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

9 Victoria – Chapter 75

An Act to Incorporate the Town of Kingston as a City. 18th May, 1846.

Whereas an Act was passed by the Parliament of Upper Canada, in the first year of the Reign of Her present Majesty, intituled, An Act to Incorporate the Town of Kingston, under the name of The Mayor and Common Council of the Town of Kingston; And whereas, from the increase in the trade and population of the said Town it is found that the provisions of the said Act are insufficient, and it is expedient for the better protection and management of the local interests of the inhabitants that the said Town should be incorporated as a City: 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 the said recited Act incorporating the Town of Kingston, and all other Acts and parts of Acts repugnant to or inconsistent with the provisions of this Act be, and the same are hereby repealed: Provided always, that the repeal of the said Acts and parts of Acts shall not be held to revive or give any force or effect to any enactment which has by the said Acts or any of them been repealed or determined.

- II. And be it enacted, That the inhabitants of the City of Kingston, as hereinafter described, and their successors inhabitants of the same, shall be and they are hereby constituted a Body Corporate and Politic in fact and in name, by and under the name, style and title of The City of Kingston, and as such shall have perpetual succession and a Common Seal, with power to break, renew, change and alter the same at pleasure, and shall be capable of suing and being sued, and of impleading and being impleaded in all Courts of Law and Equity, and other places, in all manner of actions, causes and matters whatsoever, and of accepting, taking, purchasing and holding goods and chattels, lands and tenements, real and personal, moveable and immoveable estates, and of granting, selling and alienating, assigning, demising and conveying the same, and of entering into and becoming a party to contracts, and of granting and accepting any bills, bonds, judgments, or other instruments or securities, for the payment or securing of the payment of any money borrowed or lent, or for the performance or securing the performance of any other duty, matter or thing whatsoever.
- III. And be it enacted, That the Town of Kingston shall from henceforth constitute the City of Kingston.
- IV. And be it enacted, That the said City shall be and the same is hereby divided into five Wards, to be called respectively Sydenham Ward, Ontario Ward, Saint Lawrence Ward, Frontenac Ward, and Cataraqui Ward.

- V. And be it enacted, That Sydenham Ward shall consist of all that part of the said City lying westward and southward of a line drawn from the foot of William Street through the centre of said street to the limits of the said City.
- VI. And be it enacted, That Ontario Ward shall consist of all that part of the said City lying between the last mentioned line of Sydenham Ward and a line drawn from the foot of Brock Street through the centre of said street to the limits of the said City.
- VII. And be it enacted, That Saint Lawrence Ward shall consist of all that part of the said City lying between the last mentioned line of Ontario Ward and a line drawn from the foot of Princess Street, through the centre of the said street to the limits of the said City.
- VIII. And be it enacted, That Cataraqui Ward shall consist of all that part of the said City lying eastward and northward of a line drawn from the foot of Princess Street, through the centre of said Street to Montreal Street; thence through the centre of said Montreal Street and across the Artillery Reserve to the present travelled Road known as the "Montreal Road;" thence through the centre of the said Road to the limits of the said City.
- IX. And be it enacted, That Frontenac Ward shall consist of all that part of the said City lying northward of the last mentioned line, running through the centre of Montreal Street and the Montreal Road to the City limits, and northward and eastward of a line extending from Montreal Street (where it intersects Princess Street) through the centre of Princess Street to the limits of the said City.
- X. And be it enacted, That the Harbour of the said City shall consist of all the water lying between the front of the said City and the opposite shore of the Township of Pittsburgh as far as Point Frederick, (except such parts as may belong to private individuals, or be under the direct control of Her Majesty's Naval or Military authorities,) and beyond Point Frederick all the water lying in front of the said City (except as aforesaid) which may be distant five hundred yards from the main shore of Wolfe Island, and that from henceforth the said Harbour shall vest in the said City Council and their successors, legally constituted: Provided always, that it shall not be lawful for the said City Council or their successors to make or construct, or cause to be made or constructed, any work or building of any kind whatsoever, within or upon any part of the said Harbour hereby vested in the said City Council, unless the making or constructing of such work be authorized by the Governor of the Province, by and with the advice and consent of the Executive Council thereof, or by the Commander in Chief of Her Majesty's Forces in this Province, or by the Principal Officers of Her Majesty's Ordnance.
- XI. And be it enacted, That there shall be chosen and elected, in manner hereinafter mentioned, one fit person who shall be and be called the Mayor of the said City, and a certain number of lit persons who shall be and be called Aldermen of the said City, and a certain number of fit persons who shall be and be called Councillors of the said City; and such Mayor, Aldermen and Councillors, for the time being, shall be and be called the "City Council."

XII. And be it enacted, That for every Ward within the limits of the City, two Aldermen and two Councillors shall be chosen annually, in manner hereinafter mentioned, and the Aldermen and Councillors shall choose from among the Aldermen, by vote of the majority of such Aldermen and Councillors, one person to be the Mayor of the City, and in case it shall happen that the votes shall be equally divided, then that Alderman, other than the Alderman proposed for Mayor, who shall have been rated upon the last assessment list of the City for the greatest amount of property, shall give a second or casting vote and determine the choice; and the said Mayor shall be so chosen on the Saturday next after the annual Ward elections, or the Saturday next after the first election held under this Act, and shall hold office for one year, or until his successor be appointed, but may be capable of being re-elected: Provided that the term of office of the first Mayor so chosen under this Act, shall expire on the second Tuesday in January next.

XIII. And be it enacted, That no person shall be eligible to be elected an Alderman of the City, unless he shall have been a resident householder within the City, or such part of the adjacent County of Frontenac, as may be distant not more than three miles from the market square of the said City, for four years next before the election, and being so resident at the time of the election, shall at that time be possessed to his own use and benefit of real property within the City, in freehold, which shall be assessed under the then last assessment list at forty pounds or upwards, or shall be so possessed of real property for a term of years, or from year to year, which shall be assessed as aforesaid at fifty pounds or upwards, or shall be in the receipt of fifty pounds or upwards of yearly rent or profit accruing from or out of real property within the City; and that no person shall be eligible to be elected a Councillor unless he shall have been resident within the City, or such part of the adjacent County of Frontenac as may be distant not more than three miles from the market square of the said City, for three years next before the election, and being so resident at the time of the election, shall at that time be possessed to his own use and benefit of real property within the City, in freehold, which shall be assessed under the then last assessment list of the City at twenty-five pounds, or shall be so possessed of real property for a term of years, or from year to year, which shall be assessed as aforesaid at thirty pounds or upwards, or shall be in the receipt of thirty pounds or upwards of yearly rent or profit accruing from or out of real property within the City.

XIV. And be it enacted, That no person shall be eligible to be elected an Alderman or Councillor of the said City, or to vote at any Corporation election, who shall not be a natural-born or naturalized subject of Her Majesty, Her Heirs or Successors, and of the full age of twenty-one years at the time of being enregistered as hereinafter mentioned.

