

Laws of His Majesty's Province of Upper Canada, passed in the year 1846. Montreal: Stewart Derbyshire & George Desbarats, 1846.

9 Victoria – Chapter 42

An Act to confer limited Corporate Powers on the Towns and Villages of Canada West, not specially incorporated. 28th July, 1847.

Whereas it is expedient, for the good order and safety of all Towns and Villages in that part of the Province of Canada which formerly constituted the Province of Upper Canada, that limited corporate powers should be conferred on the inhabitants thereof: 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 from and after the passing of this Act the inhabitant householders of every such Town and Village not otherwise incorporated, in that part of this Province mentioned in the preamble to this Act, wherein there may be thirty inhabited houses shall if they think fit on the first Monday in October next after the passing of this Act and in every year thereafter, at the hour of ten in the morning, meet at such place as may be fixed upon and determined by the Senior (or in his default by any other) Justice of the Peace residing in (or in default the Justice of the Peace residing nearest to, or in his default by any Justice of the Peace residing within five miles of) such Town or Village, by a public notice to be posted up in not less than three of the most frequented places in such Town or Village, not less than eight nor more than twelve days previous to the said day of meeting, and having elected as Chairman such person among them as the majority of persons present shall decide upon to preside at the said meeting, the said householders shall, after this Act shall have been read by the said Chairman, proceed if they think fit to the election by a majority of votes, of three such inhabitant householders, if such Town or Village shall contain thirty inhabited houses and less than fifty, and if such Town or Village shall contain fifty or more inhabited houses, then of five such inhabitant householders, to be Trustees of such Town or Village, and who shall be invested with the powers hereinafter specified: Provided always that if separate notices be given under this section by more than one Justice of the Peace within the time appointed for that purpose, then the notice given by the Justice first entitled to give the same under this section shall be the valid notice, and all others shall be null.

II. And be it enacted, That the said Trustees shall choose one from among themselves to be an Inspector in and for the Town or Village; which said Inspector shall cause to be executed the Rules and Regulations hereinafter established and provided.

III. And be it enacted, That the Trustees chosen as aforesaid, shall remain in office one year from the day of their election or nomination as aforesaid, or until others shall be elected or appointed in their stead, and shall then be replaced by an equal number of householders who shall be invested

with the same powers; Provided always, that nothing herein contained shall prevent the re-election or re-appointment of any of the said Trustees.

IV. And be it enacted, That the following articles shall be taken and considered, and the same are hereby declared to be Rules and Regulations of Police, for the said Towns or Villages, that is to say:

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

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

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

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

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

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

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

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

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

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

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

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

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

Fourteenthly. Any person or persons who shall in any of the said Towns or Villages keep or deposit any ashes or cinders of any kind (ashes in the possession of manufacturers of pot and pearl ashes

excepted) in any wooden vessel, box or other thing not lined or doubled with sheet iron, tin or copper, so as to prevent all danger of fire or combustion from such ashes or cinders, shall, for every such offence, incur a fine and penalty of five shillings currency.

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

VI. And be it enacted, That the penalties and forfeitures appointed by this Act shall be sued for within ten days after the offence for which they shall have been incurred shall have ceased, and not afterwards.

VII. And be it enacted, That all penalties and forfeitures incurred by any person or persons resident or living in the aforesaid Towns or Villages shall be sued for and re-covered by the Inspector in and for such Town or Village, before any one Justice of the Peace of the District, residing in or within five miles of such Town or Village, if any there be, or else before any other Justice of the Peace within the District, (provided the distance from any of the said Towns or Villages do not exceed ten miles,) who shall hear and determine such information in a summary manner, and upon the oath of one credible witness, and shall cause such penalty or forfeiture to be levied by distress and sale of the goods of the offender, and the whole of such penalty or forfeiture shall go to and be applied to the repairs and improvement of the streets, avenues and lanes of the said Towns or Villages by the said Inspector and Trustees, and the same shall be paid to the Pathmaster or Pathmasters respectively of the Division or Divisions as the case may be.

VIII. And be it enacted, That any Inspector or Trustee of any of the said Towns or Villages, who shall wilfully neglect or omit to fulfil any of the duties imposed upon the said Inspector and Trustees, or to prosecute any offender against the Regulations of Police aforesaid at the request of any inhabitant householder offering to adduce proof of the offence, shall, on being thereof convicted in manner aforesaid, incur a penalty of five shillings current money of this Province.