

CAP. LXXXI.

An Act to provide, by one general law, for the erection of Municipal Corporations, and the establishment of Regulations of Police, in and for the several Counties, Cities, Towns, Townships and Villages in Upper-Canada.

[30th May, 1849.]

WHEREAS it will be of great public benefit and advantage that provision should be made, by one general law, for the erection of Municipal Corporations and the establishment of Regulations of Police in and for the several Counties, Cities, Towns, Townships and Villages in Upper-Canada: And whereas, with a view to this object, certain Acts of the Parliament of this Province, and certain others of the Parliament of the late Province of Upper-Canada, have, by an Act passed during this present Session of Parliament been repealed: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly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-write 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 this Act shall commence and have force and effect upon, from and after the first day of January, in the year of our Lord, one thousand eight hundred and fifty, and not before; excepting always such of its provisions as may require that any thing be done preparatory to the first elections to be held under it, which provisions shall be in force immediately upon, from and after the passing thereof.

Preamble.

Commencement of this Act.

Exception as to preparatory proceedings.

I. TOWNSHIPS.

II. And be it enacted, That the inhabitants of each Township in Upper-Canada, which shall have one hundred or more resident freeholders or householders on the Collector's Roll thereof, for the last year that the same shall have been made up, prior to the time this Act is appointed to come into force, shall be a Body Corporate, and as such shall have perpetual succession and a Common Seal, with power to break, renew and alter the same at pleasure, and shall be capable of suing and being sued, of pleading and being impleaded in all Courts and places whatsoever, of purchasing, acquiring and holding lands and tenements, and other real and personal property within such Township for the use of the inhabitants thereof, in their corporate capacity, and of making and entering into such contracts as may be necessary for the exercise of their corporate functions, and that all such powers shall be exercised by, through and in the name of the Municipality of each Township respectively.

Inhabitants of Townships incorporated.

Their Corporate powers.

How exercised.

III. And be it enacted, That it shall be the duty of the Municipal Council for each District in Upper-Canada, at a Special Meeting to be held for that purpose on the second day of October next after the passing of this Act, and to be continued by adjournment from time to time to such period not being beyond the second day of November next thereafter, as may be necessary for completing the business hereby imposed upon them, by a By-law to be passed for that purpose at such meeting, to attach every Township lying within any County in their District which shall have within it less than one hundred resident freeholders and householders on the Collector's Roll for the last year, that the same shall have been made up prior to the said second day of October next, to some other adjacent Township lying within the same County, and such

Townships having less than a certain population to be united to others, and how.

Which shall be the Junior Township.

As to Townships newly laid out or having less than a certain population after 1st Jan. 1850.

As to Townships having Rural Wards.

Word "Township" interpreted.

Townships may be divided into Rural Wards, and how.

A place in each Ward to be appointed for elections, &c.

Publication of By-laws for a division into Wards.

Copy of By-laws to be sent to the person ap-

such Township so united or attached to such adjacent Township, shall, until the dissolution of such Union as provided for by this Act, be known as the Junior Township of such Union of Townships, and be represented in one Municipality in common with such adjacent Township, which shall in like manner be known as the Senior Township of such Union; and from and after the first day of January next, after the passing of this Act, every Township newly laid out by the Crown, or not having within it one hundred resident freeholders and householders on the Collector's Roll, and not then already attached to or united with any other Township as aforesaid, shall, by a By-law of the Municipal Council of the County in which such Township shall be situate, be united for the purposes of this Act to such adjacent Township, in such County as such Municipal Council shall think fit, and also to some one particular rural Ward of such Township, where such last mentioned Township shall have been divided into such Wards, or part of it to one of such Wards and part of it to another of such Wards, with a view to the representation of the freeholders and householders thereof, in the Municipality of such United Townships, and all such Townships shall, while they shall continue so united, be called *The United Townships of* mentioning their names, and the word Township, shall for the purposes of this Act, be held and considered to apply to and include Townships so united as well as single Townships, and such Unions may be made to consist of two or more Townships, as convenience may require.

IV. And be it enacted, That it shall and may be lawful for every such Municipal Council if they deem it expedient so to do, in and by such By-law, to divide each of the Townships (including Unions of Townships as aforesaid,) in each County, into rural Wards, for the election of Township Councillors, for such Township excluding from such Wards any and every Incorporated Village, Town or City, and the liberties thereof lying within the limits of such Township, which Division into rural Wards shall be made in such manner that the several Wards in each of such Townships shall, as regards the number of freeholders and householders entitled to vote at the election of Township Councillors for the same, respectively, be as nearly equal as practicable, regard being however also had to the convenience of such freeholders and householders, and to the rendering each of such rural Wards as compact as circumstances will permit.

V. And be it enacted, That every such Municipal Council, whenever by such By-law they shall divide any such Township into rural Wards as aforesaid, shall in the same By-law appoint a convenient place in each of such Wards for holding the election of Township Councillors for such Ward, and shall also appoint a fit and proper person to hold the first election of a Township Councillor in each of such Wards respectively.

VI. And be it enacted, That copies of every such By-law shall be published by every such Municipal Council, twice at least in the Official Gazette of this Province, and at least four times in some public newspaper, if any there be published in such County, and copies thereof shall be moreover posted up in the four most public places in each Township in such County.

VII. And be it enacted, That every such Municipal Council, whenever by such By-law they shall divide any such Township into rural Wards as aforesaid, and shall fix the places for holding the first elections in such Wards and appoint Returning Officers for

for holding the same, shall cause a copy of such By-law under their seal to be delivered to the person appointed to hold the election for each of such Wards, or to be left for him at his usual place of residence, one calendar month at least prior to the time for holding the election, and every such person shall and he is hereby required to hold the first election of Township Councillor for the Ward to which he shall be so appointed, and in default thereof shall be liable to a penalty of not more than Ten pounds for his default in the premises.

pointed to hold the election in a Rural Ward, &c.

VIII. And be it enacted, That it shall and may be lawful for the Municipality of each Township from time to time by any By-law or By-laws to be passed for that purpose, to divide such Townships anew into several Wards as aforesaid, re-arranging the same so as more effectually to accomplish the objects aforesaid, every which division by such Municipality shall supersede that so to be made by such District or County Municipal Council as well as every previous division made by such Municipality itself; Provided always, nevertheless, that no such first mentioned By-law shall be of any force or effect unless the same shall have been passed by a vote of at least four fifths of the members of such Municipality for the time being.

Any Township division into Rural Wards may be altered.

Proviso as to By-law for altering it.

IX. And be it enacted, That it shall and may be lawful for the Municipality of each Township from time to time by any By-law or By-laws to be passed for that purpose, to appoint a fit and convenient place in each of the several Wards into which such Township shall be divided for holding the election of Township Councillors therefor, every which appointment shall supersede that made by such District or County Municipal Council, as well as any appointment previously made by such Municipality.

Place for holding elections may be altered.

X. And be it enacted, That it shall be the duty of every Township Municipality whose Township shall be divided into rural Wards as aforesaid, to appoint annually fit and proper persons to be the Returning Officers for holding the elections of Township Councillors in the several rural Wards into which such Township shall be so divided.

Returning Officers to be appointed.

XI. And be it enacted, That whenever any Junior Township of any such Union of Townships as hereinbefore mentioned and provided for, shall have within it one hundred resident freeholders and householders on the Collector's Roll, it shall and may be lawful for the Municipal Council of the County in which such Township shall lie, if they shall deem it expedient so to do, by a By-law to be passed for that purpose within the first nine calendar months of the following year, to divide such Junior Township into rural Wards, to fix the place for holding the first election of Councillors in each of such Wards, and to appoint Returning Officers for holding the same, and otherwise to provide for the due holding of such elections, as nearly as may be in the manner prescribed in and by the fourth, fifth, sixth and seventh preceding sections of this Act.

Provision as to division of the Junior Counties into Wards in case of separation.

XII. And be it enacted, That whenever any Junior Township of any such Union of Townships as is hereinbefore mentioned and provided for, shall have within it one hundred resident freeholders and householders on the Collector's Roll, such Junior Township upon, from and after the first day of January in the year next but one thereafter, shall be incorporated by itself, and such Junior Township and the other Township or Townships to which it shall have been theretofore united, shall, from thenceforth to all intents and purposes whatsoever, be held and considered as separate Townships.

Provision for separation when the Junior Townships have sufficient population.

Provision as to proper alterations in the remaining Township, for elections, &c., Rural Wards, &c.

Proviso as to majority to pass the By-law.

Proviso: Commencement of By-law.

Provision as to elections if the proper alterations have not been made, &c.

Proviso: if parts of Ward remain in the Senior Township.

Number of Rural Wards in each Township.

When a Township united to another shall be incorporated by itself.

XIII. And be it enacted, That whenever any Junior Township attached or united to another as herein before mentioned and provided for, shall have within it one hundred resident freeholders and householders on the Collector's Roll, it shall and may be lawful for the Municipality of such Union of Townships, if they shall deem it expedient so to do, by a By-law to be passed for that purpose within the first nine calendar months of the following year, to divide the remaining Township or Townships of such Union anew into rural Wards, to fix the place for holding the first election of Councillors in each of such Wards after the dissolution of such Union, and to appoint Returning Officers for holding the same, and otherwise to provide for the due holding of such elections as nearly as may be in the manner prescribed in and by the eighth, ninth and tenth preceding sections of this Act: Provided always, nevertheless, firstly, that such By-law need not be passed by a vote of two thirds of the members for the time being of such Municipality as required with respect to some of such particulars by the proviso to the said eighth section, but shall be valid and effectual for all purposes whatever if passed by a majority of such Municipality in the usual way; Provided also, secondly, that every such By-law shall contain a provision limiting it to come into force and take effect upon, from and after the first day of January, upon which such Union shall be dissolved, and not before.

XIV. And be it enacted, That whenever such new Division into Wards shall not have been made by the Municipality of any Union of Townships according to the next preceding section of this Act in anticipation of the dissolution of such Union, and in consequence of the whole of any one or more of the rural Wards of any such Union of Townships lying wholly within the limits of any Junior Township of such Union, the other Township or Townships of such Union, upon the dissolution of such Union as provided for by this Act, shall be left without a sufficient number of Wards for completing the number of Councillors to which it or they shall be entitled according to the provisions of this Act, the elections of Councillors for such Senior or remaining Township or Townships, shall, after the dissolution of such Union, be made by general vote of the qualified freeholders and householders of the whole of such Senior or remaining Township or Townships at a general Township meeting to be held for that purpose at the time appointed by law, and not by rural Wards as theretofore, until the Municipality of such Senior or remaining Township or Townships shall by a By-law to be passed for that purpose have redivided such last mentioned Township or remaining Townships into rural Wards according to the provisions of this Act; Provided always, nevertheless, that whenever notwithstanding the dissolution of any such Union, parts of the Wards of which such Junior Township, or some portion thereof formed a part, shall still remain to such Senior or remaining Township or Townships, the election of Township Councillors for the same shall not be by such general vote of such Township, but by Wards as before.

XV. And be it enacted, That in every case in which any Township shall be divided into rural Wards under this Act, the same shall be so divided into five of such Wards.

XVI. And be it enacted, That whenever any Township so attached or united to another shall have within it fifty resident freeholders and householders on the Collector's Roll, such Township shall, for the year following the making up such roll and thenceforth, be incorporated by itself, and such Township, and that to which it shall

shall have been so united, shall thenceforth, to all intents and purposes whatsoever, be held and considered as separate Townships.

XVII. And be it enacted, That no part of any Incorporated City or of the liberties thereof, or of any Incorporated Town or Village, although lying within the boundaries of a Township shall, for the purposes of this Act, be held to form any part of such Township, nor shall it be lawful to appoint any election of Township Councillors to be held within the limits of any such City or the liberties thereof, or within the limits of any such Incorporated Town or Village.

No part of Cities, &c., to form part of Townships; nor shall Township elections be held there.

XVIII. And be it enacted, That without any new election, the officers and persons elected or appointed in each and every Township in Upper-Canada, or to be elected or appointed under the laws now in force therein, shall continue in office until the fourth Monday of January, in the year of our Lord, one thousand eight hundred and fifty, and until their successors shall be elected and sworn into office.

Continuation in office of present Officers, &c., of Townships.

XIX. And be it enacted, That if the Municipal Council of any District in Upper-Canada shall not think fit, within the term and the manner prescribed for that purpose, to divide any Township into rural Wards, as provided by this Act, then and until such Township shall be divided into such Wards by the Municipality thereof, the election of Councillors for such Township shall be by the votes of the electors of the whole Township at a general Township meeting, to be held at the place where the last annual Township meeting, for the election of District Councillors and the appointment of parish and Town Officers was held in each Township, or in the case of Townships united or attached to each other, as aforesaid, then at the place where the last annual meeting for such purposes was held in the Senior Townships to which such other Township or Townships shall or may be attached or united as aforesaid, and such place shall continue to be the place for holding such elections under this Act in such Township until it shall be otherwise appointed by the Municipality thereof by any By-law or By-laws to be passed for that purpose: Provided always nevertheless, firstly, that it shall not be lawful in any such By-law to appoint such place of election within the limits of any Incorporated Village, Town or City, or the liberties thereof; and provided also, secondly, that when the place at which the last Township meeting shall have been held previous to the passing of this Act, shall be within the limits or liberties of any City, Town or Incorporated Village within the meaning of this Act, it shall be the duty of the Municipal Council of the District wherein the same is situated at such special meeting as aforesaid, to appoint by By-law some place within such Township and without the limits of such City, Town or Village for the holding of the first election of Township Councillors for such Township under this Act.

As to elections in Townships not divided into Rural Wards.

Proviso as to places of election.

Proviso: if the last election was in a City, &c.

XX. And be it enacted, That in all cases in which the election of Councillors for any such Township shall be by general vote of the whole Township at a general Township meeting as aforesaid, and not by Ward elections as hereinbefore provided for, the Township Clerk for such Township, whether appointed under this Act or before the passing thereof, shall be the Returning Officer for holding such election.

Who shall be Returning Officer in such case.

XXI. And be it enacted, That on the first Monday in January, in the year of our Lord, one thousand eight hundred and fifty, and on the first Monday in the same month, in each succeeding year, there shall be held an election either by general Township

Election of Township Councillors when to be held.

Township meeting or by Wards for Township Councillors for each Township in Upper-Canada.

Production of a copy of the Roll of freeholders and householders by Township Collector.

Attestation of such copy.

Proviso as to parties occupying portions of a house.

Proviso as to qualification of an elector.

Five Councillors to be elected annually.

Place and time of meeting of newly elected Municipality.

Election of a Townreeve.

XXII. And be it enacted, That it shall be the duty of the Collector for the Township, who shall be in office at the time of any such election, whether appointed under this Act or before the passing thereof, to produce at the opening of every such election for a Township or for any Ward thereof, either by himself or by some other person, a fair copy of the Collector's Roll made up next before such election, so far as such Roll contains the names of the freeholders and householders of such Township, if the election shall be by general Township Meeting; or so far as such Roll contains the names of the freeholders and householders of the Ward for which such election is held, if the election be for a Ward of such Township; with the amount of the assessed value of the real property for which they shall be respectively assessed on such Roll, which said copy shall be verified by affidavit or affirmation of such Collector, appended to or endorsed upon such copy, and sworn or affirmed before any Justice of the Peace for the County, to the effect that the same is a true copy of such Roll, so far as the same relates to the place for which such election is to be held, and that it contains the names of all the freeholders and householders in such Township, if such election be by general Township Meeting, or of such Ward, if the election be for a Ward of such Township, and the amount for which they shall have been assessed, as entered upon such Roll as aforesaid; and the persons entitled to vote at such election, shall be those whose names are upon the said copy of such Roll, thus verified, and who at the time of the election shall be resident in such Township or Ward, of such Township, as the case may be: Provided always nevertheless, firstly, that the holder or occupier of any separate portion of a house having a distinct communication with a road or street, by an outer door, shall be considered a householder within the meaning of this Act, in case he shall be assessed therefor as a house upon such Collector's Roll as aforesaid: Provided also, secondly, that no person shall be qualified to be elected as a Township Councillor at any such election who shall not have been entered upon the said Roll as assessed for rateable real property held in his own right or that of his wife, as proprietor or tenant, to the value of one hundred pounds of lawful money of Canada.

XXIII. And be it enacted, That at each of the said yearly Township elections, there shall be elected either by a general township vote or by Wards, five Councillors for the Township, who shall hold office until the third Monday in January, in the year next after that for which they shall have been elected.

XXIV. And be it enacted, That the Township Clerk, whether appointed under this Act or before the passing thereof, or in case of there being no such Township Clerk, then any one of the Councillors returned at such Election shall, when no place is appointed for that purpose by By-law of the Municipality of such Township, appoint the place for the first meeting of the newly Elected Municipality after such Election, which meeting shall be held on the second Monday next after such Election, or if not held on that day, then on some day thereafter, of which appointment he shall give notice to the Members or other Members of the Municipality; and at such first meeting the Councillors shall proceed to elect from amongst themselves a Townreeve, and in Townships which shall have five hundred resident freeholders and householders on the Collector's Roll as aforesaid, one Deputy-Townreeve for such Township for such year.

XXV. And be it enacted, That the said Township Municipalities shall and may severally adjourn their meetings, from time to time, at their pleasure, and the Townreeve, or in case of his death or absence, the Deputy Townreeve, shall have power at any time to summon a special meeting thereof.

Adjournment
of meetings.

XXVI. And be it enacted, That the meetings of each Township Municipality shall be held at such place within the Township as they shall themselves from time to time appoint by adjournment or by any By-law to be passed for that purpose.

Meetings to be
held in such
places as
Municipality
shall appoint.

XXVII. And be it enacted, That the Townreeve shall preside at all meetings of the Township Municipality, or in his absence the Deputy-Townreeve when there is one, except only when there shall be no Townreeve or Deputy-Townreeve, in which case some other member of such Municipality to be appointed by them for that purpose, shall preside in such Municipality.

Who shall
preside at
Meetings.

XXVIII. And be it enacted, That the Municipality for each Township shall, so soon as conveniently may be after their own election or appointment, nominate and appoint three Assessors for the Township and one Collector for the same; and that the said Assessors and Collector shall hold office from the time of their appointment respectively, until the third Monday in January of the year next after their appointment as aforesaid, and until the Municipality of such Township shall appoint new Assessors or a new Collector in their place, or in the place of any one of them, and in case of a vacancy in the office of any Assessor or Collector by death or removal of residence from the Township, the Township Municipality shall fill up the vacancy by a new appointment, at its then next meeting, or as soon thereafter as conveniently may be.

Appointment
of Assessors
and Collectors.
Term of office.

As to vacan-
cies.

XXIX. And be it enacted, That the Municipality of each Township shall, upon the Report of the Auditors of the Township, finally audit and allow all accounts chargeable against the Township, and in case any such charges shall not be specially regulated by law, it shall be their duty to allow for the same such sums as may be just and reasonable, and they shall in like manner also audit and allow the accounts of the Township Treasurer and of the Township Collector, except so far as respects any County Rate collected by such Collector.

Audit of
accounts.

Exception.

XXX. And be it enacted, That the boundary lines of the different Townships in Upper Canada shall hereafter be ascertained and established upon a permanent footing under the authority of an Act of the Parliament of that Province, passed in the thirty-eighth year of the Reign of His late Majesty King George the Third, intituled, *An Act to ascertain and establish on a permanent footing the Boundary Lines of the different Townships of this Province*, or under the authority of any Act of the Parliament of this Province, to be passed in the present or any future session of Parliament for that purpose, upon the application of the Municipality of each Township respectively, or as such other Act may direct, and not upon that of the Quarter Sessions of the Peace, as required by such first mentioned Act: Provided always, nevertheless, that no application of freeholders shall be necessary to enable such Municipality to make the necessary application for such purpose.

Boundary
lines of Town-
ships to be
permanently
established,
and how.

Act of U. C.
35 G. 3. c. 1.

Proviso.

Municipalities to make By-laws for certain purposes.

XXXI. And be it enacted, That the Municipality of each of the Townships in Upper-Canada, shall have power and authority to make a By-law or By-laws for each, all or any of the following purposes, that is to say :

Purchase of real property.

Firstly. For the purchase and acquirement of all such real and personal property within the Township as may be required for the use of the inhabitants thereof as a Corporation, and for the sale and disposal of the same, when no longer required.

Town Hall.

Secondly. For the erection, security, preservation, improvement or repair of a Town Hall, and of all other houses and buildings required by or being upon any land acquired by or belonging to such Township as a Corporation.

School House.

Thirdly. For the purchase and acquirement of such real property as may be required for Common School purposes, for building Common School Houses, and for the sale and disposal of the same when no longer required, and providing for the establishment and support of Common Schools according to Law.

Public Pounds.

Fourthly. For the erection and establishment of one or more Public Pounds in such Township, and settling the Fees to be taken by Pound-Keepers.

Pound-keepers, Fence-Viewers and other Township Officers.

Fifthly. For the appointment, under the Corporate Seal of such Township, of a sufficient number of Pound-Keepers, Fence-Viewers, Overseers of Highways, Road Surveyors, and of such and so many other Officers as may be necessary for carrying into effect any of the provisions of this Act, or of any other Act of the Legislature of this Province, or of the late Province of Upper Canada, or of any By-law or By-laws of the Municipality of such Township, and in like manner to displace all or any of them and appoint others in their room, and to add to or diminish the number of them or any of them as often as the said Corporation shall see fit.

Duties of Township Officers.

Sixthly. For regulating and prescribing the duties of all Officers acting under the authority of the Corporation of such Township, and the penalties on their making default in the performance of such duties.

Their remuneration.

Seventhly. For settling the remuneration of all Township Officers in all cases where the same is not or shall not be settled by Act of the Legislature, and for providing for the payment of the remuneration by such Act of the Legislature or by the By-laws of the said Municipality provided and appointed for all Township Officers whatsoever.

Bonds, &c., to be given by them.

Eighthly. For regulating the bonds, recognizances or other securities to be given by all Township Officers for the faithful discharge of their duties; for inflicting reasonable penalties for refusing to serve in any Township Office, and for the infringement of any and every By-law of the Municipality of the Township.

Drains and water courses.

Ninthly. For the erection, construction or repair of such drains and water-courses as the interests of the inhabitants of such Township shall in the opinion of the Municipality require to be so erected, constructed or repaired at the public expense of such Township.

Tenthly.

Tenthly. For the opening, constructing, making, levelling, pitching, raising, lowering, gravelling, macadamizing, planking, repairing, planting, improving, preserving and maintaining of any new or existing highway, road, street, side-walk, crossing, alley, lane, bridge or other communication within such Township, and for the stopping up, pulling down, widening, altering, changing or diverting of any such highway, road, street, side-walk, crossing, alley, lane, bridge, or other communication within the same : Provided always, nevertheless, that no such new, widened, altered, changed or diverted highway, road, street, side-walk, crossing, alley, lane, bridge or other communication, shall be laid out so as to run through or encroach upon any dwelling-house, barn, stable, or outhouse or any orchard, garden, yard or pleasure ground, without the consent in writing of the owner thereof.

Highways,
Roads, &c.,Proviso as to
encroachments
on certain
kinds of pro-
perty.

Eleventhly. For providing, that on each side of any highway, which shall pass through a wood, the timber shall be cut down for a space not exceeding twenty-five feet on each side of such highway, by the proprietor of the land on which such timber shall be, or in his default by the overseer of highways or other officer in whose division such land shall lie, such timber to be removed by the proprietor within a time to be appointed by the By-law, or in his default by such overseer of highways or other officer, in which last mentioned case it may be used by the overseer or other officer as aforesaid, for any purpose connected with the improvement of the highways and bridges in his division, or sold by him to defray the expenses incurred in carrying the By-law into effect; Provided always, that no such By-law shall authorize or compel the cutting down of any orchard or shrubbery, or of any trees planted expressly for ornament or shelter.

Highways
passing
through
woods.Proviso as to
orchards, &c.

Twelfthly. For the protection and preservation of any timber, stone, sand or gravel, growing or being upon any allowance or any appropriation for any public road or roads within such Township, and for the sale of any timber growing or being upon any road allowance, if thought proper, by the Council.

Protection of
timber, stone,
sale of timber,
&c.

Thirteenthly. For regulating the driving and riding on or over any bridge erected or to be erected within such Township.

Driving over
bridges.

Fourteenthly. For regulating inns, taverns, ale houses, victualling houses, ordinaries, and all houses where fruit, oysters, clams, victuals or spirituous liquors, or any other manufactured beverage may be sold, to be eaten or drank therein, and all other places for the reception and entertainment of the public within the jurisdiction of the Corporation of such Township, and to limit the number of them, and in all cases when there exists no other provision by law for the licensing of such houses, to provide for the proper licensing of the same, at such rates as to the Corporation of such Township may seem expedient; the proceeds of such license, in cases not otherwise appropriated by law, to form part of the public funds of such Township, and to be disposed of as the said Corporation may consider advisable.

Inns, taverns,
victualling
houses, &c.Licensing in
certain cases.

Fifteenthly. For making regulations as to pits, precipices, and deep waters, or other places dangerous to travellers.

Pits, preci-
pices, &c.

Sixteenthly. For granting money to the Municipal Council of the County in which such Township shall be situate, or to that of any adjoining County, to aid in the making, opening, building, maintaining, widening or improving any highway, road, street, bridge

Granting of
money for im-
proving roads,
&c.

or

or communication lying between such Township and any other Township in the same or any adjoining County, or in the making, opening, building, maintaining, widening or improving any highway, road, street, bridge or communication within such Township, assumed by the Municipal Council of the County as a county work, or agreed to be assumed by such Municipal Council on the condition of such grant.

Joint Stock
Road Compa-
nies, &c.

Seventeenthly. For regulating the manner of granting to associated Joint Stock Road or Bridge Companies, permission to proceed with any Roads or Bridges within the jurisdiction of such Municipality, and the manner of afterwards ascertaining and declaring according to law the completion of the works undertaken by such Companies respectively, so as to entitle such Incorporated Companies to levy tolls upon such works, and of all examinations, enquiries and investigations necessary for the proper, efficient and judicious exercise of such power.

Taking Stock
in Road or
Bridge Com-
panies.

Eighteenthly. For taking stock in or lending money to any incorporated Road or Bridge Company to which such Municipality shall have granted a license to proceed with such work in accordance with the requirements of the Statute in that behalf, or in or to any other such incorporated Road or Bridge Company, in whose Road or Bridge the inhabitants within the jurisdiction of such Municipality shall, in the opinion of such Municipality, be sufficiently interested to warrant them in taking such stock or lending such money for the advancement of such enterprize. All dividends, interest and proceeds to arise or be received from such stock or loan being at all times applicable to the general purposes of such Municipality, and to go in reduction of the rates required to be levied for such purposes.

As to divi-
dends, interest,
&c.

Nineteenthly. For restraining and regulating the running at large of horses, cattle, sheep, goats, swine, and other animals, geese, turkeys and other poultry, and to impound or provide for the impounding of the same, and for fixing the periods of the year during which such animals or poultry shall be permitted to run at large, and those during which they shall be restrained from doing so.

Running at
large of ani-
mals.

Tax on Dogs.

Twentiethly. For imposing a tax on the owners, possessors or harbourers of dogs; for regulating the manner in which such dogs may be allowed to run at large, or for preventing such dogs from being allowed to run at large at improper times, and for killing and destroying such as are found running at large contrary to such By-law.

Destroying
Dogs.

Destruction of
weeds.

Twenty-firstly. For the destroying or suppressing the growth of weeds detrimental to good husbandry.

Exhibitions,
puppet shows,
wild animals,
&c.

Twenty-secondly. For preventing, restraining or regulating exhibitions of wax figures, wild animals, puppet shows, wire-dancing, circus-riding, and other idle acts or feats which common showmen, circus-riders, mountebanks or jugglers usually exhibit, practice or perform, and requiring the payment of a sum not exceeding five pounds to the Township Treasurer before any and every such exhibition shall be allowed to be held or to take place; for imposing a fine upon the proprietors or persons in charge of such exhibition, in case they shall exhibit without such payment, and for the levying thereof by summary distress to be levied upon the goods and chattels of such showmen, or belonging to such exhibition, whether the owners shall be known or not, or for the imprisonment of the parties offending, for any time not exceeding one calendar month,
and

Fines for ex-
hibiting con-
trary to such
By-laws.

and for the appropriation of such sums as may be received or recovered under any regulation or By-law to be passed for that purpose.

Twenty-thirdly. For appraising the damages to be paid by the owners of horses, cattle and other animals trespassing, contrary to the By-laws or regulations of such Township. Damages payable by owners of animals trespassing.

Twenty-fourthly. For causing such horses, cattle or other animals as shall be impounded, to be sold, in case the same are not claimed within a reasonable time, or in case the damages, fines and expenses shall not be paid according to such By-laws or regulations. Sale of animals impounded.

Twenty-fifthly. For settling the height and description of lawful fences. Height and description of fences.

Twenty-sixthly. For procuring, in case the same hath not been already done, the ascertaining and establishment by public authority according to law, of the boundary lines of such Township, and providing for the periodical inspection and preservation of the durable monuments by law required to be erected for evidencing the same, and for procuring the necessary estimates, and making the necessary application for the same according to law. Establishment of boundary lines.

Twenty-seventhly. For empowering the landholders in such Township, to compound for the Statute labour by them respectively performable, for any term not exceeding five years, at any rate not exceeding two shillings and six pence for each day's labour, and at any time before the labour compounded for ought to be performed, and by any such regulations to direct to what officer in each Township such composition money shall be paid, and how such money shall be applied and accounted for, and to regulate the manner and the divisions in which the Statute labour shall be performed. Compounding for Statute labour.

Twenty-eighthly. For enforcing the performance of Statute or Road labour, or payment of a commutation in money therefor. Enforcing Statute labour.

Twenty-ninthly. For the imposing and collecting by distress and sale of the goods and chattels of the offender or offenders reasonable penalties and fines not exceeding in any case five pounds currency, and reasonable punishment by imprisonment, not exceeding twenty days, for the breach of all or any of the By-laws or regulations of such Municipality. Fines and penalties.

Thirtiethly. For borrowing under the restriction, and upon the security hereinafter mentioned, all such sums of money as shall or may be necessary for the executing of any Township public work within their jurisdiction, and the scope of the authority by this Act conferred upon them. Borrowing moneys.

Thirty-firstly. For raising, levying, collecting and appropriating such moneys as may be required for all or any of the purposes aforesaid, either by way of tolls to be paid on any Township bridge, road, or other township work, to defray the expense of making, repairing or maintaining the same, or by means of a rate or rates to be assessed equally on the whole rateable property of such Township, liable to assessment according to any law which shall be in force in Upper-Canada, concerning rates and assessments. Raising and levying moneys.

