

Laws of Her Majesty's Province of Upper Canada, passed in the year 1849. Montreal: Stewart Derbshire & George Desbarats, 1849.

12 Victoria – Chapter 80

An Act to repeal the Acts in force in Upper-Canada, relative to the Establishment of Local and Municipal Authorities, and other matters of a like nature. 30th May, 1849.

Whereas it is expedient to repeal the several Acts in force in Upper-Canada, relating to the Incorporation of the Inhabitants of the several Districts of that part of this Province, and of certain other localities therein, the Election and duties of Township Officers, and other matters of a like nature, to the end that better provision may be made for such purposes: 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 several Acts of the Parliament of the late Province of Upper-Canada, and those of the Parliament of this Province set forth in the Schedule to this Act annexed marked A, and containing a description of the Acts and parts of Acts repealed by this Act, so far as the same shall be in force at the commencement of this Act, and all Acts continuing or making permanent any of the said Acts, or continued or made permanent by any of them, shall be, and the same are hereby repealed: Provided always, nevertheless, Firstly: That no Act or part of an Act repealed by any of the Acts hereby repealed, shall be revived by the passing of this Act, and no Act, or part of an Act, perpetuated or continued by any of the Acts hereby repealed, (except such as are herein expressly repealed), shall be repealed by the passing of this Act; And provided always, Secondly: That notwithstanding the repeal of the Acts and parts of Acts hereby repealed, all acts which might have been done, and all proceedings which might have been taken or prosecuted relating to any offences or neglects which may have been committed, or to any matters which shall have happened, or to any moneys which shall have become due, or to any fines or penalties which shall have been incurred before the day on which this Act shall come into operation, shall and may still be done or prosecuted, and the offences and omissions may be dealt with and punished, and the moneys may be recovered and dealt with, and the fines and penalties may be imposed and applied as if the Acts, and parts of Acts, hereby repealed, continued in force, except only so far as the new Municipal Corporations to be created by and under the provisions of the Act of the present Session of Parliament to provide for the Incorporation of Townships, Counties, Villages, Towns and Cities in Upper-Canada, shall or may be substituted for the old ones.

II. And in order that no doubt shall remain whether any or what part of any former Acts relating to the Incorporation of the Inhabitants of the several Districts of that part of this Province, and of the other localities therein, or the Election and duties of Township Officers, continue in force: Be it enacted, That all Acts and parts of Acts relating to the same, shall be, and the same are hereby repealed, so far as such Acts or parts of Acts shall be in force at the commencement of this Act, save and except such Acts or parts of Acts as are mentioned in the Schedule to this Act annexed,

marked B, and save and except all other Acts made expressly for other purposes, although they incidentally touch on matters relating to such subjects, or although the provisions thereof are to be carried into effect by Officers elected or appointed under such Acts or parts of Acts, nevertheless, such matters and provisions last mentioned, so far as they are repugnant to, or inconsistent with the Act or Acts relating to such matters in force at the time, shall be, in all respects, controlled by such last mentioned Act or Acts, unless the contrary shall have been expressed in such last mentioned Act or Acts.

III. And whereas certain Acts mentioned and set forth in the Schedules hereto annexed, to be hereby repealed either in the whole or in part, contain certain special provisions respecting assessments upon property in the Cities, Towns and Villages to which they respectively refer; and whereas such Acts or parts of Acts are not in the said Schedules excepted out of the repeal hereby intended under the expectation that a general Act will be passed during the present Session of Parliament for establishing a more just general system of assessment in Upper-Canada than that now in force therein, and it is therefore expedient to provide that in ease such Act should not be so passed, the said provisions shall remain in force: Be it therefore enacted, That until such Act for a more just general system of assessment in Upper-Canada shall be passed, or other Legislative provision be made in that behalf, so much of the several Acts mentioned in the Schedules to this Act annexed as established provide for, or regulate the assessment or mode of assessment, or the property to be assessed in any of such Cities or the liberties thereof, or in any of such Towns or Villages, or any matter relating to the same, shall continue in force as if such Acts or parts of Acts had in the said Schedules been specially excepted from repeal; and all such Acts and parts of Acts shall extend and apply to every such City and the liberties thereof, and to every such Town and Village respectively, according to the extended or altered limits thereof as established by an Act of the present Session of Parliament, intituled, *An Act to provide by one general Law for the erection of Municipal Corporations, and the establishment of regulations of Police in and for the severed Counties, Cities, Towns, Townships and Villages in Upper-Canada.*

IV. And be it enacted, That this Act shall commence and have force and effect upon, from and after the first day of January, in the year of our Lord, one thousand eight hundred and fifty, and not before.

