

*Laws of Her Majesty's Province of United Canada*, passed in the year 1847. Montreal:  
Stewart Derbishire & George Desbarats, 1847.

10 & 11 Victoria – Chapter 48

**An Act to repeal the Act of Incorporation of the Town of London, and to establish a Town Council therein, in lieu of a Board of Police, and for other purposes therein mentioned. 28th July, 1847.**

Whereas an Act was passed by the Parliament of Upper Canada, in the third year of the Reign of Her present Majesty, intituled, *An Act to define the limits of the Town of London, in the District of London, and to establish a Board of Police therein*; and whereas from the increase of the population and commerce of the said Town, and other causes, it is found that the provisions of the said Act are insufficient; And whereas the several laws now in force relative to the levying and collecting rates and assessments have in their application to the Town of London produced well founded complaints from the inhabitants of the said Town, and it is therefore expedient to provide for the more equal and just levying of the rates and assessments in the said Town; and whereas it is expedient that the whole of the rates and assessments rated and assessed on property within the said Town should be paid and applied to the uses of the said Town, the said Town paying to the funds of the London District a certain yearly sum as the proportion which the said Town ought to bear and pay of the general expenses of the District; and whereas it is expedient that the statute labor should be enforced in the said Town or commuted, at the discretion of the Mayor and Town Council hereinafter mentioned; and whereas it is expedient for the better protection and management of the best interests of the inhabitants, that the said Act should be repealed and provision made for the government of the said Town in planner hereinafter expressed: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to reunite 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 Act, intituled, *An Act to define the limits of the Town of London, in the District of London, and to establish a Board of Police therein*, and all other Acts and parts of Acts and Laws now in force repugnant to or inconsistent with the provisions of this Act, be and the same are hereby repealed, so far as they are applicable to the Town of London: Provided always, that the repeal of the said Acts and parts of Acts and Laws, shall not be held to revive or give 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 said Town of London shall be comprised within the following limits or boundaries, that is to say: All the lands comprised within the old and new surveys of the said Town, together with the lands adjoining thereto lying between the said surveys and the River Thames, producing the northern boundary line of the new survey until it intersects the north branch of the River Thames, and producing the eastern boundary line of the same new survey until it intersects the east branch of the River Thames.

III. And be it enacted, That the said Town of London shall be and the same is hereby divided into four Wards, by the names of Saint George's Ward, Saint Patrick's Ward, Saint Andrew's Ward, and Saint David's Ward, in manner following, that is to say: All that part of the Town lying north of the northern line and continuation of Hitchcock and Duke Streets, shall comprise and be called Saint George's Ward; all that part of the Town lying between King Street and Saint George's Ward aforesaid, shall comprise and be called Saint Patrick's Ward; all that part of the Town lying between Horton Street and Saint Patrick's Ward aforesaid, shall comprise and be called Saint Andrew's Ward; and all that part of the Town lying south of Horton Street shall comprise and be called Saint David's Ward.

IV. And be it enacted, That after the passing of this Act, there shall be in the said Town a Mayor and Council, to be composed and constituted in manner hereinafter described, to be a body corporate in fact and in law, by and under the name of The Mayor and Town Council of the Town of London, and as such and under that name 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 security 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: Provided always, that the Mayor and Council shall have no power to sell or dispose of any land or other property which has been or may be granted or given to the Corporation for the public use and benefit of the inhabitants of the said Town.

V. And be it enacted, That all the property real and personal in the possession of or belonging to the President and Board of Police of the said Town of London, shall vest in and belong to the said Mayor and Town Council of the said Town, and their successors; and all sums of money which are due or are to be raised under the authority of the said Act constituting the said President and Board of Police, or which may be raised under the authority of this Act, shall be paid and applied by the said Mayor and Town Council for the general benefit of the Town.

VI. And be it enacted, That all the monies in the possession of the President and Board of Police of the said Town, or which are due or are to be raised under the authority of the Act constituting the said Board of Police, and first incorporating the said Town as aforesaid, or which may be received under the authority of this Act, shall be charged and chargeable with the debts which have been legally contracted by the said President and Board of Police, and remain due and unpaid, and with the debts that may be contracted by the said Mayor and Town Council; but nothing in this Act shall prevent the said Mayor and Town Council from recovering any debts, dues, or demands due or accruing to the said Board of Police.

VII. And be it enacted, That until the first Town Council of the Town of London shall be constituted under the provisions of this Act, the President and Members of the Board of Police of the Town shall remain in office, and when the said Town 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 Board of Police of the said Town from being a candidate at the first election of Mayor and Town Councillors; and the qualification for the said Mayor and Town Councillors shall be the same as for a member of the Board of Police for the year one thousand eight hundred and forty-eight.

VIII. 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 London, 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 Town Council of the Town of London, or other competent legal authority, and all officers appointed by the President and Board of Police 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 Town Council or re-appointed under the provisions of this Act; the repeal of the said Act under which the same were made and appointed to the contrary notwithstanding.

IX. And be it enacted, That the Legislative power of the Town of London shall be and is hereby vested in the Mayor and Town Council, who together shall form the Town Council.

X. And be it enacted, That notwithstanding any thing in this Act contained to the contrary, the qualification for voters and candidates at the first general election of members of the said Town Council, to be held under the authority of this Act, and at any election to fill any vacancy in the said Town Council between the first and second general elections, shall be the same as that constituted and directed by the said recited Act hereinbefore repealed, and the qualification of candidates hereinafter mentioned shall apply to and be in force only as regards elections held for and after the year one thousand eight hundred and forty-nine.