Thirty-secondly.

Local regula-
tions not con-
trary to law.

Thirty-secondly. For making such other local regulations not contrary to any law of this Province, or to any By-law of the Municipal Council of the County within which such Township shall lie, and which shall by law extend to and be in force within such Township, as the good of the inhabitants of such Township may in their opinion require.

Repeal, &c., of
By-laws.

Thirty-thirdly. For the repeal, alteration or amendment, from time to time, of all or any of such By-laws, and the making others in lieu thereof, as to them may seem expedient for the good of the inhabitants of such Township.

II. COUNTIES.

Counties
incorporated.
Corporate
powers.

XXXII. And be it enacted, That the inhabitants of each and every County in Upper Canada, shall be a Body Corporate, and shall have perpetual succession and a Common Seal, with power to break, renew or alter the same at pleasure, and shall be capable of suing and being sued, of pleading and being impleaded, in all courts and places whatsoever,—of purchasing, acquiring and holding lands and tenements and other real and personal property within such county, for the use of the inhabitants thereof in their corporate capacity,—and of making and entering into such contracts as may be necessary for the exercise of their corporate functions, and that the powers of the Corporation shall be exercised by and through and in the name of the Municipal Council of such County.

How exer-
cised.

Townreeves of
Townships
and Deputies,
&c., to form the
Municipal
Council of
such County.

XXXIII. And be it enacted, That the Townreeves and Deputy-Townreeves of the several Townships, Villages and Towns within each County shall constitute the Municipal Council for such County.

Meetings of
County Muni-
cipal Councils.

XXXIV. And be it enacted, That the Municipal Council of each County shall meet at the Shire Hall, if there be one, or otherwise at the County Court House annually, on the fourth Monday in January, or if not on that day, then on some day thereafter, and their meeting may be adjourned from time to time, and to the same place, or to any other place within the County, or any City lying within the boundaries of such County, although such City may be a County in itself for municipal or other purposes, or within the liberties of any such City, and any Municipal Council may hold special meetings, (to be summoned at any time by the County Warden) at the place where the then last meeting of such Council shall have been held; and such special meetings may be adjourned from time to time, and to the same place, or to any other place within the County as aforesaid.

As to Cities.

Special Meet-
ings.

Election of
County
Warden.

XXXV. And be it enacted, That the Municipal Council of each County shall, at their first meeting on or after the fourth Monday in January in each year, choose from amongst themselves a County Warden, who shall thenceforth preside at all meetings of such Municipal Council.

Keeping and
repairing of
Shire Hall,
&c., to be
charged upon
each County.

XXXVI. And be it enacted, That the keeping and repairing of the Shire Hall, County Court House and Gaol, and of any House of Correction that may be erected and established by the Municipal Council, shall be charged upon each County in Upper Canada, and it shall be the duty of the Municipal Council to cause the same to be repaired and kept in repair at the expense of the County, and to raise by rate upon the
County

County all sums of money which shall be necessary for such purposes, and for every other purpose, the expense whereof shall be by law chargeable upon the County.

XXXVII. And be it enacted, That whenever any new or existing highway, road, street, bridge or other communication within any Township, shall by any By-law of the Municipal Council of the County in which such Township is situate, be assumed by such Municipal Council as a County road or bridge as being one in which more than one Township or the whole County is interested, it shall be the duty of such Municipal Council, and they are hereby required with as little delay as reasonably may be, and at the expense of the County, to cause such road to be planked, gravelled or macadamized, or such bridge to be built in a good and substantial manner, and from the time of the passing of the By-law assuming such road or bridge as a County work as aforesaid, and so long as the same shall remain unrepealed, the Municipalities of the Townships in which such road or bridge shall be situate, shall cease to have any jurisdiction or control over the same or any part thereof as respects the making, maintaining or improving the same, or the stopping up, altering or diverting the same, or the protection or preservation of any timber, stone, sand or gravel growing or being thereon, or the regulating the driving or riding thereon, or other use thereof: Provided always, nevertheless, that the mere laying out of County money upon any road lying between any two or more Townships for the improvement thereof, or exercising the other powers by this Act conferred upon them with respect to such line roads, shall not be deemed an assumption of the same as County roads, so as to render it obligatory upon the said County, to cause the same to be planked, graveled or macadamized as hereinbefore provided, and this notwithstanding that the line of such roads may occasionally deviate from its course between such Townships, or any two of them, so as in some places to lie wholly or in part within one of such Townships only.

Duty of Council with respect to properly repairing highways, bridges, &c., assumed as County Roads or Bridges, &c.

Powers of Minor Municipalities to cease as to the same.

Proviso: certain improvements not to constitute such assumption.

XXXVIII. And be it enacted, That all roads and bridges running, lying or being between different Townships, situate in the same County, shall be exclusively within the jurisdiction and subject to the control of the Municipal Council of such County as far as respects the making, maintaining or improving the same, or the stopping up, altering or diverting the same, or the protection and preservation of any timber, stone, sand or gravel growing or being thereon, or the regulating, the driving or riding thereon, or other use of the same, and this notwithstanding that the line of such road or bridge shall or may occasionally deviate from its course between such Townships, and in some parts thereof may lie wholly within one of such Townships.

Roads and Bridges between different Townships to be under jurisdiction of Counties through which they run.

XXXIX. And be it enacted, That all roads and bridges running, lying or being between different Counties or between a County and a City lying within the boundaries of such County or on the bounds of a Town or Incorporated Village within such County, shall be within the jurisdiction and subject to the control of the Municipal Corporations of both such Counties, or of such County and City or Town and Village as far as respects the making, maintaining or improving the same, or the stopping up, altering or diverting the same, or the protection of any timber, stone, sand or gravel growing or being thereon, or the regulating the driving or riding thereon, or other use of the same, and this notwithstanding that the line of such road or bridge shall or may occasionally deviate from its course between such Counties or such County and City, or along the bounds of such Town or Village, and in some parts thereof lie wholly within one or the other of such Counties, City, Town or Village, and no By-law to be passed by any of such

Roads and Bridges between two Counties, &c., to be under the jurisdiction of both.

As to By-laws regarding the same.

such Municipal Corporations with respect to any such road or bridge, for any of the purposes aforesaid, shall have any force or effect whatsoever until the passing of a By-law in similar or corresponding terms as nearly as may be by the other of such Corporations.

Audit of accounts chargeable against County.

XL. And be it enacted, That the Municipal Council of each County shall, upon the report of the Auditors of the County, finally audit and allow all accounts chargeable against the County; and in case any such charges shall not be specially regulated by law, it shall be their duty to allow for the same such sums as may be just and reasonable; and they shall in like manner also audit and allow the accounts of the County Treasurer, and of the Collectors of the several Townships within their County, so far as the accounts of such Collectors shall relate to County purposes.

And of Treasurers and Collectors.

Councils may make By-laws for certain purposes.

XLI. And be it enacted, That the Municipal Council of each County shall have power and authority to make a By-law or By-laws for each, all or any of the following purposes, that is to say:

Purchase of real property.

Firstly. For the purchase and acquirement of all such real and personal property, within the County, as may be required for County purposes, and for the sale and disposal of the same when no longer required

Erection, &c., of Shire Hall and other county buildings.

Secondly. For the erection, preservation, improvement or repair of a Shire Hall, Court House, Gaol, House of Correction, House of Industry, and of all other Houses and other buildings required by or being upon any land acquired by or belonging to such County as a Corporation.

Erection, &c., of land for School Houses, &c.

Thirdly. For the purchase and acquirement of such real property as may be required for County Grammar School purposes, and for the erection, preservation, improvement and repair of County School Houses for the use of Grammar Schools in such parts of the County, or within any City or the liberties thereof, lying within the boundaries of such County, as the wants of the people most require, for the sale and disposal of the same when no longer required, and for making such provision in aid of such Grammar Schools as they may deem expedient for the advancement of education in the same.

Making a provision for the expenses of Pupils attending in the University of Toronto, &c., whose parents are unable to incur such expenses.

Fourthly. For making some permanent provision for defraying, out of the public funds of such County, the expense of the attendance at the seat of the University of Toronto, and of that of Upper-Canada College, and Royal Grammar School there, of such and so many of the Pupils of the different public Grammar Schools of such County, as shall be desirous of, and in the opinion of the respective Masters of such Grammar Schools shall be of competent attainments for entering into competition for any of the Scholarships, Exhibitions or other similar Prizes offered by such University or College to competition amongst such Pupils, but which Pupils from the inability of their Parents or Guardians to incur the necessary expense of such attendance, might otherwise be deprived of the opportunity of competing for the same.

Endowment of Fellowships in the University of Toronto, &c.

Fifthly. For the endowment of such and so many Fellowships, Scholarships, Exhibitions and other similar Prizes in the University of Toronto, or in Upper-Canada College and Royal Grammar School there, to be open to competition amongst the Pupils of the different public Grammar Schools of such County, as they shall deem expedient for the encouragement of Learning amongst the youth of such County.

Sixthly.

Sixthly. For the appointment of the Inspectors of the County House of Industry and of such and so many Officers as may be necessary for carrying into effect any of the provisions of this Act, or of any other Act of the Legislature of this Province, or of the late Province of Upper Canada, the erection or maintenance of such Houses of Industry or of any By-law or By-laws of the Municipal Council of such County respecting the same.

Appointment
of Inspectors of
House of
Industry.

Seventhly. For the settling the remuneration to all County Officers in all cases where the same is not or shall not be settled by Act of the Legislature, and for providing for the payment of the remuneration by such Act of the Legislature or by the By-laws of the said Municipal Council provided and appointed for all County Officers.

Remuneration
of County
Officers.

Eighthly. For regulating all Ferries between any two places in such County, and for establishing the rates of pay or hire to be taken by the owners or conductors of the boats or vessels employed on such Ferries, but no By-law for any such purpose shall have any force or effect until the same shall have been assented to by the Governor of this Province in Council.

Regulation of
ferries, &c.

Proviso.

Ninthly. For settling and paying a rate at which the Townreeves and Deputy-Townreeves forming such Municipal Council shall be remunerated for their attendance at such Council: Provided always, nevertheless, that no By-law to be passed for this latter purpose after the year of our Lord, one thousand eight hundred and fifty, shall be valid, unless the same shall by the terms of it be limited to take effect two whole years at least from the passing thereof.

Remuneration
of Town-
reeves.

Proviso as to
commence-
ment of such
By-law.

Tenthly. For the erection, construction or repair of such drains and water courses as the interests of the inhabitants of such County at large shall in the opinion of the Municipal Council require to be so erected, constructed or repaired at the public expense of such County.

Erection, &c.,
of drains.

Eleventhly. For the opening, constructing, making, levelling, pitching, raising, lowering, gravelling, macadamizing, planking, repairing, planting, improving, preserving and maintaining of any new or existing highway, road, street, side-walk, crossing, alley, lane, bridge or other communication running, lying or being within one or more Townships or between two or more Townships of such County, or between such County and any adjoining County or City, or on the bounds of any Town or Incorporated Village lying within the boundaries of such County, as the interests of the inhabitants of such County at large shall in the opinion of the Municipal Council require to be so opened, constructed, made, widened, changed, diverted, levelled, pitched, raised, lowered, gravelled, macadamized, planked, repaired, planted, improved, preserved or maintained at the public expense of such County; and for entering into, performing and executing any arrangement or agreement with the Municipal Corporation of any such adjoining County or Counties, City or Cities, or of any such Town or incorporated Village as aforesaid, for the execution of any such work at the joint expense and for the joint benefit of the Municipal Corporation of such Counties, Cities, Towns or Villages and the people they represent respectively; and for the stopping up, pulling down, widening, altering, changing or diverting of any such highway, road, street, bridge or communications within the same; Provided always, nevertheless, that no such new, widened, altered, changed or diverted highway, road, street, side-walk, crossing, alley, lane, bridge or other

Opening, ma-
king and re-
pairing of
roads, &c.

Agreeing
with Muni-
cipalities as to
such work.

Proviso as to
encroachments
on certain

kinds of property.

other communication, shall be laid out so as to run through or encroach upon any dwelling house, barn, stable or outhouse, or through any orchard, garden, yard or pleasure ground, without the consent in writing of the owner thereof.

Protection of timber, &c.

Twelfthly. For the protection and preservation of any timber, stone, sand or gravel growing or being upon any allowance or appropriation for any of such County roads.

Regulation of driving on Bridges.

Thirteenthly. For regulating the driving and riding on or over any County bridge erected or to be erected under the authority of such Municipal Council.

Prevention of immoderate driving on Highways, &c.

Fourteenthly. For preventing the immoderate riding or driving of horses or cattle in any of the public highways in such County, whether such highways be Township or County roads.

Regulations as to Pits, &c., near Roads.

Fifteenthly. For making regulations as to pits, precipices and deep waters or other places dangerous to travellers in the immediate neighbourhood of any County, Road or Bridge.

Granting loans to Towns, Townships, &c., in the County.

Sixteenthly. For granting to any Town, Township or Village, in such County, by way of loan or otherwise, such sum or sums of money in aid of such other moneys as may be raised by the Municipal Corporation of such Town, Township or Village, or by voluntary subscription, for or towards the making, opening or erecting of any new road or bridge in such Town, Township or Village, in cases where such Municipal Council shall deem such Town, Township or Village work of sufficient importance to justify the affording such assistance to it, with a view to the general interest possessed by the County at large in such Town, Township or Village, and yet where such work is not of a character, in their opinion, to justify them, in at once assuming the same as a County work to be executed wholly at the expense of the County at large.

Attaching Townships to others.

Seventeenthly. For attaching any new Township or Townships within such County not having a sufficient population for a separate Municipal organization of their own under the provisions of this Act, to such of the older Townships of such County as they shall deem best for the convenience of the inhabitants of such new Township or Townships, and for thus forming them into a Union of Townships for the purpose of such Municipal organization.

Granting licenses to Road or Bridge Companies.

Eighteenthly. For regulating the manner of granting to associated Joint Stock Road or Bridge Companies, licenses to proceed with any roads or bridges within the jurisdiction of such Municipal Council, and the manner of afterwards ascertaining and declaring according to law the completion of the works undertaken by such Companies respectively, so as to entitle such Incorporated Companies to levy tolls upon such works, and of all examinations, enquiries and investigations necessary for the proper, efficient and judicious exercise of such power.

Taking Stock in Road or Bridge Companies.

Nineteenthly. For taking stock in or lending money to any Incorporated Road or Bridge Company to which such Municipal Council shall have granted a license, to proceed with such work in accordance with the requirements of the Statute in that behalf, or in or to any other such Incorporated Road or Bridge Company in whose road or bridge the inhabitants within the jurisdiction of such Municipal Council shall in

in the opinion of such Municipal Council be sufficiently interested to warrant them in taking such stock or lending such money for the advancement of such enterprize; all dividends, interests and proceeds to arise or be received from such stock or loan being at all times applicable to the general purposes of such Municipal Council, and to go in reduction of the rates required to be levied for such purposes.

As to Dividends, interest, &c.

Twentiethly. For the imposing fines not exceeding in any case ten pounds, currency, for the breach of all or any of the By-laws or Regulations of such Municipal Council.

Fines.

Twenty-firstly. For borrowing under the restriction and upon the security hereinafter mentioned, all such sums of money as shall or may be necessary for the execution of any County work within their jurisdiction and the scope of the authority by this Act conferred upon them.

Borrowing moneys.

Twenty-secondly. For raising, levying, collecting and appropriating such moneys as may be required for all or any of the purposes aforesaid, either by way of tolls to be paid on any County Bridge, road or other public work, to defray the expense of making, repairing or maintaining the same, or by means of a rate or rates to be assessed equally on the whole rateable property of such County liable to assessment, according to any law which shall be in force in Upper Canada concerning Rates and Assessments.

Levying moneys.

Twenty-thirdly. For the repeal, alteration or amendment from time to time of all or any of such By-laws, and the making others in lieu thereof as to them may seem expedient for the good of the inhabitants of such County.

Repealing or amending By-laws.

III. POLICE VILLAGES.

XLII. And be it enacted, That it shall and may be lawful for the Municipal Council of any County, by By-law to be passed upon the petition of any number of the inhabitants of any unincorporated Village or Hamlet, situate in such County, or for the Municipal Councils of any two or more Counties, upon any such petitions from the inhabitants of any unincorporated Village or Hamlet situate partly within one of such Counties and partly within another or others of them, to define the limits within which in respect to such Village or Hamlet there is, in the opinion of such Municipal Council or Municipal Councils, a resident population sufficient to make it expedient that the provisions of this Act for the regulation and Police of unincorporated Villages should be applied to such Village or Hamlet, and in every such By-law such Municipal Council or Councils, shall fix the place in such Village or Hamlet, where the first annual election of Police Trustees, under the authority of this Act, shall be held for such Village, the person who shall preside at such meeting, and the hour at which such meeting shall be opened for that purpose.

County Municipal Councils may define limits of villages, &c.

And fix place of first election, &c.

XLIII. And be it enacted, That on the second Monday in January next after the end of three calendar months from the passing of such By-law or By-laws, as the case may require, and annually, on the second Monday of January in each and every year thereafter, until such Village shall be incorporated under the provisions of this Act, it shall and may be lawful for the resident freeholders and householders of such unincorporated Village to assemble at the time and place appointed for that purpose, and to proceed to elect from among themselves three Police Trustees for such Village, which

Meeting for election of Police Trustees.

three

Appointment
of Inspecting
Trustee.

three Trustees, or any two of them, by a Memorandum in writing under their hands to be filed with the Township Clerk of the Township in which such Village is situate, or when such Village is situate within two or more Townships, then to be filed with the Township Clerk of some one of such Townships, shall, within a reasonable time after the election, nominate and appoint one of their number to be the Inspecting Trustee of such Village.

Township
Collector to
deliver a copy
of the roll of
freeholders
and house-
holders to the
person presi-
ding at the
election.

Attestation of
such copy.

XLIV. And be it enacted, That it shall be the duty of the Collector and Collectors of the Township or Townships within which such unincorporated Village shall be situate, whether appointed under this Act or before the passing thereof, to deliver to the person appointed to preside at any such election, or to any person by him appointed to receive the same, a fair copy of the Collector's Roll made up next before such election, so far as such Roll contains the names of the resident freeholders and householders of such unincorporated Village, with the amount for which they shall be assessed upon such Rolls; which copy shall be verified by affidavit or affirmation appended to, or endorsed upon such copy, and sworn or affirmed before any Justice of the Peace for the County, to the effect, that the same is a true copy of such Roll, so far as relates to the unincorporated Village for which such election is to be held, and that it includes the names of all the resident freeholders and householders in such unincorporated village, and the amount for which they shall have been assessed as entered upon such Roll, and the persons entitled to vote or be elected at such election shall be those whose names are upon the said Roll or Rolls thus verified, and who shall continue at the time of the election to be resident in such Village: Provided always, firstly, that the holder or occupier of any separate portion of a house having a distinct communication with a road or street, by an outer door, shall be considered a householder within the meaning of this Act in case he shall be assessed therefor, as a house upon such Collector's Roll or Rolls as aforesaid: And provided also, secondly, that no person shall be qualified to be elected at any such election of Trustees who shall not have been entered upon such Roll or Rolls as aforesaid, for rateable property held in his own right or that of his wife as proprietor or tenant, to the value of one hundred pounds of lawful money of Canada.

Proviso as to
Tenants of
parts of hou-
ses.

Proviso as to
qualification of
electors.

Appointment
of persons to
preside at
annual elec-
tions.

XLV. And be it enacted, That at every subsequent annual election of Police Trustees for such unincorporated Village after the first, the person to preside at such election, and the hour at which the same shall commence, shall be appointed by the Trustees for the preceding year or any two of them under their hands, of which due notice shall by them be given by written or printed notices thereof, to be put up in at least three of the most public places in such unincorporated Village.

Provision in
case of absence
of person ap-
pointed to
preside at
election.

XLVI. And be it enacted, That if at the time and place appointed for any first or subsequent election of Trustees, for any such unincorporated Village, the person appointed to preside thereat shall not attend within one hour after the time appointed for commencing the proceedings, the resident inhabitant freeholders and householders of such Village, or a majority of them may, if they think proper, proceed to nominate a person to preside at such meeting, and the election of Trustees for such year shall be held by such person, as if he had been the person appointed by the Municipal Council of the County or by the Trustees for the preceding year as aforesaid.

Provision in
case of vacan-
cy among the

XLVII. And be it enacted, That upon the happening of any vacancy by death or otherwise, amongst the Police Trustees of any such unincorporated Village in the course

course of the year for which they shall have been elected, it shall and may be lawful for the remaining Trustee or Trustees by a memorandum in writing, to be filed with such Township Clerk as aforesaid, to supply such vacancy by the appointment of Trustees or a Trustee in their or his place, which Trustees or Trustee so appointed, shall hold his office to the end of the term of office of the person in whose place he shall have been appointed, and no longer, and shall, during the time he shall hold the same, possess all the authority of such person.

Police Trustees.

XLVIII. And be it enacted, That any Inspecting or other Trustee of any of the said unincorporated Villages, who shall wilfully neglect or omit to fulfil any of the duties hereby imposed upon him, or to prosecute any offender against the Regulations of Police hereinafter established, for such unincorporated Villages, at the request of any inhabitant householder, offering to adduce proof of the offence, shall, on being thereof convicted in manner hereinafter provided, incur a penalty of twenty shillings, currency.

Penalty against Trustees for neglect of duty.

XLIX. And be it enacted, That the penalties prescribed in and by the next immediately preceding section of this Act, or under that for the establishment of Regulations of Police for such unincorporated Villages, shall be sued for within ten days after the offence for which they shall have been incurred shall have ceased, and not afterwards.

Penalties to be sued for within a certain time.

L. And be it enacted, That all penalties incurred by any person or persons, under any of the Regulations of Police, by the next succeeding section of this Act, established for such unincorporated Villages, shall be sued for and recovered by the Inspecting Trustee of Police of such Village, or in his absence, or when he shall be the party complained against, then by some other of such Trustees before any one Justice of the Peace having jurisdiction and residing within five miles of such Village, if any there be, or else before any other Justice of the Peace having jurisdiction as such, in such Village, who shall hear and determine such information in a summary manner, and upon the oath or affirmation of one or more credible witnesses, and shall cause such penalty to be levied by distress and sale of the goods of the offender; and the whole of such penalty shall be applied to the repairs and improvement of the streets and lanes of such Village, under the direction of the Police Trustees thereof, and by the Pathmaster or Pathmasters of the division or divisions to which such Village shall belong, to whom or such of them as shall be appointed by such Trustees for that purpose, such penalty shall be paid over for that purpose.

Penalties to be sued for and recovered by Inspecting Trustee.

How levied.
How applied.

LI. And be it enacted, That it shall be the duty of the Police Trustees of every such unincorporated Village to execute and enforce, and cause to be executed and enforced, within the limits of such Village, the Regulations of Police herein and hereby provided and established for all such Villages, that is to say :

Police regulations to be enforced with respect to—

Firstly. All and every the proprietors and proprietor of a house or houses of more than one story in height, in any of the said Villages, shall place or cause to be placed a ladder or ladders on the roof of their respective houses, near to or adjoining the chimney or chimneys thereof, and another ladder reaching from the ground to the roof of each and every of their respective houses as aforesaid, under the penalty of five shillings currency, for every neglect so to do, and of ten shillings currency, for each and every week during which they shall neglect to provide themselves with such ladder or ladders as aforesaid.

Ladders on roofs ;

Secondly.

Buckets ;

Secondly. All and every householder or householders in the said Villages shall be held to furnish and provide himself or themselves with two buckets, fit and proper for carrying water, in case of accidents by fire, under the penalty of five shillings currency, for each bucket which may be deficient.

Bakers, Brew-
ers, &c.

Thirdly. It shall not be lawful for any baker, potter, brewer, manufacturer of pot and pearl ashes, or any other person, to build, make or cause to be built and constructed, any oven or furnace within the limits of any of the aforesaid Villages, unless the same adjoin and be properly connected with a chimney of stone or brick, which chimney shall rise at least three feet higher than the house or building in which the said oven or furnace may be, and three feet higher than any building within one chain of the said oven or furnace, under a penalty which shall not exceed ten shillings currency, and for non compliance with this regulation, the offender shall incur a penalty of fifteen shillings currency, for each week during which he shall neglect to comply therewith.

Stove pipes ;

Fourthly. It shall not be lawful for any person in any of the said Villages to conduct any stove pipe through any wooden or lathed partition or through any floor, unless there be a space of six inches between the pipe and the partition or floor, or the nearest wood-work, and the pipe of every stove shall be inserted into a chimney, and there shall be left at least ten inches in the clear between any stove and any wooden or lathed partitions, or other wood-work, and each and every person offending against this regulation shall incur a penalty of ten shillings currency.

Entering cer-
tain places
with candles,
&c.

Fifthly. Any person or persons who shall enter into any mill, barn, out-house or stable within the limits of any of the said Villages with a lighted candle or lamp, without having the same well inclosed in a lantern, shall for every such offence incur a penalty of five shillings currency, and any person or persons who shall enter into any mill, barn, stable or out-house, within the limits of any of the said Villages with a lighted pipe or cigar, or carry fire not properly secured into such barn, stable or out-house, shall for every such offence incur a penalty of five shillings currency.

Lighting fires
in wooden
houses, &c.

Sixthly. No person or persons shall be allowed to light or have a fire in any wooden house or out-house, of any description, within the limits of any of the said Villages, unless the same be in a brick or stone chimney, or in a stove of iron or other metal, under a penalty of five shillings currency, for each offence.

Using vessels
for conveying
fire ;

Seventhly. All and every person or persons who shall carry or convey fire into or through any street, lane, yard, garden or place, in any of the said Villages, or cause fire to be so carried or conveyed without having the same confined in some copper, iron or tin vessel, shall for every such offence, incur a penalty of two shillings and six pence currency, and for every subsequent offence of a like nature, a further penalty of five shillings currency.

Hay, straw,
&c., in dwell-
ing houses ;

Eighthly. Any person or persons who shall put or cause to be put or placed any hay, straw or fodder, in any dwelling house, within the limits of any of the said Villages, shall incur a penalty of five shillings currency for the first offence, and a penalty of ten shillings currency for every week during which he or she shall neglect to remove the said hay or straw from the said dwelling house.

Ninthly.

Ninthly. All and every person or persons who shall keep or have gun-powder for sale, in any of the said Villages, shall keep the same in boxes of copper, tin or lead; and for every omission or neglect so to do, such person or persons shall incur a penalty of twenty shillings for the first offence, and forty shillings for every subsequent offence.

Keeping of
Gunpowder;

Tenthly. Any person or persons in any of the said Villages, who shall sell or permit gun-powder to be sold at night in his or their houses, store-houses or shops, out-house or other building, shall on being thereof convicted, incur a penalty of forty shillings currency for every first offence, and of sixty shillings currency, for every subsequent offence.

Sale of Gun-
powder at
night;

Eleventhly. Any person or persons who shall in any of the said Villages keep or deposit any ashes or cinders of any kind, (ashes in the possession of manufacturers of pot and pearl ashes excepted,) in any wooden vessel, box or other thing not lined or doubled with sheet iron, tin or copper, so as to prevent all danger of fire or combustion from such ashes or cinders, shall for every such offence incur a penalty of five shillings currency.

Deposit of
Ashes, &c.

Twelfthly. Any person or persons who shall in any of the said Villages place or deposit any quick or unslacked lime in any house, out-house or building, so that such lime may be in contact with or touch any wood thereof, whereby there may be any danger of fire or combustion, shall for every such offence incur a penalty of five shillings currency, and a further penalty of ten shillings currency, for each day until such lime shall be removed or secured, to the satisfaction of such Inspecting Trustee, and in such manner as not to cause any danger of accident by fire.

Quick lime;

Thirteenthly. Any person who shall light a fire in any of the streets, lanes or public places of any of the said Villages, shall for every such offence incur a penalty of five shillings currency.

Lighting fires
in streets;

Fourteenthly. No person or persons shall erect or cause to be erected any furnace for making charcoal of wood within the limits of any of the said Villages, under a penalty of twenty shillings currency.

Charcoal fur-
naces;

Fifteenthly. All and every person or persons who shall throw or cause to be thrown any filth, rubbish or ordure into any of the streets, lanes or public places within the limits of any of the said Villages, shall, for every such offence, incur a penalty of two shillings and six pence currency, and of five shillings currency for every week during which they shall neglect to remove the same, after notification to that effect by the Inspecting Trustee, or some other person authorized by him for that purpose.

Filth, Rub-
bish, &c.

IV. INCORPORATED VILLAGES.

LII. And be it enacted, That the inhabitants of every Village in Upper-Canada mentioned in the Schedule to this Act annexed marked A, and intituled, "Incorporated Villages," and the inhabitants of each and every other Village, Hamlet or place which shall hereafter by Proclamation under the Great Seal of this Province be erected into an incorporated Village in the manner prescribed by this Act, shall be a Body Corporate apart from the Township or Townships in which such Village shall be situate, and as such

Inhabitants of
Villages men-
tioned in Scho-
dule A. In-
corporated.

Corporate powers.

such shall have perpetual succession and a Common Seal, with such powers within the limits of such Village as are by this Act conferred upon the inhabitants of the different Townships in Upper-Canada within the limits of such Townships respectively, and the powers of such Corporation shall be exercised by, through, and in the name of the Municipality of such Village.

Election of Township Councillors, &c.

LIII. And be it enacted, That on the first Monday in January in each year, and in case of Villages hereafter to be erected and incorporated by Proclamation as aforesaid on the first Monday in January next after the end of three calendar months from the *teste* of such Proclamation, and on each succeeding first Monday in January thereafter, there shall be held an election by voters qualified in like manner with the voters at elections of Township Councillors, for five Councillors for each of such Villages; and a Town-reeve for each of the said Villages shall be thereafter elected from amongst the Councillors of such Village, in like manner as Townreeves are appointed by this Act to be chosen or elected for every Township as aforesaid.

Election of a Townreeve.

Appointment of Returning Officer.

LIV. And be it enacted, That in each of the said Villages which has been heretofore incorporated, whether under the name of Town or Village, or for which there have been Police Trustees appointed, the Clerk of the Board of Police or Town Clerk, or the Inspecting Trustee, as the case may be, shall be the Returning Officer for the first election to be held under this Act, and at each succeeding election the Village Clerk of such Village, for the time being, shall be the Returning Officer.

Case in which the Governor may appoint a Returning Officer.

