

*The Provincial Statutes of Canada*, passed in the year 1841. Kingston: Stewart Derbishire & George Desbarats, 1841.

4 & 5 Victoria – Chapter 10

**An Act to provide for the better internal Government of that part of this Province which formerly constituted the Province of Upper Canada, by the establishment of Local or Municipal Authorities therein. 27th August, 1841.**

Whereas, for the better protection and management of the local interests of Her Majesty's subjects in that part of this Province which formerly constituted the Province of Upper Canada, it is expedient that Municipal Authorities be established in the several Districts of that portion of the Province; Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that the inhabitants of each of the Districts in that part of this Province which formerly constituted the Province of Upper Canada, and of each and every District which may be hereafter established in that portion of this Province, in the manner by law provided, shall upon, from and after, the first Monday in January, in the year of our Lord, cue thousand eight hundred and forty-two, be a Body Corporate, and as such shall have perpetual succession, and a Common Seal, with power to break, renew, and alter the same at pleasure, and shall be capable in Law, of suing and being sued, and of purchasing and holding lands and tenements, situate within the limits of such District, for the use of the said inhabitants, and of making and entering into such contracts and agreements as may be necessary for the exercise of their corporate functions; and that the powers aforesaid shall be exercised by and through, and in the name of the Council of every such District respectively.

II. Provided always, and be it enacted, that it shall not be lawful for the inhabitants of any District incorporated as aforesaid, to exercise any other powers of a corporation, except such as are herein mentioned, or such as shall be expressly conferred by the Legislature of this Province, or such as shall be necessary for the due execution of the powers herein granted.

III. And be it enacted, that there shall be a District Council in each such District as aforesaid, which District Council shall consist of a Warden and Councillors, to be appointed and elected as hereinafter provided.

IV. And be it enacted, that it shall be lawful for the Governor of this Province by Letters Patent, to be issued under the Great Seal of this Province, to appoint from time to time, as occasion may require, one fit and proper person to be Warden of and in each of the said Districts, for the purposes of this Act; and such Warden shall hold his office during pleasure.

V. And be it enacted, that at the first meeting of the Inhabitant Freeholders and Householders of the several Townships, or reputed Townships, or unions of Townships and of reputed Townships, in the Districts aforesaid, respectively, to be held next after the passing of this Act, in pursuance of a certain Act of the Parliament of the late Province of Upper Canada, passed in the first year of Her Majesty's reign, and intituled *An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers*, there shall be elected by the said Inhabitant Freeholders and Householders, assembled and qualified in the manner prescribed by the said Act, one or two Councillors, to be members of the said District Councils, respectively, according as such local divisions as aforesaid, may by reason of the amount of their population, and according to the provisions hereinafter contained, be empowered and required to elect one or two Councillors; and at each succeeding annual meeting, to be held as aforesaid, there shall be elected by the Inhabitant Freeholders and Householders, assembled and qualified as aforesaid, a Councillor or Councillors, to supply the place of the Councillor or Councillors (if any there be) who, having been elected for the local division for which the meeting shall be held, shall have vacated his or their seat or seats, in the manner hereinafter provided, and a Councillor to represent such local division in the District Council, if such local division shall, since the then last election, have become entitled to elect two such Councillors instead of one.

VI. And be it enacted, that it shall be the duty of the Collector or Collectors in the locality for which any such election shall be held, to furnish to the Town Clerk, at least six days before the time appointed for such election, a certified list of all the Inhabitant freeholders and householders entered upon the then last assessment roll for such locality; and those persons only whose names are entered on such list shall vote at the election; and it shall be lawful for the Town Clerk to require of and administer to any person claiming to be one of the persons entered in such list, the following oath:

"I do swear (or solemnly affirm) that I am A. B. whose name is entered on the assessment roll for the Township of \_\_\_\_, (or as the case may be) and that I have not already voted at this election."  
But no other proof of qualification shall be then required of any such person.

VII. And be it enacted, that the said Inhabitant Freeholders and Householders shall at every such meeting, first proceed to the election of a Councillor or Councillors, and the poll for such election, if demanded by any Candidate, or by any three Electors then present, shall be kept open to an hour not later than three in the afternoon of the day of such meeting, and shall then finally close; and poll lists shall be kept at such election by the Town Clerk, or person presiding at the same, in the form of the Schedule hereunto annexed; and after the final close of such poll the person so presiding shall forthwith proceed publicly to declare the number of votes given for each Candidate, and shall declare the person or persons having the majority of votes in his or their favour, to be duly elected Councillor or Councillors as aforesaid; and if there should be, at such final closing of the poll, an equal number of votes polled for two or more persons to be Councillors as aforesaid, it shall be lawful for the person presiding at such election, and he is hereby required, whether otherwise qualified or not, to give a vote for one or other of the persons having such equality of votes, and so determine the election; and the poll lists kept at such election shall, by the

person so presiding, be delivered, after the conclusion of every such election, to the Clerk of the Peace of the District for which such election shall have been held.

VIII. And be it enacted, that before the person presiding at such Election of Councillor or Councillors shall proceed to poll the votes thereat, he shall subscribe and take the following oath, before some Justice of the Peace of the District, who is hereby empowered and required to administer the same, and who shall certify and return such affidavit to the Warden of the District, to be by him delivered to the Clerk of the Council, for safe keeping among the records and papers of the Council.

“I, C. D., do swear (or solemnly affirm) that I have not, directly or indirectly, by myself or any other person, received any fee, gift, gratuity or reward either in money or otherwise, or the promise of any as a consideration, for my returning or effecting the return of any person as a Member of the District Council for the district of \_\_\_\_ (as the case may be); that I will, to the best of my skill and ability, fairly, honestly and faithfully, conduct the present election for the choice of a Member (or Members as the case may be) of the said Council, and truly return the Candidate (or Candidates, if two Members are to be chosen) who at the final close shall appear to have the Majority of votes, and that I will use my best endeavours to preserve peace and order at such election, and to give all persons entitled to vote, free and unmolested access to and from the poll.”

