



ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. XLV.

An Act to incorporate the Town of Dundas.

[28th July, 1847.]

WHEREAS from the great increase of population in the Town of Dundas, in the District of Gore, 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, 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 Dundas, a Town Council, 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 Town Council of Dundas*, 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 Town Council established and incorporated.

Corporate name and powers.

II. And be it enacted, That the said Town of Dundas shall be comprised within the following limits or boundaries, that is to say: Commencing on the division line between the property of George Rolph, Esquire, and the property of the late Harker Lyons, on the York Road, thence following the said road westerly to the road leading up the mountain to John Keagy's, the younger, thence in a straight line by compass to a monument within a few feet of the site of the old Oat-meal Mill, thence across the creek or stream to a stone monument placed at the distance of five hundred feet from the west bank thereof, thence following the said creek or stream at a distance throughout of five hundred feet from the west and south bank thereof, to where a stone monument is placed south of Mr. Ewart's mill-dam, thence running in a straight line to a stone monument placed on the boundary line between the property owned by John O. Hatt, Esquire, and the estate of the late Manuel Overfield, thence to a stone monument placed on the boundary line between the property owned by Thomas Hatt and the said John O. Hatt, thence along the said boundary line to a stone monument placed in South Street, thence following South Street till it intersects East Street, thence descending the hill in a northerly

Limits of Town of Dundas defined.

northerly direction till it intersects the Governor's Road, thence following the said road easterly to a stone monument placed in a line at right angles with the place of beginning, thence along the said line 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":

Limits of
Ward Num-
ber One.

That, Ward Number One shall consist of all that part of the said Town described as follows: Commencing on the Sydenham Road at the northern boundary of the said Town, thence running along the said Sydenham Road until it intersects King Street, thence along the said King Street in an easterly direction until it intersects Main Street, thence along the said Main Street until it intersects Baldwin or Flamboro' Street, thence along the same to the Basin of the Desjardin's Canal, thence along the said canal until the eastern boundary or limit of the said Town is intersected, thence following the said eastern boundary to the northern boundary line of the said Town, thence following the same to the place of beginning.

Ward Num-
ber Two.

That, Ward Number Two shall consist of all that part of the said town described as follows: Commencing on King Street at a post planted between the lands owned by Orlando Morley and John Walker, thence running south to the southern boundary of the said town, thence along the said boundary to the eastern boundary until the Desjardin's Canal is intersected, thence along the said Canal in a westerly direction until East Street is intersected (Coates' Paradise), thence along Baldwin or Flamboro' Street to Main Street, thence along the said Main Street in a northerly direction till it intersects King Street, thence along the said King Street to the place of beginning.

Ward Num-
ber Three.

That, Ward Number Three shall consist of all that part of the said town described as follows: Commencing on King Street at a post planted between the lands owned by Orlando Morley and John Walker, thence along the said King Street west until it intersects Peel Street, thence south until James Street is intersected, thence westerly along the said James Street until it intersects the western boundary of the said town, thence along the western and southern boundary of the said town until the boundary between Wards Number Two and Three is intersected, thence northerly to the place of beginning.

Ward Num-
ber Four.

That, Ward Number Four shall consist of all that part of the said town described as follows: Commencing at the northern boundary of the said town on the Sydenham Road, thence following the northwestern limits of the said town, to a stone monument within a few feet of the site of the Old Oatmeal Mill, thence across the stream or creek to a stone monument placed at the distance of five hundred feet from the west bank thereof, thence along the western boundary of the said town to a stone monument placed on a line at right angles with James Street, thence along James Street easterly until Peel Street is intersected, thence along Peel Street to King Street, thence along King Street to Sydenham Road, thence along Sydenham Road to the place of beginning.

Election of
Members of
Town Coun-
cil, their qua-
lification, &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 Town Council 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

or Assessors for the Town, at the rental or annual value of fifteen 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 Town Council 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 Member of the said Town Council who shall be a Minister, Priest, Ecclesiastic or Teacher under any form or profession of religious faith or worship.

