



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XLIII.

An Act to define the limits of the Town of Bytown, to establish a Town Council therein, and for other purposes.

[28th July, 1847.]

WHEREAS from the great increase of population and growing importance of the Town of Bytown, in the District of Dalhousie, it is necessary to make further provision than by law exists for the internal regulations 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 Town of Bytown a Town Council to be composed and constituted in manner hereinafter to be 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 Mayor and Town Council of Bytown*, and by that name they and their Successors shall 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 shall 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 use of the said Town.

Preamble.

A Town Council established in Bytown.

Corporate name and powers.

II. And be it enacted, That the said Town of Bytown shall be comprised within the following limits or boundaries, that is to say: commencing at the waters of the River Rideau on the line which divides lots E and F in concessions D and C, and thence in a continuous direct line across lot number Forty to the side line dividing lots numbers Thirty-nine and Forty, thence following the said side line northerly in the first concession to the line dividing concession A and the first concession, and in concession A embracing the whole of the broken lot number Thirty-nine to the River Ottawa, including all the islands down to the southerly end of the Chain Bridge, thence following the waters of the Ottawa in the centre of the Channel to the western branch of the waters of the River Rideau, thence against the stream on the River Rideau to the place of beginning; any law, usage or proclamation to the contrary notwithstanding.

Limits of Bytown fixed.

III.

Town divided
into three
wards.

III. And be it enacted, That the said Town of Bytown, comprising the Upper Town and Lower Town, shall be divided into three Wards, by the names of North Ward, South Ward, and West Ward.

Limits of the
several wards
fixed.

IV. And be it enacted, That Lower Bytown shall consist of that portion of the Town, lying easterly from the Rideau Canal, which shall constitute two Wards by the names of North Ward and South Ward; and South Ward shall consist of all that portion of the said Lower Town South and East of the centre of York Street to the centre of King Street, following King Street until it intersects the waters of the River Rideau; and from the West end of York Street across Sussex Street to the line dividing lots F and G on Sussex Street and continuing the bearing of that line to the Canal locks; and North Ward shall consist of all that portion of the said Lower Town north and west of the line above described; and Upper Bytown shall consist of all that portion of the Town lying westerly from the Rideau Canal, which shall constitute one Ward by the name of West Ward.

Two Mem-
bers of the
Town Coun-
cil to be elected
for each
Ward.

Qualification
of such mem-
bers.

Non-residents
not eligible.

V. And be it enacted, That each of the said Wards in the Lower Town shall elect annually two persons, and West Ward, in the Upper Town, shall elect annually three persons, to be members of the said Town Council, from among the inhabitant householders of the said Town, who, being subjects of Her Majesty, and of the age of twenty-one years, shall be freeholders therein to the assessed value of three hundred pounds currency, or persons who have built a dwelling house on leasehold property and residing therein, which would *bonâ fide* rent for thirty pounds currency per annum, or proprietors of a dwelling house or other buildings erected on leasehold property, which is rented or would rent for thirty pounds per annum; and that no person shall be eligible to be elected or be capable of holding the office of Member of the said Town Council who shall not be resident in the said Town for the time then being.

Who shall be
Electors.

Freeholders.
Tenants of
dwelling
houses.

Leaseholders.

VI. And be it enacted, That the persons entitled to vote in any of the Wards for the election of such Members to serve in the said Town Council shall be the male freeholders and inhabitant householders of the said Town, of the age of twenty-one years, within their respective Wards, being subjects of Her Majesty, possessed of freehold estate in any of the said Wards of the assessed value of thirty pounds, or tenants being like subjects of Her Majesty, of the age of twenty-one years, and rated upon the Assessment Roll of the said Town, and who shall have paid six months before the said election, rent for their dwelling house within the said Ward, at the rate of not less than ten pounds currency per annum; and leaseholders, being like subjects of Her Majesty, of the age of twenty-one years, who shall have built a dwelling house on such leasehold and residing therein, which would *bonâ fide* rent for the sum of ten pounds currency per annum.

Mayor to be
chosen.
His powers.

VII. And be it enacted, That the Members of the said Town Council so elected, or a majority of them, shall choose one of their number to be Mayor, who shall preside over their meeting, and preserve order thereat.

First election.
Sheriff, and
Deputies to
preside in each
Ward.

