

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

10 & 11 Victoria – Chapter 49

An Act to incorporate the Town of Brantford. 28th July, 1847.

Whereas from the great increase of the population in the Town of Brantford, in the District of Gore, it is necessary to make provision for the internal regulation 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 the inhabitants of the said Town of Brantford as hereinafter described, and their successors, inhabitants within the limits of the same, shall be, and they are hereby constituted a body politic and corporate, in fact and in law, by and under the name of The Town of Brantford, and as such shall have perpetual succession, and be capable of suing and being sued, impleading and being impleaded, in all Courts and in all actions, causes and complaints whatsoever, and have a common seal, and may alter the same at pleasure, and shall be in law capable of receiving titles by gift, and of purchasing, holding, and conveying any estate, real or personal, for the uses of the said Town.

II. And be it enacted, That the said Town of Brantford shall be composed of the lands situate in the Township of Brantford within the following limits or boundaries, that is to say: Commencing on the north side of Colborne Street, in the eastern limit of the said Town as originally laid out by the authority of the Government of the late Province of Upper Canada; then north eighteen degrees thirty minutes east, seventy-nine chains forty-five links more or less to the north-east angle of the said Town as laid out by the Government as aforesaid; then south eighty-four degrees thirty minutes west, eighty-two chains twenty-eight links more or less, to the northwest angle of the said Town as laid out by the Government as aforesaid, and to the eastern limit of a certain tract of twelve hundred acres of land originally granted by the Crown to Abraham Kennedy Smith and Margaret Kerby; then south twenty-seven degrees thirty minutes west, eight chains more or less, to the south east angle of a parcel of land belonging to Peter O. Banyon; then north sixty-two degrees thirty minutes west, sixty chains more or less, to the western limit of the said lands granted by the Crown to the said Abraham Kennedy Smith and Margaret Kerby; then south twenty-seven degrees thirty minutes west one hundred and eight chains more or less along the western limit of the said lands to the Grand River; then across the Grand River obliquely with the stream in an easterly direction, and passing south of the large island, about thirty chains, to the limit between the farm lands of Thomas Mair and the north part of the Brant Farm, granted by the Crown to William Johnson Kerr; then south twenty-seven degrees twenty-five minutes west, forty-two chains more or less to the rear of the lots on the south side of Burford Street on the plank road; then south sixty-eight degrees east thirty-nine chains more or less to the East side of the Mount Pleasant road and south side -of Walnut Street on the lands of Daniel Mercer Gilkison; then north forty-three degrees thirty minutes east, thirty-six chains more or less along the south side of

Walnut Street to the Grand River; then easterly along the south side of the Grand River with the stream about thirty chains to opposite the mouth of the Cove; then east across the Grand River to the south side of the mouth of the said Cove; then north-easterly along the easterly side of the said Cove about twenty chains to the southern limit of the lands of the Grand River Navigation Company; then easterly along the south boundary of the said Grand River Navigation Company's lands, about fifty-five chains to the western limit of the Mohawk Parsonage Glebe; then north five degrees thirty minutes west, forty-five chains more or less, to the place of beginning.

III. And be it enacted, That the internal management and government of the said Town shall be under the control and authority of a Town Council to be denominated The Mayor and Council of the Town of Brantford, to be elected from among the male inhabitants of the said Town in the manner hereinafter provided, and that every legislative Act of the said Town be expressed to be enacted by the Mayor and Council of Brantford in Town Council assembled.

IV. And be it enacted, That the said Town shall be divided into seven Wards, by the names of the West Ward, the North Ward, the South Ward, King's Ward, Queen's Ward, Brant Ward, and the East Ward; and that part of the said Town lying south of the Grand River shall constitute the West Ward, and that part of the said Town lying north of the Grand River (including the two large islands in the river) and west of Cedar Street and West Street, from its intersection with Cedar Street, shall constitute the North Ward; and that part of the said Town lying south of Colborne Street and west of Alfred Street to the Grand River, shall constitute the South Ward; and that part of the said Town lying north of Colborne Street and between Cedar Street and West Street from its intersection with Cedar Street and Queen Street, shall constitute King's Ward; and that part of the said Town lying north of Colborne Street and between Queen's Street and Market Street to their intersection with West Street, shall constitute Queen's Ward; and that part of the said Town lying north of Colborne Street and between Market Street and Alfred Street, shall constitute Brant Ward; and that part of the said Town lying east of Alfred Street shall constitute the East Ward.

