

Laws of Her Majesty's Province of United Canada, passed in the year 1846. Montreal:
Stewart Derbishire & George Desbarats, 1846.

9 Victoria – Chapter 70

An Act to amend the Act of Incorporation of the City of Toronto. 9th June, 1846.

Whereas it is expedient to alter and amend the Act of Incorporation of the City of Toronto, and to provide for the erection of a Court of Record, to be called the Recorder's Court, therein, and for other purposes hereinafter mentioned: 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 so much of the second section as excepts the lands conveyed to the University of King's College or to the Chancellor, President and Scholars thereof from being included within the Liberties thereof,—and so much of the said section as divides the City into five Wards,—and so much of the ninth section as provides for the Liberties to be attached to St. David's Ward,—and so much of the thirteenth section as empowers the Common Council to make By-laws for licensing Inns, Taverns and Houses where Spirituous Liquors are sold,—and so much of the thirty-first section as relates to the disqualification to be elected or vote,—and also, the fourth, tenth, eleventh, twelfth, twenty-third, thirty-third, thirty-fifth, seventy-sixth, seventy-seventh, seventy-eighth, seventy-ninth, eightieth, eighty-first, eighty-second, eighty-third, eighty-fourth, eighty-fifth, and eighty-sixth sections of the Act of the Legislature of Upper Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled, *An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it under the name of the City of Toronto*,—and also so much of the fourth section as limits the time of building a Court House in the said City,—and so much of the fifth section as limits the time in which the money to be received for the purpose in the fifth section, shall be repaid,—and so much of the twenty-second section as declares that the rate or sum in the pound in the Liberties of the said City shall be one-fourth of the sum in the pound which shall be rated within the said City, except as to vacant land within the said Liberties which shall continue to be rated and assessed in the same manner as before this Act was passed,—of an Act of the Legislature of Upper Canada, passed in the seventh year of the Reign of His late Majesty King William the Fourth, intituled, *An Act to alter and amend an Act passed in the fourth, year of His Majesty's Reign, intituled, 'An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it under the name of the City of Toronto,'*—be and the same are hereby repealed.

II. And be it enacted, That it shall and may be lawful for the Governor General, or person administering the Government of this Province for the time being, to appoint a lit and proper person being a Barrister of Upper Canada, of not less than five years standing, to be a Recorder in and for the said City, who shall also be a Justice of the Peace, ex officio, of the said City, who shall hold his office during good behaviour, and shall receive a salary of two hundred pounds per

annum, payable quarterly out of the funds of the said City, in the hands of the Chamberlain of the said City; Provided nevertheless, that no such appointment shall be made until a resolution of the Common Council of the said City shall have been first passed, declaring that in their opinion it is necessary to appoint a Recorder; Provided always, that until the appointment of a Recorder pursuant to the provisions of this Act, so much of the said recited Acts as relates to the holding of the Mayor's Court, and to the powers and authorities of such Court, shall remain in full force and effect, but no longer.

III. And be it enacted, That there shall be a Court of Record called the Recorder's Court of the City of Toronto, wherein the Recorder for the time being shall preside assisted by one or more of the Aldermen of the said City, or in the event of his absence by sickness or other cause one of the Aldermen of the said City, to be elected by the Aldermen from among themselves, shall preside; and that the said Court shall in all cases possess the like powers and have the same jurisdiction as to crimes, offences and misdemeanors committed in the said City and Liberties thereof as the Courts of Quarter Sessions of the Peace now have or hereafter may have by law in Upper Canada, as to crimes, offences and misdemeanors committed within their local jurisdiction.

IV. And be it enacted, That the said Court shall hold four sessions in each year, which sessions shall commence on the second Monday after the opening of the four regular sittings of the Common Council of the said City in each year.

V. And be it enacted, That the Grand Jury of the Recorder's Court shall consist of twenty-four persons to be summoned by the High Bailiff under a Precept signed by the Recorder in the same manner as Grand Juries of the Quarter Sessions are now or hereafter may be by law summoned by the Sheriff of any District in Upper Canada.