Proviso.

V. And be it enacted, That the persons entitled to vote at either of the Wards, for the election of such Members, shall be male inhabitant freeholders resident within their respective Wards, being subjects of Her Majesty, whose names shall be entered upon the last Assessment Roll of 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 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 five 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 the Members of the said Town Council; 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 Town Council under the limitations and provisions hereinbefore contained.

Qualification of Voters.

Where each shall vote.

First election

VI. And be it enacted, That the first election of four Members for the said Town Council under this Act shall be holden on the first Monday in September next at some place within each Ward respectively, to be appointed by two or more Magistrates resident within the limits of the said Town, for the time being, who shall give public notice at least six days previous to the election, at which election, the Senior Magistrate residing within the limits of the said Town shall be the Returning Officer, who shall preside himself at one of the Wards and shall appoint a deputy to preside at each of the other three Wards, who 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 three of the clock of the afternoon on the said first Monday in September next, and at the close of the poll at the hour aforesaid shall declare the persons who 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 the officers to be appointed by the said Town Council, the time, place and all proceedings, to be had in 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 September next year, and until a new Council shall be chosen and formed as hereinafter mentioned; and that on the first Monday in September in every year, after the first election, an election shall be holden in each Ward of the said Town of Dundas, for choosing Members of the said Town Council 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.

Oath of persons presiding at such election.

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 Gore is hereby authorized to administer, that is to say :

Oath.

“ I do solemnly swear, that I will faithfully and impartially, to the best of my ability, discharge the duty of Presiding Officer at this election which I am about to hold for a Town Council in the Town of Dundas: So help me God.”

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 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 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 Council elected as aforesaid, after notice thereof, shall neglect or refuse for two 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 as is hereafter 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 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 Town Council.

Proviso as to persons absent or publicly refusing to be candidates.

Election of a fifth member and of the President

XI. And be it enacted, That after the first and every subsequent election of Members of the said Town Council, so soon as they shall respectively have taken the oath of office hereinafter contained, it shall be the first duty of the said Town Council, 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

of a President from their number; and as soon as they shall have chosen a President, the said Town Council 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 Council may seem meet, and of removing the said officers at pleasure; and in case the Members of the said Town Council cannot agree in the election of such fifth Member, they shall issue a precept to the Senior Magistrate residing within the Town after the first election, and to any one of the Bailiffs so to be appointed as aforesaid after every subsequent election, requiring him to appoint some proper time and place within the said Town, giving forthwith six days' notice thereof, and then and there proceed to the election of such fifth Member of the Town Council by the electors of the Town generally, at which election the said Magistrate shall preside after the first election of Members, and the said Bailiff so to be appointed as aforesaid, (to whom the said precept shall be directed after every subsequent election,) and the Magistrate or Bailiff, as the case may be, shall declare that person elected who shall have the greatest number of votes of the persons present qualified to vote, and shall give notice thereof to the person so elected within three days after such election: Provided always, that should the office of President of the said Council become vacant from any cause whatsoever, it shall and may be lawful for the said Council, 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 Council; and during the absence of the President, the said Council 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 President of the said Council; that the services of the Members of the said Town Council shall be wholly gratuitous, and that the oath to be taken by the Members of the said Town Council 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 Town Council of the Town of Dundas, 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 Town Council, 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 Town Council shall issue a precept to the proper officer, who (unless otherwise ordered by the said Town Council) 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 Town Council, 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 to vote at such election.

Power to make By-Laws.

Appointment of Officers.

Fifth Member how chosen, in case of disagreement of the other four as to such Member.

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.

Contested
elections of
Members to be
decided by the
Town Council.
Scrutiny.

XIV. And be it enacted, That if the election of any Member of the Town Council 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 Town Council, requiring the said Town Council 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 Town Council 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 Town Council 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 Town Council shall issue their precept for a new election, as in the other cases under this Act.

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 Town Council 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 Town Council 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 Town Council of the Town of Dundas.”

Punishment
of witnesses
refusing to at-
tend.