V. And be it enacted, That each of the said Wards shall annually, after the first election, elect from among the male inhabitants of the said Town one person to be a member of the said Town Council, who being a subject of Her Majesty and of the full age of twenty-one years, shall be a freeholder therein, whose freehold property shall be valued by the Assessor or Assessors for the Town at the [rental or annual value of not less than fifteen pounds per annum, or a leaseholder therein, holding by lease made for a term of seven years and upwards, and who shall pay for and in respect of any property by him or them held as aforesaid within the said Town an annual rent of not less than thirty pounds: Provided always, that a building or buildings shall be erected upon any leasehold tenement held as aforesaid and shall be valued with such tenement; and provided, that if rent be paid only for the ground on which such building or buildings stand, then the annual value of such building or buildings exclusive of the ground rent may be added to such ground rent to make up the said sum of thirty pounds; and at the first election under the authority of this Act, the Returning Officers respectively shall judge of the qualification of the said candidates respectively, and their decision shall be final; and that no person shall be capable of holding the office of Member of the said Town Council who shall not have been a resident within the said Town for the space of three years or upwards immediately previous to his election; Provided always, that no

person shall be capable of serving as a member of the said Town Council who shall be a minister, priest, ecclesiastic or teacher, under any form or profession of religious faith or worship.

VI. And be it enacted, That the persons entitled to vote at either of the said Wards for the election of such members shall be male inhabitant freeholders resident within their respective Wards, being subjects of Her Majesty, whose names shall be entered upon the last Assessment Roll of the said Town, or tenants, like subjects of Her Majesty, being rated upon the Assessment Roll of the said Town, and shall have paid within one year next before the election one year's rent for the dwelling house or dwelling houses (if they shall within one year have changed their place of residence) within the Ward in which they shall have resided, at the rate of six pounds or upwards; or if the ground only on which such dwelling house stands is rented, then the annual value of such dwelling house exclusive of the ground rent shall be added to the ground rent to make up the said sum of six pounds; and all persons as aforesaid shall vote in the Wards in which they reside respectively, and no person shall be entitled to vote in more than one Ward, or more than once in any Ward at any election of Members of the said Town Council: and for the first election to be held under the authority of this Act, persons whose names shall appear on the Assessment Roll of the Township as residents in the said Town, shall be entitled to vote for Members of the said Town Council under the limitations and provisions hereinafter contained.

VII. And be it enacted, That the first election of Members for the said Town Council under this Act, shall be holden on the first Monday in September next, at some place in each Ward respectively, to be appointed by the Senior Magistrate of the said Town for the time being, who shall give public notice at least six days previous to the election, at which election the said Senior Magistrate shall preside in King's Ward, and shall appoint fit and proper persons under his hand and seal to hold the said elections for the West Ward, the North Ward, the South Ward, Queen's Ward, Brant Ward and East Ward respectively, which said Senior Magistrate and the persons so appointed, shall hold the said election for each Ward respectively; and after the nomination of a candidate or candidates and a show of hands thereupon, if a poll be demanded by any person qualified to vote at any such election, shall open and keep open the poll for receiving and entering votes for the election of Members of the said Town Council from the hour of nine of the forenoon, until three of the clock of the afternoon on the said first Monday in September next, and at the close of the poll at the hour aforesaid, or on the show of hands if no poll be then demanded, shall declare the person or persons in each Ward, who shall have the greatest number of votes, duly elected Members of the said Town Council, and shall give notice thereof to the persons so elected, within three days after the election, by leaving at the usual place of abode of such person or persons a notice in writing to that effect; and that all subsequent elections of Members shall be held by the officers to be appointed by the said Town Council, the time, place and all proceedings to be had in such elections to be regulated from time to time by the said Town Council; and that the Members of the said Town Council, so chosen as aforesaid, shall serve until the first Monday in February in the next year, and until a new Town Council shall be chosen and formed as hereinafter mentioned; and that on the first Monday in February in every year, an election shall be holden in each Ward of the said Town of Brantford for the choosing of Members of the said Town Council, according to the general provisions of this Act.

VIII. And be it enacted, That before any person shall proceed to hold an election under this Act, he shall take the following oath, which any Justice of the Peace for the Gore District is hereby authorized to administer, that is to say:

“I do solemnly swear that I will faithfully and impartially, to the best of my ability, discharge the duty of Presiding Officer at the election which I am about to hold for a Member of the Town Council in the Town of Brantford: So help me God.”

IX. And be it enacted, That the officer presiding at any election under this Act shall have authority and 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 Member of the said Town Council respecting his qualification to be elected to the said office; and until provision shall have been made by a By-law or By-laws for a Register of Voters, shall also have authority and he is hereby required upon such request as aforesaid to examine upon oath or affirmation, when the party is allowed by law to affirm, 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 presiding 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.”

And the affirmation shall be in the common form of an affirmation to the same effect.