LV. And be it enacted, That in case of an election in any Village where there shall not have been a Clerk of the Board of Police or a Town Clerk, or an Inspecting Police Trustee, or which shall not have been before incorporated, it shall and may be lawful for the Governor of this Province to appoint a Returning Officer to hold the first election for such Village under this Act.

Places of holding election, and notice thereof.

LVI. And be it enacted, That the Returning Officer for every such Village shall appoint the place for holding such Village election, of which appointment he shall give notice, by posting the same at least ten days before the election, in at least three public places in such Village.

Returning Officers to procure copy of Collector's Roll.

LVII. And be it enacted, That it shall be the duty of the Returning Officer, for each of the said Villages, to procure a correct copy of the Collector's Roll for such Village or of the Roll or Rolls for the Township in which such Village is situate, so far as such Rolls or either of them exhibit the names of the freeholders and householders rated upon such Roll or Rolls within the limits of such Village, with the amounts for which they shall be respectively assessed upon such Roll or Rolls, each of which said copies shall be verified in like manner as the copies of Collectors' Rolls produced at the Township elections, as hereinbefore provided: Provided always, that no person shall be qualified to be elected as a Village Councillor who shall not be possessed, to his own use, of real estate held by him in fee or freehold, or for a term of twenty-one years or upwards, of which at least seven years remain unexpired, situate within the Village for which he is elected, of the assessed value of two hundred and fifty pounds, or unless he shall be a tenant from year to year, or for a term of years, of all property within such Village, at a *bonâ fide* rental of twenty pounds per annum or upwards, or shall be in the receipt of twenty pounds or upwards of yearly rent or profit accruing from

Proviso: who may be elected or vote as an elector.

from or out of real property within such Village; and the male inhabitants being either freeholders or householders upon such Roll or Rolls and resident at the time of the election, and who shall appear in the said Roll or Rolls to have been assessed either as proprietor or tenant for a house or houses, or for land or for both, to the value of twelve pounds ten shillings currency, within the limits of such Village, and none other, shall be entitled to vote at such Village election.

LVIII. And be it enacted, That when and so often as any Police or other Village, Hamlet or place in Upper Canada not incorporated by name under this Act, together with the immediate neighborhood thereof, shall be found by the Census Returns for the same to contain over one thousand inhabitants whose residences are or shall be collected within a convenient neighbourhood or proximity to each other, to form an Incorporated Village, it shall and may be lawful for the Police Trustees of such Village, if the same shall be a Police Village, or for any number of resident freeholders or householders of such Village, Hamlet or place, in case it shall have no Police Trustees, not less than one hundred, to petition the Governor of this Province that such Village, Hamlet or place may be erected into or set apart as an Incorporated Village, and the inhabitants thereof incorporated under this Act; and upon such petition, it shall be lawful for the Governor of this Province, by an Order in Council, to issue a Proclamation under the Great Seal of this Province erecting or setting apart such Village, Hamlet or place into or as an Incorporated Village, by a name to be given in and by such Proclamation, and to set forth in such Proclamation proper boundaries for such Village, including within such boundaries any portion of the Township or Townships which, from the proximity of streets or buildings therein, may conveniently be attached to such Village, Hamlet or place, and when such Village shall have grown up on the confines of two or more Counties, so as to lie partly within the limits of each, to annex the whole of such Village as incorporated to some one of such Counties exclusively; and the inhabitants of such Village shall, on, from and after the first day of January next after the end of three calendar months from the *teste* of such Proclamation, be incorporated, and the said Village shall become an Incorporated Village apart from the Township or Townships in which it is situate, and the first election for such Village shall be held in the manner hereinbefore prescribed on the first Monday in that month, and such Village shall from thenceforth form a part of the County to which it shall have been so annexed as aforesaid, and shall be subject to the same regulations and provisions of Law, and shall have the same immunities and privileges as a Village named in the said Schedule to this Act annexed marked A, as fully as if such Village had been mentioned therein.

Provision with respect to the incorporation of Villages in which the population shall increase to a certain number.
Petition to the Governor.

Action upon such Petition.

Incorporation and corporate powers.

LIX. And be it enacted, That the Municipality of every such Village shall be formed in like manner as the Municipality of any Township, and shall have all such powers, duties and liabilities within and in respect of such Village as the Municipality of any Township shall have in respect of such Township, and the Townreeve of every such Village, and the other Officers thereof, shall have like powers, duties and liabilities within and in respect thereof as the Townreeve or other Officers of any Township shall have within and in respect of such Township, and the Townreeve of each of such Villages shall be a Member of the Municipal Council of the County in which the same is situated.

Duties and liabilities of Municipalities of incorporated Villages to be similar to those of Township Municipalities.

Village Municipalities may also make By-laws for—

LX. And be it enacted, That the Municipality of each Village, which shall be or remain incorporated under the authority of this Act, shall moreover have power and authority to make By-laws for each or any of the following purposes, that is to say :

Opening, &c., roads, &c.

Firstly. For the opening, constructing, making, levelling, pitching, raising, lowering, gravelling, macadamizing, planking, paving, flagging, repairing, planting, improving, preserving and maintaining any new or existing highway, road, street, square, side-walk, crossing, alley, lane, bridge or other communication, or any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water and the shores and banks thereof within the jurisdiction of the Corporation of such Village, and for the entering into, performing and executing any arrangement or agreement with the Municipal Corporation of the County or Counties in which such Village may lie for the execution of any such work at the joint expense and for the joint benefit of the Municipal Corporations of such County or Counties, and of such Village and the people they represent; and for the stopping up, pulling down, widening, altering, changing or diverting of any such highway, road, street, bridge or communication within the same: Provided always, nevertheless, that no such new, widened, altered, changed or diverted highway, road, street, side-walk, crossing, alley, lane, bridge, or other communication, shall be laid out so as to run through or encroach upon any dwelling house, barn, stable or out-house, or any orchard, garden, yard or pleasure ground, without the consent in writing of the owner thereof.

Provision as to encroachments on private property of certain kinds.

Regulating Highways, &c.

Secondly. For regulating or preventing the encumbering, injuring or fouling of any such highway, road, street, square, side-walk, crossing, alley, lane, bridge or other communication, and of any such wharf, dock, slip, drain, sewer and shore, bay, harbour, river or water by any animals, wheel-barrows, cabs, carts, carriages or other vehicles, vessels, craft, lumber, stone, building or other materials or things whatsoever, or in any other manner whatsoever.

Removing steps, projections, &c.

Thirdly. For directing and requiring the removal at any time of any door-steps, porches, railings or other erections, projections or obstructions whatsoever which may project into or over the boundary lines of any such highway, road, street, square, side-walk, crossing, alley, lane, bridge or other communication, or of any such wharf, dock, slip, drain, sewer, shore, bay, harbour, river and water, or the shores and banks thereof, at the expense of the proprietor or occupant of the real property in or near which such projection or obstruction may be found.

Fixing boundary lines of Highways, &c.

Fourthly. For surveying, by competent persons, and fixing, marking, determining and settling the boundary lines of such highways, roads, streets, squares, alleys, lanes, bridges or other communications, and of all such public wharves, docks and slips, for giving names to the same, and affixing such names on boards or otherwise on the houses at the corners of the same.

Granting money to Counties by loan or otherwise.

Fifthly. For granting to the County or Counties in which such Village shall be situate, by way of loan, or otherwise, such sum or sums of money, in aid of such other moneys as may be raised by the Municipal Corporation of such County or Counties, or by voluntary subscriptions, for or towards the making, opening or erecting of any new road or bridge on the bounds of such Village.

Sixthly.

Sixthly. For regulating and managing any existing market, and for establishing, regulating and managing any new market, for preventing the selling or vending by retail in the public highways any meat, vegetables, fruit, cider, beer or other beverage whatsoever; for regulating the place and manner of selling and weighing butchers' meat, hay, straw, fodder, wood, lumber and fish; for restraining and regulating the purchase and manner of selling all vegetables, fruit, country produce, poultry, and all other articles or things, or animals exposed for sale, or marketed in the open air; for preventing the forestalling, regrating or monopoly of market grains, meats, fish, fruits, roots and vegetables; for restraining and regulating the purchase of any such things by hucksters or runners living within such Village or within one mile distant from the outer limits thereof; for regulating the measurement, length and weight of coal, lime, shingles, laths, cordwood and other fuel; and for imposing penalties for light weight, or short count or measurement in any thing marketed; for appointing Inspectors for regulating weights and measures in the markets, and within such Village according to the lawful Standard, and for visiting all places wherein weights and measures, steelyards or weighing machines of any description are used within such Village, and for seizing and destroying such as are not according to such Standard; and for imposing and enforcing the collection of penalties upon any person or persons therein who shall be found in the possession of unstamped or unjust weights, measures, steelyards or other weighing machines, for regulating all vehicles, vessels and other things in which any thing may be exposed for sale or marketed in any highway, street or public place, and for imposing a reasonable charge or duty thereon, and establishing the mode in which it shall be paid; for seizing and destroying all tainted and unwholesome meat, poultry, fish, or articles of food; and for distraining butchers' meat for the rent of market stalls, and for selling the same after six hours' notice.

Regulating
markets, &c.Forestalling or
monopoly, &c.Weights and
Measures.

Vehicles.

Unwholesome
meats.

Seventhly. For regulating any harbour lying within the limits of such Village, and the vessels, crafts and rafts arriving in it; for imposing and collecting such reasonable harbour dues thereon as may serve to keep such harbour in good order, and provide for the payment of a Harbour Master, and the erection and maintenance of the necessary beacons therein; for regulating and providing for the erection and rent of wharves, piers and docks in the said harbour, and for preventing the filling up or encumbering of any such harbour.

Regulating
harbours, &c.Harbour dues,
Beacons, &c.

Wharves, &c.

Eighthly. For regulating the assize of bread, and preventing the use of deleterious materials in the making thereof; and for providing for the seizure and forfeiture of bread baked contrary thereto.

Assize of
bread.

Ninthly. For enforcing the due observance of the sabbath; for preventing vice, drunkenness, profane swearing, obscene language, and any other species of immorality and indecency in the streets or other public places, and for preserving peace and good order; for preventing the excessive beating or cruel and inhuman treatment of animals on the public highways of such Village; for preventing the sale of any intoxicating drink to children, apprentices or servants without the consent of their legal protectors; for suppressing and imposing penalties on the keepers of low tippling houses and houses of ill fame visited by dissolute and disorderly characters; for licensing and regulating victualling houses or other houses of refreshment where spirituous liquors are not sold; for the regulation of all public billiard tables, and for licensing, regulating or preventing bowling alleys or other places of amusement; for regulating or preventing, restraining

Observance of
Sabbath, pre-
venting vice,
&c.Cruelty to
animals.Tippling
houses, &c.Victualling
houses, &c.

Gambling.

- restraining or suppressing horse-racing and gambling houses, and for entering into them and seizing and destroying faro-banks, rouge-et-noir, and roulette-tables, and other devices for gambling; for restraining and punishing all vagrants, drunkards, vagabonds, mendicants and street beggars, and all persons found drunk or disorderly in any street or public place in such Village; for restraining or regulating the licensing of all exhibitions of natural or artificial curiosities, theatres, circuses, or other shows or exhibitions kept for hire or profit.
- Vagrancy.**
- Exhibitions.**
- Public nuisances, &c.** *Tenthly.* For abating and causing to be removed all public nuisances; for regulating the construction of privy vaults; for causing vacant lots in central situations when they become nuisances to be properly enclosed; for regulating or preventing the erection or continuance of slaughter houses, gas works, tanneries, distilleries or other manufactories or trades which may prove to be nuisances; for preventing the ringing of bells, blowing of horns, shouting and other unusual noises in the streets and public places; for preventing or regulating the firing of guns or other fire-arms; for preventing or regulating the firing or setting off of fire balls, squibs, crackers or fire-works; for preventing or regulating the washing or bathing in any public water in or near such Village; for preventing and punishing parties engaged in charivaries and other like disturbances of the peace; for preventing any indecent public exposure of the person, or other indecent exhibition whatsoever; for preventing profane swearing and the use of blasphemous, obscene or indelicate language.
- Use of Fire-arms.**
- Bathing.**
- Charivaries, &c.**
- Obscene language, &c.**
- Lock-up not to be deviled, &c.** *Eleventhly.* For establishing, maintaining and regulating one or more public lock-up-houses in and for such Village for the detention and imprisonment of all persons sentenced to an imprisonment of not more than ten days, under any of the By-laws of such Village, and of all other persons lawfully detained in custody for examination before a Justice of the Peace or other competent authority on any charge of having committed any offence against the Law or the By-laws of such Village, or detained for the purpose of his transmission to any common gaol or house of correction upon commitment or otherwise either for trial or in the execution of any sentence that may have been passed upon him, either by a Justice of the Peace or other competent authority in that behalf.
- Public fountains, &c.** *Twelfthly.* For the establishing, protecting and regulating of public fountains, wells, pumps, cisterns, reservoirs and other conveniences for the supply of good and wholesome water or for the extinguishment of fires, and to make reasonable charge for the use thereof; and for preventing the waste and fouling of public water.
- Gunpowder, &c.** *Thirteenthly.* For regulating the keeping and transporting of gunpowder and other combustible or dangerous materials; and for erecting, regulating and providing for the support by fees of a Village Magazine for the storing of gunpowder belonging to private parties, and for compelling persons to store therein; for preventing or regulating the use of fire, lights or candles in livery or other stables, cabinet-makers and carpenters' shops, and combustible places; for preventing or regulating the carrying on of manufactories or trades dangerous in causing or promoting fire; and for regulating the mode of removal and requiring the safe keeping of ashes in proper deposits; for regulating, removing or preventing the construction of any chimney, flue, fire place, stove, oven, boiler or other apparatus or thing in any house, manufactory or business which may be dangerous in causing or promoting fire; for regulating the construction of chimnies as to
- Fire in certain places.**
- Ashes.**
- Chimnies.**

to dimensions and thickness, and the carrying of the same to a proper height above the roofs of buildings, and for enforcing the proper sweeping or cleaning of the same by licensed or other chimney sweepers ; for guarding against the calamities of fire by regulating and enforcing the erection of party walls ; for compelling the owners and occupants of houses to have scuttles in the roofs, and stairs and ladders leading to the same, and for authorizing the Officer to be appointed for that purpose to enter at all reasonable times or hours upon the property of any party subject to such regulations for the purpose of ascertaining that the same are properly obeyed ; for requiring the inhabitants of such Village to provide so many fire-buckets, in such manner and time as they shall prescribe, and for regulating the examination of them and the use of them at fires ; for regulating the conduct and enforcing the assistance of the inhabitants present at fires, and the preservation of property thereat ; for making regulations for the suppression of fires and the pulling down or demolishing of adjacent houses, buildings or other erections for that purpose ; for purchasing and establishing and regulating Fire, Hook, Ladder and Property Saving Companies ; for providing medals or rewards for persons who shall distinguish themselves at fires, and for assisting the widows and orphans of persons who may be killed by accidents occurring at such fires.

Party walls.

Ladders.

Fire Buckets,
&c.Fire Compa-
nies.

Fourteenthly. For entering into and examining all dwelling houses, warehouses, shops, yards and outhouses, for ascertaining whether any such places are in a dangerous state, with respect to fire or otherwise, and for directing them to be put in a safe and secure condition ; for appointing fire wardens and fire engineers ; for appointing and removing firemen ; for making such rules and regulations as may be thought expedient for the conduct of such Fire Companies, Hook and Ladder Companies and Property Saving Companies as may be raised with the sanction of the Corporation of such Village.

Examining
dwelling hou-
ses, &c. with
respect to
danger from
fire.

Fifteenthly. For providing for the health of the Village and against the spreading of the contagious or infectious diseases ; for regulating the interment of the dead, and for directing the returning and keeping of bills of mortality ; and for imposing penalties on physicians, sextons and others for default in the premises ; and for providing and regulating one or more Public Cemeteries for the interment of the dead.

Health of the
Village, &c.Bills of mor-
tality, &c.

Sixteenthly. For laying out, improving and regulating any Public Cemetery for the burial of the dead that they may obtain and establish for such Village, and for selling or leasing such portions thereof as they may think proper, and for declaring in the conveyance thereof to the purchasers or lessees, the terms on which such portions are to be held, and for making such other regulations for the improvement, ornament and protection of such Cemetery as they may think necessary and proper.

Public ceme-
teries, &c.

Seventeenthly. For preventing the immoderate riding or driving of horses or cattle in any of the public highways or streets of such Village ; and for preventing the leading, riding or driving of horses or cattle upon the side-walks of the streets of such Village, or other improper places therein.

Immoderate
driving &c.

Eighteenthly. For regulating or preventing the fishing with nets or seines, the use of fishing lights, or the erection or use of weirs for eels or other fish in any harbour, river or public water within the limits of the jurisdiction of the Corporation of such Village.

Fishing with
nets, &c.*Nineteenthly.*

Inns, Taverns,
&c.

Nineteenthly. For regulating inns, taverns, ale houses, victualling houses, ordinaries and all houses where fruit, oysters, clams, victuals or spirituous liquors, or any other manufactured beverage may be sold, to be eaten or drank therein, and all other places for the reception and entertainment of the public within the jurisdiction of the Corporation of such Village, and to limit the number of them, and in all cases when there exists no other provision by law for the licensing of such houses, to provide for the proper licensing of the same, at such rates as to the Corporation of such Village may seem expedient, the proceeds of such license, in cases not otherwise appropriated by law, to form part of the public funds of such Village, and to be disposed of as the said Corporation may consider advisable.

Licensing in
certain cases.

Injuring of
Trees, &c.

Twentiethly. For preventing the injuring or destroying of trees planted or growing for shade or ornament in such Village, and for preventing the pulling down or defacing of sign boards.

Borrowing
moneys.

Twenty-firstly. For borrowing under the restrictions, and upon the security hereinafter mentioned, all such sums of money as shall or may be necessary for the execution of any village work within the jurisdiction and the scope of the authority by this Act conferred upon them.

Levying
moneys.

Twenty-secondly. For raising, levying and appropriating such moneys as may be required for all or any of the purposes aforesaid, by means of a rate or rates to be assessed equally on the whole rateable property of such Village, according to any law which shall be in force in Upper Canada, concerning rates and assessments.

By-laws for
carrying their
Corporate
powers into
execution.

General pro-
vision as to
By-laws.

Proviso as to
fines.

Proviso.

Twenty-thirdly. For making all such other By-laws as may be necessary and proper for carrying into execution the powers herein vested or hereafter to be vested in the Corporation of such Village, or in any Department or Office thereof, for the peace, welfare, safety and good government of such Village, as they may from time to time deem expedient, such By-laws not being repugnant to this or any other Act of the Parliament of this Province or of the Parliament of Upper-Canada, or to the general laws of that part of this Province: Provided always, nevertheless, firstly, that no person shall be subject to be fined more than five pounds, exclusive of costs, or to be imprisoned more than thirty days for the breach of any By-law or regulation of such Village: And provided also, secondly, that no person shall be compelled to pay a greater fine than ten pounds for refusing or neglecting to perform the duties of any Municipal office when duly elected or appointed thereto.

Repealing or
amending
By-laws.

Twenty-fourthly. For the repeal, alteration or amendment from time to time of all or any of such By-laws and the making others in lieu thereof as to them may seem expedient for the good of the inhabitants of such Village.

V. TOWNS.

Inhabitants of
Towns men-
tioned in sche-
dule B &c.,
incorporated.
Corporate
powers.

LXI. And be it enacted, That the inhabitants of each of the Towns mentioned in the Schedule to this Act annexed marked B, and intituled, "Towns," and the inhabitants of all such Villages in Upper Canada as shall be erected into Towns by and under any Proclamation to be issued in that behalf under this Act, shall severally be a Body Corporate, with the same Corporate powers as the inhabitants of Villages incorporated under

under this Act, except in so far as such powers may be hereby increased, lessened or otherwise modified; and such powers shall be exercised by, through and in the name of the Town Council of each of such Towns respectively.

How
exercised.

LXII. And be it enacted, That for every Ward within the limits of any such Town, there shall be chosen three Councillors by the male resident freeholders and householders of such Ward.

Three Coun-
cillors to be
chosen for
every Ward.

LXIII. And be it enacted, That the elections for each of the said Wards shall take place on the first Monday in January in each year.

Election when
to take place.

LXIV. And be it enacted, That the Municipality, Town Council or Board of Police in office in each of the said Towns or Villages when this Act shall come into force, or who shall be in office when the Proclamation shall issue, erecting such Village into a Town as aforesaid, shall appoint a Returning Officer for each Ward, to hold the first election therein; and such Returning Officer shall fix the place for the said election, and give notice thereof by posting the same in at least three public places within his Ward, at least ten days next before the election; and that on the first Monday in January in every succeeding year, a like election shall be held, and the Returning Officers and places within each Ward for such elections shall be chosen and appointed by the Town Council in office next before such election, and public notice shall in like manner be given by such Returning Officer of the place of holding such election.

Appointment
of Returning
Officer.

Place of elec-
tion to be
fixed.

Elections to be
held yearly.

LXV. And be it enacted, That it shall be the duty of any person having custody of the Collector's Roll, including any Ward or portion of a Ward of any such Town, to furnish to the Returning Officer, and it shall be the duty of each Returning Officer, at least twenty days before any such election, to procure from such Officer having custody of the Collector's Roll or Rolls as aforesaid, a true copy thereof, so far as the same shall contain the names of the freeholders and householders within the Ward of such Returning Officer, with the amount for which they are respectively assessed upon such Roll, and every of which said copies shall be verified in like manner as the copies of the Collector's Rolls to be procured at the Township elections as hereinbefore provided: Provided always, that no person shall be qualified to be elected at such election, who shall not be seized to his own use of real estate held by him, in fee simple or in freehold, or for a term of twenty-one years or upwards, of which at least seven years remain unexpired, within the Town for which he is elected, of the assessed value of three hundred pounds, or unless he shall be a tenant from year to year or for a term of years, of real property, within such town, at a *bonâ fide* rental of forty pounds per annum or upwards, or shall be in the receipt of forty pounds or upwards of yearly rent or profit, accruing from or out of real property within such Town; and the Councillors aforesaid shall be chosen by the male inhabitants, being either freeholders or householders, who shall be entered on such Roll, and who shall continue to reside within such Ward at the time of the election, and who shall appear upon the said Roll to have been assessed either as proprietors or tenants for a house or for land, or for both, to the value of twenty-five pounds, and by none other.

Copy of Col-
lector's roll to
be furnished
to Returning
Officer.

Attestation of
such copy.

Proviso: who
may be elected,
or vote as
electors.

LXVI. And be it enacted, That on the second Monday next after the said yearly election, the Councillors so elected in any Town shall meet and choose from amongst themselves a Mayor for such Town, who shall have the same powers within such Town

Election of
Mayor.

as

Town Council constituted.

Meetings.

as are hereinbefore vested in the Townreeve of a Village; and the Mayor and Councillors shall form the Council of such Town; and the said first meeting shall be held at the place where the Municipality, Board of Police or Town Council for such Town shall have held their usual meetings.

Powers, &c., of Town Council.

LXVII. And be it enacted, That the Council for such Town shall have all and singular the powers, duties and liabilities within and in respect of such Town which the Municipality of any Village incorporated under this Act may or can lawfully use or exercise therein.

Provision with respect to Gaol, Court House, &c.

LXVIII. And be it enacted, That the Gaol, Court House, and House of Correction of the County within the limits or on the borders of which every such Town shall be situate, shall be and continue to be the Gaol, Court House and House of Correction of such Town as well as of such County, and the Sheriff, Gaoler and Keeper of such County Gaol and House of Correction, shall be bound to receive and safely keep, until duly discharged, all persons committed thereto by any competent power or authority of such Town.

A Police Office established in each Town: when the Mayor shall preside at it.
Proviso as to holy-days.

LXIX. And be it enacted, That there shall be in each of such Towns a Police Office, at which it shall be the duty of the Police Magistrate for such Town, or in his absence from sickness or other causes, or when there shall be no Police Magistrate for such Town, then it shall be the duty of the Mayor thereof to attend daily, or at such times and for such period as shall be necessary for the disposal of the business to be brought before him as a Justice of the Peace for such Town: Provided always, firstly, that no such attendance shall be required on Sunday, Christmas-day or Good-Friday, or on any day appointed by Proclamation for a Public Fast or Thanksgiving, unless in cases of urgent necessity; And provided also, secondly, that it shall and may be lawful for any Justice of the Peace having jurisdiction within such Town, at the request of the Mayor thereof, to sit for such Mayor at such Police Office, in every of which cases the required attendance of the said Mayor at such Police Office shall be dispensed with.

Proviso: with leave of the Mayor, another Magistrate may sit.

Appointment of Police Magistrates.

LXX. And be it enacted, That the Police Magistrates for the several Towns which shall be or remain incorporated as such under this Act shall be appointed by the Crown during pleasure; and every such Police Magistrate shall be *ex officio* a Justice of the Peace in and for the Town for which he shall be appointed, and in and for the County within or on the borders of which such Town shall lie, and shall receive a salary of not less than one hundred pounds per annum, payable quarterly out of the Municipal funds of such Town: Provided always, nevertheless, that a Police Magistrate shall not in the first instance be appointed for any of such Towns, until the Corporation of such Town shall have communicated to the Governor-General of this Province, through the Provincial Secretary thereof, their opinion that such an Officer was required for the better conduct of the affairs of such Town and administration of justice therein.

Salary.

Proviso: Police Magistrate not to be appointed except upon petition of the Corporation.

Police Magistrate may suspend Chief Constable.

LXXI. And be it enacted, That every such Police Magistrate shall have the power of suspending from the duties of his office any Chief Constable or Constable of the Town of which he is the Police Magistrate for any period in his discretion, and that immediately after such suspension, he shall report the same, with the cause thereof, if he deem such Chief Constable or Constable deserving of dismissal for the cause of such suspension, to the Town Council of such Town, and the Town Council thereof shall thereupon

thereupon in their discretion dismiss such Chief Constable or Constable, or direct that he shall be restored to the duties of his office after the period of such suspension shall have expired, and during such suspension no such Chief Constable or Constable shall be capable of acting in his said office except by the express permission of the Police Magistrate of such Town in writing, nor shall such Chief Constable or Constable be entitled to any salary or remuneration for the period of such suspension: Provided always, that it shall be in the power of such Police Magistrate to appoint some fit and proper person to act as Chief Constable or Constable during the period of such suspension of any Chief Constable or Constable as aforesaid.

Proviso as to temporary Chief Constable.

LXXII. And be it enacted, That all offences against the By-laws of any of the said Towns, and all penalties for refusal to accept or be sworn into office in such Towns, and all other offences over which one or more Justices of the Peace have or shall have jurisdiction, committed within any such Town, may be prosecuted and sued for, tried and recovered before the Police Magistrate of such Town, or when there shall be no Police Magistrate in such Town, then before the Mayor of such Town, such Police Magistrate or Mayor, as the case may be, acting, either alone or assisted by one or more Justices of the Peace for such Town, as the case may require; and such Police Magistrate shall *ex officio* be a Justice of the Peace for such Town, and it shall be his duty and that of the Justices for such Town to be the conservators of the peace in and for the same.

Offences against By-laws, &c., may be prosecuted before Police Magistrate or Mayor.

He shall be a J. P.

LXXIII. And be it enacted, That the Clerks of the Town Councils of the said Towns shall be Clerks of the Police Offices of such Towns, and perform the same duties and receive the same emoluments as now appertain to Clerks of Justices of the Peace in Upper Canada, unless by Act of the Town Councils of such Town another Officer be appointed for such purpose.

Who shall be Clerks of Police Offices. Their duties.

LXXIV. And be it enacted, That there shall be in and for each of the Towns which shall be or remain incorporated as such under the authority of this Act, one Chief Constable, and one or more Constables for each Ward of such Town who shall respectively hold their offices during the pleasure of the Town Council, but shall be liable to be suspended and dismissed as hereinbefore provided.

Appointment of Chief Constables, &c., to hold office during pleasure of Town Council.

LXXV. And be it enacted, That nothing in this Act contained shall be construed to limit the power of the Governor of this Province to appoint under the Great Seal thereof, any number of Justices of the Peace for any such Town.

Power of Governor as to appointment of J. P. not affected.

LXXVI. And be it enacted, That all oaths of Office of the Subordinate Officers of such Town, shall be taken before the Mayor or Police Magistrate thereof, or before any one of the Justices of the Peace for such Town, who are hereby authorized to administer the same.

Oath of Office of Subordinate Officers, before whom to be taken.

LXXVII. And be it enacted, That it shall and may be lawful for the Town Council of each of the said Towns, to select from among themselves one Townreeve, and when such Town shall have five hundred resident freeholders and householders on the Collector's Roll thereof, then also a Deputy-Townreeve for such Town, who shall be a Member of the Municipal Council of the County in which such Town is situate.

Appointment of Townreeve, and Deputy-Townreeve.

Appointment
of Assessors
and Collectors.

LXXVIII. And be it enacted, That the Town Council for each of the said Towns shall appoint three Assessors and one Collector for each Ward of the said Town, whose duty it shall be to make assessments and collect taxes within such Ward, in like manner as the Assessors and Collectors in the several Townships aforesaid are to perform the same duties in the said Townships respectively; Provided always, firstly, that none of the Town Councillors shall be eligible to be appointed to such offices; and provided also, secondly, that no person shall be appointed such Assessor, unless he shall be rated on the Collector's Roll for the year preceding his appointment, to the amount of three hundred pounds and upwards.

Proviso.

Proviso as to
qualification.

Provision for
the erection of
an incorporated
Village
into a Town,
on certain
conditions.

LXXIX. And be it enacted, That whenever any Incorporated Village in Upper-Canada, shall be found by the Census Returns to contain within its limits upwards of three thousand inhabitants, then upon petition of the Municipality of such Village, it shall and may be lawful for the Governor of this Province by an Order in Council to issue a Proclamation under the Great Seal of the Province erecting such Village into a Town, and including within the boundaries thereof any portion of the Township or Townships within which it may be situate, which from the proximity of streets or buildings thereon may conveniently be attached to such Town and dividing the said Town into Wards by appropriate names and boundaries; but no Town shall be so divided into less than three Wards, and none of such Wards shall have less than five hundred inhabitants; and such Town shall have an election by Wards on the first Monday in the month of January next after the end of three calendar months from the *teste* of such Proclamation; and such Town shall from thenceforth be subject to the same regulations and provisions of law, and shall have the same immunities and privileges as a Town named in the said Schedule to this Act annexed marked B, as fully as if such Town had been mentioned therein.

Number of
Wards.

First election
by Wards.

Privileges as a
Town.