XV. And be it enacted, That the Aldermen and Councillors of the City shall be elected respectively by the majority of votes of such enregistered male resident inhabitants of the City as shall have actually paid their taxes due at the time of their being enregistered as voters, and as shall be possessed, in freehold, three months next before the twenty-fourth day of December in the year next preceding the election, of a town lot situate within the Ward for which the election shall be holden, assessed under this Act at the yearly value of five pounds, currency, or as shall be possessed as aforesaid, in freehold, or as tenant for a term of years, or from year to year, of a town

lot or dwelling house situate within the Ward for which the election shall be holden so assessed at the yearly value of ten pounds, currency, or upwards, or as shall be bonâ fide owners of a dwelling house situated as aforesaid, built upon ground leased for a term of not less than three years, and so assessed at the yearly value of ten pounds, currency, or as shall be possessed as aforesaid, in freehold or as tenants from year to year or for a term of years of any warehouse, counting house, shop, office or store, situated as aforesaid, so assessed in their own name at the yearly value of twenty pounds, currency, or upwards, or of such enregistered persons as are resident not more than three miles as aforesaid from the market square of the said city, who shall be so assessed as aforesaid to the amount of fifty pounds, currency, or upwards; Provided always, that the yearly value and assessment of the premises aforesaid shall be ascertained from the then last Town or City assessment list; and that no such assessment shall be held to qualify any other person as a voter for such premises than the one named in such list as assessed for such premises; and provided also, that every yearly tenant as aforesaid paying a rent of ten pounds, currency, per annum, for his own use and benefit shall be allowed to vote, whether his premises have a separate entrance from or communication to the street or not; and provided also, that no person shall vote at any such election who has not been a resident inhabitant of the city or within the distance of three miles as aforesaid, for a period of twelve calendar months next before the time of his being enregistered as a voter.

XVI. And be it enacted, That the Aldermen and Councillors shall be chosen annually in each of the said Wards on the second Tuesday in January by the qualified registered voters, who shall openly assemble for the purpose, and the name of each elector voting at such election shall be written in a Poll List, to be kept at such election by the Returning Officer or his Clerk, and at the final close of the poll the Returning Officer shall declare the number of votes given for such candidate; and shall also declare those persons having the majority of votes in their favour to be duly elected Aldermen or Councillors, as the case may be, and in case of the equality of votes for two or more persons at the close of the poll, it shall be lawful for the Returning Officer, and he is hereby required, whether otherwise qualified or not, to give a casting vote for one of the persons having such equality of votes, and so determine the election; and the Poll Lists, so kept, shall, by three o'clock in the afternoon of the day after the day of election, be delivered by the Returning Officer, with the Return thereon, to the City Clerk: Provided always, that no Returning Officer (except as aforesaid) or his Clerk shall vote at any such election.

XVII. And be it enacted, That the Mayor of the said City for the time being shall, by virtue of his office, be a Justice of the Peace in and for the said City.

XVIII. And be it enacted, That it shall and may be lawful for the Council, if they shall see fit so to do, to give and grant to the Mayor for the time being, in lieu of all fees and perquisites, such salary, not exceeding one hundred pounds, as they shall think fit, payable out of the revenues of the City.

XIX. And be it enacted, That the Legislative power of the City of Kingston shall be and is hereby vested in the Council, to be composed of the Mayor, Aldermen and Councillors as aforesaid, and every Legislative Act of the said City shall express to be enacted by the "City Council of the City of Kingston."

XX. And be it enacted, That a majority of the Members of the Council, including the Mayor or presiding Alderman, shall compose a quorum for the despatch of business; and that in case of the absence of the Mayor, the assembled Aldermen and Councillors shall choose an Alderman to be their Chairman; Provided always, that a smaller number may adjourn from time to time, and may be authorized to compel the attendance of absent members in such manner and under such penalties as may be provided for by a By-law of the Council; and provided also, that no such quorum shall be constituted without the presence of at least four Aldermen.

XXI. And whereas a provision for the registry of voters has been found equitable and convenient: Be it enacted, That before the first day of October, in every year, the Assessor of each Ward shall make out from the last Assessment Roll an alphabetical list of the voters qualified to vote at the election of Aldermen and Councillors in that Ward, to be called the "Voters' List," to which he shall add the names of all such persons not on the said Assessment Roll as he knows are then entitled to vote at such election according to the provisions of this Act; and the said Assessor shall sign such List, certifying that it is correct to the best of his knowledge and belief, (and shall also keep a true copy thereof,) which list he shall deliver to the City Clerk to be by him submitted to the Board of Revisors.

XXII. And be it enacted, That the said List shall be hung up in the City Hall for the examination of all concerned, at reasonable hours, from the first day of October to the twentieth day of November, of which fact the City Clerk shall give immediate public notice either by printed placards or by advertisement in not less than three of the City newspapers, and any person who shall claim to be added to the said Voters' List, or any elector who shall desire to have any name expunged therefrom, shall prefer his request in writing signed with his name, stating the Ward to which he belongs, and shall cause the same to be delivered to the City Clerk before the said twentieth day of November.

XXIII. And be it enacted, That on and before the first Monday in March in every year, (except the year of the passing of this Act) the City Council shall choose from among their own number four Aldermen, who, together with the Mayor for the time being, shall be and constitute a Board of Revisors, any three of whom shall be a quorum, to revise the Voters' List as furnished by the Assessors of the various Wards, and decide according to the best of their judgment upon the claims previously made as aforesaid for the insertion or omission of names in or from the said Lists, and which said Board shall, on their first day of meeting, be duly sworn by one Justice of the Peace of the Midland District well and impartially to perform their duties as such Revisors; and the said Board shall give public notice before their first day of sitting of the order in which they will take up the Lists of the several Wards, and they shall meet on the twenty-first day of November, (or on the day following if that day be a Sunday,) at ten o'clock in the forenoon, for the purpose of hearing persons concerned in making the said claims and deciding upon them, and shall adjourn from day to day until all the Voters' Lists are revised and settled; and the presiding Officer of the said Board for the time being shall have power to examine persons upon oath respecting the said claims and all matters connected with the revision of the said Lists; and the said Board, after hearing the best evidence of which the cases will admit, shall and they are hereby required to

decide upon and make the necessary additions or erasures to or from the said Voters' Lists in relation to the applications before them; and the said Board shall also have power to correct any mistake or supply any accidental omission made by the Assessors in the said Lists; and the said Lists, so revised and settled, shall be signed by the presiding Officer of the said Board, and sealed with the City Seal, and shall be the only correct Voters' List: Provided always, that the said Lists shall be finally completed before the twentieth day of December; and provided also, that no person's name shall be expunged from any of the said Lists without his being informed of the claim to that effect and having an opportunity to be heard in reference thereto.

XXIV. And be it enacted, That the Voters' Lists for each Ward, when so settled and signed, shall be again hung up in the City Hall until the day of election and also filed in the office of the City Clerk, and certified copies thereof under the City Seal shall be by him transmitted to the Returning Officers of the several Wards in the City not less than five days before any such election; and that every person whose name shall appear in such Ward List shall be entitled to vote at the election for such Ward without any further enquiry as to his qualification, and without taking any oath other than that he is the person named in such List, and has not before voted at such election, which oath the Returning Officer is hereby required and authorized to administer.

XXV. And be it enacted, That the City Council shall, at least ten days before the Animal Ward Elections, appoint under their Seal a Returning Officer for each of the Wards, whose duty it shall be to hold the election therein, beginning at ten o'clock in the forenoon and continuing not later than six o'clock in the afternoon, and who shall give five days' previous notice by written or printed placards in at least six different public places in the said Ward of the place where such election is to be held; and the said Returning Officer, previous to the day of the said election, shall be sworn by the Mayor or any two of the Aldermen well and faithfully to hold and determine the said election.