IX. And be it enacted, that the person presiding at every such election shall, during the day and days on which the election may be held, be fully empowered to act as a Conservator of the Peace in and for the District; and such person presiding, or any Justice or Justices of the Peace present at such election, shall and may arrest, or cause to be arrested, and may try or bind over for trial, or similarly punish by fine or imprisonment, or both, any riotous or disorderly person or persons, or any person or persons who may assault, beat, molest or threaten, any Elector at, coming to, or returning from the said election; and when thereto required, all Constables and others at the said election are enjoined to aid and assist such person presiding, and Justice or Justices of the Peace, in discharging such duties, under pain of being deemed guilty of a misdemeanor and liable to punishment therefor; and all Justices of the Peace residing in the Township wherein the election is held shall, upon being notified in writing by such person presiding, attend at such election for the purpose of aiding in preserving peace and order thereat; and such Justice or Justices, or person presiding, shall and may, when they consider it necessary, appoint and swear in any number of special Constables, not exceeding twenty-five, to act as peace officers and assist in maintaining peace and order at such election.

X. And be it enacted, that, the number of Councillors, to be elected for each of the said Districts, shall be regulated as follows, that is to say:— Every Township or reputed Township, entitled to elect Township Officers shall also be entitled to elect one Councillor, and if in such Township, or reputed Township, there shall be more than three hundred inhabitant Freeholders and Householders in such assessment List as aforesaid, such place shall be entitled to elect two Councillors; and no Township shall be entitled to elect more than two Councillors: Provided always, that the unions of Townships and of reputed Townships, to be made in pursuance of the

Act of the Parliament of the late Province of Upper Canada, hereinbefore cited, shall be taken and considered to constitute Townships for all the purposes of this Act.

XI. And be it enacted, that every person to be elected a member of a District Council, as aforesaid, shall be resident within the Township, or reputed Township, for which he shall be elected, and shall be seized and possessed to his own use, in fee, of lands and tenements within the District in which such local divisions respectively shall be situate, or within some one or other of the Districts next adjoining such District, of the real value of three hundred pounds currency, over and above all charges and incumbrances, due and payable upon or out of the same.

XII. And be it enacted, that no person being in Holy Orders, or being a Minister or Teacher of any religious sect or congregation, nor any Judge or Judges of any Court of civil jurisdiction, nor any Military, Naval or Marine Officer in Her Majesty's service, on full pay, nor any person accountable for the District revenues nor any person receiving any pecuniary allowance from the District for his services, nor any person having, directly or indirectly, by himself or his partner, any contract or any share or interest in any contract, with or on behalf of the District, shall be qualified to be elected a Councillor in any District Council to be constituted under this Act.

XIII. And be it enacted, that no person shall be capable of being elected a Councillor, in any such District Council, who shall be attainted for treason or felony, in any Court of Law in any of Her Majesty's dominions.

XIV. And be it enacted, that every person duly qualified, who shall be elected to the office of Councillor, in any such District Council, shall accept such office, or in default thereof shall pay to the Treasurer of the District, in which he shall have been so elected, a fine not exceeding the sum of ten pounds currency, or such other fine instead thereof as may hereafter be provided by a By-law of such Council, to be made in this behalf; and the said fine, if not duly paid, shall, together with the reasonable costs of recovering the same, be levied by distress and sale of the goods and chattels of the person so refusing to accept office, in execution of the warrant of any Justice of the Peace having jurisdiction within the District, who is hereby required, on the application of the Council, and after the conviction of the person so making default, by confession, or on the oath of one or more credible witnesses, to issue such warrant; and the fine so recovered shall be accounted for by the Treasurer, as part of the District Funds in his hands: And Provided also, that no person shall be liable to such fine as aforesaid, who shall, prior to such conviction, make oath before the Justice of the Peace before whom he shall be prosecuted, that he has not the qualification in property hereby required for a district Councillor. And Provided also, that no person disabled by permanent infirmity of body or mind, nor any person above the age of sixty-five years, nor any person who within five years, from the day on which he shall have been so elected, shall have served in the office of Councillor, or paid a fine for not serving in the same, shall be liable to such line as aforesaid.

XV. And be it enacted, that no person elected a Councillor as aforesaid, shall be capable of acting as such until he shall have taken and subscribed before the Warden of the District, or one of the Justices of the Peace, who shall have authorized the election (who are hereby empowered to

administer the said oaths,) the oath of allegiance to Her Majesty, Her Heirs and Successors, and also an oath in the words or to the effect following, that is to say—

"I, A. B., having been elected a Councillor in the District Council of \_\_\_\_\_ do hereby sincerely and solemnly swear (or affirm) that I will faithfully fulfil the duties of the said office, according to the best of my judgment and ability; and that I am seized and possessed, to my own use, of lands held in fee, viz. (describing the lands) and that the said lands are within the District of \_\_\_\_\_ and are of the real value of three hundred pounds, currency, over and above all charges and incumbrances due and payable upon or out of the same; and that I have not fraudulently or collusively obtained the same for the purpose of qualifying me to be elected as aforesaid: So help me God."

XVI. And be it enacted, that every person duly qualified, who shall be elected to the Office of Councillor as aforesaid, shall take and subscribe the oaths hereinbefore mentioned, within ten days after notice of his election; and in default, thereof such person shall be deemed to have refused to accept the said Office; and shall be liable to pay the fine aforesaid as for non-acceptance of office, and the said office shall thenceforward be deemed to be vacant, and shall be filled up by another election.