Town Council
to be com-
posed of Coun-
cillors elected
for the differ-
ent Wards:
powers and
duties.

LXXX. And be it enacted, That the Town Council of any such Town shall be composed of the Councillors elected by and for the different Wards of such Town, and shall have all such powers, duties and liabilities within and in respect of such Town as the Municipality of any Village shall have in respect of such Village; and the Mayor of such Town and the other Officers thereof shall have the like powers, duties and liabilities respectively within and in respect thereof as the Townreeves and other Officers of any Incorporated Village shall have within and in respect of such Village.

Power of
Town Coun-
cils to make
By-laws for—

LXXXI. And be it enacted, That the Town Council of each of the Towns which shall be or remain incorporated under the authority of this Act, shall moreover have power and authority to make By-laws for each or any of the following purposes, that is to say:

Establishing
Police.

Firstly. For establishing and regulating a Police for such Town; for establishing and regulating one or more Alms-houses and Houses of Refuge for the relief of the poor and destitute; for erecting and establishing and also providing for the proper keeping of any Work-house or House of Correction that may hereafter be erected in and for such Town; for regulating the erecting of buildings and preventing wooden buildings from being erected in thickly built parts of such Towns.

Work-house
and house of
correction.

Regulating
erection of
buildings.

Purchase of
land for In-

Secondly. For the purchase of such lands as they may deem necessary, for the purpose of an Industrial Farm for such Town, of not less than two hundred acres in extent

extent within such convenient distance of such Town as they may deem expedient, and for erecting or building thereon such houses, buildings, yards and other inclosures as may be deemed proper for the purposes of such farm.

Industrial Farm;
&c.

Thirdly. For defraying out of the funds of such Town, if necessary, the expense of lighting the same or any part thereof with gas, oil or other substances, and the performing of any kind of work required for the purpose, and for obliging the proprietors or occupiers of real property to allow such work to be done, and such fixtures placed in or about their premises as may be necessary for that purpose; such work and fixtures to be done at the expense of such Town.

Lighting with
gas, oil, &c.

Fourthly. For regulating and licensing the owners of Livery Stables, Horses, Cabs, Hackney-coaches, Omnibuses, Carts and other Carriages used for hire in such Town, and for establishing the rates of pay or hire to be taken by the owners or drivers thereof, and for preventing runners, stage-drivers and others in the streets or public places from soliciting and teasing passengers and others to travel in any boat, vessel, stage or vehicle.

Livery stable
licenses, &c.

Public con-
veyances.

Fifthly. For assessing the proprietors of such real property in any such Town as may be immediately benefitted by such improvements, for such sum or sums as may at any time be necessary to defray the expense of making or repairing any common sewer, drain, flagging, posts or pavement in any public highway, street, square or place immediately opposite or near to such real property, and for regulating the time and manner in which such assessment shall be collected and paid.

Assessments
on real prop-
erty for spe-
cial improve-
ments.

Sixthly. For raising, levying and appropriating at and upon the petition of two thirds or upwards of the freeholders and householders resident in any particular street, square, alley or lane of such town, such sum or sums of money as may be necessary to defray the expense of sweeping and watering such street, square, alley or lane by means of a special rate to be assessed equally on the whole rateable property in such street, square, alley or lane.

Or for sweep-
ing and water-
ing streets, &c.

Seventhly. For borrowing under the restriction and upon the security hereinafter mentioned, all such sums of money as shall or may be necessary for the execution of any town work within their jurisdiction and the scope of the authority by this Act conferred upon them.

Borrowing
moneys.

Eighthly. For raising, levying and appropriating such moneys as may be required for all or any of the purposes aforesaid by means of a rate to be assessed equally on the whole rateable property in such Town according to any law which shall be in force in Upper Canada concerning rates and assessments.

Levying
moneys.

Ninthly. For making all such laws as may be necessary and proper for carrying into execution the powers herein vested or hereinafter to be vested in the Corporation of such Town or in any department or office thereof, for the peace, welfare, safety and good government of such Town as they may from time to time deem expedient, such laws not being repugnant to this or any other Act of the Parliament of this Province, or of the Parliament of Upper Canada, or to the general laws of that part of this Province: Provided always nevertheless, firstly, that no person shall be subject to

Making By-
laws for car-
rying into ex-
ecution powers
herein vested,
&c.

Proviso as to
fines, for
be

breach of By-laws.
For refusing office.

be fined more than five pounds, exclusive of costs, or to be imprisoned more than thirty days, for the breach of any By-law or regulation of such Town: And provided also, secondly, that no person shall be compelled to pay a greater fine than twenty pounds for refusing or neglecting to perform the duties of any Municipal office when duly elected or appointed thereto.

Repealing or amending of By-laws.

Tenthly. For the repeal, alteration, or amendment, from time to time, of all or any of such By-law or By-laws, and the making others in lieu thereof, as to them may seem expedient for the good of the inhabitants of such Town.

VI. CITIES.

Inhabitants of cities mentioned in Schedule C. &c., incorporated.

LXXXII. And be it enacted, That the inhabitants of each of the Cities mentioned in the Schedule to this Act annexed marked C, and intituled "Cities," and the inhabitants of all such Towns in Upper-Canada as shall from time to time be erected into Cities by and under any Proclamation to be issued in that behalf under this Act, shall be Bodies Corporate with all the powers, privileges and immunities, duties and liabilities of the incorporated inhabitants of Towns as aforesaid, except in so far as such powers may be hereby increased, lessened or otherwise modified, and such powers shall be exercised by, through, and in the name of the Mayor, Aldermen and Commonalty of each of such Cities respectively.

Corporate powers.

How exercised.

Election of one Alderman and two Councillors for each Ward: copies of Collector's rolls to be furnished, &c., as in Towns.

LXXXIII. And be it enacted, That for every Ward within the limits of any such City, there shall be chosen by the male resident freeholders and householders of such Ward, one Alderman and two Councillors for such Ward, for which purpose copies of the Collector's Rolls shall be furnished, verified and procured by the like persons and within the like times as is hereinbefore provided with respect to Towns; and the Common Council of each such City shall be formed of such Aldermen and Councillors in the same manner as the Town Council of any such Town shall have in and with regard to the same, and all the rules, regulations, provisions and enactments contained in this Act, as applied to Incorporated Towns, by way of reference to those provided for Incorporated Villages or otherwise, shall apply to each of the said Cities: Provided always, firstly, that the Mayor of every such City shall be elected from among the Aldermen thereof; and provided always, secondly, that no person shall be qualified to be elected an Alderman for any such Ward who shall not at the time of the Election be seized, to his own use, of Real Estate held by him in fee simple, or in freehold, within the City for which he is elected or the liberties thereof of the assessed value of five hundred pounds, or unless he shall be a Tenant from year to year or for a term of years, of Real Property within such City or the liberties thereof, at a *bonâ fide* rental of sixty pounds per annum or upwards, or shall be in the receipt of sixty pounds or upwards, of yearly rent or profit accruing from or out of Real Property within such City or the liberties thereof; and provided always, thirdly, that no person shall be qualified to be elected a Councillor for any such Ward, who shall not, at the time of his Election, be in like manner seized to his own use of like Real Estate, to the value of three hundred pounds, or unless he shall be a Tenant from year to year or for a term of years, of Real Property within such City or the liberties thereof, at a *bonâ fide* rental of thirty pounds per annum or upwards, or shall be in the receipt of thirty pounds or upwards of yearly rent or profit accruing from or out of Real Property within such City or the liberties thereof; and provided always, fourthly and lastly, that the Aldermen

Proviso: Mayor to be elected from among Aldermen.

Proviso: qualification of Aldermen.

Proviso: qualification of Councillors.

Qualification of electors.

Aldermen and Councillors aforesaid, shall be chosen by the male inhabitants being either freeholders or householders who shall be entered on such Roll and who shall continue to reside within such Ward at the time of the Election, and who shall appear upon the said Roll to have been assessed either as Proprietors or Tenants for a house or for land, or for both, to the value of fifty pounds, and by none other.

LXXXIV. And be it enacted, That whenever any of the said Towns incorporated, or to be incorporated as aforesaid, shall be found by the census returns to contain more than fifteen thousand inhabitants, then, on petition from the Town Council of such Town, it shall and may be lawful for the Governor of this Province, by an Order in Council, to issue a Proclamation under the Great Seal of the Province, erecting such Town into a City, setting forth the boundaries of such City and of the liberties thereof respectively, with the portions of the liberties to be attached to each of such Wards respectively, and including within such boundaries any portion of the Township or Townships adjacent, which from the proximity of streets or buildings therein, or the probable future exigencies of such City, it may appear desirable in the opinion of the Governor in Council should be attached to such City or the liberties thereof; and to make new divisions of such City into Wards, in like manner as is provided in the case of the said Towns; and the first election in such place as a City shall take place on the first Monday of the month of January next, after the end of three calendar months from the *teste* of such Proclamation.

Provision with respect to the erection of incorporated Towns into Cities, on certain conditions.

New division into Wards.

First election, as a City.

LXXXV. And be it enacted, That each of the Cities which shall be or remain incorporated as such under the authority of this Act, with the liberties thereof, shall, for all Municipal purposes, and such Judicial purposes as are herein or hereby specially provided for, but no other, be a County of itself: Provided always, nevertheless, that nothing herein contained shall prevent the Municipal Council of the County within or on the borders of the territorial limits whereof such County of a City shall lie, to hold their sittings, keep their public offices, and transact all their business and that of their officers and servants within the limits of such City or the liberties thereof, and to purchase and hold all such real property within such limits as may be necessary or convenient for such purposes or any of them.

Each incorporated City to be a County of itself for certain purposes.

Proviso: not to prevent County Municipal Councils to hold their sittings in Cities, &c.

LXXXVI. And be it enacted, That the Justices of the Peace in and for the County within or on the borders of which such City shall lie, shall as such neither have nor exercise any jurisdiction over offences committed within such City or the liberties thereof; any law or usage to the contrary thereof notwithstanding: Provided always, nevertheless, firstly, that nothing herein contained shall be construed to prevent the General or Adjourned Quarter Sessions of the Peace for such County being held within the limits of such City or the liberties thereof, and having and exercising all the jurisdiction and authority necessarily incident to the power of holding such Sessions; And provided always also, secondly, that nothing herein shall prevent or be construed to prevent the endorsement of Warrants as now provided for by law, nor to alter or interfere with the effect of such endorsement.

Justice of the Peace of the County to have no jurisdiction within City.

Proviso: Quarter Sessions of the County may be held in City.

Proviso: with respect to endorsement of Warrants.

LXXXVII. And be it enacted, That from the time of the erection of any Town into a City, any and every Commission of the Peace that may have been issued for such Town shall cease and determine.

Commissions of the Peace to cease on erection of a City.

Chief Constable and High Bailiff to be appointed.

LXXXVIII. And be it enacted, That there shall be in and for each of the Cities which shall be or remain incorporated as such under the authority of this Act, besides a Chief Constable, as provided with respect to incorporated Towns as aforesaid, one High Bailiff, who shall be appointed annually by the Corporation of such City.

Corporation may erect any part of the liberties into outer Wards, &c.

LXXXIX. And be it enacted, That it shall and may be lawful for the Corporation of any City which shall be or remain incorporated under authority of this Act, by act of Common Council, from time to time, as it may seem expedient, to erect any part of the liberties contiguous to such City, as their boundaries shall be at the time, into one or more outer Wards; and may from time to time, as it may seem expedient, alter and vary the boundaries of such outer Wards, or any of them, before they shall be annexed to the said City, as hereinafter provided.

Provision for annexing an outer Ward to the City, on certain conditions.

XC. And be it enacted, That so soon as it shall appear by the census of any such City, that any one of its outer Wards contains as many inhabitants as by the census first taken after the passing of this Act, or after the erection of such City, as the case may be, shall be found to be contained in the least populous of the Wards erected by this Act, or by the Proclamation erecting such City, and by the general Assessment Rolls of such City, that such outer Ward contains as much assessed property as by the first Assessment of the said City made after the passing of this Act, or after the issuing of such Proclamation as aforesaid, shall be found to be contained in the least wealthy of the Wards erected by this Act or by such Proclamation, it shall and may be lawful for the Mayor of such City, for the time being, and he is hereby required forthwith to issue a Proclamation, under the Seal of the said City, setting forth the same, and annexing such Ward to such City, calling it by such name as the Common Council thereof shall think fit.

When an outer Ward is annexed, it shall cease to form part of the liberties.

XCI. And be it enacted, That from the date of any such last mentioned Proclamation, such Ward shall cease to be a part of the liberties, and shall from thenceforth constitute a Ward of such City, and have incident to it, and its inhabitants every thing by this Act or any future Act of Parliament, or any act of Common Council, incident to the Wards of such City, or the inhabitants thereof, in general, and every such Act shall extend to such Ward as it does or shall to the other Wards of such City in general: Provided always, that no Election for Charter Officers for any such Ward, shall take place until the general Election for such Officers next ensuing the issuing of any such last mentioned Proclamation.

Provide us to elections for each Ward.

Present Gaol, Court House, &c., to continue as such for City and County, until otherwise provided.

XCII. And be it enacted, That the Gaol, Court House and House of Correction of the County within the limits or on the borders of which any such City shall be situate, shall be and continue to be the Gaol, Court House and House of Correction of such City, as well as of such County, until such City shall by Act of Common Council otherwise direct; and the Sheriff, Gaoler and Keeper of every such County Gaol and House of Correction shall be bound to receive and safely keep until duly discharged, all persons committed thereto by any competent power or authority of such City.

A Recorder's Court to be established for each City.

XCIII. And be it enacted, That besides a Police Officer and Police Magistrate, as provided with respect to Incorporated Towns as aforesaid, and which shall have the like duties and powers in all respects in such City and the liberties thereof as is herein provided with respect to the Police Officers and Magistrates for incorporated Towns as aforesaid,

aforesaid, there shall moreover be a Court of Record in each of the Cities, which shall be or remain incorporated as such under the authority of this Act, which Court shall be called the Recorder's Court of such City, and wherein the Recorder for the time being shall preside, assisted by one or more of the Aldermen of such City, or in the absence of such Recorder from sickness or other causes, or when there shall be no Recorder, the Mayor or one of the Aldermen of such City, to be elected by the Aldermen from among themselves, shall preside; and that such Court shall in all cases possess the like powers and have the like jurisdiction as to crimes, offences and misdemeanors committed in such City and the liberties thereof as the Courts of Quarter Sessions of the Peace now have or hereafter may have by Law in Upper-Canada, as to crimes, offences and misdemeanors committed within their local jurisdiction, as well as in all those matters of civil concern not belonging to the ordinary jurisdiction of a Court of Justice, as have been or may hereafter be by Law vested in such Courts of Quarter Sessions of the Peace.

Who shall
preside in it.

Jurisdiction of
the Recorder's
Court.

XCIV. And be it enacted, That the said Recorder's Court shall hold four Sessions in each year, which Sessions shall commence on the second Monday in the months of January, April, July and October in each year.

Four Sessions
in each year,
and when.

XCIV. And be it enacted, That the inhabitants of every such City erected or to be erected under the authority of this Act, and of the liberties thereof, at all times after the passing of this Act, or after the first day of January next after the end of the three calendar months from the *teste* of the Proclamation erecting such City, as the case may be, shall be exempt from serving on Juries at any other than the City Courts and the Courts of Assize and *Nisi Prius*, Oyer and Terminer and General Gaol delivery for the County within the limits or on the borders of which such City shall be situate.

Inhabitants of
City and Li-
berties exempt-
ed from serv-
ing on certain
Juries after a
certain date.

XCVI. And be it enacted, That the Grand Juries of such Recorder's Courts shall consist of twenty-four persons to be summoned by the High Bailiffs of each of the said Cities, under precepts signed by the Recorders or Aldermen elected to sit for such Recorders, in the same manner as Grand Juries of the Quarter Sessions are now or hereafter may be by law summoned by the different Sheriffs in Upper Canada.

Who shall be
Grand Jurors
for the Recorder's
Courts,
and how
summoned.

XCVII. And be it enacted, That the Panels of the Petit Jurors for such Courts shall consist of not less than thirty-six nor more than sixty Jurors to be summoned by the High Bailiffs of each of the said Cities, under precepts signed by the Recorders or Aldermen elected to sit for such Recorders in the same manner as Petit Jurors of the Quarter Sessions now are or hereafter may be by law summoned by the different Sheriffs in Upper Canada.

Petit Jurors to
be summoned
by High
Bailiffs.

XCVIII. And be it enacted, That such persons only residing in the said Cities or the liberties thereof, shall be summoned to compose the Grand and Petit Jurors of such Recorder's Courts as are at present or hereafter may be liable to be summoned as Grand and Petit Jurors respectively in any Court of Upper Canada.

Who shall be
Grand and
Petit Jurors.

XCIX. And be it enacted, That the respective Grand Juries shall have all the power and authority over offences committed in the said Cities and the liberties thereof, which Grand Juries for the General Quarter Sessions of the Peace in Upper Canada now have or hereafter may have.

Authority of
Grand Juries.

Powers of
Courts of
Quarter Ses-
sions vested in
Recorder's
Courts.

C. And be it enacted, That the like Process and Proceeding now had in the said General Quarter Sessions of the Peace in criminal cases, shall and may be used in the said Recorder's Courts when exercising criminal jurisdiction, and the like power to take recognizances and all other powers and duties incidental to such jurisdiction, and which the said Courts of General Quarter Sessions now or hereafter may possess by law, together with the powers granted by this Act, are hereby vested in the said Recorder's Courts as far as regards any offences, crimes and misdemeanors arising or committed within such Cities and the liberties thereof respectively.

On acquittal of
a defendant,
costs to be
paid out of
City funds,
when there
was reasonable
cause for pro-
secution.

CI. And be it enacted, That upon the acquittal of any Defendant or Defendants in any of the said Recorder's Courts, the Recorder or presiding Alderman thereof, shall upon its appearing to the satisfaction of the said Court, that there was a reasonable and probable cause for such prosecution, order the costs thereof to be taxed by the Clerk of the said Court to be paid out of the City Funds.

Recorder may
suspend High
Bailiff, Chief
Constable, &c.
from their
duties.

CII. And be it enacted, That every such Recorder shall have the power of suspending from the duties of his Office any High Bailiff, Chief Constable or Constable of the City of which he is the Recorder, for any period in his discretion, and that immediately after such suspension he shall report the same with the cause thereof if he deem such High Bailiff, Chief Constable or Constable deserving of dismissal for the cause of such suspension, to the Common Council of such City, and the said Common Council shall thereupon in their discretion, dismiss such High Bailiff, Chief Constable or Constable, or direct that he shall be restored to the duties of his Office after the period of such suspension shall have expired, and during such suspension no such High Bailiff, Chief Constable or Constable shall be capable of acting in his said Office except by the express permission of the Recorder of such City in writing, nor shall such High Bailiff, Chief Constable or Constable be entitled to any salary or remuneration for the period of such suspension: Provided always, that it shall be in the power of such Recorder to appoint some fit and proper person to act as High Bailiff, Chief Constable or Constable during the period of such suspension of any High Bailiff, Chief Constable or Constable as aforesaid.

Proviso as to
a Bailiff, &c.
pro tempore.

Who shall be
Clerks of
Recorder's
Courts.

CIII. And be it enacted, That the Clerks of the Common Councils of the said Cities shall be Clerks of the Recorders' Courts, and perform the same duties and receive the same emoluments as now appertain to the Clerks of the Peace in Upper Canada.

Appointment
and qualifica-
tion of Record-
ers.

CIV. And be it enacted, That the Recorders for the several Cities which shall be or remain incorporated as such under the authority of this Act, shall be Barristers of Upper Canada of not less than five years' standing, and shall be appointed by the Crown during pleasure, and every such Recorder shall be *ex officio* a Justice of the Peace, in and for the City and Liberties thereof, for which he shall be appointed, and shall receive a salary of not less than two hundred and fifty pounds per annum, payable quarterly out of the Municipal Funds of such City: Provided always nevertheless, that a Recorder shall not in the first instance be appointed for any of such Cities until after the Corporation of such City shall have communicated to the Governor General of this Province through the Provincial Secretary thereof their opinion that such an Officer was required for the better conduct of the affairs of such City, and administration of justice therein.

Proviso: not
to be appointed
except on
petition of the
Corporation.

CV. And be it enacted, That it shall and may be lawful for any such Common Council in any such communication to declare their opinion that the said offices of Recorder and Police Magistrate may be vested in the same person for some time thereafter, in every which case the same person shall be appointed to both of such offices, and the said offices shall remain united in such person and his successors until such Common Council shall have further communicated to the Governor General of this Province, their opinion that such offices should no longer continue united; from which time the same shall be held separately: Provided always, that during the union of such offices the person holding the same shall not be entitled to any other than the salary herein provided for the office of Recorder.

Offices of Recorder and Police Magistrate may be vested in the same person.

Proviso as to salary in such case.

CVI. And be it enacted, That the Common Council of such City shall have all and singular the powers and authority within such City and the Liberties thereof, which the Town Council of any Town incorporated under the authority of this Act, may or can lawfully use or exercise therein.

Powers of City Councils to be similar to those of Town Councils.

CVII. And be it enacted, That the Common Council of each of the Cities which shall be or remain incorporated under the authority of this Act shall moreover have power and authority to make By-laws for each of the following purposes, that is to say:

City Councils may make By-laws for—

Firstly. For erecting and establishing and also providing for the proper keeping of a City Hall, Court House, Gaol, House of Correction and House of Industry in and for such City and the Liberties thereof, and appointing the Inspectors of any such House of Industry.

Erection of a City Hall, Gaol, House of Correction, &c.

Secondly. For regulating, in their discretion, the erecting of buildings and preventing wooden buildings and wooden fences from being erected in such City.

Regulating the erection of wooden buildings;

Thirdly. For borrowing under the restrictions and upon the security hereinafter mentioned all such sums of money as shall or may be necessary for the execution of any city work within their jurisdiction, and the scope of the authority by this Act conferred upon them.

Borrowing moneys;

Fourthly. For raising, levying, and appropriating such moneys as may be required for all or any of the purposes aforesaid by means of a rate to be assessed equally on the whole rateable property of such City according to any law which shall be in force in Upper Canada, concerning rates and assessments.

Levying moneys by rate.

Fifthly. For making all such laws as may be necessary and proper for carrying into execution the powers herein vested or hereafter to be vested in the Corporation of such City or in any department or office thereof, for the peace, welfare, safety and good government of such City as they may from time to time deem expedient, such laws not being repugnant to this or any other Act of the Parliament of this Province, or of the Parliament of Upper Canada, or to the general laws of that part of this Province: Provided always nevertheless, firstly, that no person shall be subject to be fined more than five pounds exclusive of costs, or to be imprisoned more than thirty days for the breach of any By-law or Regulation of such City: And provided also, secondly, that no person shall be compelled to pay a greater fine than twenty pounds, for refusing or neglecting to perform the duties of any municipal office, when duly elected or appointed thereto.

Carrying into execution powers vested in them.

Proviso as to fines for breach of By-laws; Or for not accepting office.

Repealing or
amending By-
laws.

Sixthly. For the repeal, alteration or amendment, from time to time, of all or any of such By-laws, and the making others in lieu thereof as to them may seem expedient for the good of the inhabitants of such City.

VI. MISCELLANEOUS PROVISIONS.

Who shall be
the Heads of
the different
Corporations.

CVIII. And be it enacted, That of the Municipal Corporations erected or to be erected under the authority of this Act, the Warden of each County shall be the Head of the Municipal Council or Corporation of such County, the Mayor of each City and Town shall be the Head of the Town or Common Council or Corporation of such City or Town respectively, and the Townreeve of each Township and Village, the Head of the Municipality or Corporation of such Township or Village respectively.

Head of any
Corporation to
be *ex officio* a
Justice of the
Peace.

CIX. And be it enacted, That the Head of every such Municipal Corporation as aforesaid shall *ex officio* be a Justice of the Peace, in and for the County within or on the borders of which the Township, Village, Town or City, in or over which he shall preside as such Head as aforesaid, shall be situate, and shall have within every such County, as well as within the limits of the jurisdiction of the Municipal Corporation over which he presides, all and singular the powers and jurisdiction as well civil as criminal which belong to that office.

Absence of
more than
three months
at a time
without leave,
to vacate the
office.

Vacancy how
filled.

CX. And be it enacted, That in the event of the absence of the Head of any such Municipal Corporation from the duties of his office for a period exceeding at one time three calendar months, without having been first authorized so to absent himself by a resolution of such Municipal Corporation, he shall vacate his office; and in such case, it shall and may be lawful for such Municipal Corporation, at a special meeting thereof for that purpose, to be convened within three days after such office shall become vacant, to elect from among themselves a successor to such Head of such Municipal Corporation, who shall hold office for the remainder of the time of service of his immediate predecessor, which Head of such Corporation shall be sworn into office as is in and by this Act provided.

Resignation of
Heads of Cor-
porations.

CXI. And be it enacted, That it shall and may be lawful for the Head of such Municipal Corporation, at any time, by and with the consent of such Municipal Corporation, to resign his office; and his successor shall in such case be elected within the time and in the manner, and for the same period as is provided in the next preceding section of this Act.

Members of
Corporations
becoming in-
solvent to
cease to be
Members.

CXII. And be it enacted, That if any of the Members of any such Municipal Corporations, erected or to be erected under the authority of this Act, shall be declared a Bankrupt, or shall apply to take the benefit of any Act for the relief of Insolvent Debtors, or shall compound by deed with his creditors, then, and in every such case, such person shall thereupon immediately become disqualified, and shall cease to be a Member of such Municipal Corporation, for the residue of the time for which upon such bankruptcy, insolvency, or composition with his creditors, such Member of such Municipal Corporation was liable to serve; and the vacancy thereby created shall be filled as in the case of the natural death of such Member of such Municipal Corporation.

CXIII. And be it enacted, That the Head of every such Municipal Corporation, or, in his absence, the Chairman thereof, shall have power to administer an oath or oaths, affirmation or affirmations, to any person or persons concerning any account or other matter which shall be submitted to such Municipal Corporation.

Power to Head of Corporation to administer certain oaths.

CXIV. And be it enacted, That for and notwithstanding the issue of any Proclamation under the authority of this Act for the incorporation of any Village or for the erection of any Village into a Town, or of any Town into a City, the Municipal Corporation existing in or having authority over such Village or Town, or the Hamlet or place of which by such Proclamation such Village, Town or City shall be made to consist immediately previous to the first day of January next after the end of three calendar months from the *teste* of such Proclamation, and all and singular the members, officers and servants of the same respectively shall upon, and from such last mentioned first day of January, until the fourth Monday of the same month, continue to have, exercise and perform all and singular the Municipal and other powers, functions and duties which, immediately previously to such last mentioned first day of January, shall or may by law have been vested in them respectively, to all intents and purposes as if such Proclamation had not been issued.

Notwithstanding proclamation incorporation incorporating Villages, &c., Municipal Corporations then existing to continue to exercise their powers for a certain time.

CXV. And be it enacted, That it shall and may be lawful for the Governor of this Province, by any Order in Council, made upon the petition of the Municipal Corporation of any Town or Village, by Proclamation under the Great Seal of the Province, to add to the boundaries of such Town or Village, and to make a new division of the Wards of any such Town, and to alter the boundaries and number of such Wards, but so that there be not less than three Wards therein, and that no Ward shall by such division contain less than the number of inhabitants contained in the least populous Ward of such Town by the first census taken after the first erection of such Town; and the first election, under such enlargement or new division of such Town or Village, shall take place on the first day of January next, after the end of three calendar months from the *teste* of such Proclamation.

Governor in Council may enlarge boundaries, or alter the division, &c., of a Town or Village, on petition of the Corporation.

As to first election thereafter.

CXVI. And be it enacted, That nothing herein contained shall be construed to authorize any Municipal Corporation erected under the authority of this Act to give any person or persons an exclusive right or privilege to exercise within the locality over which it has jurisdiction, any trade or calling concerning which such Municipal Corporation may be hereby empowered to make regulations, or to require that a license to exercise the same be taken from such Municipal Corporation or any Officer thereof, or to impose any special tax on any person or persons exercising the same except only such reasonable fee, not in any case exceeding five shillings, as may be necessary for remunerating the proper Officer for issuing or granting to any such person a certificate of his having complied with any such regulations as aforesaid; Provided always nevertheless, that nothing herein contained shall affect the right of any Municipal Corporation to the exclusive privilege of any ferry now vested in the present Corporation of such County, City, Town or Village.

Municipal Corporation not to grant exclusive rights to exercise any trade or calling.

Proviso as to Ferries.

CXVII. And be it enacted, That whenever there shall be a Police Magistrate for any Town or City erected or to be erected under the authority of this Act, the power of granting licenses to inn-keepers, and the keeping of ale and beer houses within such Town or City, or the liberties thereof, under such By-laws as may be made for that purpose by the Municipal Corporations thereof, shall be vested in and belong to such Police Magistrate.

When a Police Magistrate shall be appointed in a Town or City, powers of granting tavern licenses vested in him.

CXVIII.

Tavern-keepers keeping disorderly houses, to be tried before the Mayor or Police Magistrate and two Aldermen or Justices of the Peace.

Punishment on conviction.

Affirmation allowed in certain cases instead of taking the oath.

Value of the property assessed to appear upon the Roll.

Voters to be subjects of Her Majesty, and of full age.

Persons appearing on Collector's Roll as qualified to vote, only required to take certain oaths.

False swearing, &c., perjury.

CXVIII. And be it enacted, That the Mayor or Police Magistrate, with any two Aldermen or Justices of the Peace for any Town or City erected or to be erected under the authority of this Act, shall have full power and authority upon complaint made to them or any one of them, upon oath, of any riotous or disorderly conduct in the house of any Inn or Tavern-keeper in any such Town or City, to enquire summarily into the matter of such complaint, and for the Mayor or Police Magistrate of such Town or City, to summon such Inn or Tavern-keeper to appear to answer such complaint, and thereupon it shall be lawful for the Mayor or Police Magistrate, with any two Aldermen or Justices of the Peace, to investigate the same, and to dismiss the same with costs, to be paid by the complainant, or to convict the said Inn or Tavern-keeper of having a riotous or disorderly house, and to abrogate the license, or to suspend the benefit of the same for any period not exceeding sixty days; and during the period of such suspension such Inn or Tavern-keeper shall lose all the powers, privileges and protection that would otherwise have been afforded him by his said license.

CXIX. And be it enacted, That in every case in which an oath is required to be administered or taken under this Act, the person required to take such oath, if by law permitted to affirm instead of swear in judicial cases in Upper Canada, shall be entitled and required to make solemn affirmation to the same effect as the oath which would otherwise be required.