X. And be it enacted, That after provisions shall have been made by a By-law or By-laws for a Register of persons qualified to vote, whereby the right in individuals to vote may be determined, every person desirous of voting at any election of a Member or Members of the said Town Council shall, before he be permitted to vote, produce a certificate under the hand of the proper officer of his qualification, pursuant to any such By-law, and shall, if required by the officer or person holding such election, or by any person qualified to vote at the same, take the following oath, which the said officer or person holding such election is hereby authorized and required to administer, that is to say:

“I do swear that I am the person described in the certificate that I now produce, and that I have not before voted at the election: So help me God.”

XI. 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 to be elected, shall wilfully for-swear 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.

XII. And be it enacted, That if any of the Members of the said Town Council elected as aforesaid, after notice thereof, shall neglect or refuse for ten days after having been elected to take the oath of office hereinafter contained, which oath any one of the said Members so to be elected is

hereby authorized to administer to the others, he shall, for such neglect or refusal, forfeit the sum of ten pounds, to be recovered with costs by information before any Justice of the Peace, who is authorized to proceed in the same manner as is hereinafter provided for the recovery of any penalty for the transgression of any order or regulation of the said Town Council: Provided, that no person having been elected a Member of the said Town Council, during his absence from the said Town (unless such Member shall previously have permitted himself to be put in nomination for the said office) or who at the time of the election, shall openly give notice to the officer presiding, that he will not accept the office, shall be subject to the penalty hereinbefore stated for his refusal to act as a Member of the said Town Council.

XIII. And be it enacted, That after the first and every subsequent election of Members of the said Town Council, so soon as they shall respectively have taken the oath of office hereinafter contained, it shall be the first duty of the said Town Council and they are hereby required to elect a Mayor from their number; and as soon as they shall have chosen a Mayor, the said Town Council shall have power to enact such laws and regulations for the internal government of the said Town as to them shall seem meet, not repugnant to the laws of this Province, and shall have the power of appointing all such officers as shall be required for the due execution of the laws to be by them enacted, and of requiring such security to be given by any of the said officers as to the said Town Council may seem meet, and of removing such Officers at pleasure; Provided always, that should the office of Mayor of the said Town Council become vacant from any cause whatsoever, it shall and may be lawful for the said Town Council and they are hereby required to proceed to elect one from their number to fill the said office until the expiration of the term of office of the then existing Town Council; and during the absence of the Mayor the said Town Council are required to elect one from their number an acting Mayor, who shall in the absence of the Mayor, perform all the duties and functions of the Mayor of the said Town; that the services of the Members of the said Town Council shall be wholly gratuitous, and that the oath to be taken by the Members of the said Town Council shall be according to the following form, that is to say:

“I, A. B., do swear that I will faithfully discharge the duties of Member of the Town Council of the Town of Brantford, to the best of my ability: So help me God.”

XIV. And be it enacted, That in case any vacancy at any time shall happen among the Members of the said Town Council, by neglect or refusal to take the oath of office hereinbefore contained, within the time limited, or by death, removal from the Town, or from any other cause, the Town Council shall issue a precept to the proper officer, who (unless otherwise ordered by the Town Council) shall be the High Bailiff of the said Town, to hold an election for the said Ward, giving six days' notice of the time and place of holding the said election, and the Member so elected shall hold his office until the next annual election, and until another is chosen in his place.

XV. And be it enacted, That in case an equality of votes shall happen at any election for the Members of the said Town Council, it shall and may be lawful for the person presiding at the said election, and he is hereby required to give a casting vote whether qualified as hereinbefore mentioned or not; and that except in cases of the votes being equal it shall not be lawful for the person presiding at any election under this Act to vote at such election.

XVI. And be it enacted, That if the election of any Member of the Town Council shall be complained of, either on the ground of want of qualification in the person returned or on the ground that such person had not the majority of legal votes at such election, a written requisition, signed by ten inhabitants of the Ward in which such election shall have taken place, having a right to vote at such election, shall, within two days after the termination of such election, be served upon the Mayor or any other Member of the Town Council, requiring the said Town Council to appoint a time and place within the Town or Ward for which the election was held, for entering upon a scrutiny into the matters complained of, and that such time shall be within six days after the election complained of, and it shall be lawful for the said Town Council upon service of such requisition as aforesaid, and they are hereby required to appoint a time and place within the Town for entering upon a scrutiny of the matters complained of, which time shall be within six days after such election; and the Town Council or such Member or Members thereof as shall not be individually concerned in the question to be disposed of shall have power to summon witnesses and to take evidence on oath respecting the matters to be inquired into, and shall determine upon the validity of the election or return as shall appear to be right according to the evidence; and in case the election shall be declared void, and it shall not appear proper for any cause to amend the return or substitute the name of any other person as entitled to have been returned at such election, then the Town Council shall issue their precept for a new election, as in other cases under this Act.