XVII. And be it enacted, that in cases where any person elected shall prove to be disqualified or shall claim and prove exemption, or where any duly qualified person, elected to the office of Councillor in any of the said Districts, shall refuse to accept such office, or shall refuse or neglect to take and subscribe the above mentioned oaths, it shall be lawful for the Justices of the Peace, who shall have signed the Warrant for the Township meeting, at which such person was elected, or for either of such Justices, as often as such case of refusal or neglect shall occur, to issue his or their Warrants to the Township Clerk, authorizing him on a day to be named in the Warrant, (of which day not less than five days notice shall be given in the same manner as is by law required with regard to the annual Township meeting, to the electors qualified as aforesaid) to proceed to another election of a fit and proper person to supply the place of the person who shall have so refused or neglected to accept, office, or to take and subscribe the said oaths; and the Councillor who may be elected at such new election, shall hold office until the time at which the person in whose place he may have been elected, would according to the provisions hereinafter contained, have gone out of office, and no longer, but shall be capable of immediate re-election unless otherwise disqualified.

XVIII. And be it enacted, that if a vacancy or vacancies in any of the said Councils, whether arising from the death of any of the Councillors, or other cause shall occur before the annual period of election hereinbefore prescribed, it shall be lawful for the Warden of the District in which such vacancy or vacancies shall have occurred to issue in the name of Her Majesty, Her Heirs or Successors, a Warrant attested by him under his hand and seal, directed to the Clerk of the Township, or reputed Township, for which such vacancy or vacancies shall have occurred, requiring him, after five days notice to be given in the manner mentioned in the next preceding section to the electors qualified as aforesaid, to cause an election to be made of a Councillor or Councillors, to supply such vacancy or vacancies; which Warrant shall, by such Town Clerk, be duly

executed; and every Councillor elected under such Warrant, shall vacate his seat in the Council, at the time when the person in whose stead he shall have been chosen would, according to the provisions hereinafter contained, have vacated his seat, but shall be capable of immediate re-election, if not otherwise disqualified: Provided always, that no such Warrant shall be issued as aforesaid, after the third quarterly meeting in any year.

XIX. And be it further enacted, that on the first Monday in January, in the year next following that in which the first election shall be had, and on the same day in every succeeding year, one third part of the entire number of Councillors in every District shall go out of office; and at the last quarterly meeting of each and every District Council, in the year in which such first election shall be had, it shall be determined by lot, which among the Councillors shall go out of office for that year, and for the next succeeding year; but thenceforward, in all future, years, those persons who shall have been Councillors, without re-election, for the longest time, shall vacate their seats: Provided always, that when any District Council shall consist of a number of Councillors not divisible into three equal parts, it shall be lawful for such District Council, by a By-law to be made in this behalf, to fix and determine the number of Councillors to go out of office at the end of the first and second years respectively, which number shall be as near one third of the whole number of Councillors as may be; and the number to go out of office, shall be so regulated by such By-law, that at the end of three years, none of the Councillors elected at the first election shall remain in office: And Provided also, that every Councillor who shall so go out of office shall, if not otherwise disqualified, be capable of being immediately re-elected.

XX. And be it enacted, that in order to determine, in each of the said Councils, what Councillors are to vacate their seats as aforesaid, in the first and second years after the first election under this Act, the Clerk of the Council or other officer to be appointed for that purpose by the Council, shall, at the last quarterly meeting of such Council, to be held in the year in which such first election as aforesaid shall be had, write the name of each of the Councillors on a piece of paper, and place the same folded up in a glass or box, from which the names shall be drawn by some person appointed by the Council for that purpose; and the third of the said Councillors (or the number of Councillors to go out in pursuance of the By-law to be made in that behalf as aforesaid) who shall vacate their seats in the year then next following, shall be those whose names shall be first drawn; and the third of the said Councillors, or the number to go out of office in pursuance of such By-law as aforesaid, who shall vacate their seats in the next succeeding year, shall be those whose names shall be next drawn.

XXI. And be it enacted, that at all meetings of every such Council, the Warden of the District shall preside; and, in case of his absence, death or incapacity to act, or of any accidental vacancy in the office of Warden, the members shall choose, from the Councillors present, one of their number to be temporary Chairman in the place of such Warden, during his absence, or during such accidental vacancy in the office of Warden.

XXII. And be it enacted, that there shall be in each year, four quarterly meetings of every District Council constituted under the authority of this Act, which meetings shall commence on the second Tuesday in the months of February, May, August and November, respectively; and the said

meetings shall not at any time be held for a longer period than six successive days, (Sundays excepted) and at no meeting of any such Council, shall any matter be deliberated or determined on except such matters as fall within the scope of the powers and jurisdiction of such Council.

XXIII. Provided always, and be it enacted, that extraordinary meetings of any such Councils may be held by and under the authority of the Governor of this Province, signified in writing to the Warden of the District, who shall give due notice thereof to the Councillors of the District; and no such extraordinary meeting shall continue beyond the period of six days; and no matters shall be deliberated or determined on, at any such extraordinary meeting, except those for which the same shall have been specially convened.

XXIV. And be it enacted, that the meetings of the Council of each District, respectively, shall be open to the public, and shall be held at the place at which the sittings of the District Court for the same District are or may be appointed to be held; and may be held in the Court House of the District, unless some other building shall be provided for the purpose.

XXV. And be it enacted, that all acts whatsoever, authorized or required by virtue of this Act, to be done by the Council of any of the said Districts, and all questions of adjournment or other questions that may come before any meeting of such Council, may and shall be done and decided by the majority of votes of the members present at such meeting, other than the Warden; and the Warden, or in the absence of the Warden, the temporary Chairman shall, in all cases of equality of votes, have a casting vote; but the Warden shall not vote except in such case of equality, and the temporary Chairman shall vote first as a member of the Council, and shall then, if there be such equality, have a casting vote; and in order to constitute a quorum, there shall be present at every such meeting, a majority of the entire number of Councillors, by which such District, is entitled to be represented in such Council: Provided always, that no District Council shall be incompetent to proceed to business, if a quorum be present, although all the Councillors by which the District is entitled to be represented may not then have been elected, or have taken the oaths requisite to enable them to sit.