CXX. And be it enacted, That in future the Collector's Rolls for the different Townships, Incorporated Villages and Wards in Upper Canada shall contain the amount of the assessed value of the real and also the amount of the assessed value of the personal property of each person whose name shall appear upon such Roll, as well as the amount to be collected from such person.

CXXI. And be it enacted, That no person shall be qualified to vote, or to be elected or appointed under this Act, who shall not at the time of his voting, election or appointment, be a natural-born or naturalized subject of Her Majesty, Her Heirs or Successors, and of the full age of twenty-one years.

CXXII. And be it enacted, That in all elections of Members of any of the Municipal Corporations erected or to be erected under the authority of this Act, whether for Townships, Villages or Wards, each and every person whose name shall appear upon the Collector's Roll, or copy thereof, hereinbefore required to be procured for the purposes of such election, as having been taxed as a freeholder or householder in any such Township, Village or Ward, to an amount sufficient to entitle him to vote at such election, shall be entitled to vote at such election for the same, without any other enquiry and without taking any oath or affirmation other than that he is the person named in such Collector's Roll, that he is of the full age of twenty-one years, and is a natural-born, or naturalized subject of Her Majesty, that he is resident within such Township, Village or Ward, and that he has not before voted at such election.

CXXIII. And be it enacted, That every person wilfully swearing or affirming falsely in any oath or affirmation required to be taken under this Act, shall be liable to the pains and penalties of wilful and corrupt perjury.

CXXIV.

CXXIV. And be it enacted, That every Returning Officer, or person holding any election under this Act, shall have power to administer all oaths or affirmations required to be administered or taken at any such election.

Returning Officers authorized to administer oaths.

CXXV. And be it enacted, That the Heads of the several Municipal Corporations created or to be created under the authority of this Act, and also the Aldermen of the said Cities and the Justices of the Peace for the several Towns, and also every County, City, Town, Township and Village Clerk, appointed under the authority of this Act, shall have authority to administer any oath or affirmation required to be taken under this Act, and relating to the business of the place in which he shall hold such office as aforesaid, except where it is or shall be otherwise specially provided, or except where he shall be the party required to take such oath or affirmation; and it shall be the duty of any person administering such oath or affirmation to preserve the same, duly certified by him and subscribed by the party taking or making the same, and to deposit the same in the office of the County, City, Town, Township or Village Clerk, for the County, City, Town, Township or Village in which the said oath or affirmation shall be taken or made, and to the business and affairs of which it shall properly belong, within eight days after such oath or affirmation shall be administered, on pain of being deemed guilty of a misdemeanor.

Heads of Corporations, &c., authorized to administer oaths in certain cases.

Deposit of the oath, &c.

Penalty for contravention.

CXXVI. And be it enacted, That in all matters of dispute of and concerning roads, allowances for roads, side lines, boundaries or concessions, pending, or in the course of investigation before the said Municipal Corporations, it shall and may be lawful for the Head of each of the said Municipal Corporations to administer an oath or affirmation to any of the contending parties, and to any witness to be examined touching or concerning the said matters in dispute, and that any person falsely swearing or affirming in that behalf shall be guilty of wilful and corrupt perjury.

Oaths may be administered to parties and witnesses in disputes as to boundaries, &c.

CXXVII. And be it enacted, That each Township, Village, Town or City Councillor, and each Township, County, Village, Town or City Clerk, and each Justice of the Peace for any of the Towns aforesaid, and each Assessor and Collector, and each Returning Officer and Returning Officer's Clerk, and each Constable or other Officer, who shall be appointed under this Act, by any Municipal Corporation, shall, before entering on the duties of his office, take and subscribe an oath or affirmation to the effect following, that is to say:

Officers elected or appointed under this Act to take oath of Office.

" I, A. B., do solemnly swear, (or affirm, where the party is entitled to affirm instead of swear) that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (inserting the name of the office) to which I have been elected (or appointed) in this Township, (County, &c.) and that I have not received and will not receive any payment or reward, or promise of such for the exercise of any partiality or malversation, or other undue execution of the said office. So help me God."

The oath.

CXXVIII. And be it enacted, That the Head of every Municipal Corporation erected, or to be erected under the authority of this Act, shall be sworn or affirmed into office by the Highest Court of Law or Equity whether of general or only of local jurisdiction, which shall at the time be sitting within the limits of such Corporation, or by the Chief Justice or other Justice or Judge of such Court at his chambers, or if there be no such Court, Justice or Judge within the limits of such Corporation at the time,

Before whom the Head of a Municipal Corporation shall be sworn.

Power to administer the oath.

time, then before the Recorder or Police Magistrate of such City or Town, or any Justice of the Peace of the County or Town in or over which such Corporation shall have jurisdiction, or in the case of Townships and Villages, by any Justice of the Peace for the County in which such Township or Village shall be situate, or in case there shall be no such Court, Justice, Judge, or Justice of the Peace within such limits at the time, then before the Clerk of such Municipal Corporation, in the presence of a meeting of such Corporation, which several Courts, Justices, Judges, Recorders, and Police Magistrates, and Justices of the Peace, and Clerks are hereby severally authorized and required to administer such oath or affirmation, and to give the necessary certificate of the same having been duly taken and subscribed.

An Oath of qualification to be taken by certain Officers.

CXXIX. And be it enacted, That every person who shall be elected or appointed under this Act, to any office which requires a qualification of property in the incumbent, shall, before he shall enter into the duties of his office, take and subscribe an oath or affirmation to the effect following, that is to say :

The oath.

“ I, A. B. do swear (or affirm, where the party is entitled to affirm instead of swear) that I am a natural born (or naturalized) subject of Her Majesty; that I am truly and *bonâ fide* seized to my own use and benefit, of such an estate (specifying the nature of such estate, and if land, designating the same by its local description, rents, or otherwise) as doth qualify me to act in the office of (naming the office) for (naming the place for which such person is elected or appointed) according to the true intent and meaning of a certain Act of the Parliament of this Province, passed in the year of the reign of Her Majesty Queen Victoria, chaptered (inserting the chapter of this Act) and intituled, An Act, &c. (inserting the title of this Act). So help me God.”

Penalty for refusal to take office or oaths, &c.

CXXX. And be it enacted, That each and every qualified person duly elected or appointed to be a Police Trustee of any police village, or Councillor or Townreeve of any Township or Village, or a Councillor, Alderman, or Mayor of any Town or City, or a Township, Village, Town, or City Assessor or Collector, who shall refuse such office, or who shall refuse or neglect to take the oath or affirmation of office and that of qualification, under this Act, within twenty days after he shall be so elected or appointed, and have had notice of such election or appointment, and every person duly authorized to administer such oath or affirmation who shall refuse to administer the same when such administration is reasonably demanded of him, shall, upon conviction thereof before any Court of competent jurisdiction, forfeit and pay not more than twenty pounds, and not less than two pounds, at the discretion of the Court, and to the use of Her Majesty, Her Heirs and Successors, together with such costs of prosecution as shall be adjudged by the Court: Provided always, that no person who shall have served in any of the said offices for the year next before any such election or appointment, shall be obliged to serve or be sworn into the same or any other of the said offices for the year succeeding such service.

Proviso as to persons having served in such offices.

Certain persons exempted from serving in any Corporate Office.

CXXXI. And be it enacted, That all persons over sixty years of age, all members of the Legislative Council, and of the Legislative Assembly, all Officers and others in the service of the Crown, either civil or military on full pay, all Judges, Sheriffs, Coroners, Gaolers, and Keepers of houses of correction, all persons in Priest's orders, Clergymen and Ministers of the Gospel of any denomination, all members of the Law Society

Society of Upper Canada, whether Students or Barristers, all Attornies and Solicitors in actual practice of their professions, all Officers of Courts of Justice, all Members of the Medical profession, whether Physicians or Surgeons, and all Professors, Masters, Teachers, and other Members of any University, College or School in Upper Canada, and all Officers and Servants thereof, and all Millers, and Firemen belonging to any regular Fire Company, shall be and are absolutely free and exempt from being elected or appointed to any Corporate Office whatsoever.

CXXXII. And be it enacted, That no Judge of any Court of civil jurisdiction, no Naval or Military Officer on full pay, and no person receiving any allowance from the Township, County, Village, Town, or City, (except in the capacity of Councillor, or in capacities incident thereto), and no person having by himself or partner any interest or share in any contract with or on behalf of the Township, County, Village, Town or City in which he shall reside, shall be qualified to be, or be elected Alderman or Councillor for the same, or for any Ward therein.

Certain persons disqualified from being elected Aldermen or Councillors.

CXXXIII. And be it enacted, That no person shall be qualified to be appointed Assessor for any Township, Village or Ward, who shall be a Councillor of such Township or Village, or of the Town or City in which such Ward shall be situate, or an Alderman or Councillor of the City in which such Ward is situate, nor shall any person be appointed such Assessor unless he shall, at the time of his election or appointment, be seized or possessed to his own use, of property sufficient to qualify him to be elected a Councillor for such Township or Village, or the Town or City in which such Ward shall be situate.

Who may not be an Assessor, and qualification of an Assessor.

CXXXIV. And be it enacted, That nothing in this Act contained, shall prevent any person from being appointed Assessor or Collector for more than one Ward in any City or Town.

One Assessor may be appointed for more than one Ward.

CXXXV. And be it enacted, That each and every Justice of the Peace for any of the said Towns shall be qualified in the same amount of property, and shall take the same oaths as are required of other Justices of the Peace. But no Warden of any County, Mayor, Recorder, Police Magistrate, or Alderman of any City, Mayor or Police Magistrate of any Town, or Townreeve of any Township or Village, shall require any property qualification to enable him lawfully to act as a Justice of the Peace, nor shall any other oath be required of him than his oath of office as such Warden, Mayor, Recorder, Police Magistrate, Alderman, or Townreeve, and the oath of qualification for such office ; any law to the contrary notwithstanding.

As to qualification of Justices of the Peace.

No property qualification required by a Warden, Mayor, &c.

CXXXVI. And be it enacted, That one or more Coroners shall and may be appointed for every City and Town that shall be or continue incorporated as such under the authority of this Act.

Appointment of one or more Coroners for each City and Town.

CXXXVII. And be it enacted, That the Police Trustees of every unincorporated Police Village, and the Members of the Municipal Corporation of every Incorporated Village, and of every Township, Town and City in Upper Canada, shall be Health Officers within the Jurisdiction of such Police Villages or Municipal Corporations, within and under the provisions of the Act of the Parliament of the late Province of Upper Canada, passed in the fifth year of the reign of His late Majesty King William the

Police Trustees, &c., to be Health Officers under Act of U. C. 5 W. 4. c. 10, or any future Act.

the Fourth, intituled, *An Act to promote the Public Health, and to guard against infectious diseases in this Province*, and under any Act that may be hereafter passed in the present or any future Session of the Parliament of this Province for the like purpose : Provided always, nevertheless, that the Municipal Corporation of any of such Townships, Villages, Towns or Cities shall and may by a By-law to be passed for that purpose, delegate the powers hereby conferred upon them, either to a Committee of their own Members, or to some of their own Members and others, or wholly to persons who are not Members of such Corporation, as in their discretion they shall think best.

Proviso: they may delegate their powers as such.

Provision with respect to existing Market places.

CXXXVIII. And be it enacted, That the places already established by competent authority as markets or market places in the several Villages, Towns and Cities in Upper Canada, shall be and remain markets and market places with all the privileges attached thereto until otherwise directed by competent authority in that behalf, and all market reservations or appropriations which by Act of Parliament or otherwise shall have been and shall then continue vested in the Municipal authority of any such Village, Town or City, or in Trustees for their use and benefit at the time this Act shall come into force, shall be and the same are hereby vested in the Municipal Corporation of such Village, Town or City erected under this Act.

Corporations may purchase property beyond limits of towns, &c., for Industrial Farms, which shall, with regard to jurisdiction be deemed within such Towns.

CXXXIX. And be it enacted, That notwithstanding any thing herein contained, it shall and may be lawful for the Municipal Corporation of any Town or City to purchase, have and hold, and at their pleasure to sell, dispose of and convey such landed property beyond the limits of such Town or City and the Liberties thereof as shall or may, in their judgment, be necessary for the purpose of an Industrial Farm for such Town or City, which Industrial Farm with all the buildings, erections and improvements so to be purchased as aforesaid shall, with regard to jurisdiction only, be deemed and taken to be within the limits of such Town in the case of Towns, and within the Liberties of such City, in the case of Cities, and within the jurisdiction of such Town or City for all such purposes.

Mayor, &c., may commit to hard labor on Industrial Farms.

CXL. And be it enacted, That it shall and may be lawful for the Mayor, Recorder, Police Magistrate, or any two Aldermen or Justices of the Peace for any Town or City erected or to be erected under the authority of this Act, to commit to hard labour at or send to such Industrial Farm, under such regulations as shall be established for the government thereof, any or such description of persons as may by the By-laws of the Corporation of such Town or City, from time to time, be adopted or declared expedient or necessary.

Corporations may purchase real property for cemeteries.

Proviso: the title to cemetery to be obtained under a By-law.

Proviso: no such By-law to be repealed, &c.

CXLI. And be it enacted, That notwithstanding any thing hereinbefore contained, it shall and may be lawful for the Municipal Corporation of any Village, Town or City to purchase, have and hold such and so much real property lying as well beyond as within the limits of such Village, Town or City, or the Liberties thereof, as in their judgment shall or may from time to time be or become necessary for the purpose of one or more public Cemeteries for the interment of the dead: Provided always nevertheless, firstly, that the title to every such Cemetery shall be obtained or accepted by such Municipal Corporation under the authority of a By-law of such Corporation to be passed for that purpose, in which By-law such property shall in express terms be appropriated for the purpose of such Cemetery, and no other: And provided also, secondly, that it shall not be in the power of any such Municipal Corporation, at any time

time thereafter, to repeal any such By-law, or to make or suffer to be made any other use of the property so obtained or accepted than for the purpose of such Cemetery: And provided also, thirdly, that every such Cemetery, although lying beyond the limits of such Village, Town or City as settled by this or any other Act of Parliament, or by any Proclamation to be issued under the authority of the same, shall, from the time that the title shall become vested in such Corporation, cease to be a part of the Township within which it shall lie, and shall become and be a part of such Village, Town or City to all intents and purposes as if such Cemetery lay within the limits of such Village, Town or City as settled by such Act or Proclamation.

Proviso: such cemeteries tho out of the Town, &c., to be deemed part thereof, &c.

CXLII. And be it enacted, That notwithstanding any thing herein contained, it shall and may be lawful for the Municipal Corporation of any Village, Town or City, to purchase, have and hold, and at their pleasure to sell, dispose of and convey such landed property as well beyond as within the limits of such Village, Town or City or the Liberties thereof, as shall or may in their judgment be necessary for the purpose of one or more magazines for the deposit and safe keeping of gunpowder, so as to prevent danger therefrom to any such Village, Town or City.

Corporations of Cities, &c., may purchase property beyond the limits of such cities, &c., for powder magazines.

CXLIII. And be it enacted, That every Municipal Corporation erected or to be erected under the authority of this Act, at the first meeting of such Corporation in each year next after the Head of such Municipal Corporation for such year shall have been elected and sworn into office, shall appoint two persons to be and to be called Auditors of such Corporation, one of whom shall be appointed on the nomination of the Head of such Corporation, and the other in the same manner as other Municipal Officers are appointed: Provided always, firstly, that no person shall be appointed such Auditor who shall be a Member of such Corporation or the Clerk or Treasurer thereof, or who shall have been such Member, Clerk or Treasurer for the preceding year, nor any person who then shall have had for such preceding year, or shall then have directly or indirectly, by himself or in conjunction with any other person, any share or interest in any contract or employment with, by or on behalf of such Corporation; And provided also, secondly, that no person appointed an Auditor for such Corporation shall be capable of acting as such, until he shall have previously made and subscribed before the Head of such Corporation an oath or affirmation in the words or to the effect following, that is to say:

Two Auditors to be appointed by every Municipal Corporation.

Proviso: who shall not be appointed Auditors.

Proviso: Auditors to take an oath.

“I, A. B., having been appointed to the office of Auditor for the Municipal Corporation of _____ do hereby promise and swear, that I will faithfully perform the duties of such office according to the best of my judgment and ability; and I do swear and declare, that I had not directly or indirectly any share or interest whatever in any contract or employment with, by, or on behalf of such Municipal Corporation during the year preceding my appointment, and that I have not any contract or employment for the present year. So help me God.”

The oath.

CXLIV. And be it enacted, That it shall be the duty of such Auditors to examine, settle and allow or report upon all accounts which may be chargeable upon or may concern such Corporation, and which may relate to any matter or thing under the control of, or within the jurisdiction of such Corporation for the year ending on the thirty-first day of December preceding their appointment as such Auditors; and to publish a detailed statement of the receipts and expenditures and liabilities of such Corporation

Auditors to examine all accounts against or concerning Corporation.

To publish a statement of expenditures

and liabilities
of Corporation.

And file a du-
plicate report
thereon with
the Clerk of
the Corpora-
tion.

Corporation in two newspapers published within the jurisdiction thereof, or in those nearest thereto; and to file their report thereon in duplicate in the Office of the Clerk of such Municipal Corporation, which they shall do in at least one month after their appointment, and from thenceforth one of such duplicate reports shall at all reasonable hours be open to the inspection of any inhabitant of such Township, County, Village, Town or City, with power to take by himself, or his clerk or agent, but at his own expense, a copy or copies or an extract or extracts from the same at his pleasure.

Governor in
Council to re-
gulate ferries
over which
this Act does
not confer
jurisdiction
upon Muni-
cipal Councils,
&c.

CXLV. And be it enacted, That as to all ferries over which jurisdiction is not by this Act conferred either upon the Municipal Council of some County or the Common Council of some City, and in all cases in which such jurisdiction is hereby conferred, but in which no By-law shall have been passed by such Municipal Council or Common Council, and assented to as hereinbefore provided, for the regulations of such ferry, and until such By-law shall be passed and assented to as aforesaid, it shall and may be lawful for the Governor of this Province, in Council, from time to time, to regulate such ferries, and to establish the rates of pay or hire to be taken by the owners or conductors of the boats or vessels employed on such ferries.

Writ of Sum-
mons in na-
ture of *quo war-
ranto* to issue
for the trial
of controverted
elections.

CXLVI. And be it enacted, That at the instances of any relator having an interest as a candidate or voter in any election to be held under the authority of this Act, a Writ of Summons, in the nature of a *quo warranto*, shall lie to try the validity of such election, which Writ shall issue out of Her Majesty's Court of Queen's Bench for Upper Canada, upon an order of that Court in term time, or upon the fiat of a Judge thereof in vacation, upon such relator, shewing upon affidavit to such Court or Judge reasonable grounds for supposing that such election was not conducted according to law, or that the party elected or returned thereat, was not duly or legally elected or returned. And upon such relator entering into a recognizance before the said Court or any Judge thereof or before any Commissioner, for taking bail in such Court, himself in the sum of fifty pounds, and two sureties to be allowed as sufficient upon affidavit, by such Court or Judge, in the sums of twenty-five pounds each, conditioned to prosecute with effect the Writ to be issued upon such order or fiat, and to pay to the party against whom the same shall be brought, his executors or administrators, all such costs as shall be adjudged to such party against him the said relator, thereupon such Writ shall be issued accordingly: and the said Writ shall be returnable upon the eighth day after that on which it shall be served on such party by the delivery of a copy thereof to him personally, or in the manner hereinafter provided for before some one of the Judges of the said Court at Chambers, which Judge shall have power, upon proof by affidavit of such personal or other service, and he is hereby required to proceed in a summary manner upon statement and answer, and without formal pleadings, to hear and determine the validity of such election, and to award costs against the relator or defendant upon such Writ as he shall deem just.

Security.

Return of
Writ and pro-
ceedings there-
on.

Costs.

On first Court
day after
judgment
Judge shall
deliver Writ
and judgment
into Court,
and the same
shall be en-
forced by per-
emptory *Man-
damus*, &c.

CXLVII. And be it enacted, That on the first day on which such Court shall sit after such judgment shall be given by such Judge, whether such day shall be in the same or the following Term, the said Judge shall deliver such Writ and judgment with all things had before him touching the same into such Court, there to remain of record as a judgment of the said Court, as other judgments rendered therein, and such judgment shall thereupon be enforced by peremptory *Mandamus* and by such Writs of Execution for the costs awarded by such judgment as occasion shall or may require.

CXLVIII.

CXLVIII. And be it enacted, That in case the party against whom such Writ of Summons shall be brought shall keep out of the way to avoid personal service thereof on him as aforesaid, it shall and may be lawful for the Judge before whom the same is returnable, upon being satisfied thereof upon affidavit, to make an order for the service of such Writ either by the leaving a copy thereof at the dwelling-house of such party with his wife or other grown-up person there, or in any other manner that such Judge shall deem the ends of justice to require according to the circumstances laid before him upon affidavit for that purpose, and upon service of such Writ being made according to such order and proof thereof by affidavit, it shall be lawful for such Judge and he is hereby required to proceed thereupon as if the said Writ of Summons had been served personally on the party.

How service of the Writ may be made when the party keeps out of the way.

CXLIX. And be it enacted, That where two or more of such Writs shall be brought to try the validity of the same election, all such Writs after the first shall be made returnable before the same Judge before whom such first Writ shall have been made returnable, and such Judge shall proceed upon such Writs by giving separate judgments upon each, or one judgment upon all as the justice of the case may in his opinion require.

Provision when several Writs issue to try the same election.

CL. And be it enacted, That it shall be lawful for every such Judge to cause the Collector's Rolls, Poll Books and any other Records of such Election to be brought before him by *Certiorari*, and upon the trial of the validity of such election upon any such Writ, such Judge shall enquire into the facts to be established by personal evidence either by affidavit or affirmation, or by oral testimony taken before him as at *Nisi Prius*, or by issues to be framed by him for that purpose, and to be sent to be tried by Jury by Writ of Trial to be directed to such Inferior Court of Civil Jurisdiction as shall be named by such Judge for that purpose, not however being one having jurisdiction in or over the locality for which such election shall have been held, or by one or more of those methods of enquiry as such Judge shall deem the ends of justice to require.

Judge may cause Collector's Rolls, Poll Books, &c., to be brought before him by *certiorari*, and ascertain facts by evidence, &c.

CLI. And be it enacted, That no *Mandamus* or other Writ of Execution shall issue upon any such judgment until the same shall have been in the possession of the Court for four days in term time, one of such days being that on which the same shall have been so delivered in as aforesaid, nor while any rule shall be pending for the reversal or alteration of such judgment by such Court as hereinafter provided.

Execution not to issue till four days in term time after judgment.

CLII. And be it enacted, That every such preliminary judgment, so to be given by any such Judge as aforesaid, shall be examinable by such Court in term time, on an application for that purpose made within such four days, either by the party against whom such preliminary judgment was given, or by any other party interested either as Voter or Candidate in such election, and the same may be thereupon reversed, altered or affirmed by such Court either with or without costs to be paid by the party against whom the decision of the Court upon such application shall be given, as in the judgment of such Court the Law of the Land shall require.

Judgments to be examinable in term time on application made within four days.

CLIII. And be it enacted, That it shall and may be lawful for Her Majesty's said Court of Queen's Bench for Upper Canada, by any rule or rules to be by such Court made for that purpose in term time, to settle the forms of such Writs of Summons, *Certiorari*, *Mandamus* and execution as aforesaid, and to regulate the practice respecting the

Court of Q. B. to settle forms of Writs of Summons, practice, costs, &c.

the suing out service and execution of such Writs, and the punishment of those guilty of contempt in disobeying the same, and also generally for the regulation of the practice as well at Chambers as in Banc, in hearing and determining the validity of such elections as aforesaid, and the allowance of costs thereupon, and also from time to time by any new rule or rules to be made as aforesaid, to rescind, alter or amend such rule or rules or make others in lieu thereof, in like manner as they are now by Law empowered to do for the regulation of the practice of the Court in matters within its ordinary jurisdiction.

Provision when there is no proper Officer to hold an election.

Proviso.

CLIV. And be it enacted, That if the person whose duty it shall be, according to the provisions of this Act, or by virtue of any appointment made under it, to hold any election under the authority of the same, shall be absent at the time appointed for any such election, or if there shall be no such person, or such person be dead, it shall be lawful for the persons then and there assembled and entitled to vote at such election, to appoint from amongst themselves a Returning Officer, who shall forthwith proceed to hold such election in lieu of such other first mentioned person: Provided always, nevertheless, that the appointment of such substituted Returning Officer shall not be made until at least one hour after the hour appointed by lawful authority for commencing the proceedings at such election.

Parties interested may require of Town Clerks, &c, copies of By-laws on paying a reasonable fee therefor.

Court of Q. B. may be moved to quash any By-law.

Proceedings thereon.

Provision as to actions for things done under By-laws.

Amends may be tendered.

CLV. And be it enacted, That it shall be lawful and competent to and for any resident of any Township, Village, Town, City, or County in Upper Canada aforesaid, in which any By-laws shall be passed, or for any other person having an interest in the provisions of such By-law, to apply by himself, or by his Attorney, for a certified copy of such By-law, and the Township, Town, Village, County or City Clerk shall, upon such application and upon payment to him of his fee therefor, within a reasonable time, furnish a copy of such By-law certified under his Hand and the Seal of the Municipal Corporation of which he is the Officer, and the Court of Queen's Bench for Upper Canada may be moved, upon production of such copy, and upon affidavit that the same is the copy received from such Township, Town, Village, County or City Clerk, to quash such By-law; and if it shall appear to the said Court, that such By-law is in the whole or in part illegal, it shall and may be lawful upon proof of service of a rule upon the Corporation, to shew cause, within not less than eight days after such service, why such By-law should not be quashed in the whole or in part, to order such By-law to be quashed in the whole or in part: and if it shall appear to the said Court that such By-law is legal, in the whole or in the part complained of, to award costs in favor of the Corporation, or otherwise against such Corporation; and that no action shall be sustained for or by reason of any thing authorized to be done under any such By-law, unless such By-law or the part thereof under which the same shall be done, shall be quashed in manner aforesaid one calendar month previously to the bringing such action; and if such Corporation, or any person sued for acting under such By-law, shall cause amends to be tendered to the Plaintiff or his Attorney, and upon such tender being pleaded, no more than the amends tendered shall be recovered, it shall and may be lawful for the said Court to award no costs in favor of the Plaintiff, and to award costs in favor of the Defendant, and to adjudge that the same shall be deducted out of the amount of the verdict.

Saving of present By-laws of exist-

CLVI. And be it enacted, That all the By-laws of the different Municipal Corporations in Upper Canada remaining unrepealed at the time this Act is appointed to

to come into force shall continue in force until amended, altered or repealed by some By-law or By-laws to be passed for that purpose by the Municipal Corporation by this Act substituted for such former Municipal Corporation; Provided always nevertheless, that the provision contained in the next preceding section of this Act, for trying the validity of By-laws to be passed by the Municipal Corporations erected under this Act, shall extend and apply to all such By-laws of such former Corporations, and shall and may be certified by the proper Officer of the Corporation erected under this Act as if they had been By-laws passed under the authority of the same; Provided always nevertheless, that nothing herein contained shall extend or be construed to extend to confirm or render valid any By-law which would not have been valid had this Act not been passed.

ing Corporations, until repealed.
 Proviso: next preceding section to apply to them.

Proviso.

CLVII. And be it enacted, That each and every Returning Officer who shall hold any election under this Act, shall, during such election, act as a Conservator of the Peace for the County in which such election shall be holden, and he or any Justice of the Peace for such County, or for the Town or City in which such election shall be holden, shall and may arrest or cause to be arrested, and may try summarily, imprison or bind over to keep the peace or for trial, or cause to be summarily punished by fine or imprisonment, or both, any riotous or disorderly person or persons who shall assault, beat, molest or threaten any voter or elector coming to or going from such election; and when thereunto required, all Constables and other persons present at such election, are enjoined to be assisting such Returning Officer and such Justice or Justices of the Peace, on pain of being held guilty of a misdemeanor; and such Returning Officer or such Justice or Justices shall and may, when he or they consider it necessary, appoint and swear in any number of Special Constables to assist in preserving the peace and order at such election.

Returning Officers to act as Conservators of the peace during elections.

Constables, &c., to assist if required.

CLVIII. And be it enacted, That any person liable to serve the office of Constable, and so required to be sworn in as Special Constable by any such Returning Officer, shall, if he shall refuse to be sworn in as such, be liable to a penalty of five pounds currency, to be recovered to his own use in any Court of competent jurisdiction, by him who will sue for the same.

Penalty against persons refusing to serve as Special Constables.

CLIX. And be it enacted, That each election to be held under this Act shall commence at the hour of eleven of the clock in the forenoon of the day for which such election is appointed, and may be held until the hour of four of the clock in the afternoon of the same day, and may then be adjourned until ten of the clock in the forenoon of the next day, and continue until four of the clock in the afternoon of such second day, unless the Returning Officer shall see that all the electors intending to vote have had a fair opportunity of being polled, and one full hour at one time shall have elapsed, and no qualified elector shall, during such time, give or tender his vote, free access being allowed to electors for such purpose, in which case he may close the election at four o'clock of the first day, or at any time before that hour on the second day.

Hours of holding elections.

Adjournments.

If no elector offers to vote in one hour.

CLX. And be it enacted, That the Returning Officer at each of the said elections at which a poll shall be called for, shall keep a poll book, in which he, or his sworn Poll Clerk shall enter in separate columns the names of each of the persons proposed and seconded as candidates by any electors present at such election; and opposite to such columns, he shall write the names of the several electors offering to vote at such election,

Returning Officer to keep Poll Book, and in what form

election, and in the respective columns in which are entered the name of the candidate voted for by each voter, he shall set the number one, and at the close of the poll such Returning Officer shall add up the number of voters for each candidate set down in their respective columns, and he shall declare which of the said candidates have the highest number of votes, beginning with the one having the greatest number, and so on until the whole number of candidates to be elected at such election having a greater number of votes in favor of each respectively than the remaining candidates shall appear, and he shall publicly declare the requisite number of candidates duly elected; and if any two or more candidates shall appear to have an equal number of votes, by reason of which equal number the election appears undecided, the Returning Officer, whether otherwise qualified or not, shall give a vote for one or more of the candidates having equal numbers, so as to decide the election: Provided always, that no Returning Officer under this Act shall vote at any election which it shall be his duty to hold, except in the case of such equality of votes as aforesaid.

He shall declare the Candidates elected.

And shall have a casting vote in case of ties.

Proviso: he shall not otherwise vote.