VIII. And be it enacted, That the first election of Members for the said Town Council under this Act, shall be holden on such day within six months after the passing of this Act, as the Sheriff of the District of Dalhousie shall appoint, at some place in each Ward respectively, to be appointed by the said Sheriff, who shall give public notice

notice at least six days previous to the election, and at such election the said Sheriff shall preside in such one of the said Wards as he may select, and shall appoint fit and proper persons under his hand and seal to hold the said elections for the other two Wards, and the said Sheriff and the persons so appointed by him, shall hold the said election for each of the said Wards respectively, and shall keep the Poll open for receiving and entering votes for the election of Members of the said Town Council, from the hour of Nine of the clock of the forenoon until Five of the afternoon of such day, 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 Town Council, 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 Officers to be appointed by the said Town Council, the time, place, and all proceedings to be had at such elections to be regulated from time to time by the said Town Council; and that the Members of the said Town Council so chosen as aforesaid, shall serve until the first Monday in April in the then next year, and until a new Town Council shall be chosen and formed as hereinafter mentioned; and that on the first Monday in April in every year an election shall be held in each Ward of the said Town, for choosing Members of the said Town Council according to the general provisions of this Act; and the Members elected shall take the Oath of Office herein contained, before any Justice of the Peace for the District of Dalhousie, who is hereby empowered to administer the same, that is to say:

During what hours the Poll shall be open.

Subsequent elections to be under rules to be made by the Town Council.

Period of service of the Members.

Election to be held in each year.

Members to be sworn.

“ I, A. B. do solemnly swear that I will well, faithfully, and impartially discharge the duties of a Member of the Town Council of Bytown, to the best of my knowledge and ability; So help me God.”

The Oath.

IX. And be it enacted, That in all elections held under this Act, the Poll-books containing the names of voters, and other matters, shall be verified by affidavit by each of the Officers holding such elections before any Justice of the Peace for the District of Dalhousie, which oath such Justice is hereby empowered to administer; and the said oath of the correctness of the said Poll-books shall be in the following form:

Poll-books to be sworn to.

“ I, A. B. do swear that the Annual Poll-book for _____ Ward in the Town of Bytown, is just and correct, according to the best of my knowledge and belief; So help me God.”

Form of oath.

X. 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 Dalhousie is hereby empowered to administer, that is to say:

Persons presiding at any election to be sworn.

“ 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 Members of the Town Council of Bytown; So help me God.”

The oath.

XI. And be it enacted, That every Presiding Officer at any such election of a Member or Members shall have power, and is hereby required to preserve peace and order at such election, and for such purpose shall and may during its continuance commit to the Common Jail of the District of Dalhousie, any person or persons making or creating any disturbance, fighting or rioting at such election, practising any malicious mischief or using any threats of violence to deter any elector from coming forward to vote,

And may preserve peace at election—his powers for that purpose.

vote, retiring from voting, or remaining quietly at such election; and shall and may require and command the assistance of all persons present at such election, or any constable or peace officer in the said Town, who are hereby required to give such assistance in apprehending and committing the person or persons making or creating any such noise, interruption, disturbance or disorder aforesaid: Provided always that no such committal shall extend beyond the period of one month.

Proviso.

Officer presiding may swear Candidates or voters as to their qualification.

XII. And be it enacted, That the Officer presiding at any election under this Act shall have authority, and he is hereby required at the request of any person duly qualified to vote at such election, to examine on oath (or affirmation when by law an affirmation is allowed) any Candidate for the office of Member of the said Town Council respecting his qualification to be elected to the said office, and shall also have authority and is hereby required, upon such request as aforesaid, to examine on oath (or affirmation when by law an affirmation is allowed) any person tendering his vote at any such election, and that the oath to be administered for either of the two purposes shall be in the following form:

Form of the oath.

“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 or affirming, to be perjury.

XIII. And be it enacted, That if any person being examined on oath or affirmation under this Act in regard to his qualification to vote or be elected, shall wilfully forswear himself he shall be deemed guilty of wilful and corrupt perjury, and on conviction thereof shall be subject to the like pains and penalties as in other cases of wilful and corrupt perjury.

Penalty on persons elected refusing to take the oath of office within a certain time.
Mode of recovery.

XIV. And be it enacted, That if either or any of the Members elected as aforesaid, after notice thereof, shall neglect or refuse for the space of ten days to take the Oath of Office herein contained, which any one of the said Members so elected as aforesaid is empowered hereby to administer to the others, he shall for such neglect or refusal forfeit the sum of ten pounds currency, to be recovered with costs by information before any Justice of the Peace for the District of Dalhousie, who is hereby authorized to proceed in the same manner as hereinafter is provided for the recovery of any penalty for the transgression of any order or regulation of the said Town Council: Provided, that no person having been elected a Member of the said Town Council during his absence from the Town, (unless such Member shall have previously given his consent to be put in nomination,) nor any person who has discharged the duties of a Member of the said Town Council within three years of the said election, shall be subject to the penalty hereinbefore stated for the refusal to act, provided notice in writing be given to the Presiding Officer before such election, by such person who has already served, that he will not serve if elected; And provided also that the services of Members elected to serve in the Town Council shall be gratuitous.