XI. And be it enacted, That the first election of a Mayor and Councilmen under this Act shall be holden on the second Tuesday in January after the passing of this Act, and the members of the said Town Council chosen at the said election shall remain in office until the second Tuesday in January thereafter, and until their successors shall be appointed at the election then to be holden, or otherwise under the provisions of this Act; and it shall be the duty of the President and Board of Police of the said Town, and they are hereby required to appoint under their seal a Returning Officer for each of the said Wards, in the same manner as the said Town Council are hereinafter required to make such appointments for future elections, and the powers, duties and authorities of the Returning Officers so appointed, shall be the same as those of the Returning Officers to be hereafter appointed by the said Town Council.

XII. And be it enacted, That the qualified voters of the said Town of London shall in manner hereinafter mentioned, elect annually on the second Tuesday in January, one fit and proper person to be Mayor of the said Town, and each of the said Wards at the time above mentioned,

shall elect annually two persons to be members of the Town Council, from among the male inhabitant freeholders or leaseholders of the said Town, who, being subjects of Her Majesty of the age of twenty-one years, shall have been resident within the said Town for a period of not less than two years next previous to the day of election; and no person shall be capable of holding the office of Mayor unless he shall have been assessed in the Assessment Roll of the said Town for the year next previous to the year of holding such election, to the amount of three hundred pounds, and shall also be seized in fee of lands or real estate within the said Town, to the full value of the said sum, over and above all encumbrances, at the time of such election; and no person or persons shall be eligible to the office of Councilman unless they shall have been assessed on the said Assessment Roll to the amount of one hundred pounds, and shall also be seized in fee of lands or real estate, within the said Town, to the value of the said sum over and above all encumbrances, at the time of such election, or shall be leaseholders therein holding by lease for a term of years, and shall be assessed for and in respect of any property held by them as aforesaid, on the said Assessment Roll in the sum of two hundred pounds, and shall have paid the taxes in respect of such assessment: Provided always, that the qualification herein mentioned shall not extend to any election until the commencement of the year one thousand eight hundred and forty-nine; and no Mayor or Councilman elected under the authority of this Act shall receive, directly or indirectly, any salary or emolument for his services, as such Mayor or Councilman.

XIII. 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 Officer of the Crown, nor any Military, Naval or Marine Officer in Her Majesty's service, on full pay, nor any person accountable for the Town revenues, or employed in any way in expending the monies of the said Town or superintending the outlay of any of the monies of the said Town, or holding office under the Town Council, nor Returning Officer or his Clerk, while so employed, shall be capable of being elected, or if elected of retaining his seat of Mayor or Councilman; neither shall any practising Physician or Surgeon be compelled to serve as Mayor or Councilman.

XIV. And be it enacted, That the persons entitled to vote at either of the Wards aforesaid, for the election of the Mayor and Councilmen, shall be the resident male inhabitants, householders and freeholders of the said Town, of the age of twenty-one years, being subjects of Her Majesty, and who shall have been so resident for six months next previous to the holding of the election, and who shall have been rated upon the Assessment Roll of the said Town, as householders or freeholders, for the year previous to such election, and shall have paid the taxes in respect of such assessment.

XV. And be it enacted, That persons entitled to vote at the election of Mayor and Councilmen as aforesaid, shall vote within the particular Ward in which the property constituting their qualification to vote shall be situated, and not elsewhere; and if any such person shall be possessed of property entitling him to vote in two or more Wards, he shall be entitled to vote in that Ward only in which he may reside.

XVI. And be it enacted, That the Town Council shall, at least one week before the annual Ward election, appoint under their seal a Returning Officer for each of the said Wards, whose duty it

shall be to hold the election therein, beginning at nine o'clock in the forenoon, and continuing not later than four 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 his said Ward, of the place where such election is to be held; and the said Returning Officer previous to the day of election, shall be sworn by the Mayor or any one of the Councilmen well and faithfully to hold the said election and to determine the election of Councilmen.

XVII. And be it enacted, That the Returning Officers, and each of them, appointed under the authority of this Act, during the time of holding the election, shall have full power to keep the peace at such elections, and for that purpose to call upon all Constables and others to assist in quelling and stopping any disturbance, breach of the peace, or interruption of the proceedings at such elections; and to commit to the Common Jail of the said District of London on view, any person or persons guilty of, or assisting in such disturbances, breach of the peace or interruption, for a space of time not less than six hours, nor more than three days, and the Sheriff and Jailer of the said London District are hereby required to receive and keep all and every such person or persons until duly discharged.

XVIII. And be it enacted, That the Mayor and Councilmen shall be chosen in each of the said Wards annually on the second Tuesday in January, and by the qualified voters, who shall 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 publicly declare the number of votes given for each candidate, and shall also declare those candidates for the office of Councilman, having the majority of votes in their favor to be duly elected Councilmen, as the case may be, and in case of an equality of votes for two or more such candidates 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 of Councilman; and the Poll list of the election of Mayor and Councilmen so kept, shall by three o'clock in the afternoon of the day after such election be delivered by the Returning Officer with his return thereon to the Town Clerk or Acting Town Clerk, who shall thereupon publicly declare the number of votes given for each candidate for the office of Mayor, at each of the polling places, and shall also declare the person having the majority of votes in his favor, to be duly elected Mayor, and in case of an equality of votes, the person having such equality of votes, who is rated highest in the Assessment Roll of the said Town for the previous year, shall be declared duly elected Mayor; Provided always, that no Returning Officer, (except as aforesaid) or his Clerk shall vote at any such election.