VI. And be it enacted, That the panel of the Petit Jurors shall consist of not less, than thirty-six nor more than sixty Jurors to be summoned by the High Bailiff under a Precept signed by the Recorder in the same manner as Petit Jurors of the Quarter Sessions for the different Districts of Upper Canada, are now or may hereafter by law be summoned by the Sheriffs of the said respective Districts.

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

VIII. And be it enacted, That the Grand Jury shall have all the power and authority, over offences committed in the City of Toronto and the Liberties thereof which Grand Juries for the General Quarter Sessions of the Peace of any District in Upper Canada, now have or hereafter may have.

IX. And be it enacted, That the like process and proceedings now had in the said General Quarter Sessions of the Peace in criminal cases shall and may be used in the said Recorder's Court when exercising criminal jurisprudence, and the like power to take recognizances and all other powers

and duties incidental to such jurisdiction, and which the said Courts of General Quarter Sessions now or hereafter may possess by law together with the powers granted by this Act, are hereby vested in the said Recorder's Court as far as regards any offences, crimes and misdemeanors arising or committed within the said City and the Liberties thereof.

X. And be it enacted, That upon the acquittal of any defendant or defendants in the said Court, the Recorder or Presiding Officer thereof shall, upon its appearing to the satisfaction of the said Court that there was a reasonable and probable cause for such prosecution, order the costs thereof to be taxed by the Clerk of the said Court to be paid out of the funds of the said City.

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

XII. And be it enacted, That the Clerk of the said Common Council shall be Clerk of the Recorder's Court, and perform the same duties and receive the same emoluments as now appertain to the said Clerk, when acting in the Mayor's Court.

XIII. And be it enacted, That it shall and may be lawful for the Common Council of the said City, in Common Council assembled, by a Legislative Act or By-law of the said Council, made according to the provisions of the Act of Incorporation of the said City, to stop up, widen, alter and divert any public highway, street or lane, or to lay out any new street or highway, or to extend any street already laid out, or to change the level of the same: Provided always, that before any such Act, or By-law shall be passed, it shall be the duty of the said Common Council, by resolution in Common Council assembled, to direct a notice of their intention, to stop up, widen, or divert any such public highway or street, or to extend any street already laid out or to change the level of the same, to be given and to be published at the least one calendar month in all the newspapers of the said City, and also to hear in person, or by Council or Attorney, any person through whose land such, highway, road, street or lane, or proposed highway road, street or lane shall run, if he claims so to be heard before them, at any time before the final passing of such Act or By-law.

XIV. And be it enacted, That upon the passing of any Act or By-law of the Common Council, for the purpose of authorizing the opening of any street or other thoroughfare, or of widening, changing or diverting any street or public thoroughfare, or extending or altering the level of the same, so as to cause the same or any part thereof to go through or be placed upon, or injuriously to affect the