Proviso as to Members elected during their absence. Unless with their consent. As to persons having served within three years, provided they give notice that they will not serve if elected.

XV. And be it enacted, That in case any vacancy shall at any time happen among the Members of the said Town Council by death or by neglect or refusal to take the Oath of Office hereinafter contained, within the time hereinbefore limited, or by removal from the Town, or from any other cause, the Town Council shall issue a precept to the Bailiff of the Ward for which the Member whose office shall have become vacant was chosen, to hold an election for the said Ward, giving notice of the time and place of holding the said election, and the Member so elected shall hold his office until another is chosen in his place; and in case any such vacancy shall happen from any of the causes hereinafter specified, or from any other cause whatever, amongst the Members elected at the first election of Members of the said Town Council, then the other Members of the said Town Council shall issue a precept to the Sheriff, and he shall proceed to hold an election to supply such vacancy, giving the same notice as hereinbefore required.

Mode of filling vacancies in the Town Council.

The like case among Members elected at the first election provided for.

XVI. And be it enacted, That the said Town Council, as soon as they shall have chosen a Mayor shall have the power of enacting such Laws and Regulations for the internal government of the Town as to them may seem expedient and necessary, and shall have the power of appointing all such Officers, Constables and Policemen 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 Town Council may seem meet, and of removing any of the said Officers at pleasure.

Town Council to have power to make By-laws and to appoint the requisite officers.

XVII. 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, to erect a Market House, Town Hall and other buildings, to procure Fire Engines, and for lighting and paving and repairing the streets and side-walks of the said Town, and also for the paying the necessary expenses of the said Town Council, and for all other purposes which the said Town Council may deem expedient and necessary for the welfare and improvement of the said Town, it shall and may be lawful for the said Town Council to levy by assessment annually upon the persons rated or liable to be rated upon any valuation for property real and personal in the said Town, any sum not exceeding three pence in the pound; and it shall be the duty of the Officer or Officers to be appointed by the said Town Council to make a valuation or Assessment List for the said Town, and to lay the same before the said Town Council annually: Provided always, that from and after the period when the said Town Council is organized under this Act, all assessments levied within the said Town under any By-Law of the Municipal Council of the District of Dalhousie, save and except the Assessment for the year then current, and also save and except all arrears of taxes or assessments then due and owing; and all assessments and taxes levied under any statute of that part of the Province formerly Upper Canada or of the Province of Canada, within the said Town, shall determine and cease; and the said Municipal Council shall not thereafter exercise any Municipal control over the Town of Bytown; any law, by-law, or usage to the contrary notwithstanding.

Town Council to have power to impose assessments for certain purposes.

Amount of assessments limited to three pence in the £.

Assessment list to be made.

Proviso: other assessments to cease in the said Town.

Exception.

XVIII. And be it enacted, That such rates as shall be so imposed, shall be collected by the Officer to be appointed by such Town Council, according to such By-Laws as shall be enacted for that purpose by the said Town Council, and be paid into the Treasury of the said Town Council.

Rates to be collected under the By-Laws of the Town Council.

XIX.

Instead of any assessments for District purposes, a certain sum shall be paid annually to the District by the said Town. How such sum shall be ascertained.

Proviso: in what manner the award as to said sum may be set aside.

Property liable to taxation.

XIX. And be it enacted, That from and after the first day of January, in the year of our Lord one thousand eight hundred and forty-eight, no taxes, rates or assessments shall be collected by the Township Collector or District Officer for or on account of any property, real or personal, within the limits of the said Town of Bytown; and that in lieu of any taxes, rates or assessments heretofore, now or hereafter by law payable to the District Treasurer of the said District of Dalhousie on account of such real or personal estate, an equivalent shall annually be paid by the Treasurer of the said Town to the District Treasurer on or before the first day of November next, after the amount of such equivalent shall be ascertained by the award of the Warden of the District Council of the said District and Mayor of the said Town, with such other person consenting to act as they shall choose as Umpire, or any two of them, which award the said Warden, Mayor and Umpire are hereby required to make during the month of January in each year: Provided always, that the discharge of the duties hereby imposed on the said Warden and Mayor, and Umpire consenting to act, and the performance of any award made as aforesaid may in the discretion of the Court of Queen's Bench of Upper Canada be enforced by Mandamus from such Court, and the usual proceedings thereon; And provided also, that in the event of no award being made, or payment of the sum awarded being neglected or refused, the Treasurer of the said Town shall pay to the Treasurer of the said District the amount of taxes which would have been levied and assessed for District purposes in the said Town had not this Act been passed.