XIX. And be it enacted, That the Returning Officer at any election under this Act, shall have authority, and he is hereby required at the request of any person qualified to vote at such election, to examine on oath or affirmation (when the party is allowed by law to affirm) any candidate for the office of Mayor or Councilman respecting his qualification to be elected to the said office; and shall also have authority and is hereby required upon such request as aforesaid, to examine upon oath or affirmation, as aforesaid, any person tendering his vote at any election, respecting his right to vote, and that the oath to be administered for either of the said purposes shall and may be in the following form:

“You shall true answer make to all such questions as the Returning Officer at this election shall put to you respecting your qualification to be elected at this election, (or respecting your qualification to vote at this election, as the case may be): So help you God.”

XX. And be it enacted, That if any person being examined upon oath or affirmation under this Act, in regard to his qualification to vote, or be elected, shall wilfully forswear himself, he shall be guilty of wilful and corrupt perjury, and on conviction thereof, he shall suffer as in other cases of wilful and corrupt perjury.

XXI. And be it enacted, That no person elected Mayor or Town Councillor, as aforesaid, shall be capable of acting as such until he shall have taken and subscribed before some one of Her Majesty’s Justices of the Peace in and for the London District, (each and any of whom are hereby empowered to administer the said oaths) the oaths of allegiance to Her Majesty, Her Heirs and Successors, if required so to do, and shall also have lodged with the Town Clerk or Acting Clerk, within three days after the election, an affidavit in the words or to the effect following, that is to say:

“I, A. B., having been elected Mayor, (or a Councilman, in the Town Council, as the case may be) of the Town of London, do hereby solemnly swear (or affirm) that I shall faithfully fulfil the duties of the said office, according to the best of my judgment and ability; that I have been resident in the said Town of London for two years next previous to the day of my election, as such Mayor (or Councilman) that I have been assessed in the Assessment Roll of the said Town for the year next previous to my election, to the amount of three hundred (or one hundred) pounds; that such assessment is just, actual and in good faith, and that I did not fraudulently or collusively obtain the same for the purpose of qualifying me to be elected as aforesaid, and that I have paid the taxes in respect of such assessment, and that I am seized in fee of lands and real estate in the said Town at the value of three hundred (or one hundred) pounds over and above all encumbrances (or that I hold by lease for a term of years the property in respect of which such assessment is made): So help me God.”

XXII. And be it enacted, That the Mayor shall preside at all meetings of the Town 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 presiding Councilman shall not be entitled to vote, unless in case the votes of the remainder of the Council shall be equally divided, when he may give a casting vote, and determine the question.

XXIII. And be it enacted, That a majority of the members of the Council, including the Mayor or presiding Councilman, shall compose a quorum for the despatch of business; and that in case of the absence of the Mayor, the assembled Councilmen shall choose one of their number 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 Councilmen.

XXIV. And be it enacted, That the said Town Council shall assemble at the least twice in each month for the transaction of the business of the Town, and shall hold their sittings in the Town Hall, or such other public place as they may by regulation establish, and it shall be lawful for the Mayor to call special meetings whenever urgent business may require.

XXV. And be it enacted, That the said Mayor and Town Council of the Town of London shall have full power and authority from time to time to make, revive, alter and amend, administer and enforce, such By-laws as they may deem proper for gravelling, flagging, pitching, levelling, raising, repairing, mending, lighting, macadamizing and cleaning any of the streets, squares, alleys, lanes, walks, side-walks, cross-walks, roads, highways, bridges and sewers now laid out or erected, or that may hereafter be laid out or erected, within the limits of the said Town, and to prevent and regulate the running at large of dogs, and to impose a reasonable tax upon the owners or possessors thereof; to regulate or prevent the encumbering or injuring of the streets, squares, lanes, walks, side-walks, cross-walks, roads, highways, bridges, with any wheelbarrows, carts, carriages, lumber, stone or other materials whatsoever; to prevent the selling or vending by retail in the public highways any meat, vegetables, fruit, cider, beer, or other beverage whatsoever; to prevent the sale of any strong or intoxicating drink to any child or apprentice, or servant, without the consent of his legal protector; to prevent the immoderate riding or driving of horses or other cattle in any of the public highways of the said Town; to prevent the leading, riding or driving of horses or other cattle upon the side-walks of the streets or other improper places; to prevent or regulate bathing or swimming in the River Thames, or any part or branch thereof, or any stream or water within or in front of the limits of the said Town; to suppress tipping houses, and restrain persons from keeping the same; to enforce the due observance of the Sabbath; to prevent the excessive beating or other inhuman treatment of horses, cattle or other beasts, on the public highways of the said Town; to regulate or suppress all public billiard-tables, roulette-tables, horse-racing, as well as any species of gambling and gambling apparatus whatsoever; and to regulate and license all theatres kept for profit, and persons exhibiting for gain and profit any wild beasts, puppet shows, wire-dance, circus-riding, or any other idle acts or feats which common showmen, circus-riders, or mountebanks or jugglers usually practise or perform, and to limit the number, and to provide for the purpose of licensing the same; to regulate and prevent the firing of guns, pistols, and other fire arms, and to prevent the firing of squibs and crackers; to regulate or prevent the erection of slaughter-houses or tanneries; to abate or cause to be removed any nuisances within the limits of the said Town; to regulate victualling houses and all other houses where fruit, oysters, or victuals may be sold to be eaten or drank therein, and all other places for the reception of the public, and to limit the number of them, and to provide for the proper licensing of them at such rates as to the said Corporation may seem expedient, the proceeds of such licenses, (except tavern licenses so long as the duties thereon shall be payable into the general revenues of the Province,) to form part of the public funds of the said Town, and to be disposed of in such manner as to the said Corporation may seem meet for the benefit of the said Town, any usage or law of this Province to the contrary notwithstanding; to regulate the place and manner of selling, counting, weighing and measuring of all cord wood, lumber, shingles, grain, hay, straw, and all kinds of produce, and pickled and other fish; to restrain and regulate the purchase of butchers' meat and fish by persons called runners and hucksters; to regulate the weighing and measuring of