XXVI. And be it enacted, that minutes of the proceedings of all the meetings of the said Councils shall be drawn up and fairly entered in a book to be kept for that purpose by the Clerks of the said Councils, respectively; and such minutes shall be signed by the Warden or temporary Chairman who shall preside at the meeting, and shall be open to inspection by any elector of the District, at all seasonable times, on payment of a fee of one shilling.

XXVII. And be it enacted, that it shall be lawful for each of the said Councils, to appoint from and out of the Councillors elected to serve in such Council, such and so many Committees, consisting of such number of persons as they may think fit: Provided always, that it shall not be lawful for such Committees to sit or meet on any days except those appointed for the meetings of the Council; and that such Committees shall be subject in all things to the authority, controul and approval, of the Council.

XXVIII. And be it enacted, that from and out of a list of three fit and proper persons, to be submitted by each of the said Councils to the Governor of this Province, it shall be lawful for the said Governor to select one to be, and be called the District Clerk; and every such Clerk shall be appointed by an Instrument to be issued under the Great Seal of this Province, and shall hold his office during pleasure; Provided always, that if at the first meeting under this Act, or at the next quarterly meeting after any vacancy shall have occurred in the office of District Clerk, or at any extraordinary meeting to be called for the purpose of filling up such vacancy, any such Council shall fail to agree upon the three names to be submitted as aforesaid to the said Governor, then it shall be lawful for the said Governor to appoint some fit and proper person to be such Clerk: And provided also, that it shall be lawful for the Warden to appoint a person to act as Clerk until such time as a Clerk shall be appointed in the manner hereinbefore provided.

XXIX. And be it enacted, that upon from and after the said first day of January, in the year of our Lord one thousand eight hundred and forty-two, the power now vested in the Justices of the Peace in any District, to appoint the District Treasurer thereof, shall cease and determine, and the office of each and every District Treasurer so appointed before the said day, shall be vacated upon, from and after the same; and it shall be lawful for the Governor of this Province, to appoint in each of the said Districts, one fit and proper person to be, and be called the District Treasurer, and to hold his office during pleasure; and such appointment shall be made by an Instrument to be issued under the Great Seal of this Province, after the person named by the said Governor shall have first given good and sufficient security, to be ascertained and determined by the said Governor, for the due execution of the office of Treasurer, and for the faithful accounting for all the monies which may come into his hands by virtue of the said office; and such appointment may be made at any time after the passing of this Act, but the District Treasurer so appointed shall not enter upon any of the functions of his office until the day last aforesaid.

XXX. And be it enacted, that it shall be the duty of the Treasurer of each of the said Districts, respectively, to receive all monies which shall be raised under any by-law to be made as hereinafter provided, by the Council of the District wherein he shall have been appointed Treasurer, and also all monies which under any Act of competent Legislative authority within this Province, have been or shall be directed to be paid to or received by any District Treasurer, and to apply and account for the same in such manner as may be prescribed by any By-law of such Council, or by any Act of such competent Legislative authority as aforesaid.

XXXI. And be it enacted, that each District Treasurer appointed under the authority of this Act, shall upon, from and after the day last aforesaid, be to all intents and purposes substituted to and for the District Treasurer appointed for the same District in the manner now authorized by Law, and shall have the same rights and powers with regard to such former District Treasurer, his sureties, and all other parties concerned, as if he had succeeded to such former District Treasurer by virtue of an appointment made in the manner now provided by law, on the removal from office of such former District Treasurer; saving only that he shall be under the controul of, and accountable to the District Council, and the Auditors hereinafter mentioned, touching all matters and things within the scope of the powers and jurisdiction of the District Council, and shall not with regard to such matters and things he under the control of and accountable to the Justices of the



Peace for the District; and upon, from and after the said day, each District Treasurer appointed under this Act, shall have all the rights, powers and authority, and shall be subject to all the duties, obligations and liabilities, which the District Treasurer, appointed for the same District by the Justices of the Peace, would have had, or would have been subject to, if this Act had not been passed; saving always, that he shall not be under the controul of, or accountable to the Justices of the Peace for the District, but shall be under the controul of, and accountable to the District Council, and the Auditors hereinafter mentioned, touching all matters and things within the scope of the powers and jurisdiction of the District Council, but shall with regard to all other matters and things be and remain under the controul of, and accountable to the Justices of the Peace for the District, and to other authorities and parties, as the District Treasurer appointed for the same District by the said Justices would have been, if this Act had not been passed.

XXXII. And be it enacted, that every District Treasurer shall, in books to be kept for that purpose, enter true accounts of all sums of money by him received and paid, and for which he may be accountable to the District Council, or to the Auditors hereinafter mentioned, and of the several matters for which the same shall have been received and paid; and the books so kept, shall at all seasonable times, be open to the inspection of every Member of the Council; and all such accounts, together with all vouchers and papers relating thereto, shall four times in every year, that is to say, within one month after every quarterly meeting be submitted, together with an abstract of such accounts for the last year, by the Treasurer to the District Auditors, (to be appointed as hereinafter provided) for the purpose of being by them examined and audited: and if the said accounts shall be found to be correct, the same shall be approved and allowed by the said Auditors; and after the said accounts shall have been so examined and audited, the said Auditors shall make their report thereon to the Council at its next quarterly meeting; and every such abstract and report shall be open at all seasonable times to the inspection of any inhabitant of the District, who shall also be entitled to copies thereof, on payment of such reasonable fee for the same as the Council shall establish.