XX. And be it enacted, That the property liable to taxation, within the limits of the Town of Bytown, shall be (except as hereinafter provided)—

Firstly. All lands, town lots and parts of town lots with all buildings and erections thereon, at their real value.

Secondly. The following personal property at the value herein specified:

Every horse kept for the purpose of covering Mares for hire or gain, at £200.

Every horse, mare, or gelding, above the age of three years, at £10.

Oxen and all other horned cattle, except milch cows, at the age of four years and upwards, at £4 each.

All horned cattle, except milch cows, under four years of age, at £1 each.

Milch cows, at £3 each.

Every close carriage with four wheels, kept for pleasure, at £100.

Every phaeton or open carriage, with four wheels, kept for pleasure, at £40.

Every curricule, gig or other carriage, with two wheels, kept for pleasure, at £25.

Every wagon kept for pleasure, at £15.

Every two horse sleigh, kept for pleasure, at £20.

Every one horse sleigh, kept for pleasure, at £10.

Thirdly. The stock in trade of all descriptions, kept by merchants and dealers, exposed for sale on shelves in shops, or kept in store-houses: Provided always, that no annual rate shall be declared or collected on such stock, to exceed one-tenth part of one per

per centum on the estimated value of such stock : Provided always, that in the valuation and assessment of land and real property in the said Town, any parcel of land whether consisting of one or more Town lots, or of a greater or less quantity than a Town lot or Town lots held and occupied together with the dwelling-house or other building, to the extent of one acre, shall be assessed and valued with such dwelling-house or building according to their real value ; and that all parcels of land upon which no such dwelling-house or building is erected, and also any quantity of land held with such dwelling-house or building over the quantity of one acre, shall be assessed and valued at a fixed rate as vacant Town land, that is to say, at the valuation of forty pounds for each acre, and in the same proportion for a greater or less quantity ; and that all pieces or parcels of vacant Town land under half an acre in extent shall be rated and valued at the rate of half an acre, and all surplus over and above one or more even half acres shall be in like manner valued and assessed as half an acre.

Proviso as to the mode of assessing lands held with or without being attached to a dwelling house.

XXI. And be it enacted, That the following property shall be exempt from taxation in the Town of Bytown : all lands and property belonging to Her Majesty, Her Heirs and Successors, or vested in or held by any public body, office, person or party, in trust for the uses or service of Her Majesty, Her Heirs and Successors, whether held in fee simple, or for any less estate, during the continuance of such estate, and all Provincial property and buildings, every place of public worship, every burying ground, every public school house and school lands ; all buildings, ground and property occupied by or for the public uses of the Corporation, or held by the Corporation and not in the possession of the tenant or tenants of the Corporation, the District Court House and Jail and the grounds attached thereto : Provided always, this exemption shall not extend to lots or to buildings built upon, leased or occupied by tenants under the Ordnance Department in the said Town, but the same shall be valued and assessed in like manner as other property, and such rate or assessment shall be paid by the tenant or tenants thereof

Certain property exempted from taxation.

Lands belonging to Her Majesty, or held for other public purposes.

XXII. And be it enacted, That it shall be the duty of the Town Council, as soon as the current assessment year for District purposes shall have expired, and annually thereafter, to appoint one or more discreet persons, resident freeholders or leaseholders, whose individual property shall be worth not less than five hundred pounds, to appraise and value all the rateable property, (not herein otherwise exempted,) according to its real value ; and when notified by the Mayor or Town Clerk of such appointment, they shall as directed proceed to discharge the said duties, and for every neglect, refusal or delay, shall forfeit and pay a sum not exceeding ten pounds except a good and sufficient excuse is offered and accepted, in which case the Mayor, or Mayor and Town Council, may appoint another valuator instead, and when the valuation or Assessment Roll is placed into the hands of the Town Council or the Town Clerk, it shall for the space of fifteen lawful days be open to public inspection, and parties within that period may record an appeal to the Town Council for excessive valuation, which appeal may be determined upon by the said Town Council at their next meeting, receiving such allegations by parties and their witnesses, upon Oath, to be administered by the Mayor or person presiding, after which they shall declare and collect the rate for the current year.