XVII. And be it enacted, That before any Member of the Town Council shall enter upon any such trial or scrutiny as aforesaid, he shall take an oath or affirmation (where the party is allowed by law to affirm) in the following form, which oath or affirmation the Members of the said Town Council shall have authority to administer to one another, that is to say:

“I do solemnly swear, that I will truly and impartially, to the best of my judgment try and determine the merits of the complaint against the election of A. B., as a Member of the Town Council of the Town of Brantford; So help me God.”

XVIII. And be it enacted, That any witness, who being duly summoned to attend upon such, trial or scrutiny, shall wilfully neglect or refuse to attend, shall, upon conviction before any one of Her Majesty’s Justices of the Peace for the District of Gore, having been duly summoned to answer such complaint, be liable to be imprisoned on the commitment of such Justice, in the Common Jail of the District, or such place of confinement as may be hereafter provided by the said Town Council, for a time not exceeding one month; and if any witness shall upon any trial or scrutiny, wilfully and corruptly swear falsely, he shall be deemed guilty of wilful and corrupt perjury.

XIX. And be it enacted, That a majority of the said Town Council shall be a quorum for the despatch of business; Provided always, that a smaller number may adjourn from time to time, and are hereby authorized to compel the attendance of absent Members in such manner, and under such penalties as may be provided by an Act of the said Town Council.

XX. And be it enacted, That the said Town Council of Brantford shall have full power and authority from time to time to make, revise, alter and amend, administer and enforce such By-laws as they may deem proper for making, gravelling, planking, flagging, paving, ditching, levelling, raising, repairing, mending, lighting, macadamizing and cleansing and opening any of the streets, squares, lanes, alleys, walks, side-walks, cross-walks, roads, highways, bridges, public wharves, docks, slips, shores, and sewers, now laid out or to be erected within the limits of the said Town; to regulate or restrain cattle, horses, sheep, goats, swine and other animals, geese and other poultry, from running at large 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, public wharves, docks and slips with any wheel-barrow, carts, carriages, lumber, stones, merchandize or other materials whatsoever; to prevent the selling or vending by retail in the public highways, any meat, vegetables, fruits, cakes, 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 horses or other cattle in any of the public highways of the said Town: to prevent the leading, riding or driving of horses upon the side-walks of the streets or other improper places; to regulate the standing and fastening of horses in the streets and open sheds of the said Town; to regulate wharves or quays; to prevent all obstructions in or on the canals, wharves, slips or bridges near or opposite to any dock, wharf or slip; to prevent or regulate bathing and swimming in and about the docks, wharves, slips, shores and river within the limit of the said Town; to suppress tipping houses and restrain persons from keeping the same; to prevent Charivaris; to enforce the due observance of the Sabbath; to regulate the licensing of or to prevent the exhibition of wax figures, wild animals, mountebanks and all other shows exhibited by common showmen; to prevent the excessive beating or other inhuman treatment of horses, cattle or other beasts in the public highways; to regulate or suppress all games and bowling alleys; all public billiard-tables, roulette-tables as well as any species of gambling apparatus whatsoever, and to regulate and license all theatres kept for profit; auctioneers, butchers' cartmen and cartage, hawkers and pedlars and all persons exhibiting for gain or profit any puppet show, wire dance, circus riding or any other idle acts or feats which common showmen, circus riders, 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 making bonfires or the firing of squibs and crackers; to regulate or prevent the erection of slaughter houses and tanneries; to abate or cause to be removed any nuisances or houses of ill-fame within the said Town; to regulate all or any taverns, ale-houses, victualling houses and all houses where fruit, oysters, clams or victuals may be sold to be eaten or drunk therein, and all other places for the reception and entertainment 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 Town Council may seem expedient, the proceeds of such license to form part of the public funds of the said Town, and to be disposed of in such manner as to the said Town Council may seem meet for the benefit of the said Town (excepting Tavern Licenses); to regulate the place and manner of selling and weighing hay, and the selling offish; 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, cord-wood and other fuel, salt and lime exposed for sale in any part of the said Town; to appoint and

