



ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. LXIII.

An Act to incorporate the Town of Saint Catharines.

[29th March, 1845.]

WHEREAS from the great increase of population in the Town of Saint Catharines, in the District of Niagara, it is necessary to make provision 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 there shall be in the said Town of Saint Catharines 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 Saint Catharines*, 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.

Preamble.

A Board of Police established and incorporated.

II. And be it enacted, That the said Town shall be comprised within the following limits or boundaries, that is to say: commencing at the south-east angle of lot number fifteen, in the fifth concession of the Township of Grantham, on Charles Roll's farm; thence, south-westerly, along the rear of the said fifth concession, one hundred and thirty-five chains, more or less, crossing the Welland at Ranney's Mills,

Limits of Town of St. Catharines.

to

to the western limit of the Welland Canal lands; thence, southerly and easterly, along the Welland Canal boundary until it intersects the allowance of road between the sixth and seventh concessions; thence, south, sixty-five degrees west along the rear of the sixth concession, to the limit between lots numbers nineteen and twenty; thence, south, crossing the main road to Hamilton five chains; thence, north, sixty degrees east more or less, to lot number sixteen, in the seventh concession; thence, north, along the east side of the allowance of road between lots sixteen and seventeen to the allowance of road between the sixth and seventh concessions; thence, north, sixty-five degrees east along the said allowance to the Welland Canal; thence, across the Canal in a direct line to intersect the allowance of road between lots numbers fourteen and fifteen, in the sixth concession, on the north bank of the Canal; and thence, north, along the east side of the said allowance, more or less, to the place of beginning.

Division of
Town into
four Wards.

III. And be it enacted, That the said Town shall be divided into four Wards, by the names of Ward number one, Ward number two, Ward number three and Ward number four; and that the Members of the Corporation to be elected as hereinafter provided, shall, within three months after the first election, define the limits of the said Wards: Provided that the said Members may from time to time alter the said limits and add to the number of the said Wards.

Election of
members of
Corporation—
their qualifica-
tion, &c.

IV. And be it enacted, That each of the said Wards shall annually, after the first election, elect one person to be a Member of the said Corporation from among the male inhabitant householders of the said Town, 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 value of one hundred pounds; 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.

Qualification
of voters.

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, resident within their respective Wards, being subjects of Her Majesty, whose names shall be entered upon the last assessment roll for the said Town, 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 the dwelling

dwelling house or dwelling houses, (if they shall within one year have changed their place of residence) within the said Ward in which they shall have resided at the rate of ten pounds per annum, or upwards; 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 assessment roll of the Town shall be entitled to vote for Members of the said Corporation, under the limitations and provisions hereinbefore contained.

Where each shall vote.

First election.

VI. And be it enacted, That the first election of four Members for the said Corporation under this Act, shall be holden on the first Monday in May next, at some place in the said Town, to be appointed by two or more Magistrates resident in the District of Niagara, for the time being, who shall give public notice at least six days previous to the election, at which election one of the said Magistrates shall preside in the said Town, and which said Magistrates shall hold the election for the said Town, 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, on the said first Monday in May next, and at the close of the poll at the hour aforesaid, shall declare the persons 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; 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 had 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 February in the next year, and until a new Board shall be chosen and formed as hereinafter mentioned; and that on the first Monday in February in every year, after the first election, an election shall be holden in each Ward of the said Town of Saint Catharines, for choosing Members of the said Corporation, according to the general provisions of this Act.

Time for first election; and notice, &c.

Proclamation of persons elected.

Notice to them.

Period of service of persons so elected.

Annual elections.

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 persons presiding at such election.

“ 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 Saint Catharines: So help me God.”

Oath.

VIII.

Candidates may be examined as to their qualification.

And so of voters.

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:

Oath of a voter or candidate examined as to his qualification.

“ 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.”

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

Wilful false 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 as to persons absent or publicly refusing to be candidates.

Election of a President.

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

the oath of office hereinafter contained, it shall be the first duty of the said Corporation, and they are hereby required to elect another member qualified as aforesaid, and that such last chosen member with the others shall forthwith 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 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, A. B., do swear that I will faithfully discharge the duties of Member of the Board of Police of the Town of Saint Catharines, to the best of my ability : So help me God. ”

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.

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.

Making By-Laws.

Appointment of officers.

Proviso.

Vacancy in the office of President how filled.

And for the case of his absence.

Members to serve *gratis*.

Oath of office.

Vacancy among members how filled.

Casting vote of person presiding at an election, who shall not otherwise vote.

XIV.

Contested
Elections of
members how
decided.

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

Scrutiny.

Summoning
and examining
of witnesses.

Decision upon
the evidence.

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 Saint Catharines.”

Punishment
of witnesses
refusing to at-
tend.

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 swear-
ing.

XVII.

XVII. And be it enacted, That the said Corporation of Saint Catharines 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, graveling, 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 to be 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, merchandize 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 the side-walks of the street or other improper places; to regulate wharves or quays; to prevent all obstructions in or on the canals, wharves, slips or bridges, near or opposite to any dock, wharf or slip; 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 prevent *charivaris*; 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 apparatus whatsoever; and to regulate and license all theatres kept for profit; auctioneers, butchers, cart-men, and cartage, hawkers and pedlars, and all 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 making of bonfires or 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 or houses of ill-fame within the limits of the said Town; to regulate any ale-houses, victualling houses, and all houses where fruit, oysters, clams, or victuals may be sold to be eaten or drunk therein, and all other places for the reception

and

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.

Obstructions in the Harbor, &c.; fishing, bathing, &c.

Tippling.

Sabbath-breaking.

Exhibitions.