Town Council to appoint Appraisers.

Qualification.

Penalty for refusing to act.

Rolls of valuation or assessment to lie open for inspection for a certain time.

Revision of the same.

XXIII. And be it enacted, That tenants or leaseholders for any space of ground exceeding one acre, possessed by them before the passing of this Act, whose lease is terminable

Tenants to be rated only for their buildings

and improve-
ments in cer-
tain cases.

terminable without the right of converting the same into freehold, shall be valued and rated only for their buildings and improvements, and such grounds shall be wholly or separately valued and treated as vacant ground, and shall be liable to be sold and disposed of as hereinafter provided, except when it shall have been otherwise specially agreed between the proprietor and tenant.

Town Council to have power to make By-laws for certain purposes.
Special powers.
Streets and Roads.
Licencing for certain purposes.
Weighing and measuring
Cruelty to animals.
Nuisances.
Fire works.
Sabbath.
Gambling.
Theatres, Shows, Stills, &c.

Charivaries.

Trees.

Signboards.
Offences.

Examining premises of townsmen.

Fires and their preventions.

Chimnies.

Gunpowder.

Water.

Fires.
Excessive driving, &c.

Assize of bread.

XXIV. And be it enacted, That the said Town Council of Bytown shall have full power and authority from time to time to make, revive, alter and amend, administer and enforce such By-laws as they may deem proper and necessary for making, gravelling, flagging, paving, ditching, levelling, raising, repairing, mending, lighting, macadamizing and changing any of the streets, squares, alleys, lanes, walks, side-walks, cross-walks, roads, highways, bridges, public wharves, docks, quays, market places, shores and sewers, now laid out or erected within the limits of the said Town,—to regulate and license market-places, victualling houses and ordinaries, where fruit, victuals and liquors not distilled are sold to be eaten and drunk in such houses or on the street, and groceries,—to regulate the weighing of hay, and measuring of wood,—to regulate carts and carters, and to punish inhuman treatment of any animals by excessive beating or otherwise,—to regulate or prevent slaughter houses, tanneries and all manufactories,—to prevent the firing of any guns, pistols, muskets, squibs or fire balls,—to enforce the due observance of the Sabbath day,—to regulate, license or suppress all public billiard tables, roulette tables, all games and ball alleys, as well as any species of gambling or gambling apparatus,—to regulate and license all theatres kept for profit, stills kept for the purpose of distilling spirituous liquors for sale, auctioneers, butchers, hawkers, pedlars, hucksters and all persons exhibiting for gain or profit, any puppet show, wire dance, circus riding and circus riders, and all other shows, and to provide for the licensing the same,—to prevent and punish parties engaged in charivaries,—to prevent the injuring or destroying of trees, planted or growing, for shade or ornament in the said Town,—to prevent the pulling down or defacing of sign boards,—to prevent and punish breaches of the peace, and generally to prevent and punish vice, drunkenness, profane swearing, obscene language, and every other species of immorality, and to preserve good order in the said Town,—to enter into and examine all dwelling houses, warehouses, shops, yards and outhouses, to ascertain whether any such places are in a dangerous state with respect to fire, or otherwise, and to direct them to be put in a safe and secure condition,—to appoint Fire Wardens and Fire Engineers,—to appoint and remove firemen,—to make such Rules and By-laws as may be thought expedient for the conduct of such Fire Companies as may be raised with the sanction of the said Town Council,—to compel any person to aid in the extinguishing of fires,—to require the inhabitants of the said Town to keep fire buckets, and to provide and keep scuttles and ladders to their houses,—to regulate and enforce the erection of party walls,—to regulate and enforce the cleansing and sweeping of chimnies,—to regulate the manner of depositing and keeping ashes at the time they are taken from fire places,—to regulate the keeping and transporting of gunpowder or other dangerous combustible material in the possession of private parties,—to make, preserve and regulate public wells and cisterns, and other conveniences for the stopping or preventing fires,—to prevent the extension and ravages of fire by pulling down adjacent buildings,—to stop or authorize any other person to stop any immoderate riding or driving in any street in the said Town, or riding or driving, or drawing or tying any horse or horses, or sleigh or wagon, or carriage or cart, or any vehicle on any of the side-walks in the said Town,—and to inflict fines for any such offence,—to regulate the assize of bread,—