Returning Officer to return Poll Book to Township Clerk, &c. after election.

CLXI. And be it enacted, That after the close of any such election, the Returning Officer shall return the poll book to the Township, Village, Town or City Clerk of the Township, Village, Town or City in which the election has been holden, with an affidavit or affirmation thereto annexed, that such poll book contains a faithful and true statement of the poll, and with a certificate that certain persons, naming them, have been duly elected.

If the person elected refuses to take office, a Warrant shall issue for a new election.

CLXII. And be it enacted, That in case any of the persons so declared to be elected, shall neglect or refuse to accept office, or to be sworn or affirmed into office, within the time in which the oath or affirmation of office is required to be taken as hereinbefore provided, then the Head of such Municipal Corporation for the preceeding year shall forthwith by Warrant under his hand and seal, directed to the Returning Officer, require him to hold a new election to supply the place of such person, which such Returning Officer shall accordingly do within at least eight days after the receipt of such Warrant, and the person who shall be elected upon such Warrant shall be entitled and bound to be sworn or affirmed as Councillor, in the place of the person refusing office, or neglecting or refusing to be sworn or affirmed as aforesaid; Provided always nevertheless, that the necessity for such second election shall not prevent or interfere with the immediate organization of the Municipal Corporation for the year, or their proceeding to business as if such seat were not vacant.

Proviso: the Corporation may immediately proceed to business.

Vacancies in Municipal Corporations how to be filled.
Proviso as to terms of office.

CLXIII. And be it enacted, That all vacancies which may occur in any of such Municipal Corporations, by death or otherwise, shall be filled by an election to be held under a Warrant directed to the Returning Officer under the hand and seal of the Head of such Municipal Corporation: Provided always, that the person so appointed shall hold his seat in such Corporation by virtue of such appointment for the residue of the term for which his immediate predecessor was elected, and no longer.

As to notice of special elections.

CLXIV. And be it enacted, That all such Special Elections as are provided for by the two next preceding sections of this Act, shall be held upon at least four days' public notice to the Electors under the hand of the Returning Officer, and posted in at least four of the most public places in the Township, Village or Ward for which it is to be held.

CLXV. And be it enacted, That if in any year there shall be no election held in any Township, Village, Town or Ward, on the appointed day, or if a requisite number of candidates shall not have been elected, or if there shall not be in the poll book the names of a sufficient number of candidates to supply any deficiency arising from refusal of office, or neglect or refusal to be sworn in, then, and in every such case, it shall and may be lawful for the members of the Municipal Corporation in which such default of members shall occur, or if none be elected, then, for the members of such Municipal Corporation for the next preceding year, or the majority of them respectively, and they are hereby required to supply the deficiency by appointing the whole number of Aldermen and Councillors, when the whole number shall be deficient, from amongst the qualified freeholders and householders of the Township, Village, Town or City, or by appointing such a number of qualified freeholders and householders of such Township, Village, Town or City as will complete the full number of Aldermen and Councillors for the same, and the persons so appointed shall be bound to accept office, and to be sworn in, under the same penalty as if elected.

Provision in case of no election being held on an appointed day.

Appointment of Aldermen and Councillors.

CLXVI. And be it enacted, That if there shall be any vacancy or vacancies in the offices of Warden, Mayor or Townreeve, by reason of the death or removal of residence of any such officer, the respective Municipal Corporations in which such vacancy shall occur, shall and may respectively choose, from amongst their own number, a qualified person to be a Warden, Mayor, or Townreeve, as often as the case may occur.

Vacancies in offices of Warden, Mayor, &c., how to be filled up.

CLXVII. And be it enacted, That the Municipal Corporation in office on the day of general annual municipal elections, including all Councillors so appointed to make up deficiencies, shall hold office until their successors shall be elected or appointed and sworn into office, and the new Municipal Corporation shall be completed.

Corporations in office to hold until their successors are elected and sworn in.

CLXVIII. And be it enacted, That at any session or meeting of any Municipal Corporation under this Act, a majority of the whole number of those who shall by law form such Corporation, shall be a quorum for the dispatch of business; and if the person who ought to preside at any such meeting shall be absent, it shall and may be lawful for those present to appoint from amongst themselves a Chairman to preside at such meeting, and the Chairman so appointed shall have the same functions and authority in presiding at such meeting as the person who, if present, would preside at such meeting; and all votes, resolutions and proceedings of such meetings shall be carried by the majority of votes of the persons composing such meeting, other than the person presiding, who, in case of an equality of votes, shall have the casting vote.

A majority of the whole number of members to form a quorum.

Temporary Chairman in certain cases. Majority.

Casting vote.

CLXIX. And be it enacted, That it shall be the duty of each of such Municipal Corporations to appoint a County, City, Town, Township or Village Clerk, as the respective cases may require, who shall hold office during their pleasure, and who shall be paid by such salary as they shall appoint, to be taxed and levied upon the whole rateable property in such County, City, Town, Township, or Village respectively, according to the assessment laws then in force in Upper Canada.

County Clerks, &c., to be appointed, to be paid by salary levied upon rateable property.

CLXX. And be it enacted, That it shall be the general duty of such Clerk to record in a book to be provided for that purpose, all the proceedings of the Municipal Corporation of which he shall be Clerk, and to make regular entries of all resolutions and decisions, and to record the vote of every person present entitled to vote on every question

Clerk to keep records of proceedings of Corporation, &c.

question submitted, if required by any member present, and to preserve and file all accounts acted upon by the body to which he is Clerk, and to keep the books, records and accounts of such body, which shall be open without fee or reward to the inspection of all persons, at all seasonable times and hours.

A Treasurer to be appointed for each County, &c., and a Chamberlain for each City. Their salary or per centage to be levied on rateable property. Security.

CLXXI. And be it enacted, That it shall be the duty of the Municipal Corporations of the respective Counties, Towns, Townships and Villages to appoint a Treasurer, and of the Municipal Corporations of the respective Cities to appoint a Chamberlain of the same respectively, who shall hold office during their pleasure, and shall be paid by such salary or per centage as they shall appoint, (to be raised and levied rateably upon the whole rateable property of such County, City, Town, Township or Village respectively, according to the assessment laws then in force in Upper Canada,) and who shall give such security for the faithful performance of the duties of his office, and more especially for the due accounting for and paying over all moneys which shall come into his hands by virtue of his office, as the Municipal Corporation by which he was appointed shall direct.

Duties of Treasurers and Chamberlains.

CLXXII. And be it enacted, That it shall be the duty of each of such Treasurers and Chamberlains to receive and safely keep all moneys belonging to the County, City, Town, Township or Village for which he shall be appointed, and to pay out the same to such persons and in such manner as he shall be directed to do by any lawful order of the Municipal Corporation thereof, or by any law in force or to be in force in Upper Canada, and strictly to conform to and obey any such law or any By-law lawfully made by any such Municipal Corporation, and faithfully to perform all such duties as may be assigned to him by any such law or By-law.

Clerks, &c., to hold Office until removed by Corporation.

CLXXIII. And be it enacted, That the Clerk, Treasurer and Chamberlain so to be appointed by any Municipal Corporation as aforesaid, as well as all other officers to be appointed in like manner, and with regard to whose period of service no other provision is made by this Act or in any other law or By-law, shall hold their offices until removed therefrom by the Municipal Corporation for the time being, notwithstanding any change in the persons of whom such Municipal Corporation shall be composed, occasioned by any new election or appointment.

Books, &c., of present District Treasurers to be deemed chattel belonging to the different Municipal Corporations.

Punishment of Officers embezzling or refusing to deliver the same, to the proper parties.

CLXXIV. And be it enacted, That all the books of the present District Treasurers, and all books, papers, accounts or documents of what kind soever, which shall have been kept by or shall have come into the possession of any person or officer to be appointed or employed by any Municipal Corporation, by virtue of his office or employment, shall be deemed to be chattels belonging to such Municipal Corporation; and all moneys or valuable securities which shall have been lawfully received or taken into his possession by virtue of his office or employment, shall be deemed to be moneys or valuable securities belonging to such Municipal Corporation; and if any such officer or person shall at any time fraudulently embezzle any such chattel, money or valuable security, (and any refusal or failure to pay over or deliver up any such chattel, money or valuable security to such Municipal Corporation, or to any officer or person by them authorized to demand the same, shall be held to be a fraudulent embezzlement thereof,) he may be indicted and proceeded against, and being convicted thereof, shall be liable to be punished in the same manner as any servant who having fraudulently embezzled any chattel, money or valuable security received or taken into his

his possession, by virtue of his employment, for and in the name and on the account of his master, may be indicted, proceeded against and punished: Provided always, that nothing herein contained shall prevent, lessen or impeach any remedy which such Municipal Corporation, or any other party may have against such offender or his sureties, or against any other party whomsoever; but nevertheless, the conviction of any such offender shall not be received in evidence in any suit or action at law or in equity against him.

Proviso: other remedies not to be lessened.

CLXXV. And be it enacted, That the Corporation created or to be created in and for any County or union of Counties, City, Town, Township or Village, by this Act, or under any provision therein contained, shall be substituted for and shall be in the place and stead of the Corporation theretofore existing in and for the same County or union of Counties under the name of District, City, Town, Township, Village or place by virtue of any Act or law in force immediately before the commencement of this Act, and so that any suit, action, prosecution or other act, matter or thing, commenced or continued by such former Corporation, or to which it shall have been a party, shall not abate, but may be continued and completed by, with or against such new Corporation, in like manner and as validly to all intents and purposes as it might have been continued or completed by, with or against such former Corporation, and so that all estates and property, real or personal, and all debts and obligations of any kind, theretofore vested in or belonging to or due, or owing to or contracted in favor of such former Corporation, or the locality over which its jurisdiction shall extend, whether in the name of such Corporation or locality, or in that of some Officer thereof, and intended for the benefit of such Corporation or locality, shall thereafter be vested in and shall belong to and shall be due and owing to, and may be held, possessed and enjoyed, recovered and enforced by such new Corporation, and all debts, liabilities and obligations of such former Corporation, of what kind soever, or in what manner soever secured, shall become debts, liabilities and obligations of such new Corporation, secured and payable in like manner, and upon the same terms and conditions, and to be recovered and enforced if not paid or performed, in the same manner as they would have been recovered from or might have been enforced against such former Corporation or otherwise, as by this Act provided.

Corporations created under this Act to be substituted for Corporations theretofore existing—and suits commenced by former Corporations may be continued by the new Corporations, and *vice versa*.

CLXXVI. And be it enacted, That it shall be the duty of every such Municipal Corporation to take charge of any debt which may be due by the locality over which it has jurisdiction, and to direct the levy by tax upon the same, of such sum in each year as shall be necessary for the payment of the interest thereon, and as shall be sufficient to pay off the principal, according to the contracts and obligations which shall have been entered into in that behalf: and where any sum of money in the pound is by any Act of the Parliament of Upper Canada, or of this Province directed to be levied for the payment of any such debt or for any other special purpose, it shall be the duty of such Municipal Corporation, until the debt shall be paid or the purpose fully served for which such Act was passed, or until the service contemplated by such Act shall be otherwise provided for, or the Act repealed, to cause to be levied in each year upon such locality, a sum at least equal to the highest sum which shall have been raised for the same purpose in any one year before the passing of this Act.

Corporations to take charge of debts due by localities under their jurisdiction, and provide for their payment.

What rates shall be levied for paying such Debts, in certain cases.

CLXXVII. And be it enacted, That it shall be the duty of such Municipal Corporations respectively, to cause to be assessed and levied upon the whole rateable property

A sufficient sum to be levied by assess-
in

ment for pay-
ment of all
such debts,
and interest.
By-laws crea-
ting or autho-
rizing any
debt not to be
valid unless
sufficient pro-
vision be there-
in made for
levying moneys
for the
payment of
such debt,
within twen-
ty years.
Such By-law
not repealable,
&c.

Proviso: how
any temporary
surplus of
such moneys
may be invest-
ed.

in their Counties, Cities, Towns, Townships and Villages respectively, a sufficient sum of money in each year, to pay all debts incurred or which shall be incurred, with the interest which shall fall due or become payable within the year; and no By-law hereafter to be passed for the creation of any such debt, or for the negotiation of any loan, shall be valid or effectual, to bind any such Municipal Corporation, unless a special rate per annum over and above, and in addition to all other rates whatsoever shall be settled in such By-law, to be levied in each year for the payment of the debt to be created by the loan to be negotiated, nor unless such special rate shall be sufficient according to the amount of rateable property in such County, City, Town, Township, or Village, as the case may be, as shall appear by the then last assessment returns of such County, City, Town, Township or Village, to satisfy and discharge such debt, with the interest thereof, within twenty years from the passing of such By-law, and it shall not be competent to any such Municipal Corporation, to repeal such By-law, or to discontinue such rate, until the debt so to be incurred and the interest thereon shall be fully paid and discharged; nor to apply the proceeds thereof to any other purpose than the payment and satisfaction of the same; Provided always, nevertheless, that in the event of there being any part of such special rate on hand, and which cannot be immediately applied towards the payment and satisfaction of such debt by reason of no part thereof being then payable, it shall be the duty of such Municipal Corporation, and they are hereby required to invest such money in the Government Securities of this Province or in such other Securities as the Governor of this Province shall by order in Council direct or appoint, and to apply all interest or dividends to arise or be received upon the same to the like purpose, as the amount so levied by such special rate, and no other.

By-laws for
raising loans,
&c., shall not
be repealed or
altered until
the loans and
interest there-
on are fully
paid.

Punishment of
Officers refus-
ing to execute
such By-law.

CLXXVIII. And be it enacted, That any By-law by which it shall be attempted to repeal any such By-law for raising any such loan, or for the payment and satisfaction of the debt contracted for any such loan or to alter any such last mentioned By-law so as to diminish the amount to be levied for the payment and satisfaction of such loan or the interest thereof, until such loan and interest shall be fully redeemed, paid and satisfied, shall be and the same is hereby declared to be absolutely null and void to all intents and purposes whatsoever, and if any of the Officers of such Municipal Corporation shall, under pretence of such pretended By-law, neglect or refuse to carry into effect and execution the said By-law for levying the necessary moneys to redeem, satisfy and discharge such loan and the interest thereof, every such Officer shall be deemed guilty of a misdemeanor, and shall be punished by fine or imprisonment, or both, at the discretion of the Court whose duty it shall be to pass the sentence of the law upon such offender.

Duty of Sher-
iffs with res-
pect to Writs
of Execution
against Muni-
cipal Corpora-
tions, if endor-
sed to be lev-
ied by rate.

CLXXIX. And be it enacted, That it shall be the duty of every Sheriff who shall receive a Writ of Execution against any Municipal Corporation created or to be created under the authority of this Act, if such Writ shall be endorsed with a direction to such Sheriff to levy the amount thereof by rate, to deliver a copy of such Writ of Execution and endorsement to the Chamberlain or Treasurer of such Municipal Corporation, or to leave such copy at the office, place of business or dwelling house of such Chamberlain or Treasurer, with a statement in writing of his fees, and the whole amount for principal, interest and costs required to be paid to satisfy such execution, calculated to the day of the service of such copy as aforesaid, or some day as near as conveniently may be to the same, and in case such amount, with interest thereon from
the

the day mentioned in such statement, shall not be paid to such Sheriff within one calendar month after such service, it shall be the duty of such Sheriff to examine the adjusted and settled assessment rolls of such Municipal Corporation, on file in the office of the Clerk of such Corporation, and to strike a rate upon the same in like manner as rates may be struck by such Municipal Corporation for the general Municipal purposes of such Corporation, which rate shall be of a sufficient amount in the pound according to such assessment rolls to cover the amount so due on such execution, with such addition to the same as in the judgment of such Sheriff shall be sufficient to cover the interest, Sheriff's fees, and Collector's per centage to accrue thereon to the time when such rate shall probably be available for the satisfaction of the same: And thereupon, such Sheriff shall, by a precept or precepts under his Hand and Seal of Office, directed to the different Collectors of such Municipal Corporation respectively, reciting such Writ of Execution, and that such Municipal Corporation had neglected to make provision according to Law for the satisfaction thereof, and containing the roll of such rate in a Schedule to be annexed to such precept, command such Collectors respectively, to levy and collect such rate within their respective jurisdictions, at the time and in the manner that they are by Law required to levy and collect the annual rates for the general purposes of such Municipal Corporation, and if at the time for levying and collecting such annual rates next after the receipt of any such precept, such Collectors shall have a general rate roll delivered to them for such year, it shall be their duty to add a column thereto, headed: "Execution rate in A. B. *vs. The Township,*" (or as the case may be, adding a similar column for each execution if more than one,) and to insert therein the amount by such precept required to be levied upon each person respectively according to the requirements of such precept, and to levy and collect the amount of such Execution rate from such persons respectively, in the same manner as such general annual rate is by law directed to be levied and collected by such Collectors, and to return such precept with the amount so levied and collected thereon, after deducting his per centage therefrom, to such Sheriff within the same time as such Collectors are or shall by law be required to make the returns of the general annual rate aforesaid to the Chamberlain or Treasurer of such Municipal Corporation; Provided always nevertheless, firstly, that any surplus that shall remain in the hands of such Sheriff upon any such precept or precepts, after satisfying such Execution, and all interest, costs and fees thereon, shall by such Sheriff be paid over to the Chamberlain or Treasurer of such Municipal Corporation within ten days after the same shall be so received by him, and be applicable to the general purposes of such Municipal Corporation as the surplus of any other rate: And provided also, secondly, that the Clerk of such Municipal Corporation, and the several Assessors and Collectors of such Corporation, shall, for all purposes in any way connected with the carrying into effect or permitting or assisting such Sheriff to carry into effect the provisions of this Act, with respect to the satisfaction of any such execution, be taken and deemed to be Officers of the Court out of which such Writ of Execution issued, and as such shall be amenable to such Court, and may be proceeded against by Attachment or otherwise to compel the performance of the duties hereby imposed upon them as any other Officers of such Court may by law be proceeded against for a similar purpose.

CLXXX. And be it enacted, That every such Municipal Corporation shall, annually, on or before the thirty-first day of January in each year, transmit to the Governor General of the Province, through the Provincial Secretary thereof, in such form as shall from time to time be prescribed for that purpose, by any order of the Governor in Council,

Precepts to be issued to the Collectors.

Duty of Collectors under such precepts.

Return of precept.

Proviso as to surplus in hands of Sheriff after satisfying execution.

Proviso: Clerk and Assessors, &c., of Corporation to be considered as Officers of Court from which Writ issued, for certain purposes.

An annual account of debts of each Municipal Corporation to be submitted

to the Governor General. Particulars in such account.

Council, an account of the several debts of such Corporation as they may have stood on the thirty-first day of December preceding, specifying in such account the original amount of every such debt of which a balance remained due at that day, the date when such debt was contracted, the day of payment, the amount of interest to be paid therefor, the amount of the rate provided for the redemption and satisfaction of such debt and interest, the proceeds of such rate for the year ending on such thirty-first day of December, the amount of such original loan redeemed and satisfied during such year, the amount of interest, if any, unpaid on such day, and the balance still due on the principal of such loan.

Provision for the appointment of a Commission to investigate financial affairs of Municipal Corporations upon due cause shewn.

Powers of the Commissioners.

Act of Canada 9 V. c. 38. cited.

As to expenses of Commission.

CLXXXI. And be it enacted, That upon the petition of one third or upwards of the members of any Municipal Corporation created or to be created under the authority of this Act, it shall and may be lawful for the Governor of this Province if sufficient cause be shewn, by order in Council, to issue one or more Commission or Commissions under the Great Seal of this Province directed to such person or persons as he shall think fit, empowering them to inquire into the financial and monetary affairs of such Municipal Corporation and all things connected therewith, and the person or persons so named in such Commission or Commissions, or as many of them, as shall be thereby empowered to act in the execution thereof, shall have all such powers for the conducting such inquiry now by law vested in Commissioners of Inquiry appointed under the Act of the Parliament of this Province passed in the ninth year of the reign of Her Majesty Queen Victoria, chapter thirty-eight, intituled, *An Act to empower Commissioners for inquiring into matters connected with the public business to take evidence on oath*; and the expense of executing every such Commission of Inquiry to be settled and allowed by the Inspector General of this Province for the time being or his Deputy, shall be borne by such Municipal Corporation, and so soon as the same shall be so settled and allowed as aforesaid, shall be a debt due to the Commissioner or Commissioners named in such Commission, to be provided for and paid by such Municipal Corporation as any other debt due by them in their corporate capacity, and upon default in payment of the same within three calendar months from the same having been demanded by such Commissioner or Commissioners, or any one of them, at the office of the Chamberlain or Treasurer of such Municipal Corporation, shall be recoverable against such Municipal Corporation as any other debt.

As to debts due by Municipal Corporations prior to 1st January, 1849: a By-law may be passed with approval of the Governor in Council, &c.

Proviso as to Corporations which have lawfully issued

CLXXXII. And be it enacted, That with respect to any debt *bonâ fide* due by any District Municipal Council, City, Town or Village Council or Board of Police in Upper Canada prior to the first day of January, one thousand eight hundred and forty-nine, it shall and may be lawful for the Municipal Corporation by this Act substituted for such District Municipal Council, City, Town or Village Council or Board of Police, at any time within one year after the time appointed for this Act to commence, to pass a By-law providing for the liquidation of such debt, and upon such By-law being approved by the Governor of this Province in Council, none of the provisions of this Act by which increased facilities are provided for the recovery of debts due by such Municipal Corporation shall be applicable to such debts or any of them, until after default shall be made by such Municipal Corporation in raising the necessary funds for the discharge of such debts, or in applying such funds when so raised to the discharge of the same according to the provisions of such By-law; Provided always nevertheless, first, that nothing herein contained shall extend or be construed to extend, to prevent any such Corporation in any such By-law where such Corporation may have heretofore issued

Promissory

Promissory Notes or Debentures to pass as money and which are still in circulation to provide some mode for their gradual extinction by redeeming a certain portion thereof annually, and by substituting other Promissory Notes or Debentures in the place of such as remain unredeemed from time to time as they fall due, when the holders thereof are willing to receive the same in exchange till the whole of such Notes or Debentures are fully and completely redeemed and satisfied according to the provisions of such By-law; And provided also, secondly, that nothing herein contained shall extend or be construed to extend to deprive any of the Creditors of such Municipal Corporation of all such remedies as they now by Law possess for the recovery of such debts against the District Municipal Council, City, Town or Village Council, or Board of Police, which they may be owed, all which remedies they shall continue to have against the Municipal Corporations, substituted for such District Municipal Council, City, Town or Village Corporation.

Notes of Debentures intended to pass as money.

Proviso: present remedies of creditors not to be impaired.

CLXXXIII. And be it enacted, That it shall not be lawful for any of the Municipal Corporations to continue or be incorporated under the authority of this Act to act as Bankers, or to issue any Bond, Bill, Note, Debenture or other undertaking, of what nature or kind soever, or in what form soever, in the nature of a Bank Bill or Note, or for the payment of any money intended to form a circulating medium to supply the place of specie, or otherwise pass as money; nor shall it be lawful for any of such Municipal Corporations to make or give any Bond, Bill, Debenture or other undertaking for the payment of any loan contracted by such Corporation, or of any debt due by such Corporation, or of any part of such loan or debt, of a less amount than twenty-five pounds of lawful money of Canada; and if any such first mentioned Bond, Bill, Note, or Debenture or other undertaking, shall be issued or put in circulation by any such Municipal Corporation, or under its direction or authority, or under the direction or authority of any of its officers or servants, or of any other person or persons whomsoever, or if any such last mentioned Bond, Bill, Debenture or other undertaking, shall be made or given by any such Municipal Corporation for the payment of a less amount of money than twenty-five pounds as aforesaid, every such Bill, Bond, Note, Debenture or undertaking, shall be absolutely null and void to all intents and purposes whatsoever; Provided always nevertheless, that nothing in this section contained shall extend or be construed to extend, to any Bond, Bill, Note, Debenture or other undertaking, to be issued under the authority of any such By-law as shall or may be passed with the consent of the Governor of this Province in Council, for providing for the payment and satisfaction of certain debts mentioned in the last preceding section of this Act.

Municipal Corporations not to act as Bankers or to issue Bonds, &c., to pass as money.

Nor give any Bond, &c., of a less amount than £25.

Penalty for contravening this section.

Proviso as to Bonds, &c., issued with approval of Governor in Council.

CLXXXIV. And be it enacted, That every person who shall issue or make, or assist in the issuing or making of any such Bonds, Bills, Notes, Debentures, or undertakings for the payment of money contrary to the provisions of the next preceding section of this Act, and every person who shall knowingly utter or tender in payment or in exchange, any of such Bonds, Bills, Notes, Debentures or undertakings for the payment of money, shall be guilty of a misdemeanor, as provided in and by the third section of the Act of the Parliament of the late Province of Upper Canada, passed in the seventh year of the reign of His late Majesty King William the Fourth, Chapter thirteen, and intituled, *An Act to protect the public against injury from Private Banks.*

Any person issuing, making or uttering Bonds contrary to this Act, to be guilty of misdemeanor.

Act of U. C. 7 W. 4. c. 13.

CLXXXV. And be it enacted, That all persons committing any offence against any By-law lawfully made by any Municipal Corporation under the authority of this Act,

Punishment of persons offending against By-

laws, where no other provision is made, and how enforced.

Penalty how levied.

How applied.

Proviso: prosecution may be brought in name of Corporation.
Proviso as to Members of the Corporation being Justices of the Peace.

Officers, &c., of Corporation, competent witnesses and jurors, in cases in which the Corporation shall be a party.

Corporations not to stop up original allowances for roads.

When any other road is altered, the site of the old road may be sold by Corporation to the party next whose land it runs, &c.

Proviso: who

Act, and with regard to prosecutions for which no other provision is hereby made, may be prosecuted in a summary way before any one or more Justices of the Peace, having jurisdiction within the locality in which the offender shall be resident, or within that in which the offence was committed, and such Justice or Justices, or other authority, before whom any conviction for any such offence shall be had (and any such offender may be convicted on the oath or affirmation of any competent witness other than the prosecutor or informer) shall have full power and authority to award the penalty or the imprisonment, as the case may be, imposed by the By-law under which the conviction shall be had, with the costs of prosecution, against the offender, and to commit the offender to the common gaol if the offence be punishable by imprisonment, and to cause the penalty to be levied with costs, if not forthwith paid, by distress and sale of the goods and chattels of the offender, by Warrant under the hand and seal of such Justices or one of them, or of the Chairman or Presiding Officer of the Court before whom such conviction was had; and one moiety of any such pecuniary penalty shall go to the informer or prosecutor, and the other moiety shall be paid to the Treasurer or Chamberlain of the Corporation against the By-law whereof the offence shall have been committed, and shall form part of the funds at the disposal of such Corporation: Provided always, firstly, that any such prosecution may be brought in the name and on the behalf of such Corporation as aforesaid, and in that case the whole of such pecuniary penalty shall be paid to the Treasurer or Chamberlain of such Corporation, and form part of such funds as aforesaid: And provided also, secondly, that any member of the Municipal Corporation, under the By-law whereof any such prosecution as aforesaid shall be brought, being, *ex officio* or otherwise, a Justice of the Peace within such locality, may act as such with regard to such prosecution.

CLXXXVI. And be it enacted, That as well with regard to any such prosecution as to any suit, action or proceeding to which any Corporation created or to be created by or under this Act shall be a party, no member, officer or servant of such Corporation shall be deemed an incompetent witness, nor shall his testimony be objected to on the ground of his being interested in the matter, as such member, officer or servant of such Corporation, nor shall he be liable to challenge on such ground as a juror, if he have no more direct interest in the issue of such suit or prosecution, or be not otherwise rendered incompetent; any law, usage or custom to the contrary notwithstanding.

CLXXXVII. And be it enacted, That it shall not be competent to the Municipality of any Township or to the Municipal Council of any County, to pass any By-law for stopping up any original allowance for Roads in any Township or County, nor on the limits of any Village, Town or City therein.

CLXXXVIII. And be it enacted, That on the alteration of any Road under the authority of this Act where the Road thus altered shall not have been an original allowance for Road, or where the same shall lie within any Incorporated Village, Town or City or the liberties thereof, the site of such old Road shall and may be sold and conveyed by the Municipal Corporation under whose authority the alteration was made to the party or parties next adjoining to whose land or lands the same shall have run, or in case of his, her or their refusal to become the purchaser or purchasers thereof at such price or prices respectively as such Municipal Corporation shall think reasonable, then, to any other person or persons whomsoever; provided always, nevertheless, that it

it shall not be lawful for any such Municipal Corporation to sell and convey any such old Road or any part thereof to any other than the person or persons first mentioned at any given price until such first mentioned person or persons shall have refused to become the purchaser or purchasers thereof at such price : And in case the person or persons now in possession of any Concession Road or Side Line may have laid out Streets in any City, Town or Village without any compensation therefor, he shall be entitled to retain the land within such City, Town or Village originally set apart for such Concession Road or Side Line in lieu of the Street set apart by him in place of the said Concession Road or Side Line.

shall have the first offer.

As to parties having given land for Roads without compensation.

CLXXXIX. And be it enacted, That no Road to be hereafter laid out, under the authority of this Act shall be more than ninety feet nor less than forty feet in width ; provided always, that nothing in this section shall extend or be construed to extend to affect any Road now established under the provisions of any Act heretofore in force in Upper Canada, nor when any Road shall be altered under the authority of this Act to prevent such altered Road from being laid out, of the same width as the old one.

Roads not to exceed ninety nor be less than forty feet in breadth. Proviso as to Roads now established.

CXC. And be it enacted, That all powers, duties or liabilities vested in or belonging to the Magistrates in Quarter Sessions, with respect to any particular Highway, Road or Bridge in Upper Canada at the time this Act shall come into force, shall from thenceforth become and be vested in and belong to the Municipal Corporation of the County in which such Highway, Road or Bridge shall lie, or in case of such Highway, Road or Bridge lying within two or more Counties, shall be vested in and belong to the Municipal Corporations of both such Counties, subject always to the provisions of this Act as to the mode and manner of exercising, performing and meeting such powers, duties and liabilities, and all rules and regulations made and directions given by such Municipal Corporation or Corporations in the premises shall have the like force and effect to all intents and purposes whatsoever as those which such Magistrates had previously the power of making or giving respecting the same, and neglect of or disobedience to any such rules, regulations or directions so to be made or given by such Municipal Corporation or Corporations, shall subject the defaulter or defaulters in the premises to the like penalties, forfeitures and other consequences both civil and criminal as such neglect of or disobedience to similar rules, regulations or directions of such Magistrates would have subjected them to, previous to this Act coming into force.