False swear-
ing

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 of Her Majesty's Justices of the Peace for the Gore District, 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 District for a term 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.

On what sub-
jects the Town
Council may
make By-
Laws.
Roads and
Streets.

Cattle, &c.
running at
large.

Dogs.

XVII. And be it enacted, That the said Town Council of Dundas shall have full power and authority from time to time to make, revise, alter and amend, administer and enforce such By-laws as they may deem proper for making, gravelling, flagging, paving, pitching, levelling, raising, repairing, mending, lighting, macadamizing and cleaning any of the streets, squares, alleys, lanes, walks, side-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; and to regulate or restrain cattle, horses, sheep, goats, swine and other animals, geese or other poultry, from running at large within the limits of the said Town; and to prevent and regulate the running at large of dogs, and to impose a reasonable tax upon the owners or possessors thereof; to regulate or prevent

prevent the encumbering or injuring the streets, squares, lanes, walks, side-walks, cross-walks, roads, highways, bridges, public wharves, docks and slips with any wheelbarrows, carts, carriages, lumber, stones, merchandize or other materials whatsoever; to prevent the selling or vending by retail in the public highways, any meat, vegetables, fruits, cakes, cider, beer or other beverage whatsoever; to prevent the sale of any strong or intoxicating drink to any child or apprentice or servant without the consent of his legal protector; to prevent the immoderate riding or driving horses or other cattle in any of the public highways of the said Town; to prevent the leading, riding or driving horses upon the side-walks of the streets or other improper places; to regulate wharves 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 on 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, cartmen 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, mountebanks or jugglers usually practise or perform, and to limit the number and to provide for the purpose of licensing of the same: to regulate and prevent the firing of guns, pistols and other fire arms and to prevent the making 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 said Town; to regulate any ale-houses, victualling houses and all houses where fruit, cysters, clams or victuals may be sold or eaten or drunk therein, and all other places for the reception and entertainment of the public, and to limit the number of them and to provide for the proper licensing of them at such rates as to the Town Council 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 Town Council 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 cleaning 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

Incumbering the streets, &c.

Selling in the streets.
Sale of strong liquors.

Immoderate driving, &c.
Obstructions in Canal, &c.

Bathing, &c.

Tippling.

Sabbathbreaking.

Exhibitions.
Cruelty to animals.
Gambling.

Theatres.
Certain callings.

Circus Riding shows, &c.

Fire arms and fire works.

Nuisances.

Taverns, and eating houses, &c.

Public weigh-houses.

Sales of certain articles or by certain persons.

Assize of Bread.

Vending of meat, &c.

Markets. Regulations for preventing fires, &c. and improving the town, &c.
Ashes.

Chimnies.

any

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 keeping of fire buckets, ladders and fire hooks, and the making them a part of the real property to which they are attached ; to preserve, erect 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 to 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 Town Council, and to displace all or any of them as often as the said Town Council shall think fit ; to establish or regulate one or more Pounds ; to direct the returning and keeping the bills of mortality and to impose penalties on physicians, sextons and others for default in the premises ; to regulate the Police of the Town ; to preserve the wells, pumps and cisterns and to provide for the supply of good and wholesome water to the said Town, and to prevent the waste of water ; to regulate the bonds, recognizances and other securities to be given by all Municipal Officers for the faithful discharge of their duties and the amount for which the same shall be taken ; to inflict reasonable penalties and fines for the refusing to serve in any Municipal Office when duly elected or appointed thereto, and for the infringement of any and every law of the said Town ; to regulate the time and place of holding elections for such Municipal Officers as are elective and to make provision for a Register of Electors or Voters for Members of the Town Council ; 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 Gore 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, nine pence in the pound upon the assessed value of property lying and being within the limits of the Town according to the real rack-rent or full yearly value thereof ; to require the Road Labor of the said Town to be commuted for money, and such money 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 ; 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 Town Council 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 Jail of the said Gore District for a period of not more than thirty days or less than one day ; and that such imprisonment shall be at the expense of the Town Council : and provided also, that

Gunpowder.