coal, cordwood and other fuel, salt and lime exposed for sale in any part of the Town; to regulate the sale of bread by weight, and to provide for the seizure and forfeiture of bread baked contrary thereto; to regulate the vending of meat, vegetables and fruit, and all country produce; to regulate the present markets or any other markets that may be hereafter erected in the said Town, and to enforce the selling of all the produce and saleable articles aforesaid thereat, and to impose and collect reasonable tolls and market fees thereon: Provided always, that such tolls or market fees shall not exceed three pence for a wagon drawn by two horses or other beasts, two pence for a cart or wagon drawn by one horse or other beast, and a penny for a wheelbarrow, basket or other receptacle; to regulate and enforce the erection of party walls; to provide for the permanent improvement of the said Town in all matters whatsoever, as well ornamental as useful; to regulate the dimensions of chimnies hereafter to be built, as regards height and thickness, and to regulate one or more Fire and Hook and Ladder Companies; to regulate and require the safe construction of deposits for ashes; and to regulate the manner of depositing and keeping ashes at the time they are taken from the fire-places and stoves; to regulate, remove or prevent the construction or erection of any fire-place, hearth or chimney, stove, stove pipe, oven, boiler, kettle or apparatus, used in any house building or manufactory or business which may be dangerous in causing or promoting fires; to regulate the keeping and transporting of gunpowder or other combustible or dangerous materials, and the use of light and candles in livery and other stables; to regulate or prevent the carrying on of manufactories dangerous in causing or promoting fires; to regulate the conduct of inhabitants at fires; to provide for the keeping of fire-buckets, ladders and fire-hooks; and making them a part of the real property to which they are attached; to erect, preserve and regulate public cisterns and other conveniences for the stopping or preventing fires; to provide for the preservation of property exposed at fires, and to prevent goods and other effects from being purloined thereat; to adopt and establish all such other regulations for the preservation from and suppression of fires, and the pulling down of adjacent houses for such purposes as they may deem necessary to provide for the security of the public and of the property of the said Town; to establish and regulate a Town watch, and prescribe the powers of watchmen; to license and appoint by warrant under the common seal of the said Town, or otherwise, such and so many inferior officers other than those 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 be hereafter made by the said Corporation, and to displace all or any of them as often as the said Corporation of the said Town shall think fit; to regulate the management and provide for the security of the public property of the said Town; to establish or regulate one or more pounds; to direct the returning of bills of mortality, and to impose penalties on Physicians, sextons and others for default in the premises; to regulate the Police of the Town; to preserve the wells, pumps and cisterns, and to provide for the supply of good and wholesome water for the said Town, and to prevent the waste of water; to regulate the bonds, recognizances and other securities to be given by the Municipal Officers for the faithful discharge of their duties, and the amount for which the same shall be taken; to inflict reasonable penalties and fines for the refusing to serve in any Municipal office when duly elected or appointed thereto, and for the infringement of any and every law of the said Town; to regulate the time and place of holding elections for such Municipal Officers as are elective; to impose and provide for the raising, levying and collecting annually for the use of the said Town, by a tax on the real and personal property in the said Town, a sum of money the better to enable them to carry into effect fully the powers hereby invested in them;



provided that such tax on real property shall not exceed in one year one penny in the pound upon the assessed value of real property lying and being within the limits of the said Town, and three pence in the pound upon the assessed value of personal property, according to the value as hereinafter provided; and to impose a duty or duties, by a By-law or By-laws, on all hucksters, livery-stable keepers or carters, within the said Town; on all ball-alleys or other means of gambling within the said Town; and to assess the proprietors of real property for such sum or sums as may at any time be necessary to defray the expenses of making or repairing any common sewer in any public street or highway within the said Town, and immediately in front of such real property respectively; and to regulate the mode in which such assessment shall be collected and paid, and to make a Bylaw or By-laws for assessing the inhabitants residing in any particular street, or lane, square or section of the Town, in any sum or sums necessary to meet the expenses of sweeping and watering the said street, lane, square or section of the said Town, provided that not less than two thirds of the said inhabitants residing as aforesaid in such street, lane, square or section, shall have first prayed or demanded to have the same swept or watered: And provided also, that the said assessment shall in no case exceed the amount of one farthing in the pound; and generally to make all such laws as may be necessary and proper for carrying into execution the powers hereby vested or hereafter to be vested in the said Corporation, or in any department or office thereof, for the peace, welfare, safety and good government of the said Town, as they may from time to time deem expedient, such laws not being repugnant to this Act or the general laws of this Province; provided always, that no person shall be subject to be fined more than five pounds for the breach of any By-law or Regulation of the said Town, and in default of payment of such fine, and of a sufficient distress being found for collection thereof, to be imprisoned in the Common Jail of the said London District for a period of not more than thirty days.