XXXIII. Provided always, and be it enacted, that no District Treasurer appointed under this Act, shall be entitled to any salary, per centage, or remuneration whatever, for any service performed under the direction or controul of the District Council, on any monies for which he shall be accountable to the District Auditors, unless and until his accounts shall have been duly audited, approved and allowed by such District Auditors; and in every bond and other security given by any such Treasurer for the due execution of his office, it shall be expressly conditioned that he shall render true accounts to such Auditors, within the time and times prescribed by this Act, or within the time and times which shall be prescribed by any other laws which shall be in force in that behalf; and so much of any Act or Law now in force as may be inconsistent with the provisions of this Section, shall be and is hereby repealed.

XXXIV. And be it enacted, that there shall be appointed at the first quarterly meeting in each year, for each District, two persons to be and be called "District Auditors," one of whom shall be appointed by the Warden of the District, and the other elected by the Council: Provided always, that no person shall be appointed or elected Auditor, who shall be a member of the Council, or the Clerk, or Treasurer, or Surveyor of the District, nor any person who shall have directly or indirectly,

by himself or in conjunction with any other person, any share or interest in any contract or employment with, by or on behalf of such Council: And provided also, that no person appointed or elected an Auditor for the District, shall be capable of acting as such, unless he shall have previously made and subscribed before any two of the Councillors for such District, (who are hereby authorized to administer the same) an oath in the words, or to the effect following, that is to say:—

“I. A. B., having been appointed (or elected, as the case may be) to the office of Auditor, for the District of \_\_\_ do hereby promise and swear, that I will faithfully perform the duties thereof, according to the best of my judgment and ability; and I do hereby solemnly declare and swear, that I have not, directly or indirectly, any share or interest whatever, in any contract or employment with, by, or on behalf of the Council of this District: So help me God.”

XXXV. And be it enacted, that every person authorized by law to make an affirmation instead of taking an oath, shall make such affirmation in every case in which by this Act an oath is required to be taken: and if any person taking any oath required by this Act, or making any affirmation instead of taking such oath, shall wilfully swear or affirm falsely, such person shall be deemed guilty of wilful and corrupt perjury, and be liable to the pains and penalties by law provided for that offence.

XXXVI. And be it enacted, that it shall be the duty of the Auditors in each of the said Districts, to examine, settle and allow, or report upon, all accounts which may be chargeable upon or may concern their Districts, respectively, and which may relate to any matter or thing under the controul of, or within the jurisdiction of the District Council, and may then remain unsettled, whether such accounts relate to debts or liabilities of or to the District, contracted before or after the said first day of January, one thousand eight hundred and forty two; and also to examine and audit the accounts of the Township Officer or Officers of reputed Townships, appointed or hereafter to be appointed in pursuance of the aforesaid Act of the Parliament of Upper Canada, and the accounts of all other persons, against their respective Townships; and the said Auditors shall, for the purpose last aforesaid, be substituted for the Town Wardens appointed under the authority of the said Act.

XXXVII. And be it enacted, that it shall be lawful for the Warden of each of the said Districts, respectively, with the approbation of the Governor of the Province, for the time being, to appoint in and for his District, some fit and proper person to be and be called “The District Surveyor,” whose duty it shall be to superintend the execution of all works undertaken in pursuance of any by-law of the Council of such District, and to take care of all fixed property belonging to such District, and to examine and report upon all estimates of proposed works, and to enforce the observance of all contracts for the execution of works undertaken for or on behalf of the said District, and to report annually, or oftener if need be, to the said Warden, upon the state of the works in progress, and of the fixed property belonging to such District: and all such annual or other reports shall be laid by the Warden before the District Council, at the quarterly meeting next after any such report shall have been received, together with an estimate of the probable expense of carrying on such works, and managing such fixed property, during the then current or next

ensuing year: Provided always, that no person shall be appointed to be such Surveyor, unless and until he shall have been examined and declared qualified for the office, by the Board of Works for this Province, or by some other competent person or persons to be named for that purpose by the Governor of this Province.

XXXVIII. And be it enacted, that it shall not be lawful for any person to hold at the same time more than one of the District offices hereby created; nor shall it be lawful for the partner of any such District officer to hold any District office in the same District wherein such officer shall be employed; nor shall it be lawful for any such officer to have directly or indirectly, any share or interest whatsoever, either by himself or his partner, in any contract for executing any work to be undertaken by, for, or on behalf of, the Council of such District.

XXXIX. And be it enacted, that it shall be lawful for each of the said Councils, in the said Districts, respectively, to make By-laws for all or any of the following purposes, that is to say:

For the making, maintaining, or improving, of any new or existing road, street, or other convenient communication and means of transit within the limits of the District, or for the stopping up, altering, or diverting of any road, street or communication, within the limits aforesaid;

For the erection, preservation and repair of new or existing bridges and public buildings;

For the purchase of such real property, situate within the limits of each such District, respectively, as may be required for the use of the inhabitants thereof;

For the sale of such part or parts of the real property belonging to such Districts, respectively, as may have ceased to be useful to the said Inhabitants;

For the superintendence and management of all property belonging to the said Districts, respectively;

For providing means for defraying such expenses of or connected with the administration of Justice within the said Districts, respectively, as are or may be hereinafter by law directed to be defrayed by the District, or out of the District Funds;

For providing for the establishment of and a reasonable allowance for the support of Schools;

For raising, assessing, levying and appropriating, such monies as may be required for the purpose of carrying into effect all or any of the objects for which the said District Councils, respectively, are hereby empowered to make By-laws: which monies shall be raised either by means of tolls, to be paid in respect of any public work or works, within the limits of the said Districts, respectively, or by means of rates or assessments to be assessed and levied on real or personal property, or both, within the limits of such Districts, or in respect of such property, upon the owners and occupiers thereof;

For the collection of and accounting for all tolls, rates and assessments, imposed or raised under the authority of any such Council, and of the revenues belonging to such Districts, respectively;

For imposing and determining reasonable penalties to be recovered from such persons as having been elected to offices, as hereinbefore provided, shall refuse to serve the same, or refuse or neglect to take and subscribe the oaths of office, as hereinbefore prescribed, for such officers, respectively;

For determining the amount and manner and time of payment of all salaries or other remuneration of District officers, to be appointed under the authority of this Act;

For determining the amount of salary, fees or emoluments, which shall be received by the severed Township Officers within the limits of such Districts, respectively, to be appointed or elected in pursuance of any Act or other Law now in force, or which may hereafter be in force in that part of this Province to which this Act applies;

For establishing a rate of commutation to be paid in money by each person bound to perform Statute Labour on any Road within the District, in lieu of such labour, and for directing how such commutation money shall be collected, levied and applied; and

For providing for any other purpose, matter or thing, which shall be specially subjected to the direction and control of the said District Councils, respectively, by any Act of the Legislature of this Province: but no such By-law shall impose any punishment of imprisonment, or any penalty exceeding five pounds.