bread,—and to provide for the seizure and forfeiture of any bread baked contrary thereto,—to prevent and abate and remove any nuisance,—to regulate or restrain any horses, cows, oxen and other cattle, sheep, goats, swine and other animals, geese and other poultry, from running at large within the limits of the said Town,—to prevent and regulate the running at large of dogs, and to impose a reasonable tax on the owners or possessors thereof,—to prevent and remove encroachments, buildings, fences, or anything else of whatsoever nature in any streets,—to establish and regulate one or more Pounds,—to require the Road Labour of the said Town to be commuted for money, and such money to be paid to the Treasurer of the said Town Council, to be at the disposal of the said Town Council for the purpose of improving the public highways of the said Town,—to provide for the registration of voters under this Act,—to provide for taking the Census or other statistical information as required by law,—to punish or fine parties for refusing to give any, or giving erroneous statistical information required by any Officers under the Corporation, or for giving a false or erroneous statement of any rateable property in their possession,—to establish one or more Public Libraries,—to promote and encourage Literary, Scientific and Agricultural Institutions,—to regulate Public Hospitals,—to establish and support a House of Industry and enforce labour and discipline in the same, and to authorize the arrest and detention of any offender against such By-law until convicted, bailed or discharged; and generally to make all such laws as may be necessary and proper for carrying into execution the power hereby vested, or hereafter to be vested in the said Town Council or in any Department thereof, for the peace, welfare, and good government of the said Town, as they may from time to time deem expedient, not repugnant to the laws of this Province, except in so far as the same may be virtually repealed by this Act.

Nuisances.
Animals at large.
Dogs.
Encroachments.
Pounds.
Statute Labour.
Registration of voters.
Census.
Public Libraries, &c.
House of Industry.
General powers.

XXV. And be it enacted, That it shall be lawful for the Town Council when in Session, or by any By-law enacted by them, to order and authorize the Sheriff of the District of Dalhousie, to give notice of at least ten days to parties who may have made encroachments by buildings, fences, or any other obstruction of whatsoever nature upon any of the streets or public grounds in the said Town, specifying and describing such encroachments in such order or By-law, and in such notice; and if the same be not removed by such parties within the time specified in such notice, the said Sheriff shall immediately remove the same, taking with him sufficient assistance if need shall be, and shall be allowed his necessary expenses and the usual and customary fees for such services, to be paid in the first instance by the said Town Council and recovered by the Corporation from the party having made such encroachment or obstruction, in the same manner as other monies due to the Corporation.

Sheriff of Dalhousie District to give ten days' notice to parties having made encroachments, after which he may remove them.

XXVI. And be it enacted, That any Rule or Regulation of the said Town Council for the infraction of which any penalty is inflicted, before it shall have any effect, shall be published in one or more of the newspapers of the said Town, and that in like manner shall be published in each and every year before the annual election, an account of all monies received and in the Treasury, and the amount expended, and for what purpose.

Rules imposing penalties to be published. Also accounts of Town monies.

XXVII. And be it enacted, That if any one shall transgress any By-law made by the said Town Council under the authority of this Act, such person shall, for every such offence, forfeit the sum which in every such Order, Rule or Regulation, shall be specified, with costs to be recovered by information before one or more Members

Mode of recovering penalties imposed for the infraction of any By-laws of the

of

Town Council.

Inhabitants to be competent witnesses.

Proviso: period within which prosecutions must be brought.

Proviso: amount of penalty or imprisonment limited.

of the said Town Council, and 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 Jail of the said District of Dalhousie for a time not exceeding two months in the discretion of the Member or Members of the Town Council before whom such offender shall have been convicted; and no person shall be deemed an incompetent witness upon any information under this Act, by reason of his or her being an inhabitant of the said Town of Bytown; Provided always, that the information and complaint for a breach of any Orders or Regulations of the said Town Council must be within fourteen days after the offence committed; and provided also that for any such offence the fine or forfeiture shall not be less than five shillings or more than five pounds, and that no imprisonment for any such offence shall be for a longer period than two calendar months; and that such imprisonment shall be at the expence of the said Corporation.

Penalties to be paid into Treasury of Town Council.

XXVIII. And be it enacted, That all the penalties recovered under the provisions of this Act shall be paid into the Treasury of the said Town Council, and the proceeds of all Licenses granted under this Act, and any income of whatsoever nature shall form part of the public funds of the said Town, any law or usage of this Province to the contrary notwithstanding, and shall be applied in the same manner as other monies coming into the said Treasury may be applied for the public uses of the said Town.

Rates if not paid within a certain time to be levied by distress and sale.

