

Provided always, Firstly, That so long as the County of Peel shall remain united for judicial purposes to the County of York, the Sheriff of that County, or of the Union of which it is a Member, shall be *ex officio* Returning Officer for the County of Peel as well as for the County of York and the City of Toronto; and so long as the County of Ontario shall remain united for judicial purposes to the said County of York, and there shall be no separate Registrar for the said County of Ontario, the Registrar of the said County of York, shall be *ex officio* Returning Officer for the said County of Ontario: And provided also, Secondly, That if in any case there shall be more than one person who may under the foregoing provisions be *ex officio* Returning Officer for any place, then the Writ of Election may be directed to either of them, and the person to whom it shall be directed shall alone act as such Returning Officer; and if in any case it shall happen that Writs of Election shall issue at the same time, or so nearly at the same time that the one shall not be returnable before the other or others shall issue, for several places for which the same person would, under the foregoing provisions, be *ex officio* Returning Officer, then only one of such Writs shall be directed to such person, and the other or others to such other person or persons, qualified in the manner provided by the fifth section of the said Act, as the Governor shall appoint to be the Returning Officer or Officers.”

III. And be it enacted, That if in any case it shall happen, either in Upper or in Lower Canada, that there shall be no person, who, under the provisions of the said Act and of this Act, shall be *ex officio* Returning Officer for any place for which an Election is to be held, or the person who is such Returning Officer shall be absent from the Province, or incapacitated from sickness or otherwise from performing the duties of Returning Officer, then it shall be lawful for the Governor to appoint any person qualified under the said fifth section of the said Act to be Returning Officer for such place.

Proviso.

If there be no *ex officio* Returning Officer, Governor to appoint one

CAP. CIX.

An Act to amend the Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, by adapting the same to the late change in the Upper Canada Assessment Laws, and for other purposes relating to the Municipal Corporations of that section of the Province.

[30th August, 1851.]

WHEREAS from the recent change in the Laws for the Assessment of Property for local purposes in Upper Canada, it has become necessary to make some corresponding alterations in those for the establishment and regulation of the Municipal Corporations of that section of the Province, the better to adapt the same to such change, as well as to make some further provisions with respect to such Municipal Corporations: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That nothing in that part of the eleventh section of the Act passed in the last Session of Parliament, chaptered sixty-seven, and intituled, *An Act to establish a more equal and just system of Assessment in the several Townships, Villages, Towns and Cities in Upper Canada*, which requires that the sums which shall be required by Law or by any By-law of any Township or County, for any lawful purpose, shall and may be taxed, rated and raised, upon estimate of the amount required for any such lawful purpose, for each year in which such tax is to be levied, shall affect, or be construed to affect or apply to By-laws for creating or contracting such debts or loans as are referred to in and by the one hundred and seventy-seventh section of the Upper Canada

Preamble.

Certain part of the 11th sect. of 13 & 14 Vict. c. 67, not to affect certain By-laws for creating or contracting debts or loans referred to in the 177th sect. of the U. C. Municipal Corporations Act of 1849, or any By-laws relating thereto.

Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, when passed in the manner prescribed by that section as modified by the provisions of this Act, or to any By-laws relating to the same.

Recital.

II. And whereas, in consequence of the said change in the said Assessment Laws, the rates imposed for the payment and satisfaction of debts and loans, heretofore incurred or contracted by Municipal Corporations, and Provisional Municipal Corporations in Upper Canada, under the provisions of the said one hundred and seventy-seventh section of the said Act, will, unless altered, produce a much larger annual amount of money than will be necessary for the payment and satisfaction of such debts and loans, with the interest thereof, within the time originally stipulated for that purpose, according to the provisions of the said one hundred and seventy-seventh section; and nevertheless, such Corporations are by the said Act precluded from either lessening such rate or applying any part of the proceeds thereof, till after such payment and satisfaction, to any other purpose whatsoever; And inasmuch as the increased amount collected upon such rates will arise, not from the gradual growth of wealth and population within the jurisdiction of such Corporations respectively, but in consequence of an Act of the Legislature, extending the basis upon which such rates are made to operate, public faith, with the respective creditors of such Corporations, will not be violated by permitting such Corporations to substitute for such original special rates, new special rates, adequate to insure, under the provisions of the said new Assessment Law, the payment and satisfaction of such debts and loans, at the times originally stipulated for the payment and satisfaction thereof, within the twenty years limited by the said one hundred and seventy-seventh section of the said Act for that purpose;

Corporation empowered to make, within a certain time, a By-law by which a new special rate for the payment of debt or loan may be substituted in lieu of the old special rate.

Be it therefore enacted, That with respect to any debt or loan, which shall have been lawfully incurred or contracted by any such Corporation according to the said one hundred and seventy-seventh section of the said Act, previous to the first day of January, which will be in the year of our Lord one thousand eight hundred and fifty-two, it shall and may be lawful for any such Corporation at any time within two years from that day, to pass a By-law, substituting a new special rate for the payment and satisfaction of any such debt or loan, in lieu of the old special rate originally imposed for that purpose, such new special rate, according to the amount of rateable property in the County, or United Counties, City, Town, Township or Village over which such Corporation shall have jurisdiction, as such amount shall have been ascertained by the Assessment Returns for such County, City, Town, Township or Village, for the financial year next preceding that in which the By-law for the substitution of such new special rate in lieu of the old one, shall be passed, being sufficient to satisfy and discharge such debt or loan, with the interest thereof, within the twenty years limited by the said section for that purpose, and on the days and times, and in the manner stipulated by such original By-law, and by the Bills, Bonds, Debentures, or other Obligations issued under the authority thereof for the payment of the same; and it shall not be competent for any such Corporation to repeal such By-law for such new special rate, or to discontinue such new special rate until such debt or loan, and the interest thereof, shall be fully paid, satisfied and discharged, nor to apply the proceeds thereof or any part thereof, to any other purpose, until the full payment, satisfaction and discharge of the same, with the interest thereof: Provided always, nevertheless, Firstly,—That in every such case, the twenty years limited by the said one hundred and seventy-seventh section of the said Act shall, as far as it may affect the amount of such new special rate, be reckoned from the time that the original By-law for the incurring or contracting of such debt or loan shall, by the terms of such original By-law, or otherwise according to Law, have taken effect and gone into operation, and that in all other respects the several provisions of the said Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, and of this Act, respecting original By-laws for creating or contracting debts or loans by such Corporations, shall apply to all such By-laws for substituting new special rates in lieu of the old ones, as if such last mentioned By-laws had been for creating or contracting such debts or loans originally; Provided also, Secondly,—

New special rate not to be discontinued until debt, &c., be fully paid.

Proviso.

Proviso.

Secondly,—That no such By-law for substituting any such new special rate for the old one, shall be of any force or effect whatsoever, until the same shall have been approved by the Governor of this Province in Council, as provided with respect to certain other By-laws by the twelfth section of this Act; And provided also, Thirdly,—That before any such By-law shall be so approved by the Governor in Council, the facts upon which such By-law shall be founded, shall be verified to the satisfaction of the Governor in Council, in a similar manner to that provided for by the thirteenth section of this Act, with respect to the By-laws to which that section applies, and all the provisions of the said last mentioned section shall apply to all By-laws to be passed under the authority of this section.

Proviso.

III. And be it enacted, That the time limited by the one hundred and eighty-second section of the said Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, for the different Municipal Corporations therein mentioned, to pass By-laws providing for the liquidation of any such debt as in the said one hundred and eighty-second section of the said Act is mentioned, shall be and the same is hereby extended to the first day of January, which will be in the year of our Lord one thousand eight hundred and fifty-three, and to such further day thereafter as the Governor of this Province, by Proclamation under the Great Seal thereof, issued either before or after that day, or any further day to which such time may be so extended, may from time to time think fit to appoint: Provided always, nevertheless, that nothing herein contained shall be construed to extending the time for payment, or providing for the payment, of any such debts to a period beyond the time therein limited for that purpose, that is to say, within twenty years from the first day of January, one thousand eight hundred and fifty-one.

The time limited by the 182d sect. of the U. C. Municipal Corporations Act of 1849, for passing by-laws for liquidation of debt, extended.

Proviso.

IV. And be it enacted, That in every By-law to be hereafter passed by any Municipal Corporation, or Provisional Municipal Corporation in Upper Canada, for creating a debt or contracting a loan upon the credit of the County or United Counties, City, Town, Township, or Village, of which they are such Corporation, there shall be recited or set forth, by way of preamble to the same:—First, the amount of such debt or loan, and in some brief and general terms the object for which the same was created or contracted; Secondly, the amount required to be raised annually, according to the one hundred and seventy-seventh section of "The Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine," as a special rate for the payment of such debt or loan, and the interest thereof, within the time thereby limited for the satisfaction and discharge of all such debts and loans, at the days and times when the same shall become payable, according to such By-law; Thirdly, the amount of the whole rateable property of such County, Union of Counties, Cities, Town, Township, or Village, according to the Assessment Returns for the same, for the then next preceding financial year; and, Fourthly, the annual rate in the Pound upon such rateable property required as a special rate for the payment of the said interest, and for the creation of a Sinking Fund for the payment of the principal of such debt or loan, according to the requirements of the said one hundred and seventy-seventh section of the said Act; which amounts shall be ascertained, irrespective of any future increase of the rateable property of such County, Union of Counties, City, Town, Township, or Village, and also irrespective of any income, whether in the nature of tolls, interest or dividends, to accrue or be derived from any public or Corporation work, or any stock, shares, or interest in any such work, in or upon which such debt or loan shall or may, by such Municipal Corporation, be invested or applied, or any part thereof, and also irrespective of any income to be derived from the temporary investment of such Sinking Fund, or any part thereof, pursuant to the provisions of the said one hundred and seventy-seventh section of the said Act.

What shall be set forth in By laws to be passed for creating a debt, &c., upon the credit of the county, &c., &c.

V. And be it enacted, That it shall and may be lawful for any such Municipal Corporation, or Provisional Municipal Corporation, in any such By-law, or in any other By-law to be passed for that purpose, if they shall think fit so to do, to direct that any annual surplus of income which shall be derived from any such Public or Corporation

Corporation, in By-law, may direct how any annual surplus of income to be derived from certain works, &c., shall be applied

to payment of debt,
&c.

Corporation work, or from any stock, shares, or interest in any such work, after payment out of such annual income of all the annual expenses of such work, stock, shares or interest, shall be applied to the payment and satisfaction of such debt or loan; and whenever any such provision shall be contained in the By-law for creating or contracting such debt or loan, it shall not be competent to any such Corporation to alter or repeal such provision, or to discontinue the application of such surplus to the payment and satisfaction of such debt or loan, until such debt or loan, and all interest thereon, shall have been fully paid, satisfied or discharged.

Corporation how fur-
ther to apply moneys.

VI. And be it enacted, That it shall and may be lawful for any such Municipal Corporation, or Provisional Municipal Corporation, from time to time, to apply any moneys in the Corporation Treasury belonging to such County, Union of Counties, City, Town, Township, or Village, not otherwise appropriated, and also any other moneys which they may think fit, by any additional rate, to raise, levy and collect for that purpose, to the payment of any such debt or loan: Provided always, nevertheless, that no such moneys, having been once by Order or By-law of such Corporation directed to be so applied, shall thereafter, on any pretence whatsoever, be diverted, appropriated or applied to any other purpose whatsoever, until such debt or loan, and all interest thereon, shall have been fully paid, satisfied or discharged.