XXVI. 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, nor any Ministerial Law Officers of the Crown, nor any Military, Naval or Marine Officer in Her Majesty's service on full pay, nor any person accountable for the City revenues, or holding office under the Council, nor Returning Officer or his Clerk while so employed, shall be capable of being elected an Alderman or Councillor, neither shall any practising Physician or Surgeon be compelled to serve in either of those offices.

XXVII. And be it enacted, That in case any vacancies shall happen among the Aldermen (elected as such) and Councillors, by death, resignation, removal out of the City for a greater distance therefrom than three miles as aforesaid, or other disqualification within the first six months of any calendar year, it shall be lawful for the City Council to direct an election to supply such vacancy for the Ward in which the same occurs, and to appoint a time and place for holding such election, and the Returning Officer appointed to hold such election shall conduct the same in manner hereinbefore provided for the holding of the regular Annual Elections; Provided always, that at such special election the persons named in the Voters' List of the then last previous election shall be the proper voters; Provided also, that no Alderman or Councillor shall resign his office unless first approved of by the City Council, under a penalty of twenty pounds.

XXVIII. And be it enacted, That if any of the said vacancies shall occur in the last six months of any calendar year, the vacancy shall be supplied at the regular annual election for the Ward: Provided always, that any person elected to supply either of the above mentioned vacancies, shall hold his office only for the residue of the term of office of his immediate predecessor.

XXIX. And be it enacted, That on the day of his election, the Mayor shall be sworn into office by the Judge of the District Court of the Midland District, or in his absence by any two of the Justices of the Peace of the said District, who are hereby required to administer the following oath:

"I, ___ do swear that I will well and faithfully discharge the duties of Mayor of this City, to the best of my knowledge and ability."

XXX. And be it enacted, That the Aldermen and Councillors on their part shall each take an oath that they will well and faithfully discharge the duties of their respective offices, which oath shall be administered at the first meeting after their election by the Mayor or any other Justice of the Peace of the Midland District.

XXXI. And be it enacted, That in case of any vacancy in the office of Mayor, by death, removal out of the City, or to a greater distance therefrom than three miles as aforesaid, or other disqualification, it shall be lawful for the remaining members of the City Council at a special meeting to be summoned by the City Clerk for the purpose, to elect from among the Aldermen a successor to such Mayor, who shall hold office for the remainder of the term of service of his immediate predecessor: Provided always, that a continued absence from his duties for a period of three successive months shall be deemed a disqualification for office under this clause.

XXXII. And be it enacted, That the City Council shall meet at least on the first Monday in every month, and on such other days as they may appoint; and it shall be lawful for the Mayor to call special meetings whenever urgent business may require.

XXXIII. And be it enacted, That the Mayor shall preside at the meetings of the City Council, (unless when the Council for the convenience of discussion shall resolve itself temporarily into a Committee of the whole,) and on all questions in Council the said Mayor or the presiding Alderman shall first vote as a member of the Council, and in case the votes be then equally divided, he may give a second or casting vote, and determine the question.

XXXIV. And be it enacted. That it shall be lawful for the said Council to appoint from and out of the members thereof, such and so many Committees consisting of such numbers of persons as they may think fit for the better transaction of the business before the Council, and for the discharge of such duties within the scope of their powers, as may be by the Council prescribed, but subject in all things to the approval, authority and control of the said Council.

XXXV. And be it enacted, That the said City Council shall be a Court of Record, and shall have the same power to punish for contempt as is by law vested in any other Court of Record; and the said Council shall have authority to punish its members for disorderly or disgraceful behaviour, by fine,

and to expel a member convicted of any crime before a legal tribunal, and the member so expelled shall by such expulsion forfeit all his rights and powers as an Alderman or Councillor.

XXXVI. And be it enacted, That the said City Council shall determine the rules of its proceedings, and judge of the qualifications, election and return of its members, and the said Council shall keep a journal of all business transacted, and during its meetings the doors shall always be kept open, except only when the Council are engaged in discussions relative to the misconduct of members of their own body, and in that case the doors shall not be closed except approved of by three-fourths of the members present.

XXXVII. And be it enacted, That all resolutions, reports, and drafts of By-laws concerning any specific improvement, or the appropriation of any public money, or the taxing or assessing the inhabitants of the said City, shall be published in at least two and not more than three newspapers of the said City eight days before the same shall be adopted, and whenever the vote is taken on any such Resolution, Report, or By-law, the yeas and nays shall be recorded on the journals.

XXXVIII. And be it enacted, That immediately after any By-law shall be passed by the City Council, it shall be signed by the Mayor, and sealed with the Seal of the City, and enrolled, and such By-law shall thenceforth go into effect as a Law of the City of Kingston, and all such laws, together with this Act and all other Acts of Parliament particularly relating to the said City, shall be entered verbatim in one or more books to be procured and kept for that purpose among the archives of the said City, and be open to the public for inspection at all reasonable hours.

XXXIX. And be it enacted, That the said Council shall be required to publish annually in the last week of December, a detailed account of the state of the Finances of the City, and also a detailed account of the receipt and expenditure of all sums of money that may have been paid into and from the City Treasury during the past year.

XL. And be it enacted, That it shall be lawful for the City Council from time to time to appoint a fit and proper person not being a member of the said Council to be the City Clerk, with such salary as they shall deem proper, and to remove the said Clerk at their pleasure.

XLI. And be it enacted, That it shall be lawful for the City Council from time to time to appoint a fit and trustworthy person, not being a member of the City Council or their Clerk, to be the City Treasurer, with such salary or allowance as they shall deem proper, and to remove the said Treasurer at their pleasure; and the said Treasurer shall, at the end of every quarter of the calendar year, render a correct account to the City Council of his receipts and expenditures as Treasurer, shewing the balance, from the last quarter, and shall give a bond with two sureties conditioned for the due performance of the duties of his office as required by this Act and by the said Council, and also that he will publish annually in the last week of December, in all the newspapers of the said City, a detailed account of the state of the Finances of the said City, and also a detailed account of the receipts and expenditures of all sums of money that may have been paid into the Treasurer's hands during the current year, and if the Treasurer shall at any time

neglect or refuse so to do, such neglect or refusal shall be held to be a forfeiture of his office, and to render him incapable of reappointment.

XLII. And be it enacted, That it shall be lawful for the City Council to appoint annually, such and so many Assessor or Assessors for the said City, not to exceed one for each Ward, as they may consider convenient for the public interests, to prescribe the limits in which they shall perform their duties, the securities which they shall give and the remuneration which they shall receive; and the said Assessor or Assessors shall be sworn by the Mayor or senior Alderman well and faithfully to perform the duties of their office.

XLIII. And be it enacted, That it shall be lawful for the City Council to provide by a By-law, that all the taxes to be collected in the said City by virtue of this Act shall be paid directly to the City Treasurer at such days and times as they shall appoint; but no person shall be liable to a distress and sale of his or her goods and chattels in default of payment of such taxes, unless the said Treasurer shall have caused to be left at the present or last place of abode of such person, a written or printed notice stating the amount of such taxes and demanding payment thereof, fourteen days before the warrant to distrain for such taxes shall issue.

XLIV. And be it enacted, That it shall be lawful for the City Council from time to time to appoint one City Surveyor, one City Bailiff, one City Inspector, one Harbour Master, one or more Inspectors of Lumber, Beef, Pork, Flour, Pot and Pearl Ashes, one Inspector of Weights and Measures, one Chimney Viewer, one or more Pound Keepers, and one or more Clerk of the Market or Markets, one Chief Constable of Police, and as many Sub-Constables or other Constables as may be necessary, with such salaries, wages and allowances as the said Council shall consider proper, and who shall hold their situations during pleasure, and which City Bailiff, Chief Constable and other Constables may be sworn in by the Mayor, or any other Justice of the Peace of the Midland District, and shall by virtue of their office be Constables of the Midland District.