Powers, &c., of Magistrates in Quarter Sessions with respect to Highways, &c., vested in Municipal Corporations.

As to rules and regulations made by them.

CXCI. And be it enacted, That it shall and may be lawful for any of the Municipal Corporations, created or to be created under the authority of this Act, to authorize by By-law any person or persons who may be willing to contract with them, for that purpose, to plank, gravel or macadamize any road or to build any bridge, which, under the provisions of this Act, any such Municipal Corporation would themselves have a legal right to plank, gravel, macadamize or build, and to grant to such person or persons in consideration or part consideration of the execution of such work the tolls to be levied on the same after it shall have been completed ; Provided always, firstly, that the rate of tolls to be taken upon such work shall in all cases be fixed by By-law of such Municipal Corporation, and not be in the discretion of such person or persons so contracting as aforesaid ; And provided also, secondly, that no such tolls shall be leviable until such Municipal Council shall by a subsequent By-law have declared that the work contracted for has been completed, and that the tolls may be collected thereon

Corporation may authorize persons to plank, &c. Roads, or build Bridges within their jurisdiction.

Proviso : Tolls to be fixed by Corporation.

Proviso : tolls not leviable until the work is completed.

accordingly ;

Proviso: tolls not to be granted for more than ten years.

Proviso: persons receiving tolls, to keep roads, &c., in repair.

Proviso as to companies formed under the general Act of this Session.

accordingly; And provided also, thirdly, that the grant of such tolls shall in no case be for a longer period than ten years from the time of the passing of such last mentioned By-law by which the levying of such tolls shall become lawful; And provided also, fourthly, that it shall be the duty of such person or persons during the period that his or their right to levy tolls under such By-law shall continue to keep and maintain such road or bridge in good and proper repair; And provided also, fifthly, that none of the powers and privileges conferred by an Act passed in this present Session of Parliament, intituled, *An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada*, shall extend to confer upon any Company formed or pretended to be formed under the authority of that Act, any power of interference with any authority conferred by any such By-law upon any person or persons under the authority of this section.

Corporation not to stop up Roads, &c., without one month's notice, &c.

CXCII. And be it enacted, That it shall not be lawful for any of such Municipal Corporations to make any By-law for the stopping up, altering, widening or diverting any public highway, road, street or lane until they shall have caused at least one calendar month's notice to have been given by written or printed notices put up in the six most public places in the immediate neighbourhood of such highway, road, street or lane, nor until they shall have heard in person or by counsel or attorney, any person through whose land such highway, road, street or lane, or proposed highway, road, street or lane shall run, and who may claim to be so heard before them: Provided always, nevertheless, that nothing either in this section or in any other of the provisions of this Act shall extend or be construed to extend to give any power or authority whatsoever to any of the Municipal Corporations erected or to be erected under the authority of the same, to interfere in any way with any of the public roads or bridges in Upper Canada, which by Act of Parliament or otherwise, now are or hereafter may be vested in Her Majesty, or in any public department or board of Her Majesty's Provincial Government as a Provincial public work; with respect to all and every which Provincial public works whether roads or bridges, all and singular the powers by this Act conferred upon or vested in such Municipal Corporations, with respect to other roads and bridges within the limits of their respective jurisdictions, shall be and the same are hereby vested in and shall and may from time to time and at all times hereafter be exercised by the Governor of this Province in Council with respect to such Provincial public roads and bridges and every of them, by such orders in Council as shall or may from time to time be made for that purpose.

Proviso: Corporations not to interfere with Roads, &c., vested in Her Majesty or in any public department.

Powers of Governor in Council as to such Roads.

Corporations not to interfere with the alignment, &c., of Roads laid out by the Ordnance, &c., except by consent.

CXCIII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to give any power or authority whatsoever to any of the Municipal Corporations erected or to be erected under the authority of the same, to pass any By-law for the direction or alignment, stopping up or altering of any of the streets, lanes or thoroughfares which have been or hereafter shall or may be made or laid out by the Department of Her Majesty's Ordnance, or to the interfering in any manner with any bridges, wharves, docks, quays or other works constructed by or under the direction of Her Majesty's Ordnance, or on the land held by Her Majesty and reserved for military purposes, until the consent in writing of the Head Quarter Board of Officers of Her Majesty's Ordnance acting in Canada, shall be first had and obtained authorizing such intended By-law to extend to Ordnance Property.

CXCIV. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to give any power or authority whatsoever to any of the Municipal Corporations erected or to be erected under the authority of the same, to pass any By-law to open any street, road or lane through any lands held by Her Majesty or on Her behalf in respect of the Ordnance, or to interfere with, prejudice or weaken the right of Her Majesty in respect of such Ordnance property, or to interfere with the integrity of the public defences as connected with such property, unless the consent of the Head Quarter Board of Officers of Her Majesty's Ordnance acting in Canada shall be first had and obtained, such consent and all other consents required by this Act in regard to Ordnance property to be given in writing under the hands of the Head Quarter Board of Officers of Her Majesty's Ordnance acting in Canada, and that they are such Head Quarter Board of Officers shall be certified under the hand of the Commander of the Forces in Canada for the time being, and every such consent and certificate shall be recited in such By-law.

Corporations not to run Roads through Ordnance property or interfere with the defences of the Province, &c., except by consent.

CXCV. And be it enacted, That upon the passing of any By-law, by any Municipal Corporation erected or to be erected under the authority of this Act for the purpose of authorizing the opening any road, street or other public thoroughfare, or of changing, widening or diverting any road, street or public thoroughfare so as to cause the same or any part thereof to go through or be placed upon or injuriously to affect the land or other real property of any person or persons, it shall and may be lawful for the person or persons who shall own such property to name an arbitrator, and give notice thereof in writing to the Clerk of such Corporation, and the Head of the Corporation shall, within three days after such notice, name an arbitrator on behalf of such Corporation, and give notice thereof to the person or persons owning the said property and appointing such arbitrator as aforesaid, and the two arbitrators shall, within three days thereafter, appoint a third arbitrator, and the said three arbitrators, or the majority of them, shall have power to determine upon and award the amount of damages (if any) to be paid to such person or persons as aforesaid, and their award shall be binding on such person or persons, and on the said Corporation respectively, so as such award be made in writing within three calendar months after the appointment of the third arbitrator as aforesaid: Provided always nevertheless, firstly, that every such submission and award shall be subject to the jurisdiction of Her Majesty's Court of Queen's Bench for Upper Canada, in the same manner and to the same extent for all purposes whatsoever as if there had been a submission of the matters in difference by bond between the parties containing an agreement that such submission should be made a rule of that Court: And provided also, secondly, that if the Head of such Corporation shall neglect to appoint an arbitrator for the Corporation within such time as aforesaid, or the said two first mentioned arbitrators shall be unable to agree, or shall not agree upon and appoint a third as aforesaid, or the said three arbitrators, or the majority of them, shall be unable to agree, or shall not agree upon an award within the time aforesaid, then and in every such case, it shall and may be lawful for such person or persons, so interested as aforesaid, to institute a special action on the case at law against the Municipal Corporation by which such By-law shall have been passed, and such action shall be sustainable, whether any entry shall be made under such By-law or not, or whether any use shall be made of such property under such By-law or not, and if no such entry or use other than for the purposes of survey shall be proved at the trial of any such action, then the Judge who shall try the same shall certify the want of such proof upon the record, and in such case it shall and may be lawful for such Municipal Corporation, at any

In case it shall be necessary for Roads to pass over, &c., private property, arbitrators to be appointed.

Arbitrators to fix the compensation if any.

Proviso: Awards subject to Court of Q. B.

Proviso: in case of neglect of Head of Corporation to appoint arbitrator, &c., party interested may sue Corporation, &c.

Action sustainable without proving entry.

By-law may then be repealed, and costs tendered, &c.

No entry allowed until damages and costs be paid.

If a lawful and sufficient tender be proven by defendant, all costs subsequent thereto to be borne by plaintiff.

In estimating damages, juries to take into consideration benefit to be derived by plaintiff from widening of Road, &c.

All By-laws to be authenticated by seal of Corporation, signature, &c.

Effect of certified copies.

Bonds, &c. how to be signed and sealed, &c.

any time after such trial, and until four calendar months after the rendering judgment upon such verdict, to repeal such By-law, and to tender and pay to the Plaintiff in such action, or to the Plaintiff's Attorney, the taxed costs of the said Plaintiff in such action, and from and after such tender or payment, the Municipal Corporation against whom such action shall be brought shall be discharged from the damages which shall be assessed in such action, and the land or other real property which shall be proposed to be taken by any such first mentioned By-law, shall be and remain as if no such By-law had been passed; and no entry or other use of such land or real property, for the purposes of such first mentioned By-law, shall be lawful after the assessment of such damages by the Jury, until the amount of the damages assessed, and the costs of the Plaintiff in such action, shall have been levied by the Sheriff, or paid, or discharged, or lawfully tendered to the Plaintiff or the Attorney for the Plaintiff in such action.

CXCVI. And be it enacted, That if a tender shall be pleaded, and if upon the trial of any such action it shall be proven to the satisfaction of the Jury that a lawful tender shall have been made to the Plaintiff or to the Plaintiff's Attorney of a compensation or sum equal to or greater than the amount of the damages assessed by such jury, the said jury shall find such tender by their verdict, and in case of such finding, the costs of the defendant in such action, incurred after such tender, shall be borne by the plaintiff, and the plaintiff in such case shall receive no costs, for any proceedings subsequent to such tender.

CXCVII. And be it enacted, That as well the arbitrators as the jury, in estimating the damages or compensation in any such submissions or actions, shall take into consideration any benefit or advantage which the plaintiff shall or may derive from the opening, widening or diverting any such road, street, or other public thoroughfare, and deduct the same from the damages or compensation; and in case the said benefit to be derived from the said opening, widening, or diverting such road, street, or public thoroughfare, shall be greater than the damages which shall be found to arise from the taking of such land or other real property, the award or verdict shall be for the defendant.

CXCVIII. And be it enacted, That all By-laws made and passed by any Municipal Corporation under the authority of this Act, shall be authenticated by the Seal of the Corporation, and by the signature of the Head thereof, or of the person presiding at the meeting at which the same shall have been made and passed, and also by that of the Clerk of such Corporation; and any copy of any such By-law, written without erasure or interlineation, sealed with the Seal of the Corporation, and certified to be a true copy by the Clerk, and by any member of such Corporation for the time being, shall be deemed authentic, and shall be received in evidence in any Court of law or equity in this Province, without its being necessary to prove such seal or signatures, unless it shall be specially pleaded or alleged that the same, or any of them are forged or counterfeit; and all debts, bonds, obligations and other instruments to be executed on behalf of any Corporation erected or to be erected by or under this Act, shall be valid if sealed with the Seal of the Corporation, and signed by the Head of such Corporation, or by such other person as shall by any By-law to be passed in that behalf, be authorized to sign the same on the behalf of the Corporation.

CXCIX. And be it enacted, That the originals or certified copies of all By-laws and regulations made by any Municipal Corporation under the authority of this Act, and of all minutes of the proceedings of any such Corporation shall be kept in the office of their Clerk, and shall be open at all seasonable times and hours to the inspection of the public; and the said Clerk shall be bound to furnish copies thereof at the rate of six pence currency per hundred words, or at such lower rate as the Corporation shall appoint; and all meetings and proceedings of any such Corporation shall be held openly, and so that no person shall be prevented from being present thereat, except only when the public interest shall require the contrary.

Original By-laws to be kept in Clerk's Office and open to the Public, &c.
As to Copies.

Meetings, &c., to be public.

CC. And be it enacted, That so long as any City or Town erected or to be erected under the authority of this Act, shall use or continue to use the Court House, Gaol, and House of Correction of any County within the limits or on the borders whereof such City or Town shall be situate, or any of them, the Municipal Corporation of such City or Town shall pay to the Municipal Corporation of such County, such annual sum of money for the same as shall be mutually agreed upon between them as a fair compensation for the use of such buildings or any of them, and in the event of such Corporations being unable to agree as to the amount of such compensation, then the same shall be settled by the award of three arbitrators, or the majority of them, to be appointed as follows, that is to say: one by the Municipal Corporation of such City or Town, another by the Municipal Corporation of such County, and the third by such two arbitrators thus appointed, or in the event of such two arbitrators omitting to appoint such third arbitrator within ten days next after their own appointment, then by the Governor of this Province in Council, and the amount so settled shall be deemed a debt due by the Municipal Corporation of such City or Town to the Municipal Corporation of such County, and its payment shall be provided for as is hereby directed with respect to other debts of such Municipal Corporations in general, and in default thereof may be sued for and recovered as any such debts: Provided always nevertheless, firstly, that in case either of such Corporations shall omit for one calendar month after they shall have been called upon for that purpose by the other of such Corporations, to appoint an arbitrator on their part as above provided, it shall and may be lawful for the Governor in Council to appoint an arbitrator on the part and behalf of such Corporation so neglecting to appoint such arbitrator, who shall in such case have all the same powers as if he had been appointed by such Corporation: And provided also, secondly, that whenever, after the lapse of five years from the making any such award, it shall appear reasonable to the Governor in Council, upon the application of either of such Municipal Corporations, that the amount of such compensation should be reconsidered, it shall and may be lawful for him, by an order in Council, to direct that the then existing arrangement respecting the same, whether it be by agreement of the parties or by award, shall cease after some time to be named in such order, after which the said Corporations shall proceed as at first, for the settlement either by agreement or arbitration, of the amount to be paid from the termination of such previous settlement: Provided also, thirdly, that every such submission and award shall be subject to the jurisdiction of Her Majesty's Court of Queen's Bench for Upper Canada, in like manner as if the same were by bond, with an agreement therein that such submission might be made a rule of that Court: And provided always, fourthly, that whenever at the time this Act shall come into force there shall be any subsisting agreement or other settlement, whether by Act of Parliament or otherwise, of the amount to be paid by any such City or Town for such Court House, Gaol or House of Correction,

Corporations of Cities using gaols, &c., of Counties within the limits whereof they are situate, to pay to the Corporations of such Counties for the use of the said Gaols, &c. a fair compensation—to be settled by arbitrators in case of disagreement.

Proviso: Governor to appoint arbitrators in default of Corporations.

Proviso: after five years, Governor may order a new agreement.

Awards subject to Court of Q. B.

Proviso. existing agreements to remain in force as if settled under this Act.

Correction, or any of them, the same shall be and continue in force as if it had been settled under the authority of this clause at the time that this Act shall have so come into force as aforesaid.

Villages, Towns, &c., in the different Schedules and the Wards therein, to have the several boundaries therein set forth.

CCI. And be it enacted, That the several Villages mentioned and named in the Schedule to this Act annexed marked A, shall respectively have such boundaries as shall or may be established and declared for such Villages respectively, in and by any Proclamation or Proclamations, to be in that behalf issued under the Great Seal of this Province, by order of the Governor thereof in Council, at any time on or before the first day of October next, after the passing of this Act, and shall by such boundaries be Incorporated Villages under this Act, and the several Towns mentioned and named in the Schedule to this Act annexed marked B, shall respectively have the boundaries set forth in the said Schedule, and shall be Towns under the provisions of this Act, and the Wards of such Towns shall respectively have the names and boundaries set forth in such Schedule in respect of such Towns: and that the several Cities mentioned and named in the Schedule to this Act annexed marked C, shall respectively have the boundaries both as respects such Cities and the liberties thereof set forth in the said last mentioned Schedule, and shall be Cities under the provisions of this Act, and the several Wards of such Cities shall, with the liberties attached to each respectively, have the names and boundaries set forth in the said last mentioned Schedule in respect of such Cities, and all and singular the names and boundaries of all such Villages, Towns and Cities and of the Wards of such Towns and Cities shall continue until the same shall be altered by competent authority in the manner in this Act set forth and provided.

Recital.

CCII. And whereas the places mentioned in the Schedule to this Act annexed marked D, and intituled, "Towns with Municipalities only or without any Municipal organization," from having been the places where the assizes have been usually held or, from being the seats of the local Courts, or from having been named as Towns in Acts of Parliament, or from other causes, are or are generally reputed to be Towns, and it is inexpedient to deprive them of that distinction or to subject them to the more extensive organization in and by this Act provided for, either Towns or Villages in general until by the increase of their inhabitants they shall respectively become desirous of and entitled to such extended organization respectively as they would be under this Act, were the only Villages or Hamlets respectively: Be it therefore enacted, That the several Towns mentioned in the said Schedule, with such limits and boundaries as shall be established and declared for such Towns respectively, in and by any Proclamation or Proclamations to be in that behalf issued under the Great Seal of this Province by order of the Governor thereof in Council at any time on or before the first day of October next after the passing of this Act, shall be and continue to be Towns as heretofore, but neither the provisions of this Act applicable to Towns only, nor any Act, nor any of the provisions of any Act to be passed this Session, or at any time hereafter referring to Towns generally, shall thereby extend or be construed to extend to any of such Towns; Provided always, nevertheless, that it shall and may be lawful for the Governor of this Province in Council at any time by Proclamation under the Great Seal thereof, to extend the limits of any of the Towns mentioned in the said Schedule D, to divide such Town into Wards, and to extend to such Town all the provisions of this Act and of all other Acts applicable to Towns in general, whereupon the provisions of this Act and of all such other Acts shall extend to such Town as if such

How this Act shall apply to certain Towns in Schedule D.

All the provisions of this Act may be extended by Proclamation to such Towns.

such Town with its limits and divisions had been set forth in the Schedule to this Act annexed marked B.

CCIII. And be it enacted, That the inhabitants of each of the Towns mentioned in the first division of the said Schedule marked D, shall be a Body Corporate apart from the Township or Townships in which such Town shall be situate, and as such shall have perpetual succession and a Common Seal, with all such powers within the limits of such Town as are by this Act conferred upon the inhabitants of Incorporated Villages, and the powers of the Corporation of such Town shall be exercised by, through, and in the name of the Municipality of such Town, and all the provisions of this Act, and of all other Acts hereafter to be passed applicable to Incorporated Villages, and the Municipalities thereof, shall apply to such Town and the Municipality thereof.

As to Towns mentioned in first division of Schedule D. incorporated.

CCIV. And be it enacted, That each of the Towns mentioned in the second division of the said Schedule marked D, shall be and continue a part of the Township or Townships within which the same shall be respectively situate, and shall be and continue subject to the jurisdiction of the Municipality or Municipalities of such Township or Townships as if the same was an unincorporated Village or Hamlet, and that when by the census returns, it shall appear that any of such last mentioned Towns and any portion of a Township or Townships, which from the proximity of streets and buildings, may conveniently be attached to such Town, shall together contain one thousand inhabitants or upwards, it shall and may be lawful for any number of the resident freeholders or householders of such Town, not less than one hundred, to petition the Governor of this Province that the inhabitants of such Town may be incorporated, and upon such petition it shall be lawful for the Governor of the Province by an order in Council to issue a Proclamation under the Great Seal of the Province, setting forth the boundaries of such Town, and including within such boundaries any such portion or portions of the said adjacent Township or Townships as from the proximity of streets or buildings as aforesaid may conveniently be attached to such Town as aforesaid, and the inhabitants of such Town as embraced within such new and extended boundaries, shall, on from and after the first day of January next after the end of three calendar months, from the *teste* of such Proclamation, be incorporated apart from the Township or Townships in which it is situate, and shall no longer be subject to the jurisdiction of the Municipality or Municipalities of such Township or Townships, and as such Corporation, shall have perpetual succession and a Common Seal, with all such powers within the limits of such Town as are by this Act conferred upon the inhabitants of any Incorporated Village, and the powers of the Corporation of such Town shall be exercised by, through and in the name of the Municipality of such Town; and all the provisions of this Act and of all other Acts hereafter to be passed applicable to Incorporated Villages in general, and the Municipalities thereof, shall apply to such Town and the Municipality thereof as if the same were mentioned in the Schedule to this Act annexed marked A.

Provision with respect to the incorporation of towns mentioned in second division of Schedule D. on certain conditions.

Petition.

Proclamation.

When such Proclamation shall take effect, and what its effect shall be.

CCV. And be it enacted, That whenever by the census returns it shall appear that any of the Towns mentioned in the said Schedule marked D, which shall have been then already incorporated under the provisions of this Act as aforesaid, and any portions of the Township or Townships which, from the proximity of streets and buildings, may conveniently be attached to such Town, shall together contain five thousand inhabitants or upwards, it shall and may be lawful for the Municipal Corporation of such Town to petition the Governor of this Province that the limits of the

Provision with respect to the division into Wards of certain Towns in Schedule D. on certain conditions.

Petition.

the

Proclamation.

the said Town may be extended, and that the same may be divided into Wards, and upon such petition it shall be lawful for the Governor of the Province, by an order in Council, to issue a Proclamation under the Great Seal of the Province, extending such limits and dividing such Town into Wards accordingly, and from and after the first day of January next, after the end of three calendar months from the *teste* of such Proclamation, all the provisions of this Act and of all other Acts hereafter to be passed applicable to Incorporated Towns in general or to the Town Councils thereof, shall apply to such Town and Town Council thereof, as if the same were mentioned in the Schedule to this Act annexed marked B.

Corporations &c., of Districts, &c., existing immediately previous to 1st January, 1850, to remain until 4th Monday of that month.

Powers of Members, &c., to continue.

CCVI. And be it enacted, That for and notwithstanding any thing in this Act contained, the Municipal Corporation or other Municipal bodies or authorities of the several Counties, Unions of Counties under the name of Districts, Cities, Towns, Townships and Villages in Upper Canada, existing immediately previous to the first day of January, which will be in the year of our Lord one thousand eight hundred and fifty, and all and singular the members, officers, and servants of the same respectively, shall, upon and from the said first day of January, in the year aforesaid, until the fourth Monday of the same month, continue to have, exercise and perform all and singular the Municipal and other powers, functions and duties which immediately previous to such first day of January shall or may by law have been vested in them respectively, to all intents and purposes, as if this Act had not been passed.

Proclamations incorporating Villages, &c., when to take effect.

CCVII. And be it enacted, That any Proclamation to be issued under the authority of this Act, for the incorporation of any Village, for erecting any Village into a Town, or for erecting any Town into a City, shall have force and effect upon, from and after the first day of January next, after the end of three calendar months from the *teste* of such Proclamation, and not before, except only as regards any thing to be done preparatory to the election to be held in consequence of such Proclamation, with regard to which such Proclamation shall have force and effect from the time of the *teste* thereof.

Provisions of this Act as to property qualification when to take effect.

CCVIII. And be it enacted, That no provision in the foregoing enactments of this Act which requires that any person be possessed of any property qualification, or be assessed for any particular amount in order to his having a right to vote or to be elected at any election to be held under the authority of this Act, shall have any force or effect, unless or until some Act be passed by the Parliament of this Province in the present or some future session thereof to provide for the regulation of assessments, and the levying and collecting of local taxes in Upper Canada, and to repeal the general provisions of the Acts heretofore in force for that purpose, but all such persons as have heretofore had the right to vote or be elected at the annual elections of Parish and Township Officers, for the several Townships in Upper Canada, shall have the right of voting and being elected for the Township and Village Councillors to be elected under this Act, and such persons as have heretofore had a right to vote or be elected at the Municipal Elections of any City, Town or Village heretofore incorporated, or having a Board of Police established by law for the same, shall have the right of voting and being elected for the City, Town or Village, Aldermen and Councillors to be elected under this Act for such City, Town or Village respectively; and the persons entitled to vote or be elected at the Municipal Elections of every Town and Village not incorporated as aforesaid before the passing of this Act,

Who may vote or be elected in the mean time. In incorporated Towns, &c.

In unincorporated Towns, &c.

Act,

Act, shall be the resident male inhabitants, being either householders or freeholders of such Town or Village of the age of twenty-one years or upwards, being subjects of Her Majesty by birth or naturalization, and who shall have resided in such Town or Village for six calendar months next previous to the holding of the said election, and who shall have been rated on the Assessment Roll of the said Town or Village as householders or freeholders for the year previous to such election. Provided also, that where the system of the registration of votes exists at the passing of this Act in any City or Town, the same shall continue under the Act or Acts providing such registration, until altered by any Act as aforesaid; and provided also, that whether any such new Act for regulating assessments in Upper Canada, shall or shall not be passed prior to this Act coming into force, the persons hereinbefore described as entitled to elect and be elected under this Act (until such new assessment law shall have passed as aforesaid,) shall be those entitled to elect and be elected respectively at the first elections to be held under this Act.

Proviso as to places where a Registration of voters exists.

Proviso as to first elections.

CCIX. And be it enacted, That all Acts and parts of Acts and provisions of law, either of the Parliament of this Province, or of the Parliament of the late Province of Upper Canada, and all Acts, By-laws, Rules and Regulations thereupon passed by any Township Meeting, District Council, Board of Police, Town or City Council in Upper Canada, in force in Upper Canada immediately before the time when this Act shall come into force, in so far as the same may be inconsistent with or contradictory to the provisions of this Act, or which make any provisions in any matter provided for by this Act, other than such as is hereby made in such matter, shall be and they are hereby repealed, and shall cease to be in force upon, from and after the day when this Act shall come into effect.

Acts, &c., inconsistent with this Act, repealed.

CCX. And be it enacted, That the word "Governor" wherever it occurs in this Act, shall be understood to mean and include the Governor, Lieutenant-Governor, or Person Administering the Government of this Province for the time being; the words "Upper Canada," shall be understood to mean and include all that part of this Province which formerly constituted the Province of Upper Canada; and words importing the singular number or the masculine gender only, shall be understood to include more than one person, matter or thing of the same kind, as well as one person, matter or thing, and females as well as males, unless it be otherwise expressly provided, or there be something in the subject or context repugnant to or inconsistent with such construction; and all other words, terms or phrases shall receive such fair and liberal construction as shall be best adapted to carry out this Act according to its true intent, meaning and spirit.

Interpretation of word "Governor," &c.

How this Act shall be construed.

CCXI. And be it enacted, That this Act may be amended, altered or repealed by any Act to be passed in this present session of parliament.

Act may be amended, &c., in this Session.

SCHEDULE A.

VILLAGES.

- | | |
|--------------|---|
| 1. Chippawa. | 4. Paris. |
| 2. Galt. | 5. Richmond, (in the County of Carleton.) |
| 3. Oshawa. | 6. Thorold. |

SCHEDULE

SCHEDULE B.

1. *Belleville*.—To consist of all that part of this Province situate within the County of Hastings and lying within the following limits, that is to say :

Commencing at the limits between Lots numbers six and seven in the first concession of the Township of Thurlow, at low water mark of the Bay of Quinte ; thence, northerly along the side line between lots numbers six and seven to the second concession road ; thence, westerly, along the said second concession line to the westerly boundary of lot number one in the said first concession of Thurlow ; thence, southerly, on the town line between Townships of Thurlow and Sidney to the Bay of Quinte ; thence, easterly, along the shore of the said Bay to the place of beginning ; together with the Harbor, Islands and Marshes in front of the said Town.

The said Town to be divided into four Wards to be called respectively Samson Ward, Ketcheson Ward, Baldwin Ward, and Coleman Ward, and to comprise the following portions of the said Town respectively, that is to say :

The said Samson Ward to comprise all that part of the said Town which lies to the south-east of Bridge Street, on the north side of the river Moira.

The said Ketcheson Ward to comprise all that part of the said Town which lies north-west of bridge, and south-east of Pinnacle Street on the north side of the said river.

The said Baldwin Ward to comprise all that part of the said Town which lies north-west of Pinnacle Street, on the north side of the said river, to the limit of the said Town.

And the said Coleman Ward to comprise all that part of the said Town which lies on the west side of the said river Moira.

2. *Brantford*.—To consist of all that part of this Province situate within the county of Wentworth and lying within the following limits, that is to say :

Commencing on the north side of Colborne Street, in the eastern limit of the said town as originally laid out by the authority of the government of the late Province of Upper Canada ; then, north, eighteen degrees thirty minutes east, seventy-nine chains forty-five links, more or less, to the north-east angle of the said town as laid out by the government as aforesaid ; then, south, eighty-four degrees thirty minutes west, eighty-two chains twenty-eight links, more or less, to the north-west angle of the said Town as laid out by the government as aforesaid, and to the eastern limit of a certain tract of twelve hundred acres of land originally granted by the Crown to Abraham Kennedy Smith and Margaret Kerby ; then, south, twenty-seven degrees thirty minutes west, eight chains, more or less, to the south-east angle of a parcel of land belonging to Peter O'Banyon ; then, north, sixty-two degrees thirty minutes west, sixty chains, more or less, to the western limit of the said lands granted by the Crown to the said Abraham Kennedy Smith and Margaret Kerby ; then, south, twenty-seven degrees

degrees thirty minutes west, one hundred and eight chains, more or less, along the western limit of the said lands to the Grand River; then, across the Grand River obliquely with the stream in an easterly direction, and passing south of the large Island, about thirty chains, to the limit between the farm lands of Thomas Mair and the north part of the Brant Farm, granted by the Crown to William Johnson Kerr; then, south, twenty-seven degrees twenty-five minutes west, forty-two chains, more or less, to the rear of the lots on the south side of Burford Street on the plank road; then, south, sixty-eight degrees east thirty-nine chains, more or less, to the east side of the Mount Pleasant road and south side of Walnut Street on the lands of Daniel Mercer Gilkison; then, north, forty-three degrees thirty minutes east, thirty-six chains, more or less, along the south side of Walnut Street to the Grand River; then, easterly, along the south side of the Grand River, with the stream about thirty chains to opposite the mouth of the Cove; then, east, across the Grand River to the south side of the mouth of the said Cove; then, north-easterly along the easterly side of the said Cove about twenty chains to the southern limit of the lands of the Grand River Navigation Company; then, easterly, along the south boundary of the said Grand River Navigation Company's Lands, about fifty-five chains, to the western limit of the Mohawk Parsonage Glebe; then, north, five degrees thirty minutes west, forty-five chains, more or less, to the place of beginning.

The said Town to be divided into five Wards to be called respectively, King's Ward, Queen's Ward, Brant Ward, East Ward and North Ward—and to comprise the following portions of the said Town respectively, that is to say:

The said King's Ward to comprise all that part of the said Town which lies between Cedar Street and King Street, and north of the Canal, together with all that part of the said Town lying south of the Grand River.

The said Queen's Ward to comprise all that part of the said Town which lies north of the Canal, and between King Street and Market Street to their intersection with West Street.

The said Brant Ward to comprise all that part of the said Town which lies north of the Grand River, and south of the Canal as far eastward as Alfred Street, and north of the Canal, and between Market and Alfred Streets.

The said East Ward to comprise all that part of the said Town which lies east of Alfred Street.