V. And be it enacted, That this Act may be amended, altered or repealed by any Act to be passed in this present Session of Parliament.

Schedule A,
 Containing a Description of the Acts and Parts of Acts Repealed by this Act.

First Division
Acts of the Parliament of the late Province of Upper-Canada.

No.	Date and Subject of Act.	Title.	Extent of Repeal.
1	37 Geo. 3, Cap. 10, Ferries	An Act for the regulation of Ferries	{ So much as vests any powers in the Magistrates in Quarter Sessions.
2	43 Geo. 3, Cap. 10, Cattle running at large	An Act to extend the provisions of an Act passed in the thirty-fourth year of His Majesty's Reign, intituled, "An Act to restrain the custom of permitting Horned Cattle, Horses, Sheep and Swine to run at large."	
3	43 Geo. 3, Cap. 11, Assessment for Members' Indemnity	An Act the more conveniently to collect the compensation to Members of the House of Assembly for their attendance in their duty in Parliament, and to repeal part of an Act passed in the Parliament of this Province, in the thirty-third year of His Majesty's Reign, intituled, "An Act to authorize and direct the laying and collecting of Assessments and Rates within this Province, and to provide for the payment of wages to the House of Assembly."	The whole.
4	50 Geo. 3, Cap. 1, Highways	An Act to provide for the laying out, amending and keeping in repair, the Public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose	{ Sections one to eleven, inclusive, and Sections thirteen to thirty-four, inclusive.
5	50 Geo. 3, Cap. 12, Haldimand Town Meetings	An Act to authorize the Inhabitants of the County of Haldimand, to hold annual meetings for the purpose of electing Town and Parish Officers	
6	52 Geo. 3, Cap. 10, Highways	An Act to amend an Act passed in the fiftieth year of His Majesty's Reign, intituled, "An Act to provide for laying out, amending and keeping in repair the Public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose."	The whole.
7	54 Geo. 3, Cap. 15, York Market	An Act to empower the Comissioners of the Peace for the Home District, in their Court of General Quarter Sessions assembled, to establish and regulate a Market in and for the Town of York, in the said District	The whole.
8	57 Geo. 3, Cap. 2, York, Amherstburgh and Sandwich	An Act to establish a Police in the Towns of York, Sandwich and Amherstburgh	The whole.
9	57 Geo. 3, Cap. 4, Niagara Market	An Act to establish a Market in the Town of Niagara, in the Niagara District	The whole.

10	59 Geo. 3, Sess. 2, Cap. 5, Niagara	An Act for establishing a Police in the Town of Niagara, in the District of Niagara, and for other purposes therein mentioned	The whole.
11	59 Geo. 3, Sess. 2, Cap. 11, Niagara Market	An Act to amend and repeal part of an Act passed in the fifty-seventh year of His Majesty's Reign, intituled, "An Act to establish a Market in the Town of Niagara, in the Niagara District."	The whole.
12	2 Geo. 4, Sess. 2, Cap. 11, Cattle running at large	An Act to repeal in part a certain part of an Act passed in the forty-third year of His late Majesty's Reign, intituled "An Act to extend the provisions of an Act passed in the thirty-fourth year of His Majesty's Reign, intituled, 'An Act to restrain the custom of permitting Horned Cattle, Horses, Sheep and Swine, to run at large,' and further to enable the Magistrates in their respective Districts in their respective Districts in this Province, in this Province, in General Quarter Sessions assembled, to make such rules and regulations as may restrain Swine, running at large in the respective Towns in this Province, where a Police is or may hereafter be established by Law	The whole.
13	2 Geo. 4, Sess. 2, Cap. 13, Police moneys	An Act requiring the publication of the expenditure of moneys raised under any law, establishing a Police in any Town or Towns in this Province	The whole.
14	2 Geo. 4, Sess. 2, Cap. 15, Perth Market	An Act to establish a Market in the Town of Perth, in the County of Carleton	The whole.
15	4 Geo. 4, Sess. 1, Cap. 34, Niagara Police, &c.	An Act to continue and amend an Act passed in the fifty-ninth year of His late Majesty's Reign, intituled, "An Act for establishing a Police in the Town of Niagara, in the District of Niagara, and for other purposes therein mentioned."	The whole.
16	8 Geo. 4, Cap. 14, Street Surveyors	An Act to amend the Laws now in force for the appointment of Street Surveyors, so far as relates to the several Towns in this Province other than those in which the General Quarter Sessions of the Peace are by law holden	The whole.
17	1 William 4, Cap. 3, Amherstburgh Wharfage Fees	An Act to establish a Market and to establish Wharfage Fees in the Town of Amherstburgh, in the Western District	The whole.
18	2 William 4, Cap. 17, Brockville	An Act to establish a Police in the Town of Brockville, in the District of Johnstown	The whole.
19	3 William 4, Cap. 10 Hamilton	An Act to define the limits of the Town of Hamilton, in the District of Gore, and to establish a Police and Public Market therein	The whole.