XXIX. And be it enacted, That if any person shall neglect or refuse to pay the sum or rate for which he or she stands rated in the manner hereinbefore mentioned, for the space of ten days after demand duly made of the same by the Collector, or other Officer to be appointed by the said Town Council for that purpose, the said Collector or other Officer, shall, and he is hereby required to levy the same by distress and sale of the goods and chattels of the person so neglecting or refusing to pay, after having obtained a warrant for that purpose from some one of the Justices of the Peace for the District of Dalhousie, who is by this Act authorized to grant the same, upon information made on oath before him of the neglect or refusal to pay the said assessment, and to render the surplus (if any) over and above the said rate to the owner thereof, after deducting the legal charges of the distress and sale.

Vacant lots belonging to non-residents, on which the rates shall not be paid, may be sold.

Proviso: Property to be first advertised.

Owners may resume possession on paying costs, into-

XXX. 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 sufficient distress shall be found therein, (except as hereinbefore provided,) then and in such case it shall and may be lawful for the Mayor of the Town Council to issue a precept under the corporate seal of the said Town Council to the Sheriff of the Dalhousie 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 arrears 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 a public newspaper published in the Dalhousie District, for three months next preceding such sale; and all owners of property sold under the authority of this clause in 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

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

rest, and percentage in one year.

XXXI. And be it enacted, That the said Town Council shall assemble at least once in each month for the transaction of the business of the said Town, and shall hold their sittings in the Town Hall, when such a building shall have been provided, and until such a suitable public building shall have been provided, the said Town Council shall determine on the place of meeting, and that a majority of the said Town Council shall be a *Quorum* 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 By-law of the said Town Council.

Sittings of the Town Council, when and where to be held.

Proviso as to adjournments.

XXXII. And be it enacted, That the Sheriff and Jailer of the District of Dalhousie 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 Town Council or any Member thereof under the authority thereof.

Sheriff and Jailer to obey committals by Town Council.

XXXIII. And be it enacted, That except in General or Adjourned Quarter Sessions, the Magistrates of the District of Dalhousie, as such Justices, shall exercise no jurisdiction over offences committed within the said Town of Bytown, except in such cases as are excepted by this Act; and that the Members of the Town Council 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, whether they have or have not the perfect qualification required of other Justices of the Peace: Provided always, that nothing in this Act shall be construed to give the Members of the said Town Council 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 Court of General Quarter Sessions in the same manner as is now provided by law, from any conviction of one or more Members of the said Town Council, 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 Town Council for any thing done by him as a Justice of the Peace as aforesaid, he shall be entitled to and receive the same notice of action as is now required to be given to Justices of the Peace in other cases.

What Jurisdiction the Justices of the Peace for the District shall have in the Town.

Members of the Town Council to be Justices for the Town.

Proviso: They shall not sit in Quarter Sessions, &c.

Appeal given in certain cases.

Proviso: Members to have notice of action as other Justices.

XXXIV. And be it enacted, That any contested election, either as to the qualification of the Members or that of the voters, or on any other ground whatsoever, shall be determined by the Member or Members whose return shall not be disputed, and the scrutiny shall take place within four days after the election complained of, and in case of the same being declared void from any of the above causes, or from any riotous or disorderly proceeding at such election, that a new election shall take place within eight days thereafter, such election to be held by the proper Officer, to whom a precept shall issue, and he shall be required to give four days' notice of such new election, by affixing not less than three notices in the Ward in which such election is to be held: Provided also, that the Town Council are hereby empowered to expel, punish or fine any Member of the said Town Council for disorderly or improper conduct.

How contested elections shall be decided.

New election to be ordered if the first be declared null.

Proviso.

XXXV.

Oath to be taken by any Member acting at such trial or scrutiny.

XXXV. And be it enacted, That before any Member of the said Town Council shall enter upon any such trial or scrutiny, he shall take an oath in the following form, before one of the Justices of the Peace for the District of Dalhousie, that is to say :

“ I do solemnly swear that I will truly and impartially, to the best of my judgment, try and determine the merits of the complaint against the election of A. B. ; So help me God.”

Witnesses summoned and not attending &c may be committed.

XXXVI. And be it enacted, That any witness who, being duly summoned to attend upon such trial of scrutiny, or upon any complaint before the Town Council, shall wilfully neglect or refuse to attend, shall, on conviction thereof before one of Her Majesty's Justices of the Peace for the District of Dalhousie, having been duly summoned to answer such complaint, be liable to be imprisoned, on the commitment of such justice, in the Common Jail of the said District, for a space of time not exceeding one calendar month ; and if any witness shall, upon any trial or scrutiny, wilfully and corruptly swear falsely, (and the Members of the said Town Council are hereby empowered to examine all such witnesses on oath and to administer such oath,) he or she shall be deemed guilty of wilful and corrupt perjury.