XXVI. And be it enacted, That there shall be appointed at the first General Meeting of the said Town Council in each year, two persons to be and be called Town Auditors, one of whom shall be appointed by the Mayor of the said Town, and the other elected by the Council: Provided always, that no person shall he appointed or elected Auditor who shall be a Member of the Council or the Clerk or Treasurer, nor any person who shall have directly or indirectly, by himself or in conjunction with any other person, any share or interest in any contract or employment with, by or on behalf of the said Council; and provided also, that no person appointed or elected an Auditor for the Town shall be capable of acting as such, unless he shall have previously made and subscribed before any of the Councilmen (who are hereby authorized to administer the same) an oath in the words or to the effect following, that is to say:

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

XXVII. And be it enacted, That it shall be the duty of the Auditors to examine, settle and allow, or report upon, all accounts which may be chargeable upon or may concern the said Town, and which may relate to any matter or thing under the control of, or within the jurisdiction of the said

Town Council, and may then remain unsettled; and to publish a detailed statement of the receipts and expenditures and liabilities of the said Council in two newspapers published in the said Town, at least a fortnight before each annual election.

XXVIII. And be it enacted, That it shall be lawful for the said Mayor and Town Council to make, revive, alter, amend, administer and enforce any By-law or By-laws, Regulation or Regulations, partially or wholly restricting, prohibiting and preventing the erection of any wooden building or buildings, or any building or buildings with the outer walls and roof made partially or wholly of wood.

XXIX. And be it enacted, That the said 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 conduct, by fine, and to expel any 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 a Councilman, and his seat shall thereupon be declared vacant.

XXX. And be it enacted, That the said Town Council shall determine the rules of its proceedings and judge of the qualification 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 be open to the public, except only when the Council are engaged in discussions relative to the misconduct of members of their own body, and in that case the door shall not be closed, unless the closing of the same be approved of by three-fourths of the members present; and all disputed elections shall be determined by the said Council within one month of such election.

XXXI. And be it enacted, That every Legislative Act of the said Town here expressed to be enacted by the Mayor and Town Council of the Town of London, in Council assembled; and all such Legislative Act or Acts passed by the said Mayor and Town Council from time to time under the provisions of this Act, shall be and remain in full force from the time of the first publication of the same, and shall not require re-enactment or republication yearly by any succeeding Mayor and Town Council appointed under this Act.

XXXII. And be it enacted, That in case it shall at anytime happen that an election of members of the said Corporation shall not be made on the day when, pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold an election of members, in such manner as shall have been regulated, or shall hereafter be regulated by the laws and ordinances of the said Mayor and Town Council.

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

insolvency or composition with his creditors, such Mayor or Councilman was liable to serve; and in all cases of such, or any other disqualification and cessation of office of the Mayor, it shall be lawful for the remaining Councilmen, at a special meeting of the Town Council for that purpose to be convened within two days after such office shall so become vacant, to issue a warrant to hold an election for a successor to such Mayor, who shall hold his office for the remainder of the time of service of his immediate predecessor.

XXXIV. And be it enacted, That in case any vacancies shall happen among the Councilmen, or in the office of Mayor, by death, resignation, removal out of the Town, (which is hereby declared a disqualification) within the first nine calendar months of any year, it shall be lawful for the Town Council to direct an election to supply such vacancy, 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 the manner hereinbefore provided for the holding of the regular annual elections; Provided always, that no Mayor or Councilman shall resign his office, unless approved by the Town Council, under a penalty of twenty pounds.

XXXV. And be it enacted, That if any of the said vacancies shall occur in the last three months of any calendar year, the vacancy shall be supplied at the regular annual election; Provided always, that any person elected to supply the first above mentioned vacancies shall hold his office only for the residue of the term of office of his immediate predecessor; and provided also, that a continued absence by the Mayor or any Councilman from his duties, for a period of three months, shall be deemed a disqualification for office.

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

XXXVII. And be it enacted, That it shall be lawful for the said Mayor and Town Council, from time to time, to appoint a fit and trustworthy person, not being a member of the Town Council or their Clerk, to be the Town 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 of his receipts and expenditure as Treasurer, showing the balance from the last quarter, and shall give a bond with two sureties conditioned for the due and faithful performance of the duties of his office, as required by the said Council.

XXXVIII. And be it enacted, That it shall and may be lawful for the Mayor and Council of the said Town, from time to time, to appoint three fit and discreet persons, inhabitant householders of the said Town to be Assessors for the said Town, and one or more fit and discreet person or persons, inhabitant householder or householders of the said Town to be Collector or Collectors of the said Town; such Assessors and Collector or Collectors so appointed, to hold office for one year, and which said Collector or Collectors shall before entering on the duties of office, give to the said Town Council a bond with two or more sufficient sureties, in such penalty as the said Town Council may direct, to the approval of the said Town Council, conditioned for the due performance of his

or their office or offices of Collector, and the payment of the monies collected or to be collected, under the authority of such office, to the Town Treasurer by a day to be therein stated.

XXXIX. And be it enacted, That every Assessor and Collector of the said Town, before entering upon his duties as such Assessor or Collector, shall be first sworn by the said Mayor, well, faithfully, honestly and impartially to perform and fulfil the duties of his office, or to the best of his knowledge, judgment and ability, which said oath the Mayor is hereby authorized to administer.