Lights in stables, &c.

Conduct of inhabitants at fires.

Supply of Water at fires.

Prevention of depredations thereat.

Pulling down houses.

Watching. Appointing Officers.

Pounds.

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 Labor.

General provision.

Limitation of Penalties.

Imprisonment

Proviso.

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 carrying the several purposes of this Act into execution, and for the securing, raising and paying any monies which shall or may be borrowed under the authority thereof, and the interest of such monies, there shall be made, assessed and levied under the authority of the Town Council at yearly periods not later than the first Monday in March in each year, a certain rate and assessment upon all and every person who shall inhabit, hold, use and occupy any house, shop, warehouse, manufactory, building, or piece or parcel of land being a separate tenement, situate, lying, and being within the said Town, according to the yearly value thereof, respectively, to be ascertained in manner hereinafter mentioned; and the time for which the first yearly rate or assessment under this Act shall be held to be given, shall be the first day of March, one thousand eight hundred and forty-eight, and shall end the last day of February in the year following, and the Assessor or Assessors of the said Town, in addition to the duties devolving upon them by any Act of the Parliament of this Province, shall make a fair return of the Assessment Roll of their respective Wards to the said Town Clerk on or before the fifteenth day of April in each year, who shall furnish to the Treasurer a true copy duly certified.

Certain rates and assessments to be levied, &c. yearly.

XIX. And be it enacted, That, except as respects vacant grounds or other property hereinafter specially mentioned and provided for, the annual value of all such houses, shops, warehouses, manufactories, buildings, gardens, grounds, lands, tenements, and parts and portions thereof, being separate tenements as aforesaid, so as to be rated and assessed as aforesaid, shall be settled according to the real-rack rent or full yearly value, which said rent or yearly value shall be ascertained by the said Assessor or Assessors once in each year: Provided always, that the said Assessor or Assessors shall in every instance wherever they can truly ascertain the same, assess the said yearly value at the annual rent actually and *bonâ fide* charged or paid for such premises, and no more.

Annual value of houses, shops &c. to be settled according to real rack rent.

Proviso.

XX. And be it enacted, That all vacant lots situate within the limits of the said Town shall be taxed according to their actual value; the legal annual interest of that valuation shall be the basis of the tax to be levied upon them.

Vacant Lots.

XXI. And be it enacted, That the rate or rates aforesaid shall also be raised and assessed upon the owners or possessors of the following chattel property, that is to say: Stallions (kept for covering mares,) horses, and horned cattle as hereinafter mentioned, coaches, phaetons, curricles, gigs, wagons, sleighs and other carriages kept for pleasure only, or for hire according to the yearly value thereof, as 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 or effects herein enumerated which shall belong to or be in the sole and actual possession, control or occupation of Her Majesty, Her Heirs or Successors, and shall not be leased to individuals nor to any churches, chapels, places of public divine worship, school houses (when not used as dwellings) or burying grounds.

The said rates to be also levied upon owners of chattel property in this section mentioned.

Proviso.

XXII. And be it enacted, That every lot and parcel of ground whereon any house or other building or houses or buildings to be valued as aforesaid, are situate and being held

Lots of Land to be valued

with houses in certain cases. held therewith as the same tenements, when such lot of ground is not above half an acre in extent, and to the amount of half an acre thereof, shall be assessed and valued with the house or building, houses or buildings thereon, and the overplus (if any) over half an acre, shall be valued as a separate tenement and vacant ground.

Values at which certain personal property shall be assessable. XXIII. And be it enacted, That all chattel property hereinafter named and mentioned, shall be assessed at the following sums respectively, that is to say: Every stallion (kept for covering mares) for hire or gain, at forty pounds of yearly value; every other horse, mare or gelding, three pounds; every head of cows and other horned cattle, one pound;—on each of the following vehicles kept for pleasure only as follows: Every close four wheeled carriage, fifty pounds of yearly value; every phaeton or other open four-wheeled carriage, thirty pounds; every pleasure wagon or other carriage, buggy or gig, twelve pounds ten shillings;—on each of the following vehicles kept for conveying passengers for hire or gain only: Every four wheeled carriage, twelve pounds; every two wheeled carriage, eight pounds; for every two horse sleigh kept for pleasure only, at twenty-five pounds yearly value; and every one horse sleigh kept for pleasure only, at twelve pounds ten shillings of yearly value; for every two horse sleigh kept for conveying passengers for hire or gain only, ten pounds of yearly value.