regulate measurers and valuers of artificers' work, to be sworn in such manner as may be provided by the said Town Council; to regulate and assize the price of bread and to provide for the seizure and forfeiture of bread baked contrary thereto; to regulate the inspection of all weights and measures used or manufactured within the said Town, and to seal the same under and agreeably with the laws of this Province relating thereto, and to appoint an Inspector for that purpose; to regulate the vending of meat, vegetables and fruit; to regulate any market or markets that may be hereafter erected in the said Town; to regulate and enforce the erection of party walls and line and division fences; to provide for the permanent improvement of the said Town, in all matters whatsoever, as well ornamental as useful; to enforce the sweeping and cleaning of chimneys, and to regulate and license chimney sweepers, and to regulate all chimneys hereafter to be built, and to regulate one or more Fire 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 or stoves; to regulate, remove or prevent the construction or erection of any fire-places, hearth, chimney, stove, stove pipe, oven, boiler, kettle or apparatus used in any house, building, 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 keeping of smoke-houses and the carrying on manufactories dangerous in causing or promoting fire; to regulate the conduct of inhabitants at fires; to provide for the keeping of fire buckets, ladders and fire hooks, and the making them a part of the real property to which they are attached; to preserve, erect and regulate public wells and cisterns and other conveniences for 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, as they may deem necessary or expedient to provide for the security of the public and of the property of the said Town; to regulate all cemeteries; to establish and regulate a Town Watch and to 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 hereafter be made by the said Town Council, and to displace all or any of them as often as the said Town Council shall think fit; to prevent and remove encroachments, buildings, fences or anything else of whatsoever nature in any street or public ground; to establish, endow and regulate a Grammar or High School; to establish a Public Library; to regulate Public Hospitals; to establish and support a House of Industry, and enforce labor and discipline in the same; to establish and regulate one or more Pounds; to provide, establish and regulate a Town Prison or place of confinement; 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 regulate the Police of the Town; to prevent the injuring or destroying of trees planted or growing for shade or ornament in the said Town; to prevent the pulling down or defacing of sign boards, and the defacing of buildings, walls, fences, gates, posts; to prevent and punish breaches of the Peace, and generally to prevent and punish vice, drunkenness, profane swearing, obscene language and every other species of immorality, and to preserve good order in the Town; to preserve the wells, pumps and cisterns, and to provide for the supply of good and wholesome water to the said Town, and to prevent the waste of water; to regulate the bonds, recognizances and other securities to be given

by all 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, and to make provision for a Register of persons qualified to vote for Members of the Town Council whereby the right to vote at any election or elections may be determined; 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 vested in them: Provided, that such tax on real property shall not exceed in one year, one shilling in the pound upon the assessed annual rental or value of 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 grocers, butchers, bakers, hucksters, livery stable keepers or carters within the said Town; and all merchant stores or shops within the meaning of the assessment laws of this Province, and to classify the same; and all manufactories carried on or exercised, or in operation within the said Town; on all grist and flour mills, breweries and distilleries, on all soap and candle factories; and on all tanneries and slaughter-houses within the said Town; and provided, that the said duty or duties shall in no case exceed three pence in the pound; and to regulate the mode by which such assessments shall be collected and paid; 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 Town Council 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 ten 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 Gore District, or other place of confinement, for a period of more than thirty days.

XXI. And be it enacted, That it shall and may be lawful for the Town Council from time to time to appoint so many of the members thereof, or other fit and proper persons as they shall deem proper to form a Board of Health, to aid and assist the Mayor of the Town of Brantford to carry into effect the provisions of the By-laws which now are or may be passed to preserve the health of the said Town, and to prevent the introduction and spreading of infectious and pestilential diseases in the same; and the said Town Council 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.*

XXII. 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, for building a market-house or other public buildings, for procuring Fire Engines, for the securing, raising and paying any monies that may be borrowed under the authority of this Act, and the interest of such monies, and for all other purposes

deemed expedient and necessary by the said Town Council for the welfare and improvement of the said Town, it shall and may be lawful for the said Town Council to levy an assessment upon ail and every person who shall inhabit, hold, use or occupy any house, shop, warehouse, building or piece or parcel of land, being a separate tenement, situate, lying and being within the said Town of Brantford, according to the value thereof respectively, to be ascertained in manner hereinafter mentioned; and the time for which such yearly rate or assessment for the present year shall be so rated and assessed, shall be held to have commenced from the first Monday in January in the year of our Lord one thousand eight hundred and forty-seven, and shall end on the day next preceding the first Monday in January in each ensuing year, 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.

XXIII. And be it enacted, That the rate or rates aforesaid, shall all be raised, levied or assessed upon the owners or possessors of the following chattel properly, that is to say: stone horses kept for the purposes of covering mares, or other horses of the age of three years or upwards, horned cattle, phaetons, carriages, gigs, wagons and other carriages on steel or leather springs, according to the value thereof, ascertained as hereinafter mentioned: Provided always, that nothing in this Act contained shall extend or be construed to extend to any house, lands, property, goods, effects, matters or things herein mentioned or enumerated, which shall belong to or be in the actual possession of Her Majesty, her heirs or successors, unless the same shall be actually leased to individuals, nor to any churches, chapels, school-houses, school-lands, places of public worship and burial grounds.