land or other real property of any person or persons, it shall and may be lawful for the person or persons who shall own such property, either in fee or as tenants for a term of years, to name an Arbitrator and give notice thereof in writing to the Clerk of the said Common Council, and the Mayor of the said City shall, within three days after such notice, name an Arbitrator on behalf of the said City and give notice thereof to the person or persons owning the said property and appointing such Arbitrator as aforesaid, and the said two Arbitrators shall, within three days thereafter, appoint a third Arbitrator, and if they cannot agree upon such third Arbitrator, then such third Arbitrator shall be appointed by the Recorder of the said City, within six days after being notified of such disagreement, and the said three Arbitrators, or the majority of them, shall have power to determine upon and award the amount of damages (if any) to be paid to such person or persons as aforesaid, and their award shall be binding on such person or persons and the said City respectively, so as it be made in writing, within three calendar months after their appointment: Provided always, that if the said Mayor or Recorder shall neglect to appoint an Arbitrator for the said City, within such time as aforesaid, or the said Arbitrators or a majority of them, shall be unable to agree in their award, then it shall be lawful for such person or persons as aforesaid, to institute a special action on the case at law, in Her Majesty's Court of Queen's Bench for Upper Canada, against the City of Toronto, to recover compensation, and such action shall be sustainable whether any entry shall be made under such Act or By-law or not, or whether any use shall be made of such property under such Act or By-law or not, and if no such entry or use other than for the purpose of survey shall be proved at the time of any such action, then the Judge, who shall try the same, shall certify the want of such proof upon the Record: and in such case, it shall and may be lawful for the said Common Council, at any time after such trial, and until three calendar months after the rendering judgment upon such verdict, to repeal such By-law and to tender and pay to the Plaintiff in such action, or to the Plaintiff's Attorney, the taxed costs of the said Plaintiff in such action, and from and after such tender and payment, the City of Toronto shall be discharged from the damages which shall be assessed in such action, and the land and other real property which shall be proposed to be taken by any such Act or By-law, shall be and remain as if no such Act or By-law had been passed, and no entry or other use of such land or real property, for the purpose of such Act or By-law, shall be lawful after the assessment of the damages by the Jury, until the amount of the damages assessed and the costs of the Plaintiff in such action, shall have been levied by the Sheriff, or paid, or discharged, or lawfully tendered to the Plaintiff or the Attorney for the Plaintiff in such action.

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

XVI. And be it enacted, That the Arbitrators aforesaid, or the Jury, in estimating the damages or compensation in any such action, shall take into consideration any benefit or advantage which the Plaintiff shall or may derive from the opening, or diverting, or extending any such street or other

public thoroughfare, and deduct the same from the damages or compensation, and in case the said benefit to be derived from the said opening, diverting or extending such street or public thoroughfare shall be greater than the damages which shall be found to arise from the taking of such land or other real property, the verdict shall be for the Defendant: Provided always, and be it enacted, that it shall not be competent to the said Common Council to pass any Act or By-law for stopping up any original allowance for roads within the said City or Liberties.

XVII. And be it enacted, That it shall and may be lawful for the said Common Council from time to time, after the passing of this Act, to make such Ordinances or By-laws as they may deem expedient for the security, safety and advantage of the inhabitants, containing rules, regulations and restrictions to be observed by all persons in the erection of buildings to be built within the said City, and to impose a penalty not exceeding five pounds, for each and every infraction of any such rule, regulation or restriction, contained in any such Ordinances or By-laws, upon the Master or Head-builder, or Master-workman, or other person owning such building, to be erected or built, to be recovered and enforced in the same manner as is provided for the recovery of other penalties, for the infraction of other By-laws of the said Common Council, and also for restraining, ruling and governing apprentices, domestics, hired servants, and journeymen, in the said City, and for the conduct of masters and mistresses towards their said apprentices, domestics, hired servants, and journeymen; and for apprenticing or binding out destitute orphans without legal guardians, and juvenile offenders or vagrants, under the age of twenty-one years, and for the arrest and punishment of idle, drunken, vagrant and disorderly persons, for assessing the Proprietors of real property immediately benefited by such improvements for such sum or sums as may at any time be necessary to defray the expense of making or repairing any common sewer, drain, flagging, posts or pavement in any public street, square, or place, and for regulating the time and manner in which such assessment shall be collected and paid, to prevent the excessive beating or cruel and inhuman treatment of animals, and to fix an annual rent upon the drainage of any house, cellar, yard or land into any common sewer; and to charge the property so drained for the payment of such rent; and to prevent gaming or the keeping of any gaming house or place for gaming, in the said City; and to compel the owners of real property within the City, to enclose the same; and to enforce the payment of the rate or assessment in lieu of Statute Labour by imprisonment, in default of goods and chattels of the person or persons so rated or assessed, for a period not exceeding twenty days, and for exempting from the payment of such rate or assessment any person or persons to whom they shall deem it right to grant such exemption, on account of the limited pecuniary means of such persons liable to pay the same; and to change the site of any Market or Market place within the said City, or to establish any new Market or Market place within the said City, or to appropriate the site thereof or any part of such site for any other public purpose whatever; any Law, Statute or usage to the contrary notwithstanding; saving to any party aggrieved by any Act of the said Council, respecting any such Market or Market place, any remedy such party may, by law, have against the Corporation of the said City, for any damages sustained by such party by reason of such Act; and to pull down, demolish and remove, when necessary, all old, dilapidated or ruinous walls, chimneys and buildings, that may endanger the public safety; and to determine the time and manner in which the same shall be demolished, pulled down or removed, and by what party or parties the expense thereof shall be borne; to assess the householders residing in any particular street, lane, square or section of the City, in any sum or