XL. And be it enacted, That for the purpose of raising funds to provide for the purchase of any real estate for the use of the said Town, or building a market-house or market houses, or other public buildings for the said Town, for procuring fire engines, and for all other purposes deemed expedient and necessary by the said Corporation for the welfare and improvement of the said Town, it shall and may be lawful for the said Corporation to levy an assessment upon all and every person who shall inhabit, own, hold, use, or occupy any house, shop or warehouse, building or piece or parcel of land, or any landed or real estate, situate, lying and being within the said Town of London, according to the value thereof respectively, to be ascertained in manner hereafter mentioned, and the time for the commencement and first of such yearly rate or assessment shall be the second Tuesday in January after the passing of this Act, and the same shall end on the day preceding the second Tuesday in January thereafter, both days included; and the time for which every future yearly rate shall be so rated and assessed shall commence from the period at which the time for the last rate ended; Provided always, that nothing in this Act contained, shall prevent the collection by all lawful means of the rates and assessments already made and imposed on the inhabitants of the said Town for the year one thousand eight hundred and forty-seven, by any laws hereby repealed, and nothing herein contained shall take away the powers, authority, or means of any collector or other officer already appointed or authorized to collect the same.

XLI. And be it enacted, That the value of all such shops, houses, warehouses, buildings, gardens, grounds, lands, tenements, and parts and portions thereof, shall be rated according to the real or full value thereof, which said value shall be ascertained by the Assessors for the Town, to be appointed as hereinbefore provided.

XLII. And be it enacted, That the rate or rates as aforesaid shall also be raised, levied or assessed upon the owner or possessor of the following personal property, which shall be deemed rateable personal property in the said Town, and shall be rated every year during the continuance of this Act, at the rate, assessment and valuation herein set forth, that is to say: every stallion, two hundred pounds; every horse of three years old and upwards, ten pounds; every ox of the age of four years and upwards, four pounds; cows of three years old and upwards three pounds each; bulls of two years old and upwards, twenty-five pounds each; other horned cattle a year old and upwards, each one pound; every close four wheeled carriage on springs, kept for pleasure, one hundred pounds; every covered or partially covered carriage with four wheels, kept for pleasure, fifty pounds; every other carriage on springs with four wheels, kept for pleasure, twenty-five pounds; every curricule, gig or other carriage, on springs, with two wheels only, and kept for pleasure, twenty pounds; every wagon kept for pleasure, ten pounds; Provided always, that nothing in this Act contained shall extend or be construed to extend to any house, land or

property, goods, effects, matters or things herein mentioned which shall belong to or be in the possession of Her Majesty, Her Heirs or Successors, unless the same shall actually be leased to individuals, nor to any churches or places of public worship, public-school houses or burying grounds.

XLIII. And be it enacted, That it shall be the duty of the Assessors of the said Town, in each and every year, to make such valuation as aforesaid of real estate, in which valuation two at least of the said Assessors shall agree, within one month or such further time as the Mayor and Council may allow, on the requisition of the said Mayor, in pursuance of any resolution of the said Town Council, authorizing any such valuation as aforesaid; and also to leave for every person or persons so rated, whether he or she or they shall reside within the Ward in which such property is situated, or elsewhere in the said Town, at the residence of such person or persons, a notice of the value of the property in respect whereof he or she or they shall be rated; and immediately after such assessment or valuation shall be completed, the Assessors shall deposit with the Town Clerk, or such other person as by the Town Council shall be authorized to receive the same, distinct Assessment Rolls, Books or Returns of the said value which shall be rated as aforesaid; and in case any person shall think himself, herself or themselves overcharged in such Assessment Roll, Book or Return, it shall and may be lawful for such person or persons, within six days after the said notice shall have been given or left at his, her or their residence as aforesaid, to give notice in writing to the said Town Council of the overcharge complained of, and the same shall be tried by the said Town Council, at such times and meetings of the said Town Council as the members composing the same shall direct and appoint, reasonable notices of such times and meetings to be given to the complaining party, and after hearing the said party, and his, her or their witnesses, upon oath (or affirmation), the said Corporation shall, by a majority of voices or votes, finally decide and determine upon such complaint, and confirm or amend the return of the Assessors accordingly; Provided always, that if the complaining party shall neglect to appear at such meeting of the said Town Council, he, she or they having had reasonable notice thereof as aforesaid, the said Town Council 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 Town Council, that the value has in any case been given in or returned by the Assessors too low, they shall cause a notice to be served on the persons so rated as aforesaid, and the person who made such rate, of the time and place of the meeting of the said Town Council at which the said matter shall be heard, and the same shall be finally determined by the said Town Council in like manner as aforesaid, after hearing the said complainants and their witnesses upon oath (or affirmation) as aforesaid, and that the said Town Council shall have power to adjourn as they shall see fit.

XLIV. And be it enacted, That any member of the said Town Council shall have full power to administer such oath or affirmation as aforesaid, and that the Mayor or any member of the said Town Council shall have full power and authority to issue a summons for each witness who shall be required to attend before the said Mayor and Town Council, 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 diem, he shall be liable to such fine, not exceeding five pounds, as the said Mayor and Town Council, on proof upon oath or affirmation, as the case may be, of the service of such summons, and of such neglect or refusal, shall impose, and in

default of payment of such fine it shall and may be lawful for the Mayor or any Member of the said Town Council, to commit such person to the Jail of the London District; Provided always, that such imprisonment shall not exceed in any case thirty days, and if any person shall knowingly swear or affirm falsely in any of the cases referred to in the next preceding section of this Act, he shall be deemed guilty of wilful and corrupt perjury, and shall be punished accordingly on conviction before any Court having jurisdiction thereof.