XLV. And be it enacted, That every City Clerk, City Treasurer or other Officer appointed by the City Council shall, whenever required at such times during the continuance of his office, or within three months after the expiration thereof, and in such manner as the said Council shall direct, deliver to the Council or to such person as they shall authorize for that purpose, a true account in writing of all matters committed to his charge as such Officer, and also of all monies which shall have been by him received as such Officer, or by virtue or for the purposes of this Act, and how much thereof shall have been paid and disbursed and for what purposes, together with proper vouchers for such payments, and also a list of the names of all such persons as shall not have paid the monies due from them by virtue of and for the purposes of this Act and of the amount due from each of them; and every such Officer shall pay all such monies as shall remain due from him to the Treasurer for the time being or to such person as the said Council shall authorize to receive the same; and if such Officer shall refuse or wilfully neglect to deliver such account or the vouchers relating to the same, or such list as aforesaid, or to make payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Council or to such person as they shall authorize within three days after being thereunto required by notice in writing under the hand of the City Clerk, to be given to or left at the last place of abode of such Officer, all books, papers, maps, plans and

writings in his custody or power relating to his duties or the execution of this Act, or to give satisfaction to the said Council, or to such other person as aforesaid, respecting the same, then and in every such case, upon complaint made on behalf of the said Council by such person as they shall authorize for that purpose, of any such refusal or wilful neglect as aforesaid, to any Justice of the Peace not a Member of the said Council, acting for the District or other jurisdiction wherein such Officer so refusing or neglecting shall be or reside, such Justice is hereby authorized and required to issue a warrant under his hand and seal for bringing such Officer before any two of the Justices of the Peace for such District or jurisdiction, and upon the said Officer appearing or not being found, it shall be lawful for such Justices to hear and determine the matter in a summary way, and if it shall appear to such Justices that any monies remain due from such Officer, such Justices may and they are hereby authorized and required upon non-payment thereof, by warrant under their hands and seals to cause such monies to be forthwith levied by distress and sale of the goods of such Officer, and if sufficient goods shall not be found to satisfy the said monies and the charges of the distress, or if it shall appear to such Justices that such Officer has refused or wilfully neglected to deliver such account or the vouchers relating thereto or such list as aforesaid, or that any books, papers, maps, plans or writings as aforesaid remain in his hands or in his custody or power, and that he has refused or wilfully neglected to deliver the same or to give satisfaction concerning them, then and in every such case such Justices shall, and they are hereby required to commit such offender to the Common Gaol or House of Correction for the District or jurisdiction where such offenders shall be or reside, there to remain without bail until he shall have paid such monies as aforesaid, or shall have compounded with the said Council for such monies and shall have paid such composition in such manner as they shall appoint (which composition the said Council are hereby empowered to make and receive) or until he shall have delivered a true account as aforesaid, together with such vouchers and lists as aforesaid, or until he shall have delivered up such books, papers, maps, plans and writings, or have given satisfaction in respect thereof to the said Council or to such other person as aforesaid, as the case may be: Provided always, that no person so committed shall be detained in prison for want of sufficient distress only, for a longer space of time than three calendar months: Provided also, that nothing in this Act contained shall prevent or abridge any remedy by action against any such Officer so offending as aforesaid, or against any surety for any such Officer, but such Officer shall not be sued by action and also proceeded against in a summary manner by virtue of this Act for the same cause: And provided also, that the provisions of this clause shall be and are hereby made applicable to all the Officers at present serving under the authority of the Mayor and Common Council of the Town of Kingston.

XLVI. And be it enacted, That it shall and may be lawful for the City Council from time to time to appoint so many of the members thereof as they shall deem proper, to form a Board of Health to aid and assist the Mayor of the City to carry into effect the provisions of the Statutes which now are or may be passed to preserve the health of the said City, and to prevent the introduction and spreading of infectious and pestilential diseases in the same; and the said Board in conjunction with the Mayor shall have the like power and authority for the purposes aforesaid, as are vested in the Boards of Health established under the provisions of an Act passed in the Parliament of Upper Canada, in the third year of His late Majesty's Reign, intituled, *An Act to establish Boards of Health*,

and to guard against the introduction of malignant, contagious and infectious diseases in this Province.

XLVII. And be it enacted, That the said City of Kingston shall, by its representatives in whom the Legislative power of the City shall be vested as hereinbefore mentioned, have full power and authority from time to time to make, revise, alter, amend, administer and enforce such Laws as they may deem proper for the several purposes following, that is to say:

First. For making, levelling, flagging, paving, macadamizing, raising, repairing, lighting, watching, planting, and cleaning any of the streets, squares, lanes, walks, side-walks, crossings, roads, bridges, wharves, docks, slips, sewers, and shores now laid out and erected or being or hereafter to be laid out and erected within the limits of the City, and to regulate or prevent the encumbering, injuring, or fouling of the same by any animals, vehicles, vessels, craft, lumber, building or other materials or things, or in any way whatsoever, and for the establishing, making, and regulating public fountains, pumps, and wells.

Secondly. For directing and requiring the removal at any time of any door steps, porches, railings, or other erections, projections, or obstructions whatsoever, which may project into or over any public street, square, or road, at the expense of the proprietors or occupants of the real property in or near which such projection or obstruction may be found.

Thirdly. For surveying by competent persons, and fixing, marking, determining, and settling the boundary lines of the various streets, squares, and roads of the said City, to give names for the said streets, and to affix boards containing such names on the houses at the corners thereof.

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

Fifthly. 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 of place, and for regulating the time and manner in which such assessment shall be collected and paid.

Sixthly. To regulate and manage the present market, and to establish, regulate, and manage any new market; to regulate the place and manner of selling and weighing butcher's meat, hay, straw, fodder, wood, lumber and fish; to restrain and regulate the purchase and manner of selling of all vegetables, fruit, country produce, poultry, and all other articles, or things, or animals exposed for sale, or marketed in the open air; to restrain and regulate the purchase of any such things by hucksters and runners living within the City, and one mile distant from the outer limits thereof; to regulate the measurement, length and weight of coal, lime, shingles, lath, cordwood, and other

fuel, and to impose penalties for light weight, or short count or measurement in any thing marketed; to have the exclusive right of regulating weights and measures in the markets, and within the said City, according to the lawful standard, and to seize and destroy such as are not according to the standard; to regulate all vehicles, vessels and other things in which anything may be exposed for sale or marketed in any street or public place, and for imposing a reasonable charge or duty thereon, and establishing the mode in which it shall be paid; to seize and destroy all tainted and unwholesome meat, poultry, fish, or articles of food; and to distrain butcher's meat for the rent of market stalls, and sell the same after six hours' notice.

Seventhly. To regulate the Harbour and the Vessels, Craft and Rafts arriving in it; to impose and collect such reasonable Harbour Dues thereon as may serve to keep the Harbour in good order and provide for the payment of a Harbour Master, and the erection and maintenance of a beacon therein; to regulate and provide for the erection and rent of wharves, piers and decks in the said Harbour, and to prevent the filling up or encumbering the said Harbour.

Eighthly. To regulate the assize and price of Bread, and to provide for the seizure and forfeiture of Bread baked contrary thereto.