XL. Provided always, and be it further enacted, that it shall not be lawful for any such District Council as aforesaid, to impose, lay or levy, any rate or assessment whatever on any lands or tenements, goods or chattels, real or personal estates, belonging to Her Majesty, Her Heirs or Successors.

XLI. Provided also, and be it enacted, that in assessing any rate or tax which shall be levied under the authority of this Act, such property only shall be assessed as is now liable by law to be assessed for rates in any District, and that in making such assessment, all such property shall be respectively valued at the rates, at which it is by law directed to be valued, in making assessments of such rates as aforesaid for any District: Provided always, that the assessment shall not in any case exceed the sum of two pence in the pound on the assessed value: Provided also, that the sum to be raised under any By-law shall be limited by such By-law, and shall afterwards be apportioned and assessed equally upon all property, except land liable to assessment within the locality in which such sum is to be raised according to the value assigned to such property by the Assessment Laws aforesaid; but it shall be lawful for any District Council, by any such By-law as aforesaid, to direct that all the land within the District shall be rated and assessed for such parts of the sum to be raised under such By-law, as to the said Council shall seem expedient, provided the total amount of rates or taxes levied for District purposes, in any one year, on the land within any District, shall not exceed one penny halfpenny currency per acre.

XLII. And be it enacted, that all existing rates now lawfully imposed in any District, for any purpose within the scope of the powers of the District Council, and in force on the said first day of January, one thousand eight hundred and forty two, shall continue in force and shall be paid over to and received by the Treasurer, to be appointed under this Act for such District and shall be collected by the Collectors of the several Townships and places within the District, until it shall be otherwise provided by a By-law of the District Council.

XLIII. And be it enacted, that all lawful debts and liabilities of any District, or of the Justices or Treasurer for the same, in respect of such District, shall be assumed and paid by the District Council thereof, upon, from and after the said first day of January, one thousand eight hundred and forty two, on the same terms and conditions as they would have been payable by or might have been enforced against such District Treasurer or Justices; and all debts, obligations, and liabilities of any kind whatever, due to or contracted in favour of such District, or to or in favour of such Treasurer or Justices in respect thereof, and all property whatsoever belonging to the District, shall at the said time become vested in and due to, and may be enforced by the District Council, on the same terms and conditions as they would have been due to and might have been enforced by, such District, or the Justices of the Peace or Treasurer for the same, if this Act had not been passed: Provided always, that, it shall not be lawful for any District Council to issue or authorize the issue of any bill or note, or in any way to act as Bankers, or to authorize any person or party to act as such.

XLIV. And be it enacted, that all allowances or per centage, granted to any Collector or Treasurer by the laws now in force, on monies collected or received by him which will, after the said first day of January, one thousand eight hundred and forty-two, be subject to the disposal and controul of the District Council, shall, from and after the said day, continue to be allowed to such Collector or Treasurer until it be otherwise ordered by a By-law of the Council; subject always to the provision hereinbefore mentioned as to the auditing of the accounts relative to such monies; and all salaries, wages and allowances of any kind now granted to any Township Officer or to the Clerk of the Peace, for any services performed with regard to matters hereby placed under the controul of the District Council, shall continue to be allowed and paid until it shall be otherwise ordered by such Council.

XLV. And be it enacted, that all rules, orders and regulations, of any kind, made before the day last aforesaid, by the Justices of the Peace, for any District, relative to any rate, assessment, road, public work, matter or thing, hereby placed under the controul of the District Council, shall remain in force and effect until it be otherwise ordered by a By-law of the District Council.

XLVI. Provided always, and be it enacted, that it shall not be lawful for any such Council to pass any By-law for performing any public work, not commenced or ordered to be commenced by the Justices of the Peace for the District, before the day last aforesaid, without having first received an estimate of such work, prepared or examined, and reported upon by the District Surveyor; and if the cost of such work will, in the opinion of the said Surveyor, exceed the sum of Three Hundred Pounds, currency, such estimate shall also be examined and reported upon by the Board of Works

for this Province, or by some other competent body or person for that purpose, to be appointed by the Governor of this Province: And provided also, that every such work to be executed in pursuance of any such By-law, shall be executed under a contract in writing, in conformity with and subject to such general regulations as shall from time to time be made touching the terms and the mode of execution of any such contracts by the Board of Works of this Province.

XLVII. Provided always, and be it enacted, that an authentic copy of every By-law passed by any District Council, shall forthwith after the passing thereof, be transmitted by the Warden of the District, or the Chairman of the District Council who may have supplied his place, to the Secretary of the Province, who shall, on receipt of the same, note on the copy so received, the time of its receipt, and shall lay the same before the Governor of the Province; and no such By-law shall be of any force until the expiration of thirty days after an authentic copy thereof shall have been received as aforesaid; and it shall be lawful for the Governor of this Province, by and with the advice of Her Majesty's Executive Council, at any time within the said period of thirty days, by his order in Council, to declare his disallowance of any such By-law, and such disallowance, together with a certificate under the hand of such Secretary of the Province, certifying the day on which such By-law was received as aforesaid, shall, with all convenient speed, be signified to the Warden of the District wherein such By-law shall have been passed; and such By-law, so disallowed, shall be void and of no effect: And provided also, that any By-law repugnant to the law of the land, or to any of the provisions of this Act, shall be void and of no effect.