And the said North Ward to comprise all that part of the said Town which lies north of the Grand River (including the two large Islands in the River,) and west of Cedar Street, and West Street from its intersection with Cedar Street.

3. *Brockville*.—To consist of all that part of this Province situate within the County of Leeds, and lying within the following limits, that is to say:

Comprising that part of the Township of Elizabethtown known as the front halves of Township lots numbers ten, eleven, twelve and thirteen, and of the west half of Township lot number nine, and of the east half of Township lot number fourteen in the
first

first concession of the said Township, extending the same respectively to the water's edge of the River Saint Lawrence together with such parts of the water of the said River, and of the land under the said water as lies in front of the said lots within three hundred yards of the said water's edge, and also including the small Island in front of the said Town on which a block house is now built, and all Public Roads and Highways running through or by any of the said half lots within the exterior limits thereof.

The said Town to be divided into three Wards to be called respectively, East Ward, West Ward and Centre Ward, and to comprise the following portions of the said Town respectively, that is to say:

The said Centre Ward to comprise all that part of the said Town known as the front half of the west half of the said Township lot number eleven, and of the front half of the east half of the said Township lot number twelve, in the first concession of Elizabethtown aforesaid, extending the same respectively to the water's edge of the said River Saint Lawrence, together with such parts of the water of the said River and of the land under the said water as lies in front of the said last mentioned half lots and within three hundred yards of the said water's edge, and including the said small Island.

The said West Ward to comprise all that part of the said Town which lies to the west of the said Centre Ward.

And the said East Ward to comprise all that part of the said Town which lies east of the said Centre Ward.

4. *Bytown*.—To consist of all that part of this Province situate within the County of Carleton, and lying within the following limits, 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 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 up the river Rideau to the place of beginning.

The said Town to be divided into three Wards to be called respectively East Ward, Centre Ward and West Ward, and to comprise the following portions of the said Town respectively, that is to say:

Lower Bytown shall comprise that portion of the said Town which lies easterly from the Rideau Canal, and shall constitute two Wards by the names of East Ward and Centre Ward.

The said East Ward to comprise all that portion of the said Lower Town which lies east of the centre of Dalhousie Street, so far as the said street is now opened, and thence in a direct line produced from the centre of the said street until it intersects the limits of the Town on the south.

The said Centre Ward to comprise all that portion of the said Lower Town not included in the East Ward.

The said West Ward shall comprise all that portion of the said Town which lies westerly from the Rideau Canal, and which shall constitute Upper Bytown.

5. *Cobourg*.—To consist of all that part of this Province situate within the County of Northumberland, and lying within the following limits, that is to say :

Commencing on the Lake shore, at the south-east angle of lot number fourteen, in concession B ; thence, north, sixteen degrees west, to the centre of the first concession ; thence, south, seventy-four degrees west, to the centre of lot number twenty-one, in the said concession ; thence, south, sixteen degrees east, to the Lake shore ; thence, along the water's edge, to the place of beginning.

The said Town to be divided into three Wards, to be called respectively, South Ward, East Ward and West Ward.

The said South Ward to comprise all that portion of the said Town which lies south of King street.

The said East Ward to comprise all that portion of the said Town which lies east of the centre of the street between lots numbers sixteen and seventeen and north of King street ; and

The said West Ward to comprise all that portion of the said Town which lies west of the centre of the street between lots numbers sixteen and seventeen, and north of King street.

6. *Cornwall*.—To consist of all that part of this Province situate within the County of Stormont, and lying within the following limits, that is to say :

Comprised within the limits or boundaries heretofore reserved and set apart by Government as a Town plot, together with the parcel or tract of ungranted land in front thereof, and the harbour.

The said Town to be divided into three Wards, to be called respectively East Ward, West Ward, and Centre Ward, and to comprise the following portions of the said Town respectively, that is to say :

The said East Ward to comprise all that part of the said Town which lies between Amelia Street and the Eastern limits of the said Town.

The said West Ward to comprise all that part of the said Town which lies between Augustus Street and the Western boundary of the said Town ; and

The said Centre Ward to comprise all that remaining part of the said Town which lies between Amelia Street and Augustus Street, and not included in either of the before mentioned Wards.

7. *Dundas*.—To consist of all that part of this Province situate within the County of Halton, and lying within the following limits, 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 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.

The said Town to be divided into four Wards, to be called, respectively, Mountain Ward, Canal Ward, Foundry Ward, and Valley Ward, and to comprise the following portions of the said Town respectively, that is to say :

The said Mountain Ward to comprise all that part of the said Town 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 Desjardins 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.

The said Canal Ward to comprise all that part of the said Town, 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 Desjardins Canal is intersected ; thence, along the said Canal in a westerly direction until East Street is intersected (Coote's 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.

The said Foundry Ward to comprise all that part of the said Town, 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

southern boundary of the said Town until the boundary between Wards Numbers Two and Three is intersected; thence, northerly, to the place of beginning; and

The said Valley Ward to comprise all that part of the said Town, commencing at the northern boundary of the said Town on the Sydenham Road; thence, following the north-western 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.

8. *Goderich*.—To consist of all that part of this Province situate within the County of Huron, and lying within the following limits, that is to say:

Commencing at a point where the south limit of Britannia Road produced intersects the water's edge of Lake Huron; thence, northerly along the said water's edge to the south Pier of the Harbour; thence, easterly, along the said Pier and south side of the River Maitland, to a point where the west limit of Wellington Street produced intersects the said south side of the River Maitland; thence, due south, along the said produced limit of Wellington Street to the crown of the Hill; thence, easterly along the crown of the said Hill, following the several windings thereof, to the east end of Gloucester Terrace; thence, southerly, along the eastern limit of the River Maitland, until it intersects the south easterly limit of Britannia Road; thence, south-easterly along the south-east limit of Britannia Road to an angle thereof; thence, due west, along the south limit of the said Britannia Road to the place of beginning.

The said Town to be divided into Four Wards, to be called respectively Saint George's Ward, Saint Patrick's Ward, Saint Andrew's Ward, and Saint David's Ward; and to comprise the following portions of the said Town respectively, that is to say:

The said Saint George's Ward to comprise all that part of the said Town which lies northward of the centre of West Street and westward of the centre of North Street.

The said Saint Patrick's Ward to comprise all that part of the said Town which lies northward of the centre of East Street and eastward of the centre of North Street.

The said Saint Andrew's Ward to comprise all that part of the said Town which lies southward of the centre of West Street and westward of the centre of South Street; and

The said Saint David's Ward to comprise all that part of the said Town which lies southward of the centre of East Street and eastward of the centre of South Street.

9. *London*.—To consist of all that part of this Province situate within the County of Middlesex, and lying within the following limits, that is to say:

All the lands comprised within the old and new surveys of the said Town, together with the lands adjoining thereto, lying between the said surveys and the River Thames, producing

producing the northern boundary line of the new survey, until it intersects the north branch of the River Thames, and producing the eastern boundary line of the same new survey, until it intersects the east branch of the River Thames.

The said Town to be divided into Four Wards, to be called respectively Saint George's Ward, Saint Patrick's Ward, Saint Andrew's Ward, and Saint David's Ward, and to comprise the following portions of the said Town respectively, that is to say :

The said Saint George's Ward to comprise all that part of the said Town which lies north of the Northern Line and continuation of Hitchcock and Duke Streets.

The said Saint Patrick's Ward to comprise all that part of the said Town which lies between King Street and Saint George's Ward aforesaid.

The said Saint Andrew's Ward to comprise all that part of the said Town which lies between Horton Street and Saint Patrick's Ward aforesaid ; and

The said Saint David's Ward to comprise all that part of the said Town which lies south of Horton Street.

10. *Niagara*.—To consist of all that part of this Province situate within the County of Lincoln, and lying within the following limits, that is to say :

Commencing at Missisagua Point ; thence, westerly, along Lake Ontario to Crookston ; thence, along the rear or Town line of Niagara to the Black Swamp road ; thence, along the eastern limit of the lands of the late Thomas Butler, Esquire, deceased, and the lands of Garret Slingerland, to the north-west angle of the lands of John Eccleston ; thence, easterly, to where the lands formerly owned by the Honorable William Dickson and the late Martin McLennon, deceased, come in contact ; thence, easterly, along the northern boundary of the lands of the said Martin McLennon, deceased, to the River Niagara ; thence, northerly, down the said Niagara River to the place of beginning.

The said Town to be divided into five Wards, to be called respectively, Saint Lawrence Ward, Saint George's Ward, Saint Patrick's Ward, Saint David's Ward and Saint Andrew's Ward, and to comprise the following portions of the said Town respectively, that is to say :

The said Saint Lawrence Ward to comprise all that part of the said Town which lies south of the centre of the Street called King Street, which runs directly from the River Niagara, and commencing at the house now occupied by Mr. Walter Elliot, or the Lower Ferry, and terminating at the western limit of the Town.

The said Saint George's Ward to comprise all that part of the said Town which lies north of the centre of the Street forming the northern boundary of Saint Lawrence Ward, and south of the centre of the next parallel Street.

The said Saint David's Ward to comprise all that part of the said Town which lies north of the Street forming the northern boundary of Saint George's Ward, and south of the centre of the next parallel Street.

The said Saint Patrick's Ward to comprise all that part of the said Town which lies north of the Street forming the northern boundary of Saint David's Ward, and south of the centre of the next parallel Street.

And the said Saint Andrew's Ward to comprise all that part of the said Town which lies north of the Street forming the northern boundary of Saint Patrick's Ward.

11. *Peterborough*.—To consist of all that part of this Province situate within the County of Peterborough, and lying within the following limits, that is to say :

Comprising all the lands in the Government Surveys of the present Town of Peterborough, and lying north of Townsend Street, and east of Park Street to the centre of the River Otonabee, as the eastern limit of the said Town, and to the centre of the allowance for road forming the boundary line between the Townships of Monahan and Smith, as the northern boundary of the said Town—

And divided into four Wards, to be called East Ward, North Ward, Centre Ward, and South Ward, and to comprise the following portion of the said Town respectively, that is to say :

The said East Ward to comprise all that part the said Town which lies east of George Street.

The said North Ward to comprise all that part of the said Town which lies west of George Street and North of Brock Street.

The said Centre Ward to comprise all that part of the said Town which lies west of George Street, south of Brock Street and north of Simcoe Street.

And the said South Ward to comprise all that part of the said Town which lies west of George Street and south of Simcoe Street, including the Government Reserve south of the said Town.

12. *Pictou*.—To consist of all that part of this Province situate within the County of Prince Edward, and lying within the following limits, that is to say :

Commencing on the south side line of Lot letter A, at a distance of fifty chains from the front of the Lot; thence, across the said Lot, and across Lot number one, north, sixty-four degrees forty-five minutes east, to a post planted on the limit between Lots numbers one and two in the first Concession, north of the Carrying Place; thence, at a right angle across Lots numbers two, three and four in the said Concession; thence, along the north-east side of Lot number four to the Bay; thence, directly across the Bay to the line between Lots numbers seventeen and eighteen in the first Concession east of the Carrying Place; thence, along the waters' edge to the limit between Lots numbers nineteen and twenty in the said Concession; thence, along the limit between the said Lots in a south-easterly direction, twelve chains; thence, at right angles across the easterly half of Lot number twenty; thence, in a south-easterly direction along the centre of the said Lot number twenty, nine chains, more or less, to the east side of John Street, thirty chains; thence, north, eighty degrees twenty minutes west, fourteen chains forty links,
more

more or less, to the east side of Church Street; thence, south, twelve degrees forty-five minutes east, one chain sixty-five links; thence, south, forty-nine degrees fifteen minutes west, fifteen chains fifty links; thence, south, thirty-two degrees west to the north-eastern limit of Lot number one in the Concession south-east of the Carrying Place; thence, north, eighty-degrees twenty minutes west, along the north-east side line of the said Lot number one to the front of the Lot; thence, north, eighty-seven degrees forty-five minutes west, sixty chains, more or less, to a post on the limit between Lots numbers twenty-one and twenty-two in the third Concession, military tract; thence, along the westerly side line of the said Lot number twenty-two, twenty-four chains seventy-four links, more or less, to Lot letter A aforesaid; thence, in a direct line to the place of beginning, including the Harbor in the abovementioned boundaries.

The said Town to be divided into three Wards, to be called, respectively, Hallowell Ward, Brock Ward and Tecumseth Ward, and to comprise the following portions of the said Town, respectively, that is to say:

The said Hallowell Ward to comprise all that part of the said Town which lies west of Bowery Street.

The said Brock Ward to comprise all that part of the said Town which lies east of the said Bowery Street and north of the Bay.

And the said Tecumseth Ward to comprise all that part of the said Town which lies on the south side of the Bay.

13. *Port Hope*.—To consist of all that part of this Province, situate within the County of Durham, and lying within the following limits, that is to say:

Composed of Lots numbers four, five, six, seven and eight, and the east half of Lot number nine in the first Concession of the Township of Hope, and the broken fronts of the said Lots and Half-lot, together with all those parts of Lots numbers four and five in the second Concession of the said Township of Hope, with the road allowance between the said first and second Concessions and butted and bounded as follows, that is to say:

Commencing in rear of the first Concession at the north-east angle of Lot number four in the first Concession; thence, in a northerly direction, across, the said allowance for road, to the south-east corner of Lot number four in the second Concession; thence, northerly, along the easterly side of the said Lot number four in the second Concession, fifteen chains; thence, westerly, in a course parallel with the front of the said second Concession, twenty-five chains; thence, southerly, in a course parallel with the said line of Lot number four in the second Concession aforesaid, sixteen chains, more or less, to the rear line of the first Concession; thence, easterly, along the rear of the first Concession to the place of beginning, and also the water in front thereof to the distance of one-fourth of a mile into Lake Ontario.

The said Town to be divided into three Wards, to be called, respectively, First Ward, Second Ward, and Third Ward, and to comprise the following portions of the said Town, respectively, that is to say:

The said First Ward, to comprise all that part of the said Town which lies east of the River.

The said Second Ward to comprise all that part of the said Town which lies west of the River and south of Walter Street, continued westerly by Ridout Street, and the front or Lake Shore Road to the western limit of the said Town.

And the said Third Ward to comprise all that part of the said Town which lies west of the River and north of Walter Street, continued westerly by Ridout Street, and the said front or Lake Shore Road to the western limit of the said Town.

14. *Prescott*.—To consist of all that part of this Province situate within the County of Grenville, and lying within the following limits, that is to say :

Commencing at the south-eastern angle of the Township of Augusta ; thence, north, twenty-four degrees west to the rear of the first concession of the said Township ; thence, south-westerly, along the said concession line to the limit between the east and west half of lot number five in the first concession of Augusta aforesaid ; thence, south, twenty-four degrees east to the river St. Lawrence ; thence, north-easterly, along the water's edge to the south-eastern angle of the said Township to the place of beginning, and shall take in so much of the waters of the river St. Lawrence and the land under the wharves and buildings built in such waters, as lie within three hundred yards in every direction of the water's edge in front of the present limits of the said Town—

And divided into two Wards, in the following manner, that is to say :

All that part of the Town on the east side of the street called Centre street, leading from the river St. Lawrence to the rear line of the said Town, shall compose the East Ward ; and all that part of the Town on the west side of the aforesaid street called Centre street, shall compose the West Ward.

15. *Saint Catharines*.—To consist of all that part of this Province situate within the County of Lincoln, and lying within the following limits, that is to say :

Commencing at the north-east angle of lot number sixteen, in the sixth concession of the Township of Grantham, on Charles Roll's farm ; thence, south-westerly, along the road as now laid out, one hundred and thirty-five chains, more or less, crossing the Welland, at Ranney's mills, to the western limit of the Welland canal lands ; thence, southerly and easterly, along the Welland canal boundary until it intersects the allowance for road between the sixth and seventh concessions ; thence, south, sixty-five degrees west along the rear of the sixth concession, to the limit between lots numbers nineteen and twenty ; thence, south, crossing the main road to Hamilton, five chains ; thence, north, sixty degrees east, more or less, until it intersects the allowance for road between lots numbers sixteen and fifteen ; and thence, north, along the said allowance, more or less, to the place of beginning.

The said Town to be divided, into three Wards, to be called respectively, Saint Thomas' Ward, Saint George's Ward, and Saint Paul's Ward, and to comprise the following portions of the said Town respectively, that is to say :

The

The said Saint Thomas' Ward to comprise all that part of the said Town which lies within the following limits:

Commencing at the south-westerly angle of the said Town; thence, north, until it intersects the allowance for road between the sixth and seventh concessions of Grantham; thence, north, sixty-five degrees east, along the said allowance to the Welland canal; thence, down the said canal, to the northern and western limit of the Welland canal lands; thence, easterly, across the said canal, until it intersects the main road at the north-western boundary of the said Town; thence, north-easterly, along the said boundary until it intersects Ontario street; thence, up the said street until it intersects Saint Paul street; thence, southerly, on the said street until it intersects the concession line between the sixth and seventh concessions; thence, north-easterly, on the said line, until it crosses the Welland canal; thence, up the said canal until it intersects the eastern boundary of the said Town; thence, south, on the said boundary, until it intersects the south-easterly angle of the said Town; thence, north-easterly, to the place of beginning.

The said Saint George's Ward to comprise all that part of the said Town which lies within the following limits:

Commencing at the corner of Saint Paul and Ontario streets; thence, down the boundary of Ontario street to the north-westerly boundary line of the said Town; thence, north-easterly, on the said boundary to the north-east angle of the said Town; thence, south, until it intersects Saint Paul street; thence, up the said street to the place of beginning.

And the said Saint Paul's Ward to comprise all that part of the said Town which lies within the following limits:

Commencing at the intersection of Saint Paul's street with the eastern boundary of the said Town; thence, south, until it intersects the boundary of Saint Thomas' Ward on the Welland canal; thence, down the said canal until it intersects the line between the sixth and seventh concessions; thence, north, up the said concession line until it intersects Saint Paul street; thence, westerly, up the said street to the place of beginning.

SCHEDULE C.

CITIES.

1. *Hamilton*.—The City and Liberties thereof to consist of all that part of this Province situate within the County of Wentworth and lying within the following limits, hat is to say:

Commencing at the north-east corner of lot number eleven, in the Township of Barton, on the waters of Burlington Bay; thence, following the line between lots numbers ten and eleven, in a southerly direction, to the rear of the third concession of the said Township of Barton; thence, along the said concession, westerly, to the intersection of the line between lots numbers twenty and twenty-one of the said Township; thence, in a northerly direction, following the said line between the said lots numbers twenty and twenty-one until it reaches the Marsh at the head of Burlington Bay; thence, along the

the southerly and easterly margin of the said Marsh, to the waters of Burlington Bay; thence, along the southerly margin of Burlington Bay, to the place of beginning, including the several road allowances along the said boundary, and the harbour in front of the said City.

The said City to consist of all that part of the tract of land above described, lying within the following limits, that is to say :

Commencing at the north-east corner of lot number twelve, in the Township of Barton, on the waters of Burlington Bay; thence, following the line between lots numbers eleven and twelve, in a southerly direction, to the rear of the third concession of the said Township of Barton; thence, along the said concession, westerly, to the intersection of the line between lots numbers twenty and twenty-one of the said Township; thence, in a northerly direction, following the said line between the said lots numbers twenty and twenty-one until it reaches the marsh at the head of Burlington Bay; thence, along the southerly and easterly margin of the said marsh, to the waters of Burlington Bay; thence, along the southerly margin of Burlington Bay to the place of beginning, including the several road allowances along the said boundary, and the harbour in front of the said City.

The said City to be divided into five Wards, to be called respectively Saint George's Ward, Saint Patrick's Ward, Saint Lawrence Ward, Saint Andrew's Ward and Saint Mary's Ward, and to comprise the following portions of the said City respectively, that is to say :

The said Saint George's Ward to comprise all that part of the said City which lies south of King Street and west of John Street.

The said Saint Patrick's Ward to comprise all that part of the said City which lies south of King Street and east of John Street.

The said Saint Lawrence Ward to comprise all that part of the said City which lies north of King Street and east of John Street.

The said Saint Andrew's Ward to comprise all that part of the said City which lies north of King Street and between John and MacNab Streets.

And the said Saint Mary's Ward to comprise all that portion of the said City which lies north of King Street and west of MacNab Street.

And so much of the liberties of the said City as are adjacent to the respective Wards shall be attached to the same respectively, and the limits between the respective portions of the said liberties hereby attached to the different Wards of the said City be ascertained by the extension of the boundary lines between the said Wards respectively through the said liberties.

2. *Kingston.*—The City and Liberties thereof to consist of all that part of this Province situate within the County of Frontenac and lying within the following limits, that is to say :

Commencing

Commencing at the water's edge on Lake Ontario in the direction of the line between lots number twenty and twenty-one in the first concession of the Township of Kingston; thence, in a direct line to the second concession of the said Township of Kingston and across the road, between the first and second concessions to the south-easterly angle of lot number twenty-four in the said second concession; thence, north, on the side line of the said lot number twenty-four to a point in line with the limit between lots numbers four and five on the west side of the great river Cataraqui produced from the said river; thence, along the said limit to the water's edge at low water mark; thence, along the said edge of the great river Cataraqui and along the water's edge at low mark of Lake Ontario with the windings and turnings to the place of beginning, together with all the water lying between the front of the City and the opposite shore of the Township of Pittsburg, as far as Point Frederick, and beyond Point Frederick all the water lying in front of the said City and Liberties which may be distant five hundred yards from the Main shores of Wolfe Island, Garden Island and Simcoe Island.

The said City to consist of all that part of the tract of land above described lying within the following limits, that is to say:

Commencing at a point on a line produced five hundred feet from the shore in the direction of the line between lots numbers twenty-three and twenty-four, in the first concession of the Township of Kingston; thence, north, along the said line, to the front of the second concession of the said Township; thence, on the northerly side of the concession road, to the south-easterly angle of lot number twenty-four in the said second concession; thence, north, on the westerly side of the road, to a point directly opposite the boundary line dividing lots numbers one and two, on the west side of the great river Cataraqui; thence, along the said division line, to the water's edge of the said great river Cataraqui; thence, in prolongation of the said division line across the said river, to the water's edge on the easterly side thereof, and along the water's edge at low water mark, to the extreme south-westerly point of Point Frederick, in the Township of Pittsburgh; thence, southerly, parallel to the westerly boundary line of the said City, as hereinbefore set forth, to the distance of five hundred feet from the said south-westerly point of Point Frederick; thence, westerly, in a right line, to the place of beginning—

The said City to be divided into seven Wards, to be called, respectively, Sydenham Ward, Ontario Ward, Saint Lawrence Ward, Frontenac Ward, Cataraqui Ward, Rideau Ward, and Victoria Ward, and to comprise the following portions of the said City respectively, that is to say:

The said Sydenham Ward to comprise all that part of the said City which lies westward and southward of a line drawn from the foot of William Street through the centre of the said Street to the limits of the said City.

The said Ontario Ward to comprise all that part of the said City which lies between the last mentioned line of Sydenham Ward and a line drawn from the foot of Brock Street through the centre of the said Street to the limits of the said City.

The said Saint Lawrence Ward to comprise all that part of the said City which lies between the last mentioned line of Ontario Ward and a line drawn from the foot of Princess Street, through the centre of the said Street to the limits of the said City.

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The said Cataragui Ward to comprise all that part of the said City which lies eastward and northward of a line drawn from the foot of Princess Street through the centre of the said Street to Montreal Street; thence, through the centre of Montreal Street aforesaid and across the Artillery Reserve, to the present travelled road known as the "Montreal Road;" thence, through the centre of the said road to the limits of the said City.

The said Frontenac Ward to comprise all that part of the said City which lies northward of the last mentioned line, running through the centre of Montreal Street and the Montreal Road to the City limits, and northward and eastward of a line extending from Montreal Street (where it intersects Princess Street) through the centre of Princess Street, to the limits of the said City.

The said Rideau Ward to comprise all that part of the said lot number twenty-four, lying on the north side of the continuation of Arthur Street, through the said lot in a direct line to the Concession Road between the first and second concessions of the said Township of Kingston.

And the said Victoria Ward to comprise all that part of the said lot number twenty-four lying on the south side of the said continuation of Arthur Street aforesaid.

And so much of the Liberties of the said City as are adjacent to the respective Wards, shall be attached to the same respectively, and the limits between the respective portions of the said liberties hereby attached to the different Wards of the said City, be ascertained by the extension of the boundary lines between the said Wards respectively and through the said Liberties.

3. *Toronto*.—The City and Liberties thereof to consist of all that part of the Province situate in the County of York, and lying between the following limits, that is to say:

Commencing at the distance of one chain, on a course, south, sixteen degrees east from the south-westerly corner of lot number two, in the first concession, from the Bay in the Township of York, in the County of York; thence, southerly, in the direction of the side line between lots numbers two and three, in that concession, to the distance of five hundred feet from the point at which the said line intersects the margin of the water on the shore of Lake Ontario; thence, westerly, through the waters of Lake Ontario, following the direction of the curvatures of the shore, and keeping always at the distance of five hundred feet from the margin of the water till the point is attained, which is five hundred feet from the north-westernmost point of the Island or Peninsula, forming the harbour; thence, across the Bay or harbour of York, to a point where a line, drawn southerly from the north-easterly corner of Park lot number twenty-nine, in the said Township of York, in the direction of the easterly boundary line of the said Park lot, intersects the margin of the water on the shore of Lake Ontario; thence, northerly, in the direction of the said line so drawn from the said corner of the said Park lot through the said corner, to the point at which the said line so drawn through the said corner intersects the northerly boundary line of the allowance for Road between the Park lots and the second concession from the Bay in the said Township of York; thence, easterly, along the said northerly boundary line of the said allowance for Road, to the easterly shore or waters' edge of the River Don; thence, southerly, along the
water's

water's edge, on the eastern side of the said River, to the point where the said water's edge intersects the southerly boundary line of the allowance for Road, in front of the said first concession; thence, easterly, along the southerly boundary line of the allowance for Road, in front of the said first concession, to the place of beginning—

The said City to consist of all that part of the tract of land above described lying within the following limits, that is to say:

Commencing at the distance of one chain, on a course north, seventy-four degrees east, from the south-east angle of Park lot number three, in the said Township of York; thence, south, sixteen degrees east, upon a continuation of the allowance for Road between Park lots numbers two and three to the water's edge of the Bay in front of the said City; thence, westerly, along the water's edge of the said Bay to the point at which the westerly limit of the allowance for Road between Park lots numbers eighteen and nineteen, in the said Township of York, being produced southerly, intersects the said water's edge; thence, northerly, in the direction of the said westerly limit of the said allowance for Road to the distance of four hundred yards north of the northerly boundary line of Queen Street; thence, easterly, parallel to Queen Street to the easterly boundary line of the allowance for Road between Park lots numbers two and three; thence, south, sixteen degrees east, along the easterly boundary line of the said allowance for Road, four hundred yards, more or less, to the place of beginning. And the remainder of the said tract, to constitute the Liberties of the said City.

The said City to be divided into six Wards to be called respectively, the Wards of St. James, St. David, St. Lawrence, St. George, St. Andrew and St. Patrick, and to comprise the following portions of the said City respectively, that is to say:

The said Ward of St. James to comprise all that part of the said City, lying between the northerly boundary line of King Street east, the westerly boundary line of Yonge Street, the easterly boundary line of Nelson Street, and the northerly boundary line of Queen Street east.

The said Ward of St. David to comprise all that part of the said City lying to the eastward of the westerly boundary line of Nelson Street, and to the north of the northerly boundary line of King Street east.

The said Ward of St. Lawrence to comprise all that part of the said City lying to the southward of the northerly boundary line of King Street east, and to the eastward of the westerly boundary line of Yonge Street.

The said Ward of St. George to comprise all that part of the said City, lying to the southward of the northerly boundary line of King Street, and to the westward of the westerly boundary line of Yonge Street.

The said Ward of St. Andrew to comprise all that part of the said City lying between the northerly boundary line of King Street east, and the northerly boundary line of Queen Street east, and west of the westerly boundary line of Yonge Street.

And the said Ward of St. Patrick to comprise all that part of the said City lying to the north of the northerly boundary line of Queen Street west, and west of the westerly boundary line of Yonge Street.

And so much of the Liberties of the said City as lies to the southward and eastward of the St. Lawrence Ward, shall be and is hereby attached to the St. Lawrence Ward ; so much thereof as lies to the northward and eastward of the St. David's Ward, shall be and is hereby attached to the said St. David's Ward ; so much thereof as lies to the northward of the said St. James's Ward, shall be and is hereby attached to the said St. James's Ward ; so much thereof as lies to the southward and westward of the St. George's Ward, shall be and is hereby attached to the said St. George's Ward ; so much thereof as lies to the westward of the St. Andrew's Ward, shall be and is hereby attached to the said St. Andrew's Ward ; and so much thereof as lies to the northward and westward of the St. Patrick's Ward, shall be and is hereby attached to the said St. Patrick's Ward ; the limits between the respective portions of the said Liberties hereby attached to the different Wards of the said City being ascertained by the extension of the boundary lines between the said Wards respectively, through the said Liberties, except the boundary line between the portions hereby attached to the St. Lawrence Ward, and that hereby attached to the St. David's Ward, which shall consist of the northerly boundary line of King Street east to the River Don.

C A P. L X X X I I.

An Act to amend the Charter of the University established at Toronto by His late Majesty King George the Fourth, to provide for the more satisfactory government of the said University, and for other purposes connected with the same, and with the College and Royal Grammar School forming an appendage thereof.

[30th May, 1849.]

WHEREAS a University for the advancement of Learning in that division of the Province called Upper Canada, established upon principles calculated to conciliate the confidence and insure the support of all classes and denominations of Her Majesty's subjects, would, under the blessing of Divine Providence, encourage the pursuit of Literature, Science and Art, and thereby greatly tend to promote the best interests, Religious, Moral and Intellectual of the people at large : And whereas, with a view to supply the want of such an Institution, His late Majesty King George the Fourth, by Royal Charter, bearing date at Westminster, the fifteenth day of March, in the eighth year of His Reign, was pleased to establish at Toronto, then called York, in that division of the Province, a Collegiate Institution, with the style and privileges of a University, and was afterwards pleased to endow the said Institution with certain of the Waste Lands of the Crown, in that part of the Province : And whereas the people of this Province consist of various denominations of Christians, to the members of each of which denominations it is desirable to extend all the benefits of a University Education, and it is therefore necessary that such Institution, to enable it to accomplish its high purpose, should be entirely free in its government and discipline from all Denominational bias, so that the just rights and privileges of all may be fully maintained without

Preamble.

Royal Charter
of 18th March,
1828, cited.

offence