Proviso.

Corporation bound to
have two separate ac-
counts kept in their
books, one for every
special rate, and one
for sinking fund, &c.

VII. And be it enacted, That in the books of every such Corporation or Provisional Corporation, two separate accounts shall be kept, one for every such special rate, and one for the Sinking Fund of such debt or loan, to be both distinguished from all other accounts in such books by some prefix designating the purpose for which such debt or loan was created or contracted; which accounts, with any others that may be necessary for that purpose, shall be so kept as at all times to exhibit the state of such debt or loan, and the amount of moneys raised, obtained, and appropriated for the payment thereof.

After due application
of moneys to interest
and sinking fund ap-
propriation of any
loan or debts, how
the amount of residue,
when any remain at
the credit of the spe-
cial rate account,
at the close of any
year, is to be applied.

VIII. And be it enacted, That when, after the regular application of the necessary amounts to the interest and Sinking Fund appropriation of any loan or debt for any financial year according to law, there shall at the close of such year still remain a residue at the credit of the special rate account of such debt or loan, as raised by such special rate during such year, or on hand from former years, if such residue shall not amount to more than sufficient to meet the interest that shall fall due on such debt or loan, or on the amount thereof still remaining unpaid, during the financial year next subsequent to the occurrence of such residue, the amount of such residue shall remain at the credit of such special rate account, to be applied to or towards the payment of such next subsequent year's interest, in case the produce of the special rate belonging to such debt or loan for such next subsequent year should not be sufficient, or should not be collected and paid into the Corporation Treasury in sufficient time to meet the payment of such interest at the days and times when the same shall become due and payable. And when such residue shall amount to more than sufficient to meet such interest for such next subsequent year, the amount necessary to meet such interest for such next subsequent year shall remain at the credit of such special rate account, to be applied to the payment of such next subsequent year's interest, in the like cases as those above mentioned; and the remainder of such residue at the credit of such special rate account, as raised by such special rate during such first-mentioned financial year, shall be carried to the credit of the Sinking Fund account of such debt or loan, and applied accordingly.

Certain amounts of
income, &c., to be
carried to the credit
of the sinking fund ac-
count, and how to be
applied.

IX. And be it enacted, That the amount of any annual surplus of income derived from the public or Corporation work, or from the stock, shares or interest in such work so directed to be applied to the payment and satisfaction of such debt or loan, according to the provisions of the fifth section of this Act, together with all special appropriations made for the payment and satisfaction of such debt or loan, according to the provisions of the sixth section of this Act, and the income derived from the temporary investment of the Sinking Fund appropriated to the payment and satisfaction of such debt or loan, or any part thereof, according to the provisions of the said one
hundred

hundred and seventy-seventh section of the said Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, shall be carried to the credit of the Sinking Fund account of such debt or loan, and be applied exclusively to the payment and satisfaction of such debt or loan, and the interest thereof accordingly.

X. And be it enacted, That if in the case of any particular debt or loan created or contracted as aforesaid, the amount of the residue of the special rate imposed for the payment and satisfaction thereof, and raised and collected for any particular year, or on hand from former years, together with that of the surplus of the income derived from any such work, stock, shares or interest applicable to the augmentation of the Sinking Fund, of such debt or loan, under the fifth Section of this Act, and the amount of any temporary investment of such Sinking Fund, or of any part thereof, which shall be carried to the credit of such Sinking Fund for such year as aforesaid, shall together, or any one or more of them separate from the other or others, amount to more than the amount so required to be raised annually as a special rate for the payment and satisfaction of such debt or loan with the interest thereof, within the time so limited for the satisfaction and discharge of all such debt or loans by the said one hundred and seventy-seventh section of the said "Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine," and by the fourth section of this Act required to be set forth in the Preamble to the By-law for the creating or contracting such debt or loan, then and in every such case it shall and may be lawful for such Municipal Corporation, or Provisional Municipal Corporation, if they shall think fit so to do, by a By-law to be passed by them for that purpose, reciting or setting forth by way of Preamble; First, the amount of such special rate as imposed by the By-law for the creating or contracting of such debt or loan; Secondly, the amount of the residue (if any) of such special rate for the particular year, or on hand from former years; Thirdly, the amount of such surplus annual income from such work, stock, shares or interest as aforesaid (if any) for such year so appropriated as aforesaid; and Fourthly, the amount derived for such year from the Sinking Fund of such debt or loan,—to direct that for the next subsequent year after the occurrence of such aggregate or separate surplus, any amount not greater than the amount of such special annual rate, nor less than the difference between the amount of such special annual rate, and such aggregate or separate surplus derived from the several sources above mentioned, shall be levied under the said first mentioned By-law, and to set forth in such last mentioned By-law the amount in the pound upon the whole assessed property of such County, Union of Counties, City, Town, Township or Village, which for such next subsequent year shall be levied under the said original By-law for creating or contracting such debt or loan, in lieu of that thereby directed to be levied; and upon such above mentioned By-law providing for the levying of such reduced rate for any year, being approved by the Governor of this Province in Council, every such reduced rate shall for such year, but no other, be raised, levied, collected and applied under the said original By-law in lieu of such original special rate for such particular subsequent year, and all the provisions of such original By-law shall apply to such reduced rate as if it had been the rate originally imposed by such original By-law.

XI. And be it enacted, That when any such debt or loan shall have been created or contracted by any such Municipal Corporation or Provisional Municipal Corporation, and all the necessary provisions for providing for and securing the payment and satisfaction thereof duly made according to the requirements of "The Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine," "The Upper Canada Municipal Corporations Law Amendment Act of one thousand eight hundred and fifty," and this Act, if at any time thereafter it shall be deemed expedient by such Municipal Corporation, or Provisional Municipal Corporation to substitute an Anticipatory Appropriation for the interest and Sinking Fund appropriation of such debt or loan for any particular financial year subsequent to that in which such Anticipatory Appropriation shall be made as hereinafter provided, in lieu of the annual special rate for such subsequent year, applicable to the payment and satisfaction

When and how the Corporation may frame and pass a By-law providing for the levying of a certain reduced rate for any year, in a certain case.

Such By-law, when approved by Governor, how to apply.

Corporation may, in a certain case, substitute an Anticipatory Appropriation in lieu of the annual special rate, by applying certain moneys to the payment of the interest and sinking fund appropriation of debt or loan for any subsequent financial year.

of the annual interest and Sinking Fund appropriation of such debt or loan for such subsequent year, it shall and may be lawful for such Municipal Corporation, or Provisional Municipal Corporation, to make such Anticipatory Appropriation by appropriating and applying to the payment and satisfaction of the interest and Sinking Fund appropriation of such debt or loan for such subsequent year; Firstly, any moneys that may remain at the credit of the special rate account of such debt or loan beyond what may be necessary to meet all other similar Anticipatory Appropriations from such special rate account, and beyond also whatever may be necessary to meet the interest of such debt or loan for the year next subsequent to that in which such Anticipatory Appropriation shall be made as hereinbefore provided; Secondly, any surplus of annual income derived from any such work, stock, shares or interest, and then applicable to the augmentation of the Sinking Fund of such debt or loan as hereinbefore provided and not already appropriated; Thirdly, any moneys derived from any temporary investment of such Sinking Fund or of any part thereof not already appropriated for any particular year; Fourthly, any moneys that such Municipal Corporation or Provisional Municipal Corporation may, by additional rate or otherwise, have raised for the purpose of any such Anticipatory Appropriations, and not then already appropriated to any particular debt or loan for any particular year; and, Fifthly, any other moneys of such Municipal Corporation or Provisional Municipal Corporation then in the Corporation Treasury and unappropriated, or any of such moneys, distinguishing in their By-law or Order for such Anticipatory Appropriation, the several sources of the amount forming the aggregate of such Anticipatory Appropriation respectively, and distinguishing in like manner, the amount of such Anticipatory Appropriation to be applied for the interest, and that to be applied for the Sinking Fund appropriation of such debt or loan for such subsequent year, respectively; and to cause such sums to be carried to the credit of the Sinking Fund account of the debt or loan which shall be the object of such Anticipatory Appropriation, to be applied accordingly.

Sources of the amounts forming the aggregate of such Anticipatory Appropriation to be distinguished in by-law or order;

As also the amount to be applied for the interest, and that to be applied for sinking fund.

Sums how to be carried.

Corporation having made such Anticipatory Appropriation, may by By-law direct the original special rate not to be levied for such subsequent year; such By-law to recite certain things.

XII. And be it enacted, That it shall and may be lawful for any Municipal Corporation or Provisional Municipal Corporation which by By-law or Order shall have made any such Anticipatory Appropriation as is provided for by the next preceding section of this Act, by a By-law to be passed by them for that purpose, and reciting or setting forth by way of Preamble to such last mentioned By-law; First, the original amount of such debt or loan, and by some brief and general terms the object for which the same was created or contracted; Secondly, the amount of the annual Sinking Fund appropriation for the payment and satisfaction of such debt or loan; Thirdly, the amount of such debt or loan, if any, which shall have been already paid or satisfied; Fourthly, the amount of the Sinking Fund appropriations belonging to such debt or loan then on hand for the payment and satisfaction thereof, distinguishing the amount thereof in cash in the Corporation Treasury, and the amount temporarily invested, pursuant to the one hundred and seventy-seventh section of the Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine; Fifthly, the amount required to meet the interest of such debt or loan, or of so much thereof as shall not have been already paid and satisfied for such subsequent year; and Sixthly, that there had been appropriated and applied by such Corporation, a sum of money equal to the amount of interest and Sinking Fund appropriation required for such year, to meet such interest and Sinking Fund appropriation, and that they had caused the same to be carried to the credit of the Sinking Fund account of such debt or loan, to be so applied accordingly,—to direct the original special rate imposed for the payment and satisfaction of such debt or loan and the interest thereof, not to be levied for such particular subsequent year for which such Anticipatory Appropriation shall have been so made as aforesaid; and upon such last mentioned By-law being approved by the Governor of this Province in Council, such original special rate shall not nor shall any part thereof be raised, levied or collected under such original By-law or otherwise in or for such particular subsequent year, any thing in the said, “The Upper Canada Municipa

By-law subject to the Governor's approval.

Municipal Corporations Act of one thousand eight hundred and forty-nine," "The Upper Canada Municipal Corporations Law Amendment Act of one thousand eight hundred and fifty," or in this Act to the contrary thereof notwithstanding.

XIII. And be it enacted, That before any such last mentioned By-law, or any other By-law requiring such approval, shall be approved by the Governor in Council as required by the next preceding Section of this Act, the facts therein required to be recited or set forth by way of preamble to the same, shall be verified upon oath or affirmation to be taken before a Justice of the Peace or Alderman having Magisterial jurisdiction within the territorial limits of such Corporation, by the Head of such Corporation, the Chamberlain or Treasurer and Clerk thereof for the time being, and also by the further testimony on oath or affirmation, to be taken in like manner, of the same and such other parties or persons as may be required by the Governor in Council, and be sufficient to satisfy him of the truth of such recitals: Provided always, nevertheless, that in case of the death or absence of any such Municipal Officer, it shall and may be lawful for the Governor in Council, if he shall think fit so to do, to accept the oath or affirmation of any other Member of such Corporation, in lieu of that of such Officer so dead or absent as aforesaid.