Ninthly. To enforce the due observance of the Sabbath; to prevent vice, immorality and indecency in the streets or other public places, and to preserve peace, health and good order; to prevent the excessive beating or cruel and inhuman treatment of animals; to prevent the sale of any intoxicating drink to children, apprentices or servants without the consent of their legal protectors; to impose penalties on the keepers of low tippling houses, visited by dissolute and disorderly characters; to license and regulate victualling houses or other houses of refreshment where spirituous liquors are not sold; to license, regulate or prevent billiard tables, bowling alleys or other places of amusement; to restrain or suppress gambling houses, and to enter into them and seize and destroy rouge-et-noir and roulette tables and other devices for gambling; to restrain and punish all vagrants, drunkards, mendicants and street beggars; to restrain or regulate the licensing of all exhibitions of natural or artificial curiosities, theatres, circuses or other shows or exhibitions for hire or profit.

Tenthly. To establish and regulate one or more Pounds and the fees to be taken thereat, and to restrain and regulate the running at large of horses, cattle, swine, goats, dogs, geese end poultry, and to impound the same; to impose a tax on owners or harbourers of dogs; to regulate and prevent dogs running at large, and to kill such as are found running at large contrary to law after public notice given; to abate and cause to be removed all public nuisances; to regulate the construction of privy vaults; to cause vacant lots in central situations, when they become nuisances, to be properly enclosed; to regulate and prevent the erection or continuance of slaughter-houses, tanneries, distilleries or other manufactories or trades which may prove to be nuisances; to prevent the ringing of bells, blowing of horns, shouting and other unusual noises in the streets and public places; to prevent immoderate riding or driving in the same; to prevent or regulate bathing in any public water in or near the City.

Eleventhly. To regulate and license owners of livery stables, or other owners of horses or carriages letting out the same for hire or profit, carters, porters, butchers or hucksters, and to prevent runners, stage drivers and others in the streets or public places from soliciting and teasing passengers and others to travel in any boat, vessel, stage or vehicle.

Twelfthly. To establish and regulate a Police for the said City; to establish and regulate one or more Alms-houses and Houses of Refuge for the relief of the poor and destitute; to erect and establish and also to provide for the proper keeping of any Work-house, Gaol, Bridewell or House of Correction that may hereafter be erected in the said City.

Thirteenthly. To erect, preserve and regulate Public Cisterns, Reservoirs or other conveniences for the supply of good and wholesome water or for the extinguishment of fires, and to make reasonable charge for the use thereof and to prevent the waste and fouling of public water.

Fourteenthly. To prevent or regulate the firing of guns or other fire-arms; to prevent or regulate the firing or setting-off of fire-balls, squibs, crackers or fire-works; to prevent or regulate the keeping or transporting of gunpowder or other combustible or dangerous materials, and to erect, regulate and provide for the support by fees of a City Magazine for the storing of gunpowder, belonging to private parties—whether erected within or without the said City, and to compel persons to store therein; to prevent or regulate the use of fire, lights or candles in livery or other stables, cabinet-makers' and carpenters' shops and other combustible places; to prevent or regulate the carrying on of manufactories or trades dangerous in causing or promoting fire, and to regulate and require the safe-keeping of ashes in proper deposits; to make such 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; to regulate, remove or prevent the construction of any chimney, flue, fire place, stove, oven, boiler or other apparatus or thing in any house, manufactory or business which may be dangerous in causing or promoting fire; to regulate the construction of chimnies as to dimensions and thickness, and to enforce the proper sweeping or cleaning of the same by licensed or other chimney sweepers; to guard against the calamities of fire by regulating and enforcing the erection of party walls, and preventing wooden buildings being erected in the thickly-built parts of the City; to compel the owners and occupants of houses to have scuttles in the roofs, and stairs and ladders leading to the same; to require the inhabitants of the said City to provide so many firebuckets, in such manner and time as they shall prescribe, and to regulate the examination of them and the use of them at fires; to regulate the conduct and enforce the assistance of the inhabitants at fires and the preservation of property thereat; to make regulations for the suppression of fires and the pulling down or demolishing of adjacent houses; to purchase fire-engines, and establish and regulate fire, hook, ladder, and property-saving companies, subject to the laws of the Province; to provide medals or rewards for persons who shall distinguish themselves at fires, and to assist the widows and orphans of persons who may be killed at fires.

Fifteenth. To regulate the interment of the dead, and to direct the returning and keeping of Bills of Mortality, and to impose penalties on Physicians, Sextons, and others for default in the premises; to provide and regulate public cemeteries for the interment of the dead.

Sixteenthly. To regulate the management and provide for the security of the public property of the said City of every kind, and to provide for the permanent improvement of the said City in all matters, as well ornamental as useful.

Seventeenthly. To license and appoint by warrant such and so many inferior Officers other than those already mentioned in this Act, as shall from time to time be found necessary or convenient to enforce and execute such By-laws and Regulations as may hereafter be made by the said City Council, under authority of this Act, and to displace all or any of them, and put others in their room, and to add to or diminish the number of them or any of them, as often as the said Council shall see fit.

Eighteenthly. To regulate the bonds, recognizances or other securities to be given by all Municipal Officers for the faithful discharge of their duties; to inflict reasonable penalties for refusing to serve any Municipal office, and for the infringement of any and every law of the said City.

Nineteenthly. To impose and provide for the raising, levying and collecting annually, by a tax on the real and personal property in the said City, made liable to assessment by this Act, a sum of money, the better to enable them to carry fully into effect the powers hereby vested in them: Provided always, that such tax shall never exceed in any one year one shilling and six pence in the pound upon the assessed value of such property, exclusive of the tax to be assessed by law for the support of Common Schools, and the support of a Lunatic Asylum in that part of this Province called Upper Canada; and that from and after the passing of this Act no assessment for Statute Labour shall be made in the said City.

Twentiethly. To regulate and prescribe the duties of all Officers acting under the authority of the City Council, and the penalties on their default of duty, and to impose fines upon Jurors refusing to attend the valuation of real property authorized by this Act.

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

XLVIII. And be it enacted, That upon the trial of any issue, or the taking of any inquisition or judicial investigation whatever, in which the said City, or the Mayor, Aldermen or Councillors thereof, or either of them, are a party or interested, no person shall be deemed an incompetent witness or juror by reason of his being an inhabitant citizen; and that if any person shall be sued or impleaded

by reason of any thing done by virtue of this Act, it shall be lawful for such person to plead the general issue, and to give this Act and the special matter in evidence.

XLIX. And be it enacted, That if any person shall knowingly swear or affirm falsely in any examination or evidence taken in any proceeding made by the authority of this Act, he shall be deemed guilty of wilful and corrupt perjury.