XXIV. And be it enacted, That the possessors or owners of the said horses, cattle and carriages hereinbefore mentioned, shall not be rated in respect thereof as hereinbefore mentioned, but the same shall be valued according to the certain fixed rates following, that is to say: every stone horse kept for the purpose of covering mares for hire or gain, at one hundred pounds value; every other horse, mare or gelding above the age of three years, at eight pounds value; milch cows and other horned cattle, above the age of two years, at three pounds value; every carriage on steel or leather springs with four wheels, drawn by two or more horses, at twenty-five pounds value; every phaeton or other carriage on steel springs, drawn by one horse, at twelve pounds ten shillings value.

XXV. And be it enacted, That it shall and may be lawful for the Town Council of the said Town, from time to time, to appoint one or more fit and discreet person or persons, inhabitant freeholder or freeholders of the said Town, to be Assessor or Assessors for the said Town, and in like manner to appoint one or more fit and discreet person or persons to be Collector or Collectors for the said Town.

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

XXVII. And be it enacted, That the Assessor or Assessors to be so as aforesaid appointed, be and they are hereby required to determine the assessment to be made by them on the interest of the actual value of the property assessed or upon the actual or *bonâ fide* rent thereof; and when property to be assessed is in the occupation of the proprietor or proprietors thereof, the said Assessor or Assessors shall be and they are hereby required to determine the assessment to be paid thereon upon and according to the rent which the said property is worth and would obtain were the same to be leased by the said proprietor or proprietors thereof at the time the said property is assessed.

XXVIII. And be it enacted, That it shall be the duty of the Assessor or Assessors of the said Town, to make such valuation as aforesaid, as soon as conveniently maybe, on the requisition of the Mayor or acting Mayor of the said Town, 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, 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, she or they shall be so rated, and immediately after such assessment or valuation shall be completed, the Assessor or Assessors respectively, shall deposit with the Clerk of the Town Council of the said Town of Brantford, or such other personas by the said 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 Rolls, 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 Mayor or acting Mayor of 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 notice 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, as the case may be,) the said Town Council shall by a majority of voices or votes finally decide and determine upon such complaint, and affirm or amend the return of such Assessor accordingly: Provided always, that if the said complaining party shall neglect to appear at such meeting of the said Town Council, he or she 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 Assessor or Assessors too low, they shall cause a notice to be served upon the person so rated as aforesaid and on 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 parties 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.

XXIX. 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 acting Mayor or any one 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 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 two pounds ten shillings, as the said Town Council on proof upon oath or affirmation, as the case may be, of the due 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 acting Mayor or any member of the said Town Council, to commit such person to the Common Jail of the Gore District, or such place of confinement as the Council may hereafter at any time provide: 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 cognizance thereof.

XXX. And be it enacted, That it shall and may be lawful for the said Town Council of the said Town, at some convenient time after the return of the Assessment Rolls aforesaid, to pass a yearly rate declaring the amount in the pound on such valuation, which shall be raised and levied for the year in which the rate shall be passed, provided that the same doth not exceed one shilling in the pound upon real estate, and three pence in the pound upon chattel property as aforesaid; and provided, that in passing any such yearly rate, real estate and chattel property be assessed in proportion to such sums respectively and not otherwise or in any different proportions.

XXXI. 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 such persons as, during any one year, for which such rates aforesaid shall be respectively levied, shall have been assessed for any house or building, or any part thereof, which during such year shall have continued vacant for more than three calendar months of such year, and also the case or cases of such persons not 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.

XXXII. And be it enacted, That all proprietors, lessees and others, who shall let for rent, any 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, 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 or proprietors, by the Collector or Collectors of the said Town, under any By-law for that purpose, made by the said Town Council.

XXXIII. And be it enacted, That each male inhabitant of the age of twenty-one years and upwards, and not above the age of sixty years, not otherwise rated under this Act, or whose assessment shall not be over five shillings, and who by the laws now in force would be liable to perform Statute labour, shall be rated and assessed in the sum of five shillings yearly, which said sum shall be paid to the general public uses of the said Town, in like manner as the other rates, levies and assessments under the authority of this Act; and it shall be the duty of the Collector or Collectors of the Town to collect and receive such sum and sums of money and pay over the same in like manner as other monies to be levied and raised under the authority of this Act; which said sum or

sums of money shall be in lieu of the Statute labour which such person so assessed would be otherwise liable to perform, under any Act now in force relating thereto.