sums necessary to meet the expense of sweeping and watering the said street, lane, square or section of the said City: Provided, that not less than two-thirds of the citizens residing as aforesaid, in such street, lane, square or section of the City, shall first have applied to the said Council to have the same swept and watered; and provided also, that the said assessment shall in no case exceed the amount of three-pence in the pound; and to impose a special assessment over and above all other rates and assessments, which the said Council are empowered to impose, to defray and meet the expense of any building or buildings, or other property whatsoever, that may be demolished, destroyed, injured, damaged or deteriorated in value, by any riot, tumultuous assemblage, or riotous persons whatsoever, in the said City: And to prohibit and prevent the construction of any wooden buildings in or within such localities, as the said Council shall, from time to time, define, limit and appoint; and also to prohibit the erection of any high-pressure steam-engine or other steam engine, foundry furnace or machinery, requiring for its use the employment of any substance of a highly inflammable nature, within such localities, unless under such regulations or restrictions as the said Council shall direct and appoint, and to enforce the observance of the said two last mentioned By-laws, by the destruction of such buildings or erections therein mentioned, or by fine or imprisonment as shall seem to the said Council best for enforcing the same; and to defray out of the funds of the City any expense to be incurred by the said Council, in assisting any person in their employment, who shall receive any wound or contract any disease at any fire, or in assisting or providing for the family of any person in their employment, who shall be killed at any fire, or in bestowing rewards in money, medals or otherwise, upon any person who shall have performed any meritorious action at any fire; and also for establishing and regulating line fences in the said City and the Liberties thereof.

XVIII. And be it enacted, That the said City of Toronto shall be divided into six Wards, to be called Saint James, Saint David, Saint Lawrence, Saint George, Saint Andrew and Saint Patrick, and that until otherwise provided, as hereinafter mentioned, the said four last mentioned Wards shall continue to comprise the same parts of the City and Liberties respectively, as before this Act was passed.

XIX. And be it enacted, That the Saint James' Ward shall comprise all that part of the said City and Liberties lying within the following limits, that is to say: between the northerly boundary of King street, the easterly boundary of Yonge street, the westerly boundary of Nelson street, and the extreme end or verge of the Liberties within these boundaries.

XX. And be it enacted, That the Saint David's Ward shall comprise all that part of the said City and Liberties lying within the following limits: between the easterly boundary of Nelson street, and the northerly boundary of King street eastward thereof, to the extreme end or verge of the Liberties within those boundaries.

XXI. And be it enacted, That no election for Charter Officers of the Ward of Saint James, shall take place until the general election for such Officers next ensuing the passing of this Act, and the Aldermen and Common Councilmen who shall then be elected for the said Ward of Saint James, who shall have the fewest votes, shall go out of office at the expiration of one year from such election: Provided always, that in case of an equal number of votes having been given to both

Aldermen, or both Common Councilmen in such Ward, then it shall be decided by a majority of votes of the said Common Council, which of such Aldermen and Common Councilmen shall vacate his seat as aforesaid: Provided also, that any Alderman or Common Councilman going out of office, shall be capable of forthwith being re-elected if he be duly qualified by law.