- L. And be it enacted, That it shall be lawful for the Governor General, or Person administering the Government of this Province, to appoint a Police Magistrate in and for the said City, who shall hold office during pleasure, and who shall also be ex-officio a Justice of the Peace in and for the Midland District, and the said Police Magistrate shall be entitled to receive such fees as are now used and allowed by law in that part of the Province of Canada called Upper Canada, to other Justices of the Peace, which fees, together with all fines imposed by him in his proper jurisdiction as such Police Magistrate, shall be by him on the first days of January, April, July and October in each year, paid over and accounted for, under oath to be sworn before any Justice of the Peace for the Midland District, to the Treasurer of the said City, to be by him applied to the general funds of the said City; and that the said Police Magistrate shall also have full power and authority to take cognizance of and punish all offences against the Municipal Laws and Regulations of the City, in the same manner as the Mayor or any Alderman thereof, and that the salary of the Police Magistrate shall not be more than two hundred and fifty pounds, nor less than one hundred and fifty pounds, to be determined by the said City Council, and such salary shall be paid out of the general revenues of the City.
- LI. And be it enacted, That the penalties which may be imposed under the authority of this Act shall be applied to the uses of the said City, and shall be recoverable with costs on conviction upon the oath of one or more witnesses, or by confession before the Mayor, the Police Magistrate, or any one of the Aldermen, by distress and sale of the goods and chattels of the offender or offenders, or imprisonment of his or their persons, which warrant of distress or imprisonment the Mayor or either of the Aldermen is hereby empowered to grant.
- LII. And be it enacted, That the Mayor and Aldermen, and Police Magistrate, or any one of them, shall have full power and authority to take up and arrest, or order to be taken up or arrested, all and any rogues, vagabonds, drunkards, and loose and disorderly persons, and commit them to any Workhouse, Gaol, Bridewell or House of Correction which may be established in the said City, there to receive such punishment, not to exceed one month's imprisonment, either with or without hard labour, as the said Mayor, Aldermen or Police Magistrate shall think fit: Provided always, that the Gaol of the Midland District shall be the Gaol of the said City until another suitable place of confinement is provided by the City Council, and the Sheriff of the said District and his Gaoler shall be bound to receive and safely keep until duly discharged, all persons committed thereto by any competent power or authority of the said City.
- LIII. And be it enacted, That the said City Council shall have full power and authority, notwithstanding any law to the contrary, to purchase and acquire, or to take and enter into after paying, tendering or depositing the value thereof, to be ascertained as hereinafter provided, such

land, ground, or real property of any description within the said City, as may by them be deemed necessary for opening, lengthening, straightening, or enlarging any street, square, market-place or other public thoroughfare, or as a site for any public building to be erected by the City Council, and to pay to or for the use of the proprietor or proprietors of such ground or real property, and out of the funds of the said City such sum of money as may be agreed upon as the value of such ground or property, by the party proprietor thereof and the said Council respectively, or ascertained in the manner hereinafter mentioned in case they shall not so agree upon the same.

LIV. And be it enacted, That it shall and may be lawful for the City Council of the said City in Council assembled, by a Legislative Act or By-law made according to the provisions of this Act to stop up, alter or divert any public highway, street or lane, or to lay out any new street or highway, or to extend any street already laid out: Provided always, that before any such Act or By-Law shall be passed, it shall be the duty of the said Council, by resolution, to direct a notice of their intention to stop, alter, or divert any such public highway, street or lane, or of their intention to lay out any new street, or to extend any street already laid out, to be given and to be published at least one calendar month in not more than three, nor less than two newspapers of the said City; and also to hear in person or by Council or Attorney any person through whose land such highway, street or lane, or proposed highway, street or lane shall run, if he claims so to be heard before them at any time before the final passing of any such Act or By-law.

LV. And be it enacted, That upon the passing of any Act or By-law of the said Council for the purpose of authorizing the opening of any street or other public thoroughfare, or of changing or diverting any street or public thoroughfare, or of extending the same so as to cause the same or any part thereof to go through or be placed upon the land or other real property of any person or persons, it shall and may be lawful for the person or persons who shall own such property, to institute a special action on the case at Law in Her Majesty's Court of Queen's Bench for Upper Canada, against the said City of Kingston, 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 an entry for the purpose of survey shall be proved at the trial of any such action, 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 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 or payment the City of Kingston shall be discharged from the damages which shall be assessed in such action; and the land or other real property which shall be proposed to be taken by any such 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 purposes of such Act or By-law shall be lawful after the assessment of such damages by the Jury until the amount of the damages assessed, and the costs of the Plaintiff in such action shall have been levied by the Sheriff, or paid, or discharged, or lawfully tendered to the Plaintiff or the Attorney of the Plaintiff in such action.

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

LVII. And be it enacted, That the Jury in estimating the damages or compensation in any such action, shall take into consideration any benefit or advantage which shall or may be derived 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, that it shall not be competent for the said Council to pass any Act or By-law for stopping up any original allowance for road within the said City.

LVIII. And be it enacted, That in lieu of the payment of any part of the rates or assessments heretofore payable to the general funds of the Midland District, the Treasurer of the said City shall, some time in the month of January in each and every year, out of the monies in his hands of the said City, pay to the Treasurer of the Midland District, for the general uses of the said District, the yearly sum of three hundred pounds, the first payment thereof to begin and be made in the month of January next ensuing the passing of this Act, and in default of such yearly payment of the sum of three hundred pounds as aforesaid, it shall and may be lawful for the Municipal Council of the Midland District, at its next sitting after the said month of January in each and every year, to levy by a By-law or By-laws to be passed for that purpose, a rate or tax upon the real and personal property in said City, a sum sufficient to amount to the said sum of three hundred pounds, over and above all necessary expenses attendant upon the levying and collecting of the rate or tax aforesaid: Provided always, that nothing in this Act shall be construed to prevent or excuse the said City from paying to the general funds of the Midland District, all such sum and sums of money as are or hereafter may be collected within the said City for or on account of the assessment already imposed by the general assessment law of this Province, due and payable by the inhabitants of the said City for the year eighteen hundred and forty-six, together with all such other sum or sums which may be due and owing by the said City, to the said District on the assessment for the years eighteen hundred and forty-two, eighteen hundred and forty-three, eighteen hundred and forty-four and eighteen hundred and forty-five, and also the assessment which has been or may be hereafter levied by the Municipal Council of the said District for the present year.

LIX. And be it enacted, That it shall be the duty of the City Council, and they are hereby required within five years after the passing of this Act, to build or cause to be built at the expense of the said City, on some convenient site to be by them procured for that purpose, within the said City, a good, sufficient and secure Gaol and House of Correction, for the confinement and imprisonment

of all offenders, who shall at any time after the completion of such Gaol and House of Correction, be committed or adjudged to be imprisoned under any order or warrant of the Mayor, any Alderman, or the Police Magistrate of the said City, and from and immediately after the completion of such Gaol and House of Correction no person adjudged to be imprisoned as aforesaid shall be committed to the Gaol of the Midland District, except in cases of parties charged with offences which from their nature require to be tried before a Superior Court: Provided always, that so soon as such Gaol and House of Correction shall be built and finished as aforesaid, the payment of the said sum of three hundred pounds to the Treasurer of the Midland District shall cease and determine.

LX. And be it enacted, That the better to enable the said City Council to build such Gaol and House of Correction, it shall and may be lawful for them to borrow for a term not exceeding twelve years, a sufficient sum of money for that purpose not exceeding five thousand pounds, from any person or persons or Company willing to advance the same, at a rate of interest not exceeding that fixed by law.

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

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

LXIII. And be it enacted, That the rate or rates aforesaid shall also be raised, assessed and levied upon the owners or possessors of the following chattel property, that is to say: Stallions, (kept for covering mares) horses and horned cattle, as hereinafter mentioned, coaches, phaetons, curricles,

gigs, wagons, sleighs, and other carriages kept for pleasure only, or for hire, according to the yearly value thereof, ascertained as hereinafter mentioned: Provided always, that nothing in this Act contained shall extend or be construed to extend to any churches, chapels, places of public Divine worship, school houses (when not used as dwellings) or burying grounds.