Facts required to be stated in By-law, to be verified.

By whom.

Proviso.

XIV. And be it enacted, That where any such original By-law may have been passed by any such Municipal Corporation or Provisional Municipal Corporation, for creating any debt or contracting any loan under the one hundred and seventy-seventh section of the said Municipal Corporations Act of one thousand eight hundred and forty-nine, it shall and may be lawful for such Municipal Corporation or Provisional Municipal Corporation, notwithstanding any thing in the said section contained, to repeal such By-law at any time before the creating of any part of such debt or the contracting of any part of such loan, and the actual issue of the Bills, Bonds, Debentures or other Obligations of such Municipal Corporation, or Provisional Municipal Corporation, for the same.

Corporation may repeal original By-law in certain cases.

XV. And be it enacted, That where any such By-law may have been passed by any such Municipal Corporation or Provisional Municipal Corporation for creating any debt or contracting any loan under the one hundred and seventy-seventh section of the said Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, it shall and may be lawful for such Municipal Corporation or Provisional Municipal Corporation, notwithstanding any thing in the said section contained, at any time after a part of such debt or loan shall have been created or contracted, and the Bills, Bonds, Debentures or other Obligations of such Municipal Corporation or Provisional Municipal Corporation shall have been actually issued for the same, and before the residue of such debt or loan shall have been so created or contracted, and such Bills, Bonds, Debentures or other Obligations actually issued for the same, by any By-law to be passed for that purpose, to repeal such original by-law so far as the same relates to such residue or any part thereof, and the proportionate part of the original special rate imposed for the payment and satisfaction of such residue or such part thereof: Provided always, nevertheless, Firstly, that every such last mentioned repealing By-law, by a clause to be inserted therein, shall be appointed to take effect and come into operation on the thirty-first day of December in the year in which the same shall be passed, and not before, and shall not in any way affect any rates due or penalties incurred previous to such day: And provided also, Secondly, that no such last mentioned repealing By-law shall be of any force or effect whatsoever, until the same shall have been approved by the Governor of this Province in Council, as provided with respect to certain other By-laws by the twelfth section of this Act; And provided also, Thirdly, that before any such last mentioned repealing By-law shall be so approved by the Governor in Council, the facts upon which such By-law shall be founded shall be verified to the satisfaction of the Governor in Council, in a similar manner to that provided by the thirteenth section of this Act with respect to the By-laws to which that section applies, and all the provisions of the said last mentioned

When certain parts of original By-law may be repealed.

Proviso.

Proviso.

Proviso.

mentioned section shall apply to all By-laws to be passed under the authority of this section.

No By-law for creating any debt, &c., under the 177th sect. of the U. C. Municipal Corporations Act of 1849, to be passed except at a meeting of Corporation, specially called for, held at a certain time.

Notice of meeting to be published.

Proviso.

Form of Notice.

XVI. And be it enacted, That no By-law for creating any debt or contracting any loan under the one hundredth and seventy-seventh section of "The Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine," shall be passed, except at a meeting of the Municipal Corporation or Provisional Municipal Corporation, specially called for the purpose of considering the same, and held at least three calendar months after a copy of such By-law, at length, as the same shall be ultimately passed, together with a notice of the day appointed for considering the same, shall have been published in some public newspaper, published weekly or oftener, within the territorial jurisdiction of such Corporation, or if there be no such public newspaper published within such jurisdiction, then in such public newspaper published nearest to such jurisdiction: Provided always, nevertheless, that the notice of such meeting to be appended to every such copy for the purpose aforesaid, shall and may be to the effect following, that is to say:

"Notice:—The above is a true copy of a proposed By-law to be taken into consideration by the Municipality of the Township of A, in the County of B, one of the United Counties of B, C and D, at _____, in the said Township, on the _____ day of _____, 185 _____ at the _____ o'clock in the _____ noon, at which time and place the Members of the said Municipality are hereby required to attend for the purpose aforesaid.

G. H.,

Township Clerk."

The provisions of this Act respecting the qualification of persons to be elected to municipal seats, to be suspended in a certain case.

No qualification, &c., required of the elected in such case.

Liabilities and duties of the Senior County in case of dissolution of union of Counties.

XVII. And be it enacted, That in every case in which there shall not be more than two persons at the least qualified to be elected as Township, Village, Town or City, Councillor or Alderman for each Municipal Seat required by law to be filled by such election, the provisions of this Act respecting the qualification of persons to be elected to such Municipal Seat as required by the Municipal Corporations Acts, shall be and the same are hereby suspended as far as regards such election, and the persons to be elected thereat, and no qualification or oath of qualification shall be required of any person elected to fill any of such Municipal Seats at such election; any thing in the Upper Canada Municipal Corporations Acts, or any of them, to the contrary thereof notwithstanding.

XVIII. And be it enacted, That notwithstanding the dissolution of any Union of Counties, the Senior County or Counties from which the Junior County of such Union shall have been separated, shall after such separation continue liable to the debts and loans created or contracted by such Union, according to the provisions of the one hundred and seventy-seventh section of the Municipal Corporations Act of one thousand eight hundred and forty-nine, and of this Act, and to the holders of all Bills, Bonds, Debentures and other Obligations issued by such United Counties before the dissolution of such Union for any such debt or loan or any part thereof, as if such debt or loan had been so created or contracted, and such Bills, Bonds, Debentures or other Obligations had been issued by such Senior County or Counties after the dissolution of such Union, and the Municipal Corporation of such Senior County or Counties shall issue their Bills, Bonds, Debentures or other Obligations for any part of such debt or loan for which the Bills, Bonds, Debentures or other Obligations of such Union shall not have been issued previous to the dissolution of such Union, all which last mentioned Bills, Bonds, Debentures or other Obligations shall contain a recital or statement setting forth the liability of the Municipal Corporation of such Junior County for the payment and satisfaction of the moneys secured thereby under this Act, and such Senior County or Counties shall also continue subject to all the other liabilities of such Union of what nature or kind soever which existed at the time of the dissolution of such Union, as if such last mentioned liabilities had been incurred by such Senior County or Counties after the dissolution of such Union; Provided always, nevertheless, that nothing herein contained shall be construed to prevent or interfere with the liability of such Junior County, to such Senior County or Counties upon

Proviso as to liability of the Junior to the Senior County in a certain case under the

upon any agreement or award made with respect to any part of such debts, loans or liabilities under the fifteenth section of the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, chaptered seventy-eight, and intituled, *An Act for abolishing the Territorial Division of Upper Canada into Districts, and for providing for temporary Unions of Counties for judicial and other purposes, and for the future Dissolutions of such Unions as the increase of wealth and population may require.*

XIX. And be it enacted, That notwithstanding the dissolution of any Union of Counties, every Junior County, after its separation, shall continue liable to the debts and loans created or contracted by such Union, according to the provisions of the one hundred and seventy-seventh section of the Municipal Corporations Act of one thousand eight hundred and forty-nine, and of this Act, and to the holders of all Bills, Bonds, Debentures and other Obligations issued by such United Counties before the dissolution of such Union, or by the Senior County or Counties of such Union, after the dissolution of such Union, for any such debt or loan, or any part thereof, as if such debt or loan had been so created or contracted, and such Bills, Bonds, Debentures or other Obligations had been issued by such Junior County after the dissolution of such Union: Provided always, nevertheless, that nothing herein contained shall extend or be construed to extend to prevent or interfere with the liability of such Senior County or Counties, to such Junior County, upon any agreement or award made with respect to any part of such debts or loans, under the fifteenth section of the said Act, passed in the twelfth year of Her Majesty's Reign, chaptered seventy-eight, and intituled, *An Act for abolishing the Territorial Division of Upper Canada into Districts, and for the providing for temporary Unions of Counties for judicial and other purposes, and for the future dissolutions of such Unions, as the increase of wealth and population may require,* and the Municipal Corporation of such Junior County shall be entitled to recover from the Municipal Corporation of such Senior County or Counties, all such moneys as such Junior County shall be obliged to pay upon any such Bills, Bonds, Debentures or other Obligations, as for so much money paid by such Junior County for the use of such Senior County or Counties, except only such parts thereof as under and by virtue of any such agreement or award as is provided for, in and by the said fifteenth section of the said last mentioned Act, such Junior County shall be bound to pay as its proportion or part of its proportion of such debts or loans.

XX. And be it enacted, That notwithstanding the dissolution of any Union of Counties, all original special rates imposed by any By-law of the Municipal Corporation of such Union, for the payment or satisfaction of any debt or loan created or contracted as provided by the one hundred and seventy-seventh section of the said Municipal Corporations Act of one thousand eight hundred and forty-nine, and by this Act, shall continue to be levied in the Junior County which shall be so separated, as if such separation had not taken place, and the amount thereof shall be paid over by the Treasurer of such Junior County to the Treasurer of such Senior County or Counties from time to time as the same shall be received, and shall be applied by such last mentioned Treasurer to the same purpose, and in the same manner as the moneys raised under the same By-law in such Senior County or Counties shall be applied, according to law: Provided always, nevertheless, Firstly, that in every such case it shall and may be lawful for such Senior County or Counties to make an Anticipatory Appropriation for any year, as hereinbefore provided by the eleventh section of this Act, equal to that part of such original special rate which, by the estimate upon which such original special rate was settled, was to be derived from such Junior County for such year, and thereupon by By-law to be passed as provided with respect to such other Anticipatory Appropriations by the twelfth section of this Act, to direct the said original special rate for the payment or satisfaction of such debt or loan, and the interest thereof, not to be levied upon such Junior County for such subsequent year; and upon such last mentioned By-law being approved by the Governor of this Province in Council, as by this Act provided with respect to such similar By-laws, such original special

15th sect. of 13 Vic.
c. 78.

Liability of the Junior County after dissolution of Union of Counties.

Proviso as to liability of the Senior to the Junior County in a certain case under the said 15th section of the above Act.

What may be recovered by Corporation of the Junior County from that of the Senior County.

Exception.

All original special rates for payment of debt, &c., shall continue to be levied in the Junior County, notwithstanding dissolution of union; amount thereof by and to whom paid, & how applied.

Proviso: Senior County may make Anticipatory Appropriation as under the 11th sect. of this Act, and in what proportion to the Junior County; and may direct by By-law as provided in the 12th section of same act.

Rate not to be levied &c., upon such By-law being approved by Governor.

special rate shall not, nor shall any part thereof, be raised, levied or collected in such Junior County or any part thereof, under such original By-law or otherwise, in or for such particular subsequent year, any thing in the said Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, "The Upper Canada Municipal Corporations Law amendment Act of one thousand eight hundred and fifty," or in this Act, to the contrary notwithstanding: And provided also, Secondly, that the Municipal Corporation of such Junior County shall be entitled to recover from the Municipal Corporation of such Senior County or Counties an amount equal to that of all such moneys so paid over by its Treasurer to the Treasurer of such Senior County or Counties, to be applied as last aforesaid as for so much money paid by such Junior County for the use of such Senior County, except only so much thereof, as under and by virtue of any such agreement or award as is provided for in and by the said fifteenth Section of the said Act, intituled, *An Act for abolishing the Territorial Division of Upper Canada into Districts, and for providing for temporary Unions of Counties for judicial and other purposes, and for the future dissolutions of such Unions as the increase of wealth and population may require*, such Junior County shall be bound to pay as its proportion, or part of its proportion of the debts or loans of such Union.