XXII. And be it enacted, That in the event of the absence of the Mayor from the said City for a period exceeding at one time three calendar months, without having been first authorized so to absent himself by a resolution of the Common Council, he shall vacate his office of Mayor: and in such case it shall and may be lawful for the remaining Aldermen and Common Councilmen at a special meeting of the Common Council for that purpose, to be convened within three days after such office shall become vacant, to elect from among the Aldermen a successor to such Mayor, who shall hold his office for the remainder of the time of service of his immediate predecessor, which Mayor shall be sworn into office by any one of the Judges of the Superior Courts in Upper Canada.

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

XXIV. And be it enacted, That if the Mayor of the said City, or any Aldermen or Common Councilmen shall be declared bankrupt, or shall apply to take the benefit of any Act for the relief of insolvent debtors, or shall compound by deed with his creditors, then and in every such case, such person shall thereupon immediately become disqualified, and shall cease to hold such office of Mayor, Alderman or Common Councilman, as the case may be, for the residue of the time for which upon such bankruptcy, insolvency, or composition with his creditors, such Alderman or Common Councilman was liable to serve.

XXV. And be it enacted, That in the event of the absence from the said City of any owner or owners of any real property therein liable to assessment, and the non-payment of the assessment on any such real property by any agent or other person on behalf of the said absent owner or owners thereof, an increase of ten per cent on the amount at which the said property may and shall be assessed, shall annually accrue upon and be made to all arrears of assessment due on such property, so long as the same shall remain unpaid; and the said property or any sufficient part or portion thereof, if the same be easily susceptible of division, shall, after five years of non-payment of the said arrears of assessment and increase of ten per cent thereon, be liable to be sold therefor, and the Sheriff of the Home District shall upon a return to him by the Chamberlain of the said City, of the said arrears for the said period of five years, advertise the said real property for sale for such arrears, in all the newspapers of the said City for six calendar months after such return so made to him by the said Chamberlain, and before proceeding to any sale thereon; and after such period of six months, shall sell the same to the highest bidder to be got for the same: Provided always, that the owner or owners of the said lands may redeem the same at any time after such return to the said Sheriff by the said Chamberlain, and before the sale of the said real property, upon the payment to the said Sheriff or Chamberlain of the said rates with the increase

of ten per cent thereon, and all costs and charges incurred by the non-payment thereof; and if the said real property shall have been sold by the said Sheriff, then upon the payment to the purchaser thereof of the amount paid by him for such purchase, with the addition of twenty per cent thereon: Provided always, that in such last mentioned case, the owner or owners of such real property shall redeem the same within the period of one year after the sale thereof as aforesaid.

XXVI. And be it enacted, That all Proprietors, Lessees and others who shall let for rent premises within the said City or Liberties, for a term of years or from year to year, shall, themselves, as well as the occupiers of such premises, be liable and responsible for the rates and assessments assessed upon such premises, and such assessment shall and may be recovered from the said Proprietors, Lessees and others, whenever the Tenants or Lessees shall have left the said premises before a Warrant of distress according to Law could be issued for the same.

XXVII. And be it enacted, That no person or persons being otherwise qualified to vote at any election of an Alderman or Common Councilman for the said City shall be disqualified from voting, by reason of such person or persons being only a boarder or lodger in the said City or Liberties thereof.

XXVIII. And be it enacted, That three members of the Court for the correction of the lists of voters for the election of Aldermen and Common Councilmen of the said City, shall form a quorum of the said Court, and have all the powers and authorities that are now by law vested in and exercised by the said Court as heretofore established.