LXIV. And be it enacted, That every lot and parcel of ground whereon any house or other building, or houses or buildings to be valued as aforesaid are situate and being held therewith as the same tenement when such lot of ground is not above half an acre in extent, and to the amount of half an acre thereof, shall be assessed and valued with the house or building, houses or buildings thereon; and the overplus, if any, over half an acre, shall be valued as a separate tenement and vacant ground.

LXV. And be it enacted, That the possessors or owners of all cultivated, vacant or unoccupied ground, farms, gardens, and other lands not valued with any house or building as above mentioned, situate or partly situate within the said City, and also the said horses, cattle and carriages heretofore mentioned shall not be rated in respect thereof as hereinbefore mentioned, but the same shall be valued according to certain fixed rates, that is to say, lots or pieces of ground being separate tenements, as follows: Under half an acre, five pounds; half an acre and under an acre, ten pounds; an acre and under two acres, twenty pounds; and every lot or piece as aforesaid of two acres or upwards, twenty pounds for the first acre, ten pounds for the second acre, five pounds for the third acre, and one pound ten shillings for every subsequent acre; every stallion kept for covering mares for hire or gain at forty pounds of yearly value; every other horse, mare or gelding, three pounds; every head of cows and other horned cattle, one pound. On each of the following vehicles kept for pleasure only as follows: every close four-wheeled carriage, twenty-five pounds of yearly value; every phaeton or other open four-wheeled carriage, fifteen pounds; every pleasure wagon or other carriage, buggy or gig, twelve pounds ten shillings. On each of the following vehicles kept for conveying passengers for hire or gain only: every four-wheeled carriage, twelve pounds; every two-wheeled carriage, eight pounds; for every two horse sleigh kept for pleasure only, at fifteen pounds yearly value, and every one horse sleigh kept for pleasure only, at ten pounds of yearly value; for every two horse sleigh kept for conveying passengers for hire or gain only, ten pounds of yearly value.

LXVI. And be it enacted, That it shall be the duty of the Assessors of the said City to make such valuation as aforesaid when required by the City Council, and to complete the same on or before the first day of July in each year; and also to leave at the residence of every person so rated, whenever residing in the said City, a notice of the yearly rent or value of the property in respect whereof he, she or they shall be so rated; and in case any person shall think himself or herself over-rated in his or her assessment, it shall and may be lawful for such person at any time before the tenth day of August to give notice in writing to the City Clerk of the overcharge complained of, and the same shall be examined into and tried by a Court of five members of the said Council, to be appointed by the Council for the purpose by ballot (of whom three shall be a quorum) who shall meet at such times and places as the Council may direct, reasonable notice thereof being given to the party complaining and to the Assessor making the rate; and the Court, after hearing the complaining party and his or her witnesses on oath, shall finally decide and determine upon

such complaint, and affirm or amend the return of the Assessor accordingly: Provided always, that if the said complaining party shall neglect to appear at such meeting of the said Court, he or she having had reasonable notice thereof as aforesaid, the said Court shall proceed to make their final decision without hearing such party; and in case it shall appear to any two or more members of the said Court that the rent or yearly value has been in any ease returned by the Assessor at too low a value, they shall cause the said Clerk to give to the person or persons so rated as aforesaid, and to the Assessor who shall have made such rate, notice of the time of meeting of the Court aforesaid, at which the same matter shall be heard, and the same shall be finally determined by the said Court in like manner as aforesaid, after hearing the said parties and witnesses on oath, or in default of their appearance as aforesaid: Provided always, that the said Court shall have power to adjourn from time to time as they shall see fit.

LXVII. And be it enacted, That the Mayor or any one of the Aldermen of the said City shall have full power and authority (if required) to issue a summons for each witness whose evidence may be desired by the said Court, and if any person shall neglect or refuse to obey such summons, upon being tendered a reasonable remuneration for his services, not exceeding two shillings and six pence per day, he shall be liable to such fine, and in default of payment such imprisonment, as such Mayor or Aldermen shall deem proper, but not to exceed that which is authorized by this Act to be imposed for violating the By-laws of the said City Council.

LXVIII. And be it enacted, That it shall be lawful for the said Court, constituted as aforesaid, to hear on Memorial or Petition the eases of such persons as during that year have been assessed for any house or part of a house which has been vacant for more than four calendar months, and also the cases of such persons who, from sickness or extreme poverty, shall be unable to pay any rate by this Act imposed, and on hearing such case or cases it shall and may be lawful for the said Court to compound for or remit the whole or any part of such rate or rates.

LXIX. And be it enacted, That every landlord, proprietor, factor or agent, who shall wilfully grant a certificate or receipt which contains a less sum than the rent really paid or payable for the premises therein mentioned or referred to, and every tenant who shall present to the Assessor aforesaid, or otherwise utter or publish such a certificate or receipt, in order to procure a lessening or abatement of such rate or assessment, shall be liable to such fine, and in default of payment, to such imprisonment, as may be imposed by any By-law of the City Council to that effect.

LXX. And be it enacted, That if any person or persons rated or assessed as is in manner herein directed shall refuse or neglect to pay the rates or assessments charged upon him, her or them, for the space of fourteen days next after such rates shall be due and demanded by the Treasurer of the City, it shall and may be lawful for the said Treasurer to apply to the Mayor, or, in his absence or illness, to the Senior Alderman, for a warrant to the High Bailiff or any Constable of the said City to enter into the house or houses, other dwellings or premises of such person or persons, and to seize and take possession of his, her or their goods and effects, (whether in the Ward in which the assessed property is situated or elsewhere in the said City,) which warrant the said Mayor or Alderman is hereby authorized to grant upon a certificate signed by the Treasurer, and an affidavit sworn by the Constable making the demand, of such rate having been made, and of

such person or persons being in arrear to the amount stated in such certificate, and if such rate or assessment shall not be paid within five days next after such seizure, the City Council is hereby authorized to sell by public auction, at such place as may be proper, such part of the said goods and effects as shall be sufficient to pay the said rates and assessments, with the costs and charges attending such seizure and sale, returning the overplus, if any there be, to the owner or owners: Provided always, that the costs and charges of any such seizure and sale shall not exceed those authorized by a certain Act of the Parliament of Upper Canada, passed in the first year of Her present Majesty's Reign, intituled, *An Act to regulate the costs of levying Distresses for Small Rails and Penalties*.

LXXI. And be it enacted, That all proprietors, lessees and others, who shall let for rent premises within the said City for a space less than one year, shall themselves, as well as the occupiers of such premises, be liable and responsible for the rates and assessments aforesaid, and such assessments and rates shall and may be recovered from the proprietors, lessees and others, or from the occupiers, as the City Treasurer shall judge convenient.

LXXII. And be it enacted, That every tenant for a term of years, or of one year, or of any shorter period commencing after the passing of this Act, who shall pay any rates, levies or assessments under the authority of this Act, shall, when such rate or assessment shall be paid and discharged, be at liberty to deduct the amount of such rate or assessment out of the rent due or to fall due next after the payment of such rate or assessment, excepting always when there shall be any covenant, stipulation or agreement between the landlord and the tenant for the payment of rates or taxes by the tenant, or for the payment of the rent by such tenant without abatement for or on account of such rates or taxes.

LXXIII. And be it enacted, That in all cases where the person or persons who shall be rated in respect of any vacant ground or other real property within the said City, shall not reside therein, and the rates and assessments payable in respect to such vacant ground or other property shall remain unpaid, the rates or assessments payable in respect of such property shall remain charged against the same, and shall be paid by any future occupier of the same, or by any proprietor thereof who shall reside within the said City at any time after the said rates and assessments shall be due and in arrear, together with interest on the sum and sums so in arrear, from the time at which they shall respectively become payable, after the rate of six per centum per annum, and the said sum and sums so in arrear, with interest, shall be recovered in like manner as is hereinbefore provided for the recovery of other rates and assessments.