XLV. And be it enacted, That it shall and may be lawful for the said Mayor and Town Council, at some convenient time after the return of the Assessment Rolls to be made and returned by the Assessors under this Act, to pass a yearly rate declaring the amount in the pound on such valuation and assessment, which shall be raised and levied for the year in which the rate shall be passed; provided that the same shall not exceed one penny in the pound upon real estate, and three pence in the pound upon chattel property as aforesaid.

XLVI. And be it enacted, That it shall and may be lawful for the said Town Council to hear, on memorial or petition, the case or cases of any person or persons assessed in respect of any property in the said Town, who from sickness, extreme poverty or any other cause, 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 Town Council to compound for or receipt the whole of any such rate or rates.

XLVII. And be it enacted, That it shall be the duty of the Collector and Collectors of the said Town from time to time to collect the license fees, duties, rates and assessments to be imposed under the authority of this Act; and if any person or persons licensed, rated or assessed, as in manner herein directed, shall refuse or neglect to pay the duties, licences, rates or assessments charged upon him, her or them, for the space of fourteen days next after such duties, licences or rates shall be due and demanded by the Collector or Collectors of the Town, it shall and may be lawful for the said Collector or Collectors to apply to the Mayor or any of the said Councilmen, for a Warrant to the High Bailiff or any Constable of the said Town, to enter into the house or houses, or 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 situate or elsewhere in the said Town, which Warrant the Mayor or any one of the said Councilmen is hereby authorized to grant upon a certificate signed and sworn to by such Collector of a demand of such duty, license or rate having been made, and of such person or persons being in arrear to the amount stated in such certificate; and if such duty, license, rate or assessment shall not be paid within five days next after such seizure, the said Collector or Collectors are and any one of them is hereby authorized to sell at public auction, at such place as may be proper, the whole or 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 surplus, if any, to the owner; Provided always, that the costs and charges, if any, of such seizure and sale, shall be regulated by and shall not exceed those authorized by a certain Act of the Parliament of Upper Canada, passed in the first year of Her Majesty's Reign, and intituled, *An Act to regulate the costs of levying distress for small rents and penalties*; and in cases where no goods of such person or persons can be found to satisfy such rates, it shall and may be lawful for the said Town Council to commit such person or

persons to the Common Jail of the District of London, until such rates shall be paid; Provided always, that such imprisonment shall not exceed thirty days.

XLVIII. And be it enacted, That all proprietors, lessees and others, who shall let for rent, premises within the said Town, shall themselves as well as the occupiers of such premises, be liable and responsible for the rate and assessment aforesaid on such premises, and such assessment shall and may be recovered from the lessee or occupant, if any, in the first place, and in default of distress, then from the proprietor, by the Collector or Collectors of the said Town, under any By-law made for that purpose by the said Mayor and Town Council; and provided always, when any such rate or assessment shall be paid by any such tenant not bound to make such payment, by the lease or other agreement under which he holds or occupies such premises, such tenant shall have the right to deduct the sum so paid by him, from the rent payable by him in respect of the occupation or enjoyment of the premises so rated or assessed.

XLIX. 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 Town, shall not reside therein, and the rates and assessments payable in respect of such vacant ground or other property shall remain unpaid, an increase of ten per centum on the amount at which the said property may and shall be assessed, shall annually accrue upon, and be made to, all arrears of assessment due on such property so long as the same shall remain unpaid; and the said property shall, after five years' non-payment of the said arrears of assessment and increase of ten per cent, thereon, be liable to be sold therefor; and in such case, it shall and may be lawful for the said Corporation to issue a precept to the Sheriff of the London District, commanding him to sell and dispose of such property by public sale, or so much thereof as shall be necessary for the payment of the arrears of taxes and the increased per centage due thereon, together with all costs accruing by reason of such default, and the said Sheriff is hereby authorized and required to dispose of such property as is herein directed: Provided always, that no property shall be sold without having been first advertised in two newspapers published in the London District for the three months next preceding such sale, and all owners of real property sold under the authority of this Act, shall be allowed to resume possession of the same within twelve months next after the date of such sale, on paying or tendering to the purchaser the full amount of the purchase money, together with the costs attendant upon the default and sale, with an addition of twenty per cent, upon the amount paid by the purchaser.

L. And be it enacted, That for every work or improvement ordered by the said Mayor and Town Council, the cost of which shall amount to or exceed five pounds, tenders shall be received for the work, and written contracts shall be entered into for the due performance of the work.

LI. And be it enacted, That the Major and other members of the said Town Council shall by virtue of their office, be Justices of the Peace in and for the said Town, and exercise within the limits thereof, the authority now given by law to Justices of the Peace: Provided always, that nothing in this Act shall be construed to give the members of the said Town Council any right or authority to sit, act, or in any wise interfere in any Court of General or Adjourned Quarter Sessions; and that it may be lawful for any person or persons to appeal to the Court of Quarter Sessions in the same

manner as is now provided by law, from any conviction of the said Mayor and Town Council, or any of its members, when such conviction shall have been made in the exercise of their magisterial duty, and apart from the enforcement of any By-law or Regulation: Provided also, that if any action or suit shall be brought against any member of the said Town Council, for anything done by him as a Justice of the Peace as aforesaid, he shall be entitled to and receive the same notice of action as is now required to be given to Justices of the Peace in other cases.