20	3 William 4, Cap. 40, Brockville Market	An Act to establish a Market in the Town of Brockville	The whole.
21	4 William 4, Cap. 12, Line Fences, &c.	An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the thirty-third year of the Reign of His late Majesty King George the Third, intituled, "An Act to provide for the nomination and appointment of Parish and Town Officers within this Province," as relates to the Office of Fence Viewers, being discharged by Overseers of Highways and Roads	The first Section.
22	4 William 4, Cap. 23, Toronto	An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it under the name of the City of Toronto	Sections one to ninety-five, inclusive, and also the whole of Section ninety-six, except the proviso.
23	4 William 4, Cap. 24, Belleville	An Act to establish a Board of Police in the Town of Belleville	
24	4 William 4, Cap. 25, Cornwall	An Act to establish a Police in the Town of Cornwall, in the Eastern District	The whole.
25	4 William 4, Cap. 26, Port Hope	An Act to define the limits of the Town of Port Hope, and to establish a Police therein	The whole.
26	4 William 4, Cap. 27, Prescott	An Act to incorporate the Village of Prescott, and to establish an Elective Police therein	The whole.
27	5 William 4, Cap. 6, Assessment for Members' Indemnity	An Act to provide for the payment of wages to the Members of the House of Assembly who represent the different Towns in this Province	The whole.
28	6 William 4, Cap. 1, Assessment, Members' Indemnity	An Act to provide for the payment of wages to Members representing Cities and Incorporated Towns within the Province	The whole.
29	6 William 4, Cap. 13, Brockville Market	An Act to establish a Market in the West Ward of the Town of Brockville	The whole.
30	6 William 4, Cap. 14, Belleville	An Act to repeal an Act passed in the fourth year of His present Majesty's Reign, intituled, "An Act to establish a Board of Police in the Town of Belleville," and to make further provisions for the establishment of a Police in said Town	The whole.
31	7 William 4, Cap. 24, House of Industry	An Act to authorize the erection, and provide for the maintenance of Houses of Industry in several Districts of this Province	So much of the first Section as vests any powers granted thereby in the Grand Juries or the Magistrates in Quarter Sessions, or limits and expenditure, and the whole of the second Section.
32	7 William 4, Cap. 39,		

	Toronto	An Act to alter and amend an Act passed in the fourth year of His Majesty's Reign, intituled, "An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it under the name of the City of Toronto."	The whole.
33	7 William 4, Cap. 41 Toronto Markets	An Act to establish two additional Markets in the City of Toronto	The whole.
34	7 William 4, Cap. 42, Cobourg	An Act to establish a Police in the Town of Cobourg, and to define the limits of the said Town	The whole.
35	7 William 4, 44, Picton	An Act to incorporate the Villages of Hallowell and Picton, by the name of the Town of Picton, and establish Police therein	The whole.
36	1 Vict. Cap. 17 Assessment, Members' Indemnity	An Act to alter the mode of payment of wages to Members of the House of Assembly	The whole.
37	1 Vict. Cap. 21, Township Officers	An Act to alter and amend sundry Acts regulating the appointment and duties of Twonship Officers	Sections one to thirty-one, inclusive, and thirty-six to fifty-one, inclusive.
38	1 Vict. Cap. 27, Kingston	An Act to incorporate the Town of Kingston, under the name of the "The Mayor and Common Council of the Town of Kingston"	
39	2 Vict. Cap. 36, Kingston	An Act to render valid the late Elections for Aldermen and Councilmen for the Town of Kingston	Sections two, three and four.
40	2 Vict. Cap. 37, Kingston	An Act to amend an Act passed in the first year of Her Majesty's Reign, intituled, "An Act to incorporate the Town of Kingston, under the name of the Mayor and Common Council of the Town of Kingston."	The whole.
41	2 Vict. Cap. 45, Hamilton Market	An Act to establish a Second Market in the Town of Hamilton, to enable the Corporation of the said Town to effect of a loan, and for other purposes therein mentioned	The whole.
42	2 Vict. Cap. 46, Niagara Market	An Act to authorize the Trustees of the Market Reserve in the Town of Niagara, to raise a sum of money for certain purposes therein mentioned	The whole, except so much of the second Section as reserves any privileges or advantages to certain Lessees and Tenants or their Assigns.
43	3 Vict. Cap. 31, London	An Act to define the limits of the Town of London, in the District of London, and to establish a Board of Police therein	The whole.
44	3 Vict. Cap. 47, Toronto	An Act to continue an Act passed in the seventh year of the Reign of His late Majesty, King William the Fourth,	