Proviso: Corporation of Junior County entitled to recover from that of the Senior County an amount equal to that paid over to Treasurer of Senior County; same how to be applied.

Exception as to the Junior County's liability to pay its proportion of debt or loan under stated provisions.

As to any Town being separated from any County for the purpose of being erected into a City.

XXI. And be it enacted, That previous to the issue of any Proclamation for the erecting of any Town into a City, under the provisions of the eighty-fourth section of the said Municipal Corporations Act of one thousand eight hundred and forty-nine, an agreement or arbitration similar, as nearly as may be, in all respects, to the agreement and arbitration provided for by the fifteenth section of the said Act, of the twelfth year of Her Majesty's Reign, chaptered seventy-eight, between a Junior County and the County or Counties from which it is about to be separated, shall be made or had between such Town and the County or Union of Counties within the limits of which such Town shall lie, in which the Municipal Corporation of such Town shall do all on behalf of such Town as in and by the said fifteenth section is required to be done by the Provisional Municipal Council of such Junior County, on behalf of such Junior County; and the arbitrators shall be appointed, the award be made, and all other particulars observed by and between such Town and County, or Union of Counties, as in and by such fifteenth section is required by and between such Junior County and the County or Counties from which it is to be separated.

Liabilities of such Town when so erected into a City.

XXII. And be it enacted, That upon the erection of any such Town into a City as aforesaid, such City and the liberties thereof shall remain liable to all the debts and loans created or contracted by the County or Union of Counties, within the limits of which such City and the liberties thereof shall lie, according to the provisions of the one hundred and seventy-seventh section of the Municipal Corporations Act of one thousand eight hundred and forty-nine, and of this Act, to the like extent and in the like manner as a Junior County, on its separation from the County or Counties with which it was united, remains liable to the similar Debts and Loans of such Union; and all the several provisions of the eighteenth, nineteenth and twentieth sections of this Act, shall apply between such City and such County, or United Counties, as between a Junior County and the Senior County or Counties from which it shall have been separated.

By-laws of any union of Counties to remain in force in the Junior County after its separation therefrom, until repealed, altered, &c.

Proviso: Certain By-laws not to be repealed, &c., in certain cases.

XXIII. And be it enacted, That the By-laws of every Union of Counties in force in any Junior County of such Union at the time of the dissolution of any such Union by Proclamation or otherwise, according to law, shall continue in force in such Junior County as if such By-laws had been passed by the Municipal Council of such Junior County, until the same shall be repealed, altered or amended respectively by the Municipal Council of such Junior County: Provided always, nevertheless, that nothing herein contained shall extend to empower the Municipal Council of such Junior County to repeal, alter or amend any of such By-laws, or any part thereof, which could not lawfully be so repealed, altered or amended by the Municipal Council of such

such Union of Counties, were such Union a still subsisting Union at the time of such repeal, alteration or amendment.

XXIV. And be it enacted, That the By-laws of every County or Union of Counties in force in any Town, or in such parts of the said County or Counties as are added to the same, when such Town shall be erected into a City, by Proclamation, or otherwise, according to Law, shall continue in force in such City and the liberties thereof, after the erection thereof, as if such By-laws had been passed by the Common Council of such City, until the same shall be repealed, altered or amended respectively, by the Common Council of such City: Provided always, nevertheless, that nothing herein contained shall extend to empower the Common Council of such City, to repeal, alter or amend any of such By-laws or any part thereof, which could not be lawfully so repealed, altered or amended by the Municipal Council of the County or Union of Counties of which such Town formed part previously to its erection into a City, if it were not so erected but still formed part of such County or Union.

As to By-laws of County, &c., remaining in force in any Town, &c., separated therefrom for the purpose of being erected into a City.

Proviso: Certain By-laws not to be repealed, &c., in certain cases,

XXV. And be it enacted, That in any case in which the Common Council of any City shall, before the passing of this Act, by petition to any Branch of the Legislature, resolution or otherwise by a majority of the Common Council of such City consisting of at least two thirds of the members thereof, have affirmed the expediency of a re-division of such City and the liberties thereof, or of any part thereof into Wards, it shall and may be lawful for the Governor of this Province to proceed to a re-division thereof accordingly, as provided for by the eighty-fourth section of the Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, upon the Common Council of the said City again affirming by a like majority the expediency of such re-division in the manner required by the said eighty-fourth section, at any time before the eighteenth day of September in the present year.

Re-division of any City into wards, how to be obtained.

XXVI. And be it enacted, That the time limited by the eighth section of The Upper Canada Municipal Corporations Law amendment Act of one thousand eight hundred and fifty, for the County Municipal Councils to pass By-laws for the dissolution of the Unions of Townships within their respective jurisdictions, and for the formation of new Unions for the greater accommodation of the people of such Townships, as in the said eighth section of the said Act is mentioned, shall be and the same is hereby extended to the thirty-first day of December next, and to such further day thereafter as the Governor of this Province, by Proclamation under the Great Seal thereof, issued either before or after that day, or any further day to which such time may be so extended, may from time to time think fit to appoint; and that the County Municipal Councils may dissolve the Union of Townships created by virtue of the last recited Act, and form other Unions of Townships or independent Townships in pursuance of the provisions of the said last recited Act and of the Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, and that Unions of Townships formed under By-laws passed under the authority of the said eighth section of the said Act and of this Act, shall and may be dissolved in the same manner as the pre-existing Unions to which the said section expressly refers.

To extend the time limited for passing By-laws for dissolution of unions of Townships, and for the formation of new unions.

XXVII. And be it enacted, That upon or at any time after the appointment of a Recorder for any City in Upper Canada, under the provisions of the Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, it shall and may be lawful for the Governor of this Province, by Letters Patent under the Great Seal thereof, to authorize and appoint the Recorder for the time being of such City to preside over and hold the Division Court of and for that Division of the County or Union of Counties within which such City and the liberties thereof shall lie, which shall include such City and liberties; and in every such case, so long as such Letters Patent shall remain unrevoked, the Recorder of such City shall have and exercise all the powers and privileges, and perform all the duties of the County Court Judge as Judge of the said Division Court, in the same manner, and to the same extent as such County

Recorders for any City may be appointed to preside over and hold the Division Court.

His powers, under
Letters Patent.

County Court Judge would be authorized to have, exercise and perform the same if this Act had not been passed; and such Recorder shall, by virtue of such Letters Patent, have full power and authority to hold such Division Court and to perform all other duties, whether of a judicial or other character, which, if this Act had not been passed, it would appertain and belong to such County Judge as Judge of such Division Court to exercise and perform; Provided always, nevertheless, that while any Recorder shall be so authorized and appointed to hold such Division Court, such Recorder shall not practise as a Barrister, Advocate, Attorney, Solicitor or Proctor in any of Her Majesty's Courts of Law or Equity in this Province.

Proviso.

As to the authority,
&c., of the County
Judge when Recorder
is so appointed as
Judge.

XXVIII. And be it enacted, That upon and from the issuing of any such Letters Patent under this Act, appointing the Recorder of any City to preside over and hold the Division Court of and for the Division within the limits of which such City and the liberties thereof shall lie, and while such Letters Patent shall remain unrevoked, the authority and duties of the County Judge of such County or Union of Counties as Judge of such Division Court, except as in the next section of this Act provided, shall cease: Provided always, nevertheless, that all and every the business and proceedings of, or in any such Division Court, whether pending or otherwise at the time of the issue of any such Letters Patent, and all matters and things thereto relating, shall be continued, managed and disposed of by and under the authority of such Recorder, instead of such County Judge, as if he had been the Judge of such Division Court when the same was commenced.

Proviso.

In case of absence,
&c., of Recorder,
the County Judge to
sit; Recorder may
name a Barrister in
his stead.

XXIX. And be it enacted, That in case of the illness or unavoidable absence or absence by leave of the Governor, of the Recorder of any such City, it shall and may be lawful for the Judge of the County Court in and for the County or Union of Counties within the limits of which such City and the liberties thereof shall lie, to sit for such Recorder as Judge of such Division Court, and in every other capacity, whether judicial or otherwise, belonging or attached to the office of such Recorder as Judge of such Division Court by virtue of such Letters Patent as aforesaid, or for such Recorder, if he think fit so to do, by an instrument in writing, under his hand and seal, to name and appoint some Barrister, duly admitted as such, so to sit for him in holding such Division Court as aforesaid; and in every such case, as well such County Judge as such other person so named and appointed to sit for such Recorder as aforesaid, shall on every such occasion have full power and authority to sit for such Recorder as Judge of such Division Court, and in every other capacity, whether judicial or of any other character, belonging or attached to the office of such Recorder as Judge of such Division Court, by virtue of such Letters Patent as aforesaid: Provided always, nevertheless, that no such nomination or appointment shall continue or be in force for more than one Calendar Month without the renewal of the same by a like instrument as aforesaid.

Powers.

Proviso.

As to Instrument of
nomination.

XXX. And be it enacted, That every such instrument of nomination shall contain a recital of the cause which rendered such nomination necessary, and shall be executed in triplicate, one of which triplicate originals shall, by the Recorder making the same, be filed in the office of the Clerk of such Division Court, another of them delivered or sent to the person so named to sit for such Recorder, and the third be transmitted to the Provincial Secretary for the information of the Governor of this Province.

Governor may annul
the nomination, and
appoint some other
person.

XXXI. And be it enacted, That in the case of every such nomination, it shall and may be lawful for the Governor of this Province, by an instrument under his Privy Seal, to annul such nomination, and if he shall think fit so to do, to name, by the same or any other instrument under his Privy Seal, some other person legally qualified to have been named by such Recorder himself, to sit for such Recorder, instead of the person so named by such Recorder as aforesaid, and with the like powers hereby conferred upon such person so named.

XXXII. And be it enacted, That it shall and may be lawful for the Governor of this Province in Council, to fix an annual remuneration to be paid to every such Recorder for performing such duties, due regard being had in fixing the same to the population resident within the jurisdiction of such Division Court, the amount derived to the Fee Fund from the fees collected and returned from such Division Court, the amount of the salary of such Recorder as such, and the amount of the salaries of other County Court Judges in Upper Canada, and that such annual remuneration shall be subject to be altered in the like way, and shall be paid out of the like funds and in the like manner as the salary of the County Judge in and for the County or Union of Counties within the limits of which such City and the liberties thereof shall lie.

Remuneration to Recorder.

XXXIII. And be it enacted, That the Act of the Parliament of this Province passed in the eighth year of Her Majesty's Reign, chaptered Fifty-seven, and intituled, *An Act to empower the District Councils of Municipal Districts and Boards of Police of Incorporated Towns in Upper Canada, to impose a Tax on Dogs within their respective Districts and Towns*, and also the two hundred and eighth Section of the Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, as amended by the Upper Canada Municipal Corporations Law Amendment Act of one thousand eight hundred and fifty, together with the amendments by the said last mentioned Act made therein, and the Seventeenth Section of the said last mentioned Act, shall be and the same are hereby repealed.

