall have full power and authority, and they are hereby authorized and empowered to raise by loan a sum of money, not exceeding the sum of three thousand pounds, for the purpose of erecting a good and sufficient building, of brick or stone, for the purpose of a Market House and Town Hall, on lots numbers sixty-five and sixty-six, as designated on the original Town plot, of such dimensions as to the said Corporation may seem expedient; and the said Corporation are hereby authorized

Corporation empowered to raise money by loan, for building a Market and Town-Hall.

Lots may be mortgaged as security for such loan, &c.

Corporation may create a sinking fund.

Corporation may raise a further loan for improvements.

Saving of the rights of a certain company.

Saving of the right of representation in the District Council.

Alteration of Act.

authorized and empowered to mortgage or place in security the said Lots numbers sixty-five and sixty-six, to any person or persons willing to lend the said sum of three thousand pounds, or so much thereof as may be necessary in the discretion of the said Corporation, on such terms as may be mutually agreed upon, and also to secure the same upon the credit of the rates and assessments to be levied and collected according to the provisions of this Act, for the purpose of securing the repayment thereof with interest, such interest not to exceed the rate of six per centum per annum; and the said Corporation are hereby authorized and empowered to apportion from the rents and profits now accruing, or hereafter to accrue from the said Lots numbers sixty-five and sixty-six, or any part thereof, as also from the rates and assessments to be levied and collected as hereinbefore provided, such amount as to the said Corporation may seem expedient, for the purpose of providing for a sinking fund for the payment of the said sum of three thousand pounds, or any part thereof, to be borrowed as aforesaid, with interest thereon, within such time as to the said Corporation may seem expedient and prudent; and the said Corporation shall have full power and authority, and they are hereby authorized and empowered, to raise by loan any sum of money not exceeding the sum of one thousand pounds, for the purposes of improvements, as the said Corporation may deem expedient, and the said Corporation are hereby authorized and empowered to secure the same upon the credit of the rates and assessments to be levied and collected under the provisions of this Act, for the purpose of repaying the same, with legal interest thereon, in such manner as the said Corporation may see fit.

XLV. And be it enacted, That nothing in this Act contained shall deprive or be construed to deprive the Niagara Harbor and Dock Company of any right, privilege, or immunity now vested in the said Company by Law.

XLVI. And be it enacted, That nothing in this Act contained shall deprive or be construed to deprive the qualified inhabitants of the Town of Niagara of their right to be represented in the Municipal Council of the Niagara District.

XLVII. And be it enacted, That notwithstanding the privileges that may be conferred by this Act, the Legislature may, at any time hereafter in their discretion, make such additions to this Act or such alteration of any of its provisions as they may think proper.