XLVIII. And be it enacted, that the said District Councils, at their quarterly meetings aforesaid, shall have power to authorize and direct the raising of such sums of money, by the several Townships, or reputed Townships, or by any locality within such Districts, respectively, as may be requisite for the payment of all salaries and accounts due to Township officers and other persons, by such Townships, or reputed Townships, respectively, or to defray the cost of any work which the Council may direct to be performed at the expense of such Township, or Townships, or locality.

XLIX. And be it enacted, that the Warden of each of the said Districts shall, at the end of each year, transmit to the Governor of this Province, a statement of the accounts of the District, exhibiting an abstract of the receipts and expenditure during the preceding year; and all such accounts so transmitted shall, by the said Governor, be laid before the two Houses of the Legislature of this Province, at the Session of the Provincial Parliament next following the transmission of the said accounts.

L. And be it enacted, that no Councillor shall, in any case, receive or be entitled to any wages, allowance, profit or emolument whatever, for his services as such Councillor, or by reason of his being such Councillor.

LI. And be it enacted, that all and every the power and authority which by any Act or Acts in force within that part of this Province which formerly constituted the Province of Upper Canada, are now vested in the Justices of the Peace for the several Districts, with regard to highways and bridges or work connected therewith, and to the appointment of Surveyors of roads and other Road Officers, or to the making of any rates or assessments for any purpose connected with any of

the subjects concerning which power is hereby given to the District Council to make By-laws, or to the making of any order, rules or regulations, touching any such subject, shall from and after the said first day of January, one thousand eight hundred and forty two, become and be vested in and may be exercised by the District Council for such Districts, respectively, within the limits thereof: Provided always, that it shall not be necessary for the exercise of the said powers, whether in relation to any old road, bridge, or other work connected with any highway, or the laying out, erection or performance of any new road, bridge or work, or to any other such subject as aforesaid, that any Report of any Surveyor or Surveyors of Roads should be made to, or directed to be made by the District Council, or that, any other formality of any kind now requisite should be observed, nor shall the intervention of any Court or other authority whatsoever be required previous to the passing of any by-law to be made by the District Council in any such matter as aforesaid; but such District Council may upon such information and after such inquiry as they may deem sufficient, order and require by a By-law, that any thing be done in any such behalf as aforesaid, which the Justices of the Peace could have ordered to be done in the same behalf, after the formalities and evidence now by law required in like cases, had been observed and adduced: any Law or Statute to the contrary notwithstanding: Provided always, that no such By-law as aforesaid shall be contrary to the laws in force in the said portion of this Province, except in so far only as such laws are hereby expressly derogated from or may be inconsistent with the provisions of this Act.

LII. Provided also, and be it enacted, that the Surveyors of Roads to be appointed by the District Councils, shall have the same powers as are by law vested in the Surveyors of Roads now appointed by the Justices of the Peace for the District, except where such powers may be inconsistent with the provisions of this Act, or the powers hereby conferred on the said District Councils; and that nothing in this Act contained shall be construed to affect or abridge the power of any Justice or Justices of the Peace, or of any Court with regard to the enforcement of any penalty imposed for any offence against any law relating to roads, not inconsistent with this Act.

LIII. And be it enacted, that nothing in this Act contained shall extend to any Turnpike road placed by law under the controul of the Commissioners of any District Turnpike Trust, so long as such road shall continue lawfully under such controul; nor to any Turnpike Road or Toll Bridge belonging to any Company (whether incorporated or otherwise) or to any individual or number of individuals, nor to any public work vested in the Board of Works, or placed by law under its exclusive controul; or to any Provincial work or works belonging to or under the controul of Her Majesty's Home Government, or the Military authorities.

LIV. And be enacted, that the Justices of the Peace for each District, and the Surveyors of Roads therein, shall within two months after the said first day of January, one thousand eight hundred and forty-two, deliver over to the Council of the District or to their Clerk, or such persons or officers as such Council shall appoint to receive the same, all and every the records, books, judgments, reports, orders, plans, documents, instruments and writings, in their custody, possession or power, appertaining or relating to the Roads, Highways and Bridges, within the District, or to any matters whatever hereby placed under the controul of such District Council, or of the officers to be appointed by them; and if any person or officer shall refuse or neglect, to

deliver, as aforesaid, any such record, book, judgment, report, order, plan, document, instrument or writing, as aforesaid, such person or officer shall be held guilty of a misdemeanor, and shall besides be liable to make satisfaction to the District Council or to any party aggrieved or injured, for any loss or injury sustained by the District, or by such party by reason of such neglect or refusal.

LV. And be it enacted, that all fines and penalties imposed by any by-law made by any District Council, and with regard to which no special provision is hereby made, may be recovered with costs, on the oath of one credible witness other than the prosecutor, by summary proceeding before any two Justices of the Peace for the District in which such fine or penalty shall have been imposed, and may, if not forthwith paid, be levied by distress and sale of the goods and chattels of the offender, under warrant of the Justices or one of them; and one moiety of such penalty shall belong to the informer or prosecutor, and the other moiety to the District, unless the informer or prosecutor shall renounce his portion of such fine or penalty, in which case he shall become a competent witness, and the whole fine or penalty shall belong to the District, and shall (as shall the moiety in the case first, mentioned) be paid over to the Treasurer of the District and make part of the funds thereof in his hands.

LVI. Provided always, and be it enacted, that no person shall be deemed incompetent to be a witness in any prosecution or suit for the recovery of any such fine or penalty, or in any suit for the recovery of any sum of money payable to the Treasurer of the district, by reason of such person being an inhabitant of the District, or a member or officer of the District Council, or in their employ, provided such person have no other and more immediate interest in the event of such suit or prosecution.