8 Vict., c. 57, and other enactments repealed.

XXXIV. And be it enacted, That in any case where any Township Municipality shall have heretofore abolished any Division thereof into Wards that may have previously existed, such proceeding of such Municipality shall be and is hereby confirmed and made valid to all intents and purposes, unless the same shall have been set aside by judicial decision.

Abolition by Township Municipalities of Division into Wards to be valid in a certain case.

XXXV. And be it enacted, That whenever any By-law, Order and Resolution shall be or has been passed or adopted by any Municipality whatever, and such By-law, Order or Resolution has been or shall be quashed, or declared illegal or void by any Court having competent jurisdiction therein, the Municipality by which such By-law, Order or Resolution has been or shall be passed, shall alone be responsible in damages for any act or acts done or committed under such By-law, Order or Resolution, and any Clerk, Constable or other Officer acting thereunder, shall be freed and discharged from any action or cause of action which shall accrue or may have accrued to any person or persons by reason of such By-law being illegal and void, or having been quashed, and such Municipality shall pay all costs and expenses attending the quashing of any such By-law; and the Superior Courts of Common Law shall also have full power and authority to grant or refuse costs in their discretion in any case in which application shall be or may have been made for any Writ of *Mandamus* for or against any Municipal Corporation, which costs, when granted to either party, shall be taxed and allowed in the same manner as between party and party.

Responsibility of Municipality if any of its By-laws, &c., be quashed.

Court may grant or refuse costs in a certain case; the same to be taxed.

XXXVI. And be it enacted, That the several words, phrases and sentences of "The Upper Canada Municipal Corporations Act" of one thousand eight hundred and forty-nine, as such Act was corrected and amended by "The Upper Canada Municipal Corporations Law Amendment Act" of one thousand eight hundred and fifty, and of the said "Upper Canada Municipal Corporations Law Amendment Act" of one thousand eight hundred and fifty, in the first column of the Schedule to this Act annexed, marked A, numbered from one to thirty inclusive, and set forth in the second column of the said Schedule, as such several words, phrases and sentences are contained in those several parts of the several and respective sections, sub-sections and provisoes of the said Acts particularly referred to in the third column of the said Schedule opposite to each of such words, phrases and sentences respectively, shall be and the same, as so contained in such section, sub-sections and provisoes, are

Certain words, &c., contained in Schedule A, repealed.

hereby

Other words, &c., substituted for the above, as set forth in the 4th column of the Schedule.

The same how to apply.

Acts to be construed as if such words, &c., were contained therein.

Inconsistent provisions repealed.

Proviso: Things performed under Acts, unless made the subject of legal proceedings in certain cases.

Proviso: As to offences, fines, moneys, &c., before this Act comes into operation.

Short titles by which certain Acts relating to U. Canada may be cited.

hereby repealed ; and the several and respective words, phrases and sentences set forth in the fourth column of the said Schedule, opposite to each of such first mentioned words, phrases and sentences respectively, shall be and the same are hereby substituted for such first mentioned words, phrases and sentences, each for each respectively ; and henceforth, the said substituted words, phrases and sentences instead of those for which they are so substituted as aforesaid respectively, shall be and shall be deemed and taken to have been the words, phrases and sentences used in the several and respective sections, sub-sections and provisoes of the said Acts respectively, in the third column of the said Schedule mentioned, opposite to each of such words, phrases and sentences respectively, and in the parts of such sections, sub-sections and provisoes therein particularly mentioned ; and the said Acts, and all other Acts referring to the same, shall be construed as if such substituted words, phrases and sentences had been there used in such respective sections, sub-sections and provisoes respectively, and in the parts thereof respectively in the said third column of the said Schedule mentioned as aforesaid, at the time of the passing of the said Acts respectively, any thing therein contained to the contrary notwithstanding ; and so much of the said "Upper Canada Municipal Corporations Law Amendment Act" of one thousand eight hundred and fifty, as makes any correction or amendment in or to any of such words, phrases or sentences other than those hereby made in or to the same, and so much of both or either of the said Acts as makes any other provision whatever contrary to or inconsistent with the provisions of this Act, or any provision whatever in any matter provided for by this Act, other than such as is hereby made in such matter, shall be, and the same is hereby repealed, and shall cease to be in force upon, from and after the day when this Act shall come into operation : Provided always, nevertheless, Firstly, that nothing in this Act contained shall render void or otherwise affect in any way, any thing heretofore done under the authority of the said Acts or either of them, but the same, unless it shall have been made the subject of proceedings at law actually instituted before the passing of this Act, or shall be made the subject of such proceedings within six calendar months next after the passing of this Act, shall be and the same is hereby ratified and confirmed, any thing herein contained to the contrary notwithstanding : And provided also, Secondly, that notwithstanding the repeal of the parts and provisions of the said Acts hereby repealed, all acts which might have been done, and all proceedings which might have been taken or prosecuted, relating to any offences or neglects which may have been committed, or to any matters which shall have happened, or to any moneys which shall have become due, or to any fines or penalties which shall have been incurred before the day on which this Act shall have come into operation, shall and may still be done or prosecuted, and the offences and omissions may be dealt with and punished, and the moneys may be recovered and dealt with, and the fines and penalties may be imposed and applied as if the said parts and provisions of the said Acts hereby repealed continued in force.

XXXVII. And be it enacted, That in pleading, citing or otherwise referring to the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, chaptered amongst the Public General Statutes of the Session in which the same was passed, as chapter eighty, and intituled, *An Act to repeal the Acts in force in Upper Canada, relative to the establishment of local and Municipal Authorities, and other matters of a like nature*, it shall in all cases whatsoever be sufficient to use the expression, "The Upper Canada original Municipal Authorities Repeal Act of 1849," or words of equivalent import ; that in pleading, citing or otherwise referring to the Act passed in the same year, chaptered eighty-one, and intituled, *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*, it shall in all cases whatsoever be sufficient to use the expression, "The Upper Canada Municipal Corporations Act of 1849," or words of equivalent import ; that in pleading, citing or otherwise referring to the Act passed in the Session of the said Parliament, in the thirteenth and fourteenth years of Her Majesty's

Majesty's Reign, chaptered amongst the Public General Statutes of the said Session, as chapter sixty-four, and intituled, *An Act for correcting certain errors and omissions in the Act of Parliament of this Province, passed in the last Session thereof, intituled, '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,' for amending certain of the provisions of the said Act, and making some further provisions for the better accomplishment of the object thereof*, it shall in all cases whatsoever be sufficient to use the expression, "The Upper Canada Municipal Corporations Law Amendment Act of 1850," or words of equivalent import: And that in pleading, citing or otherwise referring to this present Act, it shall in all cases whatsoever be sufficient to use the expression, "The Upper Canada Municipal Corporations Law Amendment Act of 1851," or words of equivalent import; and that in pleading, citing or otherwise referring to the said Acts, or to the said Acts or any other Acts that may be hereafter passed, touching or concerning, or in any wise relating to such Municipal Corporations generally, it shall in all cases whatsoever be sufficient to use the expression, "The Upper Canada Municipal Corporations Acts," or words of equivalent import, which shall in all such cases be understood to include and refer to such and so much of the said Acts as shall be in force at the time referred to, touching or concerning or in any wise relating to such Municipal Corporations: Provided always, nevertheless, that in all Legislative Enactments wholly confined in their operations to that part of this Province called Upper Canada, the use of the words, "Upper Canada," or words of equivalent import, in any of the expressions above mentioned, shall not be deemed necessary for the purpose aforesaid, but in every such case, the expression shall have the like effect as if such words were contained therein.

Proviso as to the words "Upper Canada."

SCHEDULE A.

Referred to in the Thirty-sixth Section of this Act.

Number.	Words, Phrases and Sentences of 12 Vic. chap. 81, (The Upper Canada Municipal Corporations Act of 1849) as they originally stood in that Act, or as they stand amended by the 13 & 14 Vic. chap. 64, (The Upper Canada Municipal Corporations Law Amendment Act of 1850) and of this latter Act which are repealed by this Act.	Sections, Sub-sections and Provisoes of the 12th Vic. chap 81, and of the 13th & 14th Vic. chap. 64, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
1	"That no such first mentioned by-law—"	12 Vic. cap. 81, 13 & 14 Vict. cap. 64, sec. 8. Schedule A, No. 1.	"That no such by-law."
2	"For that purpose."	12 Vic. cap. 81, sec. 8, 13 & 14 Vict. cap. 64, Schedule A, No. 1.	"For that purpose to abolish the said Division into Wards or"
3	"Two-thirds"	12 Vic. cap. 81, Sec. 13.	"Four fifths"
4	"It shall be the duty of the Collector (<i>to the end of the section</i>).	12 Vic. cap. 81, sec. 22. At the beginning of the section.	"It shall be the duty of the Returning Officer for every such Township or rural ward to procure a correct copy of the Collector's roll for such Township or ward for the year next before that in which the election shall be holden, so far as such roll contains the names of all male freeholders and householders rated upon such roll, in respect of rateable real property lying in such Township or ward, with the amount of the assessed value of the real property for which they shall be respectively rated on such roll, which copy shall be verified by the affidavit or affirmation of such Collector, or of such other person as may have the legal custody of the original roll for the time being, and also by that of such Returning Officer, to be appended to or endorsed upon such copy, and which affidavits or affirmations shall be taken respectively before any Justice of the Peace for the County; or other officer having authority to administer an oath or affirmation for any purpose under this Act, and which affidavits or affirmations shall be to the effect, that such copy is a true copy of such roll, as far as the same relates to such Township or ward, and all male freeholders or householders rated upon such roll in respect of rateable real property lying in such Township or ward, with the amount of the assessed value of the real property for which they are so rated respectively; and no person shall be qualified to be elected a Township Councillor, at any such election, who shall not be a freeholder or householder of such Township or ward, seized or possessed of real property held in his own right or that of his wife as proprietor or tenant thereof which shall be rated on such Collector's Roll in the case of a freeholder, to the amount of one hundred pounds or upwards, and in the case of a householder to the amount of two hundred pounds or upwards, and the persons entitled to vote at such election shall be the freeholders and householders of such Township or ward, whose names shall be entered on the said roll as rated for rateable real property, held in their own right or that of their wives respectively, as proprietors or tenants thereof, and who at the time of such election shall be resident in such Township or ward. Provided always nevertheless, firstly,—That the occupant of a house, built of logs, whether hewn or unhewn, shall be considered a householder within the meaning of this Act, in case he shall be rated

SCHEDULE A.—Continued.