LII. And be it enacted, That it shall and may be lawful to and for any one of the Members of the said Town Council, individually to order the immediate apprehension of any drunken or disorderly or riotous person or persons whom he shall find disturbing the peace within the said Town, and to confine him or her in a watch-house, lock-up- house or the jail, in order that such person may be secured until he or she can be brought before the Council to be dealt with according to law, or may give bail for his or her appearance before the Council if such member ordering the apprehension shall think fit to take bail in such manner as bail is given by offenders before a Justice of the Peace.

LIII. And be it enacted, That it shall be the duty of the Assessors of the said Town, by a day to be fixed by the said Town Council, to return a correct list to the Town Clerk of all the male inhabitants of the said Town, not rated on the Assessment Roll of the said Town, who by law are liable to perform statute labour.

LIV. And be it enacted, That all male inhabitants heretofore liable, under the general laws, to perform statute labour within the limits of the said Town, shall be liable under this Act to perform two days' statute labour in each year, commencing in the year one thousand eight hundred and forty-eight, and in accordance, (so far as this clause is not inconsistent with the general laws in force in Upper Canada regarding the same,) with the orders and under the superintendence of the Mayor and Town Council, or such officer or officers as they shall appoint, and at such times as they may direct and require, or pay a commutation thereof, at the discretion of the Board, not exceeding two shillings and six pence for each day's labour, the collection of which commutation shall be enforced in the same manner as the payment of taxes under this Act, and in default of property, to imprisonment at the discretion of the Town Council, in the Common Jail, for any time not exceeding ten days; and the said inhabitants shall not be liable to any other or more statute labour than the said two days yearly: any law or statute to the contrary notwithstanding.

LV. And be it enacted, That if any person shall transgress the By-laws, orders or regulations made by the said Corporation under the authority of this Act, such person shall for every such offence, forfeit the sum which in every By-law, Order, Rule or Regulation, shall be specified, with costs, to be recovered by information before the said Mayor and Town Council, or any three members thereof to be levied of the goods and chattels of such offender: and in default of such goods and chattels, the offender shall be liable to be committed to the Common Jail of the London District, for a term in the discretion of the members of the said Corporation before whom such offender shall have been convicted, not less than one day and not exceeding thirty days; and any penalty imposed under the authority of this Act may be in like manner recovered and proceeded for by imprisonment as aforesaid in default of goods; and no person shall be deemed an incompetent



witness upon any information or matter under this Act by reason of being a resident of the said Town of London; Provided always, that the information and complaint for any breach of any By-law, Order or Regulation of the said Mayor and Town Council, shall be made within fifteen days next after the time of the offence committed.

LVI. And be it enacted, That all penalties received under the provisions of this Act, shall be paid into the Treasury of the said Town Council; and the proceeds of all licenses granted under this Act, with the exception before mentioned, and any income of whatever nature, shall form part of the public funds of the said Town; any law or usage of this Province to the contrary notwithstanding, and shall be applied in the same manner as other monies coming into the said Treasury, may be applied for the public uses of the said Town.

LVII. 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 London District, the Treasurer of the said Town shall, some time in the month of July in each and every year, out of the monies in the hands of the said Town Treasurer, pay to the Treasurer of the London District, for the general uses of the said District, such annual sum as may be agreed on between the District Council of the said District and the said Mayor and Town Council, and in default of such agreement the yearly sum of one hundred and fifty pounds, the first payment thereof to begin and be made in the month of July in the year one thousand eight hundred and forty-eight: Provided always, that nothing in this Act shall be construed to prevent or excuse the inhabitants of the said Town from paying to the general funds of the London District all such sum and sums of money as are or hereafter may be collected within the said Town, for or on account of any assessment now imposed or hereafter to be imposed by any Act of the Legislature of Upper Canada or of Canada, for the support and maintenance of the Provincial Lunatic Asylum, or of the assessment already imposed by the general Assessment Law of this Province, for the year one thousand eight hundred and forty-seven; and provided always, that when and so soon as the said London District shall by virtue of any law of this Province, be relieved from payment of the expenses of the administration of Criminal Justice within said District, or from any part thereof, then the payment of the said sum of one hundred and fifty pounds, so to be paid by the said Town of London to the said District of London as aforesaid, or such part thereof as shall be proportionate to the share or portion of such expenses whereof the said District shall be relieved, shall cease and be no further made.

LVIII. And be it enacted, That the Sheriff and Jailer of the London District shall be bound, and they are hereby authorized and required, to receive and safely keep, until duly discharged, all persons committed to their charge by the said Town Council or any member thereof, under the authority of this Act.

LIX. And be it enacted, That if any action or suit be brought against any person or persons for any matter or thing done under the authority of this Act, or in pursuance thereof, such action or suit shall be brought within six calendar months next after the fact committed, and not afterwards, and the defendant or defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial.

LX. And be it enacted, That notwithstanding the privileges that may be conferred by this Act, the Legislature may at any time hereafter, in their discretion, make any additions to this Act, or such alteration of any of its provisions as they may think proper.

LXI. And be it enacted, That wherever the word “person” or “persons” is used in this Act, it shall be held 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, and the converse, unless there be something in the subject or context repugnant to or inconsistent with such construction; and whenever power is given by this Act to any officer or functionary to do or enforce the doing of any act, all such power shall be understood to be also given as shall be requisite to enable such officer or functionary to do or enforce the doing of such Act; and generally, all other words, terms, and phrases in this Act, shall receive such fair and reasonable interpretation as shall be best adapted to give full effect to this Act according to its true intent, meaning and spirit.

LXII. 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.