

Laws of Her Majesty's Province of Upper Canada, passed in the year 1848. Montreal: Stewart Derbshire & George Desbarats, 1848.

11 Victoria – Chapter 12

An Act to amend, the Act to incorporate the Town of Dundas. 23d March, 1848.

Whereas the time limited and appointed for holding the first election of Members for the Town Council of the Town of Dundas in the Gore District, under the provisions of a certain Act passed in the tenth and eleventh year of Her Majesty's Reign, intituled, *An Act to incorporate the Town of Dundas*, hath elapsed without such election having been held, or any action taken thereupon; And whereas it is expedient and necessary to alter and extend the time for holding the said election, and the subsequent annual elections to be holden under the provisions of the said Act; And also to extend the elective franchise to persons residing in any of the Wards of the said Town who may be in possession of real estate therein under a bond or deed or other equitable title thereto, and who would or might be prevented and excluded from voting at any election in the said Wards by the restriction and limitations contained in the fifth Section of the said Act, and otherwise to alter and amend the same: 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 whole of the fifth Section of the said Act of Incorporation, and the portions of the sixth Section of the same which limit and appoint the time for holding the first election of Members for the Town Council, and the annual elections of the same, shall be and the same are hereby repealed.

II. And be it enacted, That in addition to the qualifications of Members for the said Town Council as contained and defined in the fourth Section of the said Act, every such Member shall at the time of such election, and for one year or upwards previous thereto, be a resident householder within the Ward for which he is elected, or be possessed to his own use of freehold property therein that shall be valued by the Assessors of the Town, at the rental or annual value of fifteen pounds: Provided always, that such valuation shall be ascertained from the then last Assessment Rolls of the said Town.

III. And be it enacted, That the Members of the said Town Council shall be elected respectively by the majority of votes of such male inhabitants, freeholders or householders resident within their respective wards, whose names shall have been entered upon the last Assessment Roll of the said Town, or of such male inhabitants of the said Town who shall be resident within their respective Wards as aforesaid, and who shall be possessed in freehold or otherwise of any warehouse, counting-house, shop, office or store, and whose names shall have been entered on the last Assessment Roll of the said Town: Provided always, that the premises in right of which the said several persons may vote as aforesaid, shall be situate within the Ward in which such persons are respectively entitled to vote as aforesaid, and shall be respectively valued by the Assessor or

Assessors of the Town at the rental or annual value of five pounds, such valuation to be ascertained from the last Assessment Roll of the said Town: Provided also, that no person shall be entitled to vote at any such election who shall not be a natural born or naturalized subject of Her Majesty, and of the full age of twenty-one years at the time of such election; and provided also, that 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.

IV. And be it enacted, That the first election of members of the said Town Council shall be holden on the third Monday in April next, and the notice to be given of such election, and the persons authorized to hold the same, and the mode of proceeding thereat, shall, in every respect, be the same as prescribed and provided for in the said Act of Incorporation; and the members chosen at such election shall serve until a new Council shall be elected; and after the said first election, an annual election of members of the said Town Council shall be holden in the said Wards respectively, in accordance with the general provisions of the said Act, on the third Monday of April in every year: Provided always, that in case any of the said annual elections of members shall not be holden at the time hereby limited for that purpose, the said Town Council shall not for that cause be deemed dissolved, but shall have power at any other day to hold such election in accordance with the thirty-fifth Section of the said Act and the general provisions of the same; And provided also, that if from any cause the said first election of members shall not be holden on the day hereby limited for that purpose, it shall be lawful for any two or more Magistrates of the Gore District residing within the said Town to appoint a day for holding such election, and the notice to be given of the same; and all the proceedings at and concerning such election shall in every respect be the same as contained and provided for the said first election under the provisions of the said Act of Incorporation in that behalf.

V. 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 Dundas, 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 to be made some time in the month of January next: Provided always, that nothing herein contained shall extend or be construed to extend to prevent or excuse the said Town from paying to the general funds of the said 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.

VI. And be it enacted, That the said Town Council shall have power and authority, in their discretion, by a By-law for that purpose, to alter and change the time limited and appointed by the thirty-seventh Section of the said Act of Incorporation, for assessing and levying the yearly rate or assessment therein mentioned, and for the returns of the Assessment Rolls of the respective Wards by the Assessor or Assessors of the said Town respectively; anything in the said Section contained to the contrary thereof notwithstanding.

VII. And be it enacted, That in all cases not fully provided for in this Act, reference shall be had to the said Act of Incorporation, and the same shall be followed and be the rule of guidance in every respect, except where the same is repealed or altered or repugnant to the provisions of this Act, or to any part, thereof.