Number.	Words, Phrases and Sentences of 12 Vic., chap. 81, (The Upper Canada Municipal Corporations Act of 1849) as they originally stood in that Act, or as they stand amended by the 13 & 14 Vic. chap. 64, (The Upper Canada Municipal Corporations Law Amendment Act of 1850) and of this latter Act, which are repealed by this Act.	Sections, Sub-sections and Provisoes of the 12th Vic. chap. 81, and of the 13th & 14th Vic., cap. 64, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
			<p>therefor as a householder upon such Collector's roll as aforesaid. Provided also, secondly,—That the occupant of any separate portion of a house, having a distinct communication with a public road or street by an outer door, shall also be considered a householder within the meaning of this Act, in case he shall in like manner be rated therefor, as a householder, upon such Collector's roll as aforesaid. Provided also, thirdly,—That whenever both the owner and occupant of any such real property shall be so rated in respect of such rateable real property, the owner and the occupant shall both be deemed rated within the meaning of this section: And provided also, fourthly,—That where any such real property shall be owned or occupied jointly by more than one person, and the amount at which the same shall be so rated, shall be sufficient, if equally divided between them, to give a qualification to each, then and in every such case, every male whose name shall appear on such roll, as one of the joint owners or occupants of such real property, shall be deemed a person rated within the meaning of this section; but if the amount at which such real property shall be so rated shall not be sufficient, if so divided, to give a qualification to each of such joint owners or occupants, then, none of such owners or occupants shall be deemed a person rated within the meaning of this section."</p>
5	"Communication within such Township."	12 Vic. c. 81, sec. 31; sub-section 10, between the words "or other" and the words "and for"	"Communication within such Township, or between such Township and any adjoining Township, City, Town or incorporated Village, and for entering into, performing and executing any arrangement or agreement with the Municipal Corporations of any such adjoining Township, City, Town or incorporated Village, for the execution of any such work at the joint expense, and for the joint benefit of the Municipal Corporations of such Township, City, Town or Village, and the people they represent respectively."
6	"in money therefor."	12 Vic. c. 81. sec. 31; sub-section 28.	"in money therefor. Provided always nevertheless, that the power by this and the next preceding sub-section conferred, shall not extend, or be construed to extend, to the statute labour or the commutation money, payable instead thereof, of any person residing upon or whose lands are bounded by any Township line or road between two or more Townships in the same County, or between such County and any adjoining Counties or County, or between one or more Townships, and any City, Town or incorporated Village lying on the bounds or within the boundaries of such County."
7	"not exceeding twenty days"	12 Vic. c. 81, sec. 31; sub-sec. 29, 13 & 14 Vic. c. 64, schedule A, No. 6.	"not exceeding twenty days, and either with or without hard labor, in case of non-payment of any such fine, and there being no distress found out of which the same may be levied for the breach."

SCHEDULE A.—Continued.

Number.	Words, Phrases and Sentences of 12th Vic., chap. 81, (The Upper Canada Municipal Corporations Act of 1849) as they originally stood in that Act or as they stand amended by the 13th & 14th Vic., c. 64, (The Upper Canada Municipal Corporations Law Amendment Act of 1850) and of this latter Act, which are repealed by this Act.	Sections, Sub-sections and Provisoes of the 12th Vic., c. 81, and of the 13th & 14th Vic., cap. 64, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
8	"meetings of such Municipal Council."	12 Vic. c. 81, sec. 35. At the end of the section.	"meetings of such Municipal Council; Provided always, nevertheless, that in case of an equality of votes on any such election of County Warden, the member of such Municipal Council present at such election, who shall be the Reeve (or in his absence the Deputy Reeve, if there be one, and he be present) for the Township, Town or Village which shall have had the greatest number of freeholders and householders upon the Collector's Roll thereof for the next preceding year, shall have a second or casting vote in such election; and in the event of there being more than one of such Townships, Towns or Villages having a greater number of freeholders or householders on their respective Collector's Rolls than the rest, but as amongst themselves an equal number of such freeholders and householders, it shall be decided by lot between the Reeves or Deputy Reeves of such Townships, Towns and Villages having such equality, which of them shall have the second or casting vote on such election, and such Reeve or Deputy Reeve shall have such second or casting vote accordingly."
9	"and for establishing the rates"	12 Vic. c. 81, sec. 81. Sub-sec. 4, and 13 & 14 Vic. c. 64, Schedule A, No. 14.	"And for establishing as well the amount to be paid into the Corporation Treasury for such license, as the rates."
10	"or maintained at the public expense of such County"	12 Vic. c. 81, sec. 41; Sub-section 11, between the words "improved, preserved," and the words "and for entering into"	"or maintained at the public expense of such County; and for empowering the landholders residing upon, or where lands are bounded by any such highway, road, street, sidewalk, crossing, alley, lane, bridge or other communication, 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 labor, and at any time before the labor compounded for ought to be performed, and by any such regulations to direct to what officer of such County 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 such statute labor shall be performed."
11	"it shall be the duty of the Returning officer" (to the end of the section).	12 Vic. c. 81, sec. 57. At the beginning of the section.	"it shall be the duty of the Returning Officer for every such incorporated Village to procure a correct copy of the Collector's Roll for such Village, for the year next before that in which the Election shall be holden, so far as such Roll contains the names of all male freeholders and householders rated upon such Roll, in respect of rateable real property lying in such Village, with the amount of the assessed value of such real property for which they shall be respectively rated on such Roll, which copy shall be verified in like manner as the copies of Collectors' Rolls for Township Elections, as hereinbefore provided; and no person shall be qualified to be elected a Village Councillor at any such Election who shall not be a freeholder or householder of such Village, seized or possessed of real property held in his own right or that of his wife as proprietor or tenant thereof, which shall be rated on such Collector's Roll in the case of a freeholder, to the amount of Ten Pounds per annum or upwards, and in the case of a

SCHEDULE A.—Continued.

Number.	Words, Phrases and Sentences of 12th Vic., chap. 81, (The Upper Canada Municipal Corporations Act of 1849) as they originally stood in that Act, or as they stand amended by the 13th & 14th Vic. chap. 64, (The Upper Canada Municipal Corporations Law Amendment Act of 1850) and of this latter Act, which are repealed by this Act.	Sections, Sub-sections and Provisions of the 12th Vic. c. 81, and of the 13th & 14th Vic. cap. 64, and the parts thereof respectively, in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
			<p>householder to the amount of Twenty Pounds per annum or upwards; and who shall not be seized or possessed to his own use or that of his wife of the real property for which he shall be so assessed, either in fee or freehold, or for a term of one year or upwards, situate within such Village. And the persons entitled to vote at such Election shall be the freeholders and householders of such Village, whose names shall be entered on the said Roll as rated for rateable real property held in their own names, or that of their wives respectively, as proprietors or tenants thereof, to the amount of Three Pounds per annum or upwards, and who, at the time of such Election, shall be resident in such Village; Provided always, nevertheless, Firstly, That it shall not be necessary that the property qualification of such Village Councillors or voters shall consist wholly of freehold or wholly of leasehold property, provided the aggregate amount at which both shall be assessed shall be sufficient, as above required. And provided also, Secondly, That the occupant of a house built of logs, whether hewed or unhewed, shall be considered a householder, within the meaning of this Act, in case he shall be rated therefor as a householder, upon such Collector's Roll, as aforesaid: Provided also, Thirdly, That the occupant of any separate portion of a house, having a distinct communication with a public road or street, by an outer door, shall also be considered a householder within the meaning of this Act, in case he shall in like manner be rated therefor as a house holder upon such Collector's Roll, as aforesaid: Provided also, Fourthly, That whenever both the owner and occupant of any such real property, shall be so rated in respect of such rateable real property, the owner, and the occupant shall both be deemed rated within the meaning of this Section: And provided also, Fifthly, That where any such real property shall be owned or occupied jointly by more than one person, and the amount at which the same shall be so rated shall be sufficient, if equally divided between them, to give a qualification to each, then and in every such case, every male whose name shall appear on such Roll as one of the joint owners or occupants of such real property shall be deemed a person rated within the meaning of this Section; but if the amount at which such real property shall be so rated shall not be sufficient, if so divided, to give a qualification to each of such joint owners or occupants, then none of such owners or occupants shall be deemed a person rated within the meaning of this Section."</p>
12	"it shall be the duty of any person" (to the end of the section.)	12 Vic. c. 81, sec. 65. At the beginning of the section.	<p>"It shall be the duty of the Returning Officer for each Ward of every such Incorporated Town to procure a correct copy of the Collector's Roll for such ward for the year next before that in which the Election shall be holden, so far as such Roll contains the names of all male freeholders and householders rated upon such Roll in respect of real property lying in such ward, with the amount of the assessed value of such real property for which they shall be respectively rated on such Roll, which copy shall be verified in like manner as the copies of Collectors' Rolls for Township Elections as hereinbefore provided; and no person shall be qualified to be elected a Town Councillor at any such Election who shall not be a freeholder or householder of such Town seized</p>

SCHEDULE A.—Continued.

Number.	Words, Phrases and Sentences of 12th Vict. chap. 81, (The Upper Canada Municipal Corporations Act of 1849) as they originally stood in that Act or as they stand amended by the 13th & 14th Vic. chap. 64, (The Upper Canada Municipal Corporations Law Amendment Act of 1850) and of this latter Act, which are repealed by this Act.	Sections, Sub-sections and Provisoes of the 12th Vic. cap. 81, and of the 13th & 14th Vic., cap. 64, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
			<p>or possessed of real property held in his own right or that of his wife as proprietor or tenant thereof which shall be rated on such Collectors' Roll or on the Collector's Roll or Collectors Rolls for some one or more of the other Wards of such Town for such next preceding year in the case of a freeholder, to the amount of Twenty Pounds per annum or upwards, and in the case of a householder to the amount of Forty Pounds per annum or upwards, and who shall not be seized or possessed to his own use or that of his wife of the real property for which he shall be so rated, either in fee or freehold, or for a term of one year or upwards, situate within such Town; and the persons entitled to vote at such Election shall be the freeholders and householders of the ward for which such Election shall be held, whose names shall be entered on the Collector's Roll thereof for such next preceding year as rated for rateable real property held in their own names or that of their wives respectively, as proprietors, or tenants thereof, to the amount of Five Pounds per annum or upwards, and who at the time of such Election shall be resident in such ward: Provided always, nevertheless, Firstly, that it shall not be necessary that the property qualifications of such Town Councillors or voters shall consist wholly of freehold or wholly of leasehold property, provided the aggregate amount at which both shall be assessed shall be sufficient as above required; and provided also, Secondly, that the occupant of a house built of logs, whether hewed or unhewed, shall be considered a householder within the meaning of this Act, in case he shall be rated therefor as a householder upon such Collector's Roll as aforesaid: Provided also, Thirdly, that the occupant of any separate portion of a house having a distinct communication with a public road or street by an outer door, shall also be considered a householder, within the meaning of this Act, in case he shall in like manner be rated therefor as a householder upon such Collector's Roll as aforesaid: Provided also, Fourthly, that whenever both the owner and occupant of any such real property shall be so rated in respect of such rateable real property, the owner and the occupant shall both be deemed rated within the meaning of this section; and provided also, Fifthly, that where any such real property shall be owned or occupied jointly by more than one person, and the amount at which the same shall be so rated shall be sufficient, if equally divided between them, to give a qualification to each, then and in every such case every male whose name shall appear on such roll as one of the joint owners or occupants of such real property shall be deemed a person rated within the meaning of this section; but if the amount at which such real property shall be so rated shall not be sufficient if so divided to give a qualification to each of such joint owners or occupants, then none of such owners or occupants shall be deemed a person rated within the meaning of this section."</p>
13	"committed within the same"	12 Vic. c. 81, sec. 75; and 13 & 14 Vic. c. 64, Schedule A, No. 13. At the end of the sec. as amended.	"committed within the same, except only so far as respects offences against the By-laws of such Town, and penalties for refusal to accept or be sworn into office in such Town, as to which latter offences and penalties, jurisdiction shall belong to the Police Magistrate or Mayor of such Town, as the case may be, and to the Justices of the Peace for such Town, and

SCHEDULE A.—Continued.