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

Assessors to be sworn. XXV. 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 Town Council 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 Town Council is hereby authorized to administer.

Duty of the Assessors. Valuation. Notice of valuation. Deposit of assessment Rolls. Correction of such rolls. XXVI. And be it enacted, That it shall be the duty of the Assessor or Assessors of the said Town, to make such valuation according to rack-rent as aforesaid, as soon as conveniently may be, on the requisition of the President or acting President of the said Town Council, in pursuance of any resolution of the said Town Council authorizing any such valuation as aforesaid, and also to leave for every person or persons so rated, whether he, 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 Town Council of the said Town, or such other person as by the said Town Council 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 Rolls, book or return, it shall and may be lawful for such person or persons within six days after the said notice shall have been given or left at his, her or their residence as aforesaid, to give notice in writing to the President or

or acting President of the said Town Council, of the overcharge complained of, and the same shall be tried by the said Town Council at such times and meetings of the said Town Council, 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 Town Council shall by a majority of voices or votes finally decide and determine upon such complaint, and affirm or amend the return of such Assessor accordingly: Provided always, that if the said complaining party shall neglect to appear at such meeting of the said Town Council, he or she having had reasonable notice thereof as aforesaid, the said Town Council 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 Town Council that the value has in any case been given in or returned 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 Town Council at which the said matter shall be heard, and the same shall be finally determined by the said Town Council in like manner as aforesaid, after hearing the said parties and their witnesses upon oath or affirmation as aforesaid, and that the said Town Council shall have power to adjourn as they shall see fit.

Trial of complaints against assessment Rolls.

Proviso. Complainant neglecting to appear.

And if property be rated too low.

XXVII. And be it enacted, That any member of the Town Council 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 Town Council shall have full power and authority to issue a summons for each witness who shall be required to attend before the said Town Council, 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 Town Council 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 Town Council, to commit such person to the Common Jail of the Gore 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 cognizance thereof.

Summoning of Witnesses, administering oaths, &c.

Fine for non attendance, &c.

Imprisonment.

Proviso.

False swearing to be perjury.

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

Town Council to make a yearly rate.

Limitation of Rate.

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

Town Council empowered to grant relief from rates in certain cases.

rate by this Act imposed; and on hearing such case or cases it shall and may be lawful for the said Town Council to compound for or receipt the whole of any such rate or rates.

By whom the rates shall be paid.

XXX. And be it enacted, That all proprietors, lessees and others, who shall let for rent, any 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 Town Council.

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 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 labor, 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.

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

XXXII. And be it enacted, That if any person or persons rated or assessed as in manner herein directed, shall refuse or neglect to pay the rates or assessments charged upon him, 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 Town Council, for a warrant to the High Bailiff, or any Constable of the said Town, to enter into the house or houses, or other dwellings or premises of such person or persons, and seize and take possession of his, her or their goods and effects, whether in the Ward in which the assessed property is situated or elsewhere in the said Town, which warrant the President or acting President of the said Town Council 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; and 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 of 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 Town Council, and on proof upon oath (or affirmation, as the case may be) 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 any Member of the said Town Council, to commit such person to the

Sale of property seized.

Mode of collecting the Capitation Tax.

the Common Jail of the District of Gore until such rate shall be paid : Provided always, Proviso.
that such imprisonment shall not exceed in any case thirty days.