LXXIV. And be it enacted, That each male inhabitant of the said City of the age of twenty-one years and upwards, and not above the age of sixty years, not otherwise rated under the authority of this Act, and who by the present laws would be liable to perform Statute Labour, shall be rated and assessed in the sum of ten shillings yearly, which said sum, with a list of persons liable to pay it, shall be added to the City Assessment List by the Assessor, and collected by the Treasurer for the general uses of the said City, in like manner as other rates are levied and raised under the authority of this Act.

LXXV. And be it enacted, That all and every the Rules, Orders, Regulations, and Acts of Authority for, touching or concerning the affairs of the Town of Kingston, which may be in force at the time of the passing of this Act, shall continue, be and remain in full force and virtue until the same shall be rescinded, repealed or altered by the City Council of the City of Kingston, or other competent legal authority, and all Officers of the Town of Kingston, appointed by the Mayor and Common Council of the said Town, shall continue to act in the same capacity as heretofore, and with the same remuneration for their services, until removed by the City Council, or re-appointed under the provisions of this Act.

LXXVI. And be it enacted, That until the first City Council of the City of Kingston shall be constituted under the provisions of this Act, the Mayor, Aldermen and Common Councilmen of the Town of Kingston, shall remain in office, and when the said City Council shall be constituted, they shall go out of office, and their whole duties and powers shall cease, but nothing in this Act shall prevent any member of the Common Council of the said Town from being a candidate at the first election for Aldermen and Councillors for the City of Kingston.

LXXVII. And be it enacted, That the Common Council of the Town of Kingston shall, and they are hereby authorized and required to take the necessary means by preparing and revising the Voters' Lists and otherwise, for holding the first election of Aldermen and Councillors for the City of Kingston under this Act, and according to the spirit, intention and meaning thereof, which said election, the qualification and registry of persons voting thereat, the manner and time of holding the same, and all things therein concerning, shall be held, governed and done by and in accordance with the provisions of this Act, relative to the annual Ward Elections, as near as may be, and the said first election shall be held on the second Tuesday in the month next after the month in which this Act is passed; and for the purpose of making out the necessary Voters' Lists for the said first election, the Assessment Lists for the year one thousand eight hundred and forty-five shall be used, and all persons qualified under this Act, being entered on the said lists, shall be voters in the various Wards respectively, at the said first election, and such first election so held, and all the proceedings growing thereout necessary to constitute the said City Council, and to give effect to its powers and proceedings, shall be as valid to all intents and purposes as if it were held on the second Tuesday in January; any thing herein to the contrary notwithstanding.

LXXVIII. And be it enacted, That from and after the passing of this Act, at any adjourned or other General Sessions held in the Midland District, for the purpose of receiving applications and granting Certificates to Innkeepers for License, only those Magistrates who may be resident inhabitants of the said City shall vote on any application for a License to keep an Inn situate within the said City.

LXXIX. And be it enacted, That whenever the word "Oath" is used in this Act, it shall be held to comprehend an affirmation, if legally made, and the words "Senior Alderman" to mean that Alderman of the five longest in office, who is rated for the largest amount on the last Assessment List, and the word "Person" or "Persons" shall be taken to comprehend a body politic or corporate, as well as an individual; and every word importing the singular number shall, when

necessary, be deemed to extend to several persons or things, and every word importing the masculine gender shall, when necessary, extend to a female as well as a male.

LXXX. And for the protection of persons acting in the execution of this Act, Be it enacted, That all actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act, shall be laid and tried in the Midland District, and shall be commenced within six calendar months after the fact was committed, and not afterwards or otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the City Clerk or his substitute two calendar months at least before the commencement of the action; and no Plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if, after action brought, a sufficient sum of money shall have been paid into Court, with costs, by or on behalf of the Defendant.

LXXXI. And be it enacted, That all the property, real and personal, in the possession of or belonging to the Commonalty or Common Council of the Town of Kingston shall vest in and belong to the City Council of the City of Kingston, and their successors; and all sums of money which are due or are to be raised under the authority of the above cited Act incorporating the Town of Kingston, or which may be raised under the authority of this Act, shall be paid and applied by the said City Council.

LXXXII. And be it enacted, That all the monies in the possession of the Common Council of the Town of Kingston, or which are due or are to be raised under the authority of the Act incorporating the said Town, or which may be raised under the authority of this Act, shall be charged and chargeable with the debts which have been legally contracted by the said Common Council, and remain due and unpaid, and with the debts that may be contracted by the City Council of the City of Kingston; but nothing in this Act shall prevent the said City Council from renewing any loans which have been heretofore made by the Common Council of the Town of Kingston.

LXXXIII. And be it enacted, That whenever in any Act of Parliament, Proclamation, Letters Patent, Record, Writ, or other legal proceeding, Deed, Will, Instrument, or writing of any kind or description, the name of the Town of Kingston or Kingston is or shall be used with intention to apply it to the place heretofore called the Town of Kingston as mentioned in this Act, it shall, according to the locality, be taken to have been meant and intended, and shall, to all intents and purposes whatever, apply to the said City of Kingston, and shall be so understood and applied by all Courts, Judges and Justices, and by all persons concerned in any public act or duty.

LXXXIV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to or affect, or be construed to affect, any houses, lands, goods, chattels, or property of any kind, belonging to Her Majesty, Her Heirs or Successors, or vested in or held by any public body, officer, person or party in trust, for the uses or service of Her Majesty, Her Heirs or Successors, whether held in fee simple or for any less estate during the continuance of such estate: Provided always, that this clause shall not be held to exempt any person aforesaid not in

the Naval or Military service of Her Majesty, in actual possession of my such real property under lease, from being assessed therefor under this Act.

LXXXV. And be it enacted, That this Act shall be taken and held to be a Public Act, and shall be judicially taken notice of by all Judges, Justices, and others, without being specially pleaded.

Form of Treasurer's Certificate for Procuring a Distress Warrant. I, _____ City Treasurer, of the City of Kingston, do hereby certify that the sum of rated against _____ an inhabitant of the said City, in respect of rateable property in Ward, (or, not assessed in respect of rateable property in the said City,) is now in arrear and unpaid. City Treasurer. Form of Attestation. I, one of the Constables of the City of Kingston, do swear that I did, on the day of _____ duly demand the above named taxes from the above named by delivering a notice of such demand, according to law, at the place of abode of the said (or, by delivering a notice of such demand to him the said). Sworn before me, at the City of Kingston, this day of 18 . (Signed.) Form of Warrant of Distress. To High Bailiff, (or one of the Constables of the City of Kingston, as the case may be:) You are hereby authorized and required to distrain the goods and chattels and effects of which you shall find upon the premises of the said in the City, for the sum of rated against him (or her) and now in arrear and unpaid, and in default of payment of such rate (or rates) and the lawful costs and expenses of the said distress, to sell and dispose of the said distress (or distresses) according to law, for the recovery of the said rate (or rates,) together with the said costs and expenses according to law, and for your so doing this shall be your sufficient warrant. Given under my hand and seal, at the City of Kingston aforesaid, this day of in the year of our Lord, one thousand eight hundred and . (Signed) [L. S.]