LVII. And be it enacted, that all rates imposed by any District Council under the authority of this Act, shall be collected, paid, recovered, secured and levied, in the same manner and by the same officers, and under the same provisions, as other rates now lawfully imposed, except in so far only as such provisions may be inconsistent with the enactments of this Act; and all tolls imposed by any District Council shall be collected, secured, recovered and levied, in the manner to be provided, with regard to the same by the By-law by which they shall be imposed, and may be recovered with costs in any Court of competent civil jurisdiction.

LVIII. And be it enacted, that all sums of money now payable out of the funds of any District, for any public purpose whatsoever not, within the scope of the powers of the District Council, shall continue to be payable out of the funds of such District, by the Treasurer thereof as before the passing of this Act, until it be otherwise directed by any Act of the Provincial Legislature.

LIX. And be it enacted, that the expenses of levying and collecting and managing the rates and taxes imposed or to be imposed in any District, shall form the first charge on the district funds; that all sums of money which now are or may hereafter be made payable out of the funds of any District to the Sheriff, Coroner, Gaoler, Surgeon of the District Gaol, or to any other Officer or person, for the support, care or safe keeping of the prisoners in the District Gaol, or for the repairing and maintaining of the Court House or Gaol, or for any other purpose whatever connected with the administration of Justice within the District, shall form the second charge upon



the District funds, and shall be paid out of the same by the Treasurer before and in preference to all other charges whatsoever, except the expenses forming the first charge; that all debts and liabilities of the district created before the said first day of January, one thousand eight hundred and forty-two and assumed by any District Council under the provisions of this Act shall at the time and on the condition on which they shall become due and payable, be the third charge upon the District funds; that all sums of money now payable out of the funds of any District, for any public purposes whatsoever, other than those before mentioned in this section, and not within the scope of the powers of the District Council, shall form the fourth charge on the District funds; and that sums and expenses directed by any By-law of the District Council to be paid out of the District funds shall, in the order in which they shall be directed to be so paid, form the fifth charge on the said funds.

LX. And be it enacted, that nothing in this Act shall be construed to repeal or affect any enactment or provision of any law in force within that part of this Province to which this Act applies, or any power, right, authority, duty, obligation or liability, thereby conferred or imposed upon any officers, party or person, or the election or appointment of any District, Parish or Township officers, unless, and so far only as such enactment or provision shall be inconsistent with or repugnant to the express enactments or provisions of this Act, or the attainment of the objects and purposes thereof, according to its true intent and meaning.

LXI. And be it enacted, that it shall be lawful for the Governor of this Province for the time being, by Proclamations to be issued by and with the advice and consent of the Executive Council of the Province, when and as often as circumstances shall, in his and their opinion, warrant such a measure, to dissolve all or any of the aforesaid Councils; and in every case of a dissolution of such Council or Councils, the Warden of the District wherein such dissolution shall have taken place, shall within ten days after such dissolution, issue his Warrant in the name of Her Majesty, Her Heirs or Successors, under his hand and seal, directed to the Clerk of each of the several Townships comprised within the said District, requiring such Clerk to proceed, after due notice in this behalf to the electors qualified as aforesaid, to cause elections to be made in each of the Townships of the said District, of a Councillor or Councillors, according as such Township may, by the provisions hereinbefore contained, be entitled to elect one or two Councillors; and such new elections shall be governed by the same rules and provisions as are hereinbefore provided for the election of Councillors; and in all cases where such new election of Councillors, after a dissolution shall take place as aforesaid, the period at, from, and after which, Councillors shall vacate their seats, in certain proportions as hereinbefore provided, shall commence upon and be accounted from the first Monday in January next following such elections; and the retirement of Councillors in the first and second years after such elections, shall in all respects be regulated by the provisions hereinbefore contained with respect to the retirement of Councillors to be elected at the first election to be held under and by virtue of this Act, in the first and second years after that in which such election shall be had.

LXII. And be it enacted, that nothing in this Act contained shall affect any exclusive rights, powers, privileges or jurisdiction, of the Corporation or Municipal authorities of any incorporated City or Town, or of any Town or Village within which any Board of Police or other Municipal or Local

authorities may be established: Provided always, that all powers and authority vested, at the time of the passing of this Act, in the Justices of the Peace for any District, and being of the nature of those hereby transferred from such Justices to the District Councils, may be exercised by such District Council within any such City, Town or Village, as they might have been exercised by such Justices if this Act had not been passed; and all property of what kind soever now belonging to the District and living within any such City, Town or Village, shall be vested in and shall be under the control of such District Council, in the same manner as other property belonging to the District; and all District rates or taxes which are now lawfully imposed or laid by the Justices of the Peace for the District, on any person or on any property within such City, Town or Village, or any money payable to the District in lieu of rates, shall continue to be payable to the Treasurer, and shall form part of the District funds, until it be otherwise ordered by a By-law of the District Council; and all such rates and taxes as might be now lawfully laid or imposed by such Justices, may be imposed or laid by the District Council, as they might have been by the said Justices, if this Act had not been passed.

LXIII. And be it enacted, that the words "Governor of this Province," wheresoever they occur in the foregoing enactments, shall be understood as comprehending the Governor, Lieutenant Governor, or person authorised to execute the office or functions of Governor of this Province.

Schedule.

Names Of Inhabitant Freeholders and Householders on the last Assessment Roll, for the _____ of _____	Names of Candidates.			
	A. B.	C. D.	E. F.	G. H.
John Bull, . . . . .	1	—	—	—
Patrick O'Neill, . . . . .	—	—	1	—
David Lloyd, . . . . .	—	—	1	—
Dugald Scott, . . . . .	—	—	—	1
Peter Jones, . . . . .	—	—	1	—
Amos Squiggs, . . . . .	—	1	—	—
&c. &c.				