Number.	Words, Phrases and Sentences of 12 Vic. chap. 81, (The Upper Canada Municipal Corporations Act of 1849) as they originally stood in that Act, or as they stand amended by the 13th & 14th Vic. chap. 64, (The Upper Canada Municipal Corporations Law Amendment Act of 1850) and of this latter Act, which are repealed by this Act.	Sections, Sub-sections and Provisoes of the 12th Vic. cap. 81, and of the 13th & 14th Vic., cap. 64, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
14	"For every ward" (<i>to the end of the section</i>).	12 Vic. c. 81, sec. 83. At the beginning of the section.	<p>not to those of the County within which such Town shall be situate as aforesaid."</p> <p>"For each ward of every such City there shall be two Aldermen and two Councillors, to be elected as hereinbefore provided with respect to Town Councillors, which Aldermen and Councillors shall together constitute the Common Council of such City, and which City and the Mayor and Common Council thereof shall have and exercise all and singular the same rights, powers, privileges and jurisdiction in, over and with respect to such City and the liberties thereof, as are hereinbefore given, granted or conferred upon, or as shall, by virtue of this Act or otherwise, belong to incorporated Towns, in Upper Canada, the Mayor, Councillors and Common Councils thereof, and all the rules, regulations, provisions and enactments contained in this Act, as applied to such incorporated Towns, the Mayors and the Councillors thereof, and their election, and those by whom such election is to be made, and to the Town Council thereof, either by way of reference to those provided for incorporated Villages, or otherwise, shall apply to each of the said Cities and the Mayor, Aldermen and Councillors thereof and their election, and to the Common Council thereof; Provided always nevertheless, Firstly,—That the Mayor of every such City shall be elected by the Aldermen and Councillors of such City from among the Aldermen thereof; And provided also, Secondly,—That no person shall be qualified to be elected an Alderman for any ward of such City, who shall not be a freeholder or householder of such City seized or possessed of real property held in his own right or that of his wife as proprietor or tenant thereof, which shall be rated on the Collector's Roll of the ward for which he shall be elected, or on the Collector's Roll or Collectors' Rolls for some one or more of the other wards of such City for the year next preceding his election, in the case of a freeholder to the amount of forty pounds per annum or upwards, and in the case of a householder to the amount of eighty pounds per annum or upwards, and who shall not be seized or possessed to his own use or that of his wife of such real property either in fee or freehold, or for a term of one year or upwards, situate within such City or the liberties thereof. And provided also, Thirdly,—That no person shall be qualified to be elected a Councillor for any ward of such City, who shall not be a freeholder or householder of such City seized or possessed of real property held in his own right or that of his wife as proprietor or tenant thereof which shall be rated on the Collector's Roll of the ward for which he shall be elected, or on the Collector's Roll or Collector's Rolls for some one or more of the other wards of such City, for the year next preceding his election, in the case of a freeholder to the amount of twenty pounds per annum or upwards, and in the case of a householder to the amount of forty pounds per annum or upwards, and who shall not be seized or possessed to his own use or that of his wife of such real property either in fee or freehold, or for a term of one year or upwards, situate within such City or the liberties thereof. And provided also, Fourthly,—That the persons entitled to vote at the elections of such Aldermen and Councillors, shall be the freeholders and householders of the ward for which such election shall be</p>

SCHEDULE A.—Continued.

Number.	Words, Phrases and Sentences of 12th Vic., chap. 81, (The Upper Canada Municipal Corporations Act of 1849) as they originally stood in that Act, or as they stand amended by the 13th & 14th Vic. chap. 64, (The Upper Canada Municipal Corporations Law Amendment Act of 1850) and of this latter Act, which are repealed by this Act.	Sections, Sub-sections and Provisoes of the 12th Vic. cap. 81, and of the 13th & 14th Vic. chap. 64, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
			held, whose names shall be entered on the Collector's Roll thereof for such next preceding year, as rated for rateable real property, held in their own names or that of their wives respectively, or proprietors or tenants thereof, to the amount of Eight Pounds per annum or upwards, and who at the time of such election shall be resident in such ward or the liberties attached to the same."
15	" <i>teste</i> of such Proclamation."	12 Vic. c. 81, s. 84. At the end of the section.	" <i>teste</i> of such Proclamation. Provided always, nevertheless, that when and so often as it shall be deemed desirable for the greater convenience of the citizens of any of the Cities incorporated or to be incorporated as aforesaid, that the area forming such City and the liberties thereof, (either with 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 should be attached to such City or the liberties thereof, or without such portion of such Township or Townships) or any part thereof, should be re-divided into wards, and the expediency of such re-division shall have been affirmed by a majority of the Common Council of such City, consisting of at least of two-thirds of the members thereof, in the month of February, in two successive years, 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 thereof, re-dividing such City or such part of such City into wards, with liberties attached to such wards respectively, as to him shall seem expedient. And on, from after the first day of January next after the end of three calendar months from the <i>teste</i> of such Proclamation, such re-division shall take effect to all intents and purposes, as if such had been the original division of such City into wards, or of the part thereof so re-divided in and by Act of Parliament or Proclamation in the first instance. And provided also, Secondly,—That in every such re-division, it shall and may be lawful, in and by such Proclamation, to include within the boundaries of such City or the liberties thereof, 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."
16	" in future, the Collector's rolls" (to the end of the section).	12 Vic. c. 81, sec. 120. At the beginning of the section.	" in future it shall be the duty of all Assessors to state in their Assessment Rolls whether the persons therein named are freeholders or householders, or both, by having a separate column for this purpose, and using the initial letters F. and H. to signify the same respectively; and that in future every person whose duty it shall be to prepare the Collector's Roll for any Township, Village or Ward in Upper Canada, shall be and he is hereby required to state upon such roll, in proper columns appropriated to such purpose, whether the persons whose names shall appear thereon are freeholders or householders, and to designate in like manner the amount for which such person is rated in respect of real property, and the amount for which such person is so rated for personal property, as the same shall appear upon the assessment roll from

SCHEDULE A.—Continued.

Number.	Words, Phrases and Sentences of 12th Vict., chap. 81, (The Upper Canada Municipal Corporations Act of 1849) as they originally stood in that Act, or as they stand amended by the 13th & 14th Vict., chap. 64, (The Upper Canada Municipal Corporations Law Amendment Act of 1850) and of this latter Act, which are repealed by this Act.	Sections, Sub-sections and Provisions of the 12th Vict., c. 81, and of the 13th & 14th Vict., cap. 64, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
			which such Collector's Roll shall be prepared, as well as the amount to be collected from such persons respectively: Provided always, nevertheless, Firstly,—That the occupant of a house built of logs, whether hewed or unhewed, shall be considered a householder within the meaning of this Section; and provided also, secondly, that the occupant of any separate portion of a house having a direct communication with a Public Road or Street by an outer door, shall also be considered a householder within the meaning of the same."
17	"before he shall enter into the duties of his office, take"	12 Vic. c. 81, sec. 129.	"before he shall take the oath of Office, or enter into the duties of such Office, take"
18	"Capacity of Councillor."	12 Vic. c. 81, sec. 132.	"Capacity of Town Reeve or Deputy Town Reeve."
19	"a detailed statement of the receipts and expenditures and liabilities of such Corporation in two newspapers published within the jurisdiction thereof, or in those nearest thereto."	12 Vic. c. 81, sec. 144. Between the words "to publish" and the words "and to file"	"an abstract of the receipts and expenditures and liabilities of such Corporation in some public newspaper published within the jurisdiction of such Corporation, or in any other manner that such Corporation may by By-law direct."
20	"if the person"	12 Vic. c. 81, sec. 154, between the word "that" at the beginning of the section, and the words "whose duty"	"when no other statutory provision exists for the appointment of a Returning Officer to hold any Municipal Election required to be held by Law, it shall and may be lawful for the Governor of this Province to appoint a Returning Officer to hold such Election, and if the person so appointed or any person"
21	"certified under his hand and the seal of the Municipal Corporation of which he is the officer, and either of Her Majesty's Superior Courts of Common Law at Toronto may be moved" (to the end of the section, as amended.)	12 Vic. c. 81, sec. 155, and 13th and 14 Vic. c. 64, Schedule A, No. 26, after the words "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 either of Her Majesty's Superior Courts of Common Law at Toronto 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 or any part thereof; and if it shall appear to such 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 such Corporation, to show 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 as to such Court shall appear agreeable to Law; and if it shall appear to such Court that such By-law is legal in the whole or in the part complained of, to award costs in favour of such Corporation, or otherwise against such Corporation; and that no action shall be sustained for or by reason of any thing required to be done under any such By-law, unless such By-law

SCHEDULE A.—Continued.

Number.	Words, Phrases and Sentences of 12th Vict., chap. 81 (The Upper Canada Municipal Corporations Act of 1849) as they originally stood in that Act, or as they stand amended by the 13th & 14th Vict., chap. 61, (The Upper Canada Municipal Corporations Law Amendment Act of 1850) and of this latter Act, which are repealed by this Act.	Sections, Sub-sections and Provisoes of the 12th Vict., c. 81. and of the 13th and 14th Vict., cap 64, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
			<p>or the part thereof under which the same shall be done shall be quashed in manner aforesaid one calendar month at least previous 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 such Court to award no costs in favour of the Plaintiff, and to award costs in favour of the Defendant, and to adjudge that the same shall be deducted out of the amount of the verdict, and that any amount by which such costs may exceed such verdict shall be recovered against the said Plaintiff by execution or otherwise, according to the course of such Court; Provided always, nevertheless, firstly, that no such application to quash any such By-law which shall have been specially promulgated as hereinafter mentioned, and whereby any rate shall be imposed by any such Municipal Corporation, shall be entertained by any such Court, unless such application shall have been made within six calendar months next after such special promulgation of such By-law; and provided also, secondly,—that every special promulgation of a By-law within the meaning of the Municipal Corporations Acts, shall consist in the publication through the Public Press of a true copy of such By-law, and the signature attesting its authenticity, with a notice appended thereto of the time limited by Law for applications to the Courts to quash the same or any part thereof; or in the case of By-laws by which any Rate shall be imposed for any purpose whatsoever, then either by such publication of a copy of such By-law, with such notice as aforesaid, or in lieu thereof by such publication of a notice setting forth the amount of such rate, and giving the substance only of the other parts of such By-law, with a similar notice of the time so limited for such applications to quash as aforesaid, which publication shall for the purpose aforesaid be in each public newspaper published weekly or oftener within the territorial jurisdiction of such Municipal Corporation; or if there be no such public newspaper within such jurisdiction, then in at least two public newspapers published weekly or oftener nearest to such jurisdiction, every which publication shall for the purpose aforesaid be continued in at least three consecutive numbers of such paper: Provided also, thirdly,—that the notice to be appended to every such copy for the purpose aforesaid shall and may be to the effect following, that is to say:</p> <p>“ NOTICE.—The above is a true copy of a By-law passed by the Municipality of the Township of A, in the County of B, one of the United Counties of B, C and D, (or as the case may be,) on the day of , 185 , and (where the approval of the Governor in Council is by law required to give effect to such By-law) approved by His Excellency the Governor General in Council, on the day of , 185 , and all persons are hereby required to take notice, that any one desirous of applying to have such By-law or any part thereof quashed, must make his application for that purpose to one of Her Majesty's Superior Courts of Common Law at Toronto, within six Calendar Months at the farthest after the special promulgation thereof by the publication of this notice in three consecutive numbers of the</p>

SCHEDULE A.—Continued.