Cruelty to animals.

Gambling.

Theatres.

Certain callings.

Circusses, &c.

Fire-arms and fire-works.

Nuisances.

Taverns, &c.

Sales of certain articles, or by certain persons.

Assize of bread.

Vending of meat, &c.

Markets.

Regulations for preventing fires, &c.

For improving the Town, &c.

Supply of water at fires. Preventing depredations thereat.

Pulling down houses.

Watching. Appointing officers.

Pounds.

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 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, (excepting Tavern licenses) ; 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 any market or markets 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 dimensions of chimneys hereafter to be built, and to regulate one or more fire companies ; to regulate and 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 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 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 establish and regulate one or more pounds ; to direct the returning

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, that such additional tax shall not exceed in one year one shilling 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 two pounds ten shillings for refusing to serve in any Municipal office when duly elected or appointed thereto.

XVIII. 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 moneys that may be borrowed under the authority of this Act, and the interest of such moneys, and for all other purposes deemed expedient and necessary by the said Corporation for the welfare and improvement of the said Town,

Bills of mortality.

Police.

Water.

Bonds and securities of officers, &c.

Penalties and fines.

Municipal elections.

Registration of votes.

Taxes.

Limitation of taxing power.

Commutation of statute labour.

General purposes.

Limitation of penalties.

Imprisonment.

Proviso.

Assessments may be imposed by the corporation for certain purposes.

Time from which the Assessments shall be reckoned to commence.

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 Saint Catharines, 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 have commenced from the first Monday in January, 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 January in each ensuing year, both days 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.

XIX. 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 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 actual possession of Her Majesty, Her Heirs or Successors, unless the same shall be actually leased to individuals, nor to any churches, chapels, school-houses, school lands, places of public worship, or burying grounds.

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

Provisions as to vacant lots, houses, &c.

XX. 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 not laid out in town lots by the acre for agricultural purposes, lands, tenements, and parts and portions thereof, being separate tenements 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.

XXI. 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 of 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.

XXII. 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 ten 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 thirty pounds value; every phaeton or other open carriage with four wheels, drawn by one horse, and kept for pleasure only, at twenty pounds value; every two horse sleigh kept for pleasure only, at twenty-five pounds of value; and every one horse sleigh kept for pleasure only, at fifteen pounds value.

Values at which certain chattel-property shall be assessed.

XXIII. 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 freeholder or freeholders 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.

XXIV. And be it enacted, That every Assessor of the Town, before entering upon the 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 the duties of 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.

XXV. 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 situated 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

Duty of the Assessors. Valuation.

Notice of valuation.

Deposit of assessment rolls.

Correction of such rolls.

the

Trial of complaints against the rolls.

Proviso.
Complainant neglecting to appear.

And if property be rated too low.

the said notice shall have been given or left at his, or 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 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 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, administering oaths, &c.

Fine for non attendance, &c.

Imprisonment.

Proviso.

False swearing to be perjury.

XXVI. 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 two pounds ten shillings 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.

XXVII. 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

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.

Limitation of rate.

XXVIII. 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 persons as during any one year for which such 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, 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.

Corporation empowered to grant relief from rates in certain cases.

XXIX. 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 lessee or occupant (if any) in the first place, and in default of distress then from the proprietor by the Collector or Collectors of the said Town, under any By-law for that purpose made by the said Corporation.

By whom the rates shall be paid.

XXX. 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 two shillings and six pence 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.

XXXI. 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, her, 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 said 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

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

Sale of prop-
erty seized.

Mode of col-
lecting the ca-
pitation tax.

Proviso.

Penalty for
falsely stating
amount of rent.

Sale of real
property for
arrears of rates.

and effects, whether in the Ward in which the assessed property is situated 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 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 of 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 thirty days.

XXXII. 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.

XXXIII. 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

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

Proviso; redemption of seized property by owner.

XXXIV. 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.

XXXV. And be it enacted, That any rule or regulation of the said Corporation for the infraction of which a 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 moneys received into the Treasury, and the amount expended, and for what purpose.

By-laws imposing penalties to be published.

And accounts yearly.

XXXVI. 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 Saint Catharines: 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 penalties imposed by By-Laws.

Inhabitants of Niagara may be witnesses.

Proviso.

Limitation of prosecutions.

XXXVII.

Application
of penalties.

XXXVII. 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.

Protection of
persons acting
under this Act.

XXXVIII. 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 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 Corporation.

XXXIX. And be it enacted, That the said Corporation shall assemble at the least twice in each month for the transaction of the 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 meetings of the said Corporation.

Place of meet-
ing.

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

XL. 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.

XLI. 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 Saint Catharines; 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 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.

Proviso: as
to Quarter Ses-
sions.

Appeal to
Quarter Ses-
sions.

Proviso: pro-
tection of
members of the
Corporation
when acting as
Magistrates.

Corporation
empowered to
raise money by

XLII. And be it enacted, That the Corporation of the said Town of Saint Catharines shall have full power and authority, and they are hereby authorized and empowered

empowered to raise by loan a sum of money, not exceeding the sum of two 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 some central and convenient lot to be selected and purchased by the said Corporation for that purpose, of such dimensions as to the said Corporation may seem expedient; and the said Corporation are hereby authorized and empowered to mortgage or place in security the said lot, to any person or persons willing to lend the said sum of two 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 re-payment 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 hereafter to accrue from the said Lot 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 two 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 re-paying the same, with legal interest thereon, in such manner as the said Corporation may see fit.

loan for building a Market and Town-Hall.

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

Corporation may create a sinking fund.

Corporation may raise a further loan for improvements.

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

Saving of the right of representation in the District Council of Niagara.

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