XXIX. And be it enacted, That when and so soon as a Recorder shall be appointed, after any sitting of the Recorder's Court for the said City, he shall discharge the duty heretofore discharged by the Mayor and Aldermen of the said City in regard to the licensing Innkeepers within the said City and Liberties, and the determining the sum to be paid by such Innkeeper to the Inspector of Licenses for the Home District, which said License shall be granted in the manner heretofore adopted, and the sum to be paid therefor shall be paid by the said Inspector of Licenses to the Chamberlain of the said City to be applied to the uses of the said City: Provided always, that such payment shall not be made to the said Chamberlain until a sufficient sum of money shall have been received by the Receiver General, under the provisions contained in the fourth section of an Act passed in the eighth year of the Reign of Her present Majesty, intituled, *An Act to provide for the payment of claims arising out of the rebellion and invasion in Upper Canada, and to appropriate the duties on Tavern Licenses to local purposes*, to pay off the debentures in the said Act mentioned.

XXX. And be it enacted, That the Mayor and two Aldermen of the said City, or any three or more Aldermen of the said City, shall have full power and authority upon complaint made to them or any one of them upon oath, of any riotous or disorderly conduct in the house of any Inn or Tavern-keeper in the said City, to enquire summarily into the matter of such complaint, and for any Aldermen to summon such Inn or Tavern-keeper to appear to answer such complaint, and thereupon it shall be lawful for the said Mayor and two Aldermen, or any three or more Aldermen to investigate the same, and to dismiss the same with costs to be paid by the complainant, or to convict the said inn or Tavern-keeper of having a riotous or disorderly house, and to abrogate the

License, or to suspend the benefit of the same for any period not exceeding sixty days; and during the period of such suspension such Inn or Tavern-keeper shall lose all the powers, privileges and protection that would otherwise have been afforded him by his said License.

XXXI. And be it enacted, That as soon as the Common Council of the said City shall assume the duties and the payment of the debt contracted by the Commissioners of the Macadamized Roads, and assume the duties mentioned in the fifty-seventh section of an Act passed in the third year of the Reign of Queen Victoria, intituled, *An Act to repeal, alter and amend the laws now in force for the regulation of the several Macadamized Roads within this Province*, it shall and may be lawful for the said Common Council to erect and build such Toll-Gates at the various approaches to the City, as they shall think necessary and expedient, and from time to time pass By-laws for the regulation and management of the same, and for the imposing, and levying, and collecting Tolls thereat; which said Tolls when so collected shall be paid to the Chamberlain of the said City for the uses of the said City: Provided always, that in the event of the Common Council obtaining possession of the said Macadamized Roads situate within the said City, it shall not be lawful for the Commissioners aforesaid to erect or cause to be put upon the said Roads any Toll-Gate within a less distance than three miles from the boundaries or Liberties of the City of Toronto.

XXXII. And be it enacted, That it shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Toronto to purchase a parcel or tract of land to be called the Industrial Farm of the City of Toronto, not less than two hundred acres in extent within such convenient distance as they may deem expedient, not more than ten miles, and to erect or build thereon such houses, buildings, yards and other enclosures as may be deemed proper for the purposes of this Act.

XXXIII. And be it enacted, That it shall and may be lawful for the Mayor, Aldermen and Commonalty of the said City to make Laws, By-laws, Rules, Regulations and Ordinances touching and concerning the management, government, reclaiming, discipline, labour and employment, control and necessary correction, restraint and punishment of all persons committed or sent there to work or labour either in the field or otherwise, or for any other purpose contemplated by this Act.

XXXIV. And be it enacted, That any such Farm with all the buildings, erections and improvements so to be purchased as aforesaid shall, with regard to jurisdiction only, be deemed and taken to be within the Liberties of the said City of Toronto, and within the jurisdiction thereof for all the purposes aforesaid.

XXXV. And be it enacted, That it shall and may be lawful for the Mayor or Recorder, or any two Magistrates of the said City, to commit to hard labour at or send to the said Industrial Farm, under such regulations as shall be established as aforesaid, any or such description of persons as may by By-laws of the said Council from time to time be adopted or declared expedient or necessary.