XXXIV. And be it enacted, That if any person or persons rated or assessed as in any 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 Collector of the Town, it shall and may be lawful for the said Collector to apply to the Mayor or acting Mayor of the said Town, 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 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 Town, which warrant the Mayor or acting Mayor of the said Town is hereby authorized to grant, upon a certificate signed and sworn to by such Collector, of a 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 said Collector is hereby authorized to sell at 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) to the owner; and that in cases where any person or persons not rated as respects any property, but under the authority of the next preceding section of this Act, shall neglect or refuse to pay the rate or assessment charged upon him or them for the space of fourteen days next after such rates shall be due and demanded by any Collector of the said Town, it shall and may be lawful for the said Collector to apply to the Mayor or acting Mayor of the said Town, and on proof upon oath of such person or persons being in arrear, and of demand of such rate having been made, and when no goods or effects of such person or persons can be found to satisfy such rates, it shall and may be lawful for the Mayor or acting Mayor or any Member of the said Town Council, to commit such person to the Common Jail of the District of Gore or to such other place of confinement as the Council may hereafter at any time provide, until such rate shall be paid: Provided always, that such imprisonment shall not exceed in any case thirty days.

XXXV. And be it enacted, That from and after the passing of this Act, 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 as 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 a penalty not exceeding ten pounds, to be recovered and disposed of in the same manner as other penalties are recovered and disposed of in the said Town, for the breach of any of the By-laws or regulations thereof.

XXXVI. And be it enacted, That in all cases where the person who shall be rated in respect of any vacant ground or other real property within the Town, shall not reside within the said Town, and the rates and assessments payable in respect of such vacant ground or property, shall remain due and unpaid for the space of two years, and no distress shall be found therein, then, and in such case, it shall and may be lawful for the said Town Council to issue a precept to the Sheriff of the

Gore 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 arrears of taxes, together with all costs accruing by reason of such default, and the 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 Gore District for the three months next preceding such sale, and all owners of property sold under the authority of this clause of this Act, shall be allowed to resume possession of the same within the space of twelve months next after the date of such sale, on paying or tendering to the purchaser the full amount of the purchase money with legal interest thereon, together with the costs attendant upon the default and sale, with an additional five per centum on the purchase money.

XXXVII. And be it enacted, That in case it shall happen that an election of Members of the said Town Council 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 by the laws and ordinances of the said Town Council.

XXXVIII. And be it enacted. That any rule or regulation of the said Town Council for the infraction of which a penalty is inflicted, before it shall have effect, shall be published in one or more of the newspapers published within the District, and shall be affixed in four public places in each Ward within the said Town; and in like manner shall be published in each Ward every year, one month previous to each general election for Members to serve in the said Town Council, an account of all monies received into the Treasury, and the amount expended, and for what purpose.

XXXIX. And be it enacted, That if any person shall transgress the orders or regulations made by the said Town Council under the authority of this Act, such person shall, for every offence, forfeit the sum which in every order, rule or regulation shall be specified, with costs, to be recovered by information before the said Town Council, or any Member or 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 Gore District, or such place of confinement as the Council may hereafter at any time provide within the said Town of Brantford, for a term, in the discretion of the Members of the said Town Council, before whom such offender shall have been convicted, not less than one day, and not exceeding thirty days; and no person shall be deemed an incompetent witness, upon any information under this Act, by reason of his being a resident of the said Town of Brantford; Provided always, that the information and complaint for any breach of any order or regulation of the said Town Council shall be made within fifteen days next after the time of the offence committed.

XL. And be it enacted, That all the penalties recovered 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, where not otherwise specially provided by any Act of the Legislature of Upper Canada or of this Province, and any income of whatsoever nature, shall form part of the public funds of the said Town, 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.

XLI. And be it enacted, That if any action or suit shall be brought against any person or persons for any matter or thing done under the authority or in pursuance of this Act, such action or suit shall be brought within six calendar months next after the fact committed, and not afterwards.

XLII. And be it enacted, That the Town 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 shall or may require; and the said Town Council shall hold their sittings in the Town Hall, when such building shall have been provided; and until such suitable building shall have been provided, the said Town Council shall determine on the place of their meetings.

XLIII. And be it enacted, That the Sheriff and Jailer of the Gore 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 thereof.

XLIV. 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 limits of the said Town, and to confine him or her in a watch-house, lock-up-house, or other place of confinement, in order that such person may be secured until he or she can be brought before the Town Council to be dealt with according to law, or may give bail for his or her appearance before the said Council, if such Member ordering the apprehension shall think fit to take bail in such manner as bail is given in by offenders before a Justice of the Peace.

XLV. And be it enacted, That, except in General or Adjourned Quarter Sessions, the Justices of the Peace for the Gore District, as such Justices, shall exercise no jurisdiction over offences committed within the Town of Brantford; and that the 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 of the said Town, 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 it shall and may be lawful for any person or persons to appeal to the General Quarter Sessions, in the same manner as is now provided by law, from any conviction of any one or more Members of the said Town Council, when such conviction shall have been made in the exercise of their magisterial duty and apart from the enforcement of any By-laws or regulations: Provided also, that if any action or suit shall be brought against any member of the said Town Council, for any matter or thing done by him as such Justice of the Peace as aforesaid, he shall be entitled to and receive such notice of action as is now required to be given to Justices of the Peace in other cases.