False swearing to be perjury.

Town Council not to be dissolved by failure to elect ; but the election may be thereafter had.

XXXVII. And be it enacted, That in case it shall at any time happen that an election of Members for the said Town Council shall not be had on any day when in pursuance of this Act it ought to have been had, the said Town Council shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold an election of a Member or Members in such manner as shall have been regulated by the Laws and Ordinances of the said Town Council.

Mode of filling a vacancy in the office of Mayor.

XXXVIII. And be it enacted, That in case of a vacancy occurring in the office of Mayor of the said Town Council, either by his death, absence or from any other cause, the Members shall elect another of their number to fill that office ; and he shall hold the same until the vacancy is legally filled up.

In case of equality of votes at any election the person presiding shall give a casting vote.

XXXIX. And be it enacted, That in case an equality of votes should happen at any election of the Members of the said Town Council, in any or either of the said Wards, it shall and may be lawful for the person presiding at the said election to give a casting vote ; and he shall not be required to be possessed of the qualification necessary to enable him to vote at the said election for the said Wards respectively.

Corporation may borrow a certain sum.

XL. And be it enacted, That it shall and may be lawful for the said Town Council to borrow a sum of money not exceeding three thousand pounds, of or from any person or persons, body corporate or politic, who may be willing to lend the same, for the purpose of building a Market-house or such other public buildings, improvements, or investment as the said Town Council may deem expedient.

Interest to be provided for and principal paid off in twenty years.

XLI. And be it enacted, That the said Town Council shall set apart so much of the assessments authorized by this Act to be raised for the use of the said Town, as will be sufficient to pay the yearly interest of any such sum or sums of money as may be borrowed, and to liquidate the principal in a term not longer than twenty years, from and after the time when such loan shall have been made.

XLII. And be it enacted, That if any action or suit shall be brought against any person or persons, for any matter or thing done 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, and give this Act and the special matter in evidence on the trial.

Time for bringing suit for things done under this Act limited.

General issue.

XLIII. And be it enacted, That no Clergyman of the Church of England or Scotland, nor any Priest of the Church of Rome, nor any Clergyman or Minister of any denomination whatever, shall be capable of being elected or serving as a Member of the said Town Council.

Certain persons not to be Members of the Corporation.

XLIV. And whereas doubts have arisen whether the side line between lots B. and C. in concession C. and D. of the Township of Nepean upon which Wellington and Rideau Streets in Bytown are laid out is accurately laid down according to the original Survey; and whereas these streets are principally built with valuable buildings, and much injury might arise from altering the present lines of the streets without any corresponding advantages to any party, and in order to preserve the present width and uniformity of said streets in straight lines on each side from the present buildings in Upper and Lower Bytown across the vacant ground: Be it therefore enacted, That the line upon which Wellington and Rideau Streets respectively as they now exist and are laid out, shall be deemed to be the true side line and streets between the said lots B. and C. in the concessions C. and D. any law to the contrary notwithstanding, and the present location and width of the said streets shall not be disturbed; Provided always, that the access to the Sappers' Bridge from the West end of Rideau Street and the East end of Wellington Street, shall not be altered, obstructed or contracted on the Ordnance reservation for the Canal although such Bridge shall not be in a direct line with the said respective streets.

Recital.

The present line of Wellington and Rideau Streets confirmed.

Proviso: access to the Sappers' bridge not to be interrupted.

XLV. And be it enacted, That the words "party" or "person," shall apply to a body politic or corporate as well as to a natural person; and all words importing the singular number or the masculine gender only shall include several persons and things of the same kind, and females as well as males, and the converse, unless there be something in the subject or context repugnant to or inconsistent with such construction; and whenever power is by this Act given to any officer or functionary to do or enforce the doing of any Act, all such powers shall be understood to be also given as shall be requisite to enable such officer or functionary to do or enforce the doing of such act; and generally all other words, terms and phrases in this Act shall receive such fair and liberal interpretation as shall be best adapted to give full effect to this Act, according to its true intent, meaning and spirit.

Interpretation clause.

Necessary powers to be understood.

General rule.

XLVI. And be it enacted, That this Act shall be a Public Act, and shall be construed and judicially noticed as such by all Judges and Justices of the Peace and by all other persons whomsoever.

Public Act.