XXXIII. And be it enacted, That from and after the passing of this Act, every landlord, proprietor, factor or agent, who shall wilfully grant a certificate or receipt which contains a less sum than the rent really paid or payable for the premises therein mentioned or referred to, and every tenant who shall present to the Assessor as aforesaid or otherwise alter or publish such a receipt or certificate, 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 the breach of any of the By-laws or regulations thereof. Penalty for falsely relating amount of rent.

XXXIV. And be it enacted, That in all cases where the person who shall be rated in respect of any vacant ground or other real property within the Town, shall not reside within the said Town, and the rates and assessments payable in respect of such vacant ground or property, shall remain due and unpaid for the space of four years, and no distress shall be found therein, then, and in such case, it shall and may be lawful for the said Town Council to issue a precept to the Sheriff of the Gore 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 two newspapers published in the Gore 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 additional five per centum on the purchase money. Sale of real property for arrears of rates.

XXXV. And be it enacted, That in case it shall at any time happen that an election of Members of the said Town Council shall not be made on the day when, pursuant to this Act, it ought to have been made, the said Town Council 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 Town Council. Proviso: redemption of property seized by owner.

XXXVI. And be it enacted, That any rule or regulation of the said Town Council 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 Ward every year, one month previous to each general election for members to serve in the said Town Council, an account of all monies received into the Treasury, and the amount expended, and for what purpose. Town Council not to be dissolved from failure of any election.

XXXVII. And be it enacted, That if any person shall transgress the orders or regulations made by the said Town Council under the authority of this Act, such person shall, for every offence, forfeit the sum which in every order, rule or regulation shall be specified, with costs, to be recovered by information before the said Town Council, By-Laws imposing penalties to be published ;

And accounts yearly.

Made of enforcing payment of penalties imposed by By-Laws.

or

Inhabitants of Dundas may be witnesses. Proviso: limitation of time for prosecution.

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 Jail of the Gore District, for a term, in the discretion of the members of the said Town Council, 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 Dundas: Provided always, that the information and complaint for any breach of any order or regulation of the said Town Council shall be made within fifteen days next after the time of the offence committed.

Application of penalties.

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

Protection of persons acting under this Act.

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

Place of meeting.

XL. And be it enacted, That the said Town Council shall assemble at 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 Town Council shall determine on the place of meetings of the said Town Council.

Sheriff and Jailer to detain persons committed under this Act.

XLI. And be it enacted, That the Sheriff and Jailer of the District of Gore 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.

Justices for the District not to have jurisdiction in the Town except in certain cases.

Proviso: as to Quarter Sessions.

Proviso: Protection of Members of Town Council when acting as Magistrates.

XLII. And be it enacted, That, except in General or Adjourned Quarter Sessions, the Justices of the Peace for the Gore District, as such Justices, shall exercise no jurisdiction over offences committed within the Town of Dundas; 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: 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 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 Town Council, when such conviction shall have been made in the exercise of their magisterial duty and apart from the enforcement of any By-laws or regulations: Provided also, that if any action or suit shall be brought against any member of the said Town Council, 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.

XLIII. And be it enacted, That the Town Council of the said Town of Dundas shall have full power and authority, and they are hereby authorized and empowered to raise by law a sum of money, not exceeding two thousand pounds, for the purpose of erecting a good and sufficient building of brick and 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 Town Council for that purpose, of such dimensions as to the said Town Council may seem expedient; and the said Town Council 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 Town Council, 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 Town Council 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 Town Council 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 Town Council may seem expedient and prudent; and the said Town Council shall have full power and authority, and they are hereby authorized and empowered, to raise by law any sum of money not exceeding one thousand pounds, for the purposes of improvements, as the said Town Council may deem expedient; and the said Town Council 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 Town Council may see fit.

Town Council empowered to raise money by loan for a Market and Town Hall.

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

Town Council may create a sinking fund.

Town Council May raise a further loan, for improvements.

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

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

XLV. And be it enacted, That nothing in this Act contained shall be construed as giving power to the said Town Council to form or open up any street or streets through any farm or farm-lands within the limits of the said Town, without the consent of the owner or owners of the same.

Saving of the right of not having roads, &c., opened through farms without permission.

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