XLVI. And be it enacted, That from and after the passing of this Act, all laws now in force within this Province providing for the assessment and collection of any rates or assessments for the general purposes of the District, so far as the same apply to the said Town of Brantford, shall be

and the same are hereby repealed, and in lieu of the payment of any part of the rates or assessments heretofore payable to the general funds of the Gore District, the said Town Council shall, some time in the month of January in each and every year, out of the monies of the said Town, pay to the Treasurer of the Gore District for the general purposes of the said District, such sum annually as the District Council of the said District, and the said Town Council shall agree upon, or in default of such agreement the yearly sum of seventy-five pounds, to be reduced however in the same proportion as the charges on the said District are or may be reduced by the expenses of the administration of justice within the District being paid out of the Provincial Funds, the first payment thereof to begin and be made some time in the month of January next ensuing the passing of this Act: Provided always, that nothing in this Act contained shall extend or be construed to extend to prevent or excuse the said Town from paying to the general funds of the Gore District all such sum and sums of money as are or may be hereafter collected within the said Town for or on account of the assessment already imposed by the General Assessment Laws of this Province and due and payable by the inhabitants of the said Town for the year before the passing of this Act, or any assessment now imposed or hereafter to be imposed for the maintenance of the Provincial Lunatic Asylum: Provided always, that as the said Gore District is or shall be from time to time relieved from payment of the expenses of the administration of justice within such District or from any part thereof, the payment of the said sum of seventy-five pounds so to be paid by the said Town of Brantford to the said Gore District as aforesaid, or such part thereof as shall be proportionate to the share or portion of such expenses whereof the said District is or shall be from time to time relieved, shall cease and be no further made.

XLVII. And the better to enable the said Town Council to erect a suitable Town Hall and Market Buildings, and build public sewers, and from time to time as required to make other improvements in the said Town for the comfort, health, and general welfare of the said Town: Be it enacted, That it shall and may be lawful for them to borrow, from time to time, sufficient sums of money for those purposes not exceeding one thousand pounds from any person or persons willing to advance the same at a rate of interest not exceeding that fixed by law; and the said Town Council are hereby authorized and empowered to mortgage or place in security the property of the said Town, as well as to secure the rates and assessments to be levied and collected under the provisions of this Act, to the person or persons so lending, for the purpose of repaying the same with the legal interest thereon, in such manner as the said Town Council may see fit.

XLVIII. And be it enacted, That the said Town Council may, within five years after it shall be ascertained by the annual census of the said Town, that the said Town contains five thousand inhabitants, built or cause to be built at the expense of the said Town Council, on some convenient site, to be by them procured for that purpose, within the said Town, a good, sufficient and secure Jail and House of Correction, for the confinement and imprisonment of all offenders, who shall at any time after the completion of such Jail and House of Correction be committed or adjudged to be imprisoned under any order or warrant of the Mayor or any Member of the said Council; and from and immediately after the completion of such Jail and House of Correction, no person adjudged to be imprisoned as aforesaid, shall be committed to the Jail of the Gore District, except in case of parties charged with offences, which from their nature require to be tried before a Superior Court: Provided always, that so soon as such Jail and House of Correction shall be built

and finished as aforesaid, the payment of the said sum of seventy-five pounds to the Treasurer of the Gore District and of every part thereof shall cease and determine.

XLIX. And be it enacted, That from and after the passing of this Act at any Adjourned General Sessions held in the Gore District for the purpose of receiving applications and granting Certificates to Inn-keepers for License, only those Magistrates who may be resident inhabitants of the said Town of Brantford shall vote on any application for a License from an Inn-keeper, whose house shall be situate within the said Town.

L. And be it enacted, That the said Town Council shall have full power to take and receive a license of occupation from Her Majesty, Her Heirs and Successors, or from the Gore District Municipal Council, or from any other person or persons, or bodies corporate, of any lands lying within the limits of the said Town, on such terms as may be agreed upon between the parties; and that it shall and may be lawful for the said Town Council to purchase lands for the use of the said Town, either for use or ornament, and to make such terms with regard to the payment of the purchase money of the same as may be agreed upon between the parties, so that the aggregate amount of the purchase money of such purchase over and above that already contracted for, shall not exceed the sum of five hundred pounds, and that the said Council shall have full power to make rules and By-laws for the improving and taking care of all such lands as they may deem from time to time advisable; and to enforce the observance of such rules and By-laws in the same manner as hereinbefore authorized in other matters.

LI. 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.