Number.	Words, Phrases and Sentences of 12th Vict., cap. 81, (The Upper Canada Municipal Corporations Act of 1849) as they originally stood in that Act, or as they stand amended by the 13th & 14th Vict., cap. 64, (The Upper Canada Municipal Corporations Law Amendment Act of 1850) and of this latter Act, which are repealed by this Act.	Sections, Sub-sections and Provisions of the 12th Vict., c. 81, and of the 13th & 14th Vict., cap. 64, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
			<p>following newspapers, viz:—(here name the newspapers in which the publication is to be made) or he will be too late to be heard in that behalf.</p> <p style="text-align: right;">G. H. Township Clerk.”</p> <p>And that the notice setting forth the amount of such rate, and giving the substance only of the other parts of such By-law, for the purpose aforesaid, shall and may be to the effect following, that is to say :</p> <p>Township A, in the County of B, one of the United Counties of B, C and D, in Upper Canada; to wit :</p> <p>Notice is hereby given, that a By-law intituled (set out the title,) and numbered (give the number by which the By-law is designated,) was on the day of , 185 , passed by the Municipal Corporation of the Township of A, in the County of B, one of the United Counties of B, C and D, in Upper Canada, for the purpose of [here set out in substance the object of the By-law, as “ for the purpose of raising the necessary funds to meet the general public expenses of the Township of for the year 185 ” or “ for the purpose of raising and contracting for a loan of Pounds, for making and macadamizing a Road from to ” or otherwise, as the case may be, (and where the approval of the Governor in Council is by law required to give effect to such By-law,) approved by His Excellency the Governor General in Council, on the day of 185 ;] and all persons are hereby required to take notice, that any one desirous of applying to have such By-law or any part thereof quashed, must make his application for that purpose to one of Her Majesty’s Superior Courts of Common Law at Toronto, within six Calendar Months, at the farthest, after the special promulgation thereof, by the publication of this notice in three consecutive numbers of the following newspapers, viz: (here name the newspapers in which the publication is to be made) or he will be too late to be heard in that behalf.</p> <p style="text-align: right;">G. H. Township Clerk.</p> <p>And provided also, Fourthly, That unless application to quash any such by-law, which shall be so specially promulgated as aforesaid, shall be made within the time so hereby limited for that purpose; such by-law, or so much thereof as shall not be the subject of any such application, and which shall not be quashed upon such application, so far as the same shall ordain, prescribe or direct any thing within the proper competence of such Municipal Corporation to ordain, prescribe, or direct, shall, notwithstanding any want of substance or form, either in such By-law itself, or in the time or manner of passing the same, be to all intents and purposes whatsoever deemed to be and to have been a valid By-law for the purposes intended.”</p>
22	“ Warden, Mayor or Town-reeve by reason ”	12 Vic. c. 81, sec. 166.	“ Warden, Mayor, Townreeve or deputy Townreeve by reason.”

SCHEDULE A. *Continued.*

Number.	Words, Phrases and Sentences of 12th Vict. chap. 81, (The Upper Canada Municipal Corporations Act of 1819) as they originally stood in that Act, or as they stand amended by the 13th and 14th Vict. chap. 61, (The Upper Canada Municipal Corporations Law Amendment Act of 1850) and of this latter Act, which are repealed by this Act.	Sections, Sub sections and Provisoes of the 12th Vict. c. 81, and of the 13th and 14th Vict. cap 61, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
23	" Warden, Mayor or Townreeve as often "	12 Vic. c. 81, sec. 166.	" Warden, Mayor, Townreeve or Deputy Townreeve as often."
24	" it shall be the duty of such Municipal Corporations respectively " (to the end of the section).	12 Vic. c. 81, sec. 177. At the beginning of the section.	" subject to the provisions hereinafter contained, it shall be the duty of such Municipal Corporations, respectively, to cause to be assessed and levied upon the whole rateable property in their several 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 thereof, which shall fall due or become payable within such year, and no By-law hereafter to be passed for creating any such debt, or for contracting any loan, shall be valid or effectual to bind any such Municipal Corporation, unless such By-law shall contain a clause appointing some day within the financial year in which such By-law shall be passed, for the same to take effect and come into operation; nor unless the whole of such debt or loan shall by such By-law, and by the bills, bonds, debentures, or other obligations thereby authorized to be issued for the same, be thereby made payable within twenty years at the farthest (exclusive of the first and last days of such period) from the time that such By-law shall be so appointed to take effect and come into operation; nor 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 such debt or the loan to be contracted, with the interest thereof, nor unless such special rate according to the amount of rateable property in such County, City, Town, Township or Village, as the case may be, as such amount shall have been ascertained by the assessment returns for such County, City, Town, Township or Village, for the financial year next preceding that in which such By-law shall have been passed, shall be sufficient to satisfy and discharge such debt or loan, with the interest thereof, within twenty years at the farthest from the time that such By-law shall be so appointed to take effect and come into operation, and on the days and times and in the manner stipulated by such By-law, and by the bills, bonds, debentures, or other obligations directed to be issued for the amount of such debt or loan, under the authority thereof; 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 created or the loan so contracted, and the interest thereof, shall be fully paid, satisfied and discharged; nor to apply the proceeds, of any such special rate, or any part of such proceeds, to any other purpose than the payment, satisfaction, and discharge of such debt or loan, and the interest thereof, until such debt or loan, with the interest thereof, shall have been fully paid, satisfied and discharged: 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, satisfaction or discharge of such debt or loan, or the interest thereof, by reason of no part thereof being then due and 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 in Council shall think fit to permit, direct or appoint, and to apply all interest or dividends to arise, or be

SCHEDULE A.—Continued.

Number.	Words, Phrases and Sentences of 12 Vict., chap. 81, (The Upper Canada Municipal Corporations Act of 1849) as they originally stood in that Act, or as they stand amended by the 13th & 14th Vict., chap. 61, (The Upper Canada Municipal Corporations Law Amendment Act of 1850) and of this latter Act, which are repealed by this Act.	Sections, Sub-sections and Provisoes of the 12th Vict., c. 81, and of the 13th & 14th Vict., cap. 64, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
			received upon the same, to the like purpose as the amount so levied by such special rate, and no other."
25	" On the alteration of any Road under the authority of this Act where the road thus altered "	12 Vic. c. 81, sec. 188. At the beginning of the section.	" On the stopping up or altering of any road under the authority of this Act, where the road thus stopped up or altered."
26	" ten years "	12 Vic. c. 81, sec. 191, the third Proviso.	" Twenty-one years."
27	" And the two Arbitrators shall "	12 Vic. c. 81, sec. 195.	" or if within three Calendar Months after service of a copy of such By-law certified to be a true copy under the hand of the Clerk of such Corporation on the person or persons owning such property, such person or persons shall omit to name an arbitrator and give notice thereof as aforesaid, it shall and may be lawful for the head of such Corporation to name an arbitrator on behalf of such Corporation, and to give notice thereof to the person or persons owning the said property, and such person or persons shall within three days after such notice name an arbitrator on his or their behalf, and upon such two arbitrators being so named as aforesaid, they shall."
28	" that if the head of the Corporation shall neglect to appoint an Arbitrator for the Corporation within such time as aforesaid,"	12 Vic. c. 81, sec. 195, in second Proviso.	" that if the head of such Corporation, or the person or persons owning such property, shall neglect to appoint an arbitrator within such time as is so prescribed for that purpose as aforesaid."
29	" who, according to the Collector's roll " (<i>to the end of the section.</i>)	13 & 14 Vic c. 64, sec. 15. Between the words " such Municipal Corporation," and the words " or Rolls "	" present at such election, who, according to the Collector's Roll or Rolls of such Township, Village, Town or City, for the year next preceding that for which such election shall be held, shall be assessed for the highest amount, shall have a second or casting vote in such election, and in the event of there being two or more such members assessed for the same amount, but that greater than that of any of the other members present at such election, it shall be decided by lot, between such equally assessed members, which of them shall have the second or casting vote on such election, and such member shall have such second or casting vote on such election accordingly."
30	" secondly that in all cases "	13 & 14 Vic., c. 64, sec. 16. Between the words " provided also " and the words " of an equal division."	" secondly,—That in all cases of an equal division of votes in the election or appointment of a Provisional Warden, a second or casting vote shall belong to such member of such Provisional Municipal Council as would be entitled to the same were it an election for a Warden. And provided also, thirdly, That in all other cases"

SCHEDULE A.—Continued.

Number.	Words, Phrases and Sentences of 12 Vict., chap 81, (The Upper Canada Municipal Corporations Act of 1849), as they originally stood in that Act, or as they stand amended by the 13th & 14th Vict., chap. 61. (The Upper Canada Municipal Corporations Law Amendment Act of 1850) and of this latter Act, which are repealed by this Act.	Sections, Sub-sections and Provisoes of the 12th Vict., c. 81, and of the 13th and 14th Vict., cap 61, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
31	"Or other places dangerous to travellers"	12 Vic., chap. 81, sec. 31. Sub-sec. 15.	"Or other places dangerous to travellers for regulating or preventing the Fishing with nets or seines, or the erection of wires for eels or other fish in any stream, river, or water course within such Township, or such part of any stream, river, or water course, as may be within such Township."

C A P. C X.

An Act to explain and amend the Assessment Law of Upper Canada.

[30th August, 1851.]

Preamble.

13 & 14 V. c. 27.

Intent of the said Act declared as to—

Machinery.

Average Stock of Goods.

In what place any party shall be assessed for Stock of Goods;

Or for income.

Vacant Lots in Towns, &c.

WHEREAS it is expedient to explain and amend, in the manner hereinafter mentioned, the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to establish a more equal and just system of Assessment in the several Townships, Villages, Towns and Cities in Upper Canada*, hereinafter called *The Upper Canada Assessment Act of 1850*: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it was and is the intention of the said *Upper Canada Assessment Act of 1850*—

That all machinery so fixed in any building or real property as to form in law part of the realty, shall be valued and assessed as part of such building or property :

That in the average stock of goods on hand of every merchant, trader or dealer, manufacturer, tradesman or mechanic, all materials intended to be used by him in the manufacture of any goods, in whatever state such materials may be, as well as the manufactured goods themselves, whether in a complete or incomplete state, shall be included :

That every person, partnership, company, or body corporate, should be assessed for his, her, or their average stock of goods as aforesaid, in the place where such stock of goods is kept, or, if it be kept partly in one place and partly in another, then in each such place for the average stock there, although such person, or any member of such partnership, company, or body corporate, should reside elsewhere ; but no person assessed for such stock, or any part thereof, for a greater amount than his income, shall be liable to be taxed upon his income, in the same or any other place :

That every person liable to be assessed upon his income, shall be so assessed in the Municipality wherein he resides, although the place at which he exercises the trade, calling, office, or profession from which such income is derived, may be within some other Municipality :

That every vacant Lot in a City, Incorporated Town or Village, shall be assessed at its actual value, and six per cent. thereon shall be deemed its yearly value ; and no Lot having