intituled, "An Act to alter and amend an Act passed in the fourth year of His Majesty's Reign, intituled, 'An Act to extend the limits of the Town of York, to erect the said town into a City, and to incorporate it under the name of the *City of Toronto*.' " The first Section.

Second Division
Acts of the Parliament of the late Province of Upper-Canada.

No.	Date and Subject of Act.	Title.	Extent of Repeal.
45	4 & 5 Vict. Cap. 10 Municipalities	An act to provide for the better internal Government of that part of this Province which formerly consituted the Province of Upper-Canada, by the establishment of Local or Municipal Authorities therein	The whole.
46	8 Vict. Cap. 7 County and Township Divisions	An Act for better defining the limits of the Counties and Districts in Upper-Canada, for erecting certain new Townships, for detaching Townships from some Counties and attaching them to others, and for other purposes relative to the division of Upper-Canada into Townships, Counties and Districts	The whole, except Sections one, two, five, seven, eight, nine, ten, eleven, thirteen and fifteen, together with the Schedules A and B.
47	8 Vict. Cap. 20, Fences and water courses	An Act to repeal an Act therein mentioned, and to provide for the regulation of Line Fences and Water Courses in Upper-Canada	So much of the first Section as vests the appointment of Fence-Viewers in the Inhabitant Freeholders and Householders at their annual meetings.
48	8 Vict. Cap. 61, Kingston	An Act to repeal a certain provision of the Act incorporating the Town of Kingston, and to provide for the Assessment and collection of the District Taxes in the said Town, by an Assessor and Collector to be appointed by the District Council	The whole.
49	8 Vict. Cap. 62, Niagara	An Act to incorporate the Town of Niagara, and to establish a Police therein	The whole.
50	8 Vict. Cap. 63, St. Catherines	An Act to incorporate the Town of Saint Catherines	The whole.
51	9 Vict. Cap. 40, Municipal Councils	An Act to amend the Laws relative to District Councils in Upper-Canada	The whole.
52	9 Vict. Cap. 46, County and District Divisions	An Act to amend the Act for defining the limits of Counties and Districts in Upper-Canada	The whole.
53	9 Vict. Cap. 51, Niagara and Queenston	An Act to alter the mode of Assessment in the Towns of	

	Niagara and Queenston	The whole.
54	9 Vict. Cap. 70, Toronto	An Act to amend the Act of Incorporation of the City of Toronto
		The whole.
55	9 Vict. Cap. 71, Cobourg	An Act to alter the amend the Act of Incorporation of the Town of Cobourg
		The whole.
56	9 Vict. Cap. 72, Cornwall	An Act to amend the Act of Incorporation of the Town of Cornwall, and to establish a Town Council therein, in lieu of a Board of Police
		The whole.
57	9 Vict. Cap. 73, Hamilton	An Act to alter and amend the Act incorporating the Town of Hamilton, and to erect the same into a City
		The whole.
58	9 Vict. Cap. 75, Kingston	An Act to incorporate the Town of Kingston as a City
59	10 & 11 Vict. Cap. 39, Western District Division	An act to divide the Western District of the Province of Canada, and for other purposes therein mentioned
		Sections one and two, Sections five to nine, inclusive, and Sections thirteen to twenty-one, inclusive.
60	10 & 11 Vict. Cap. 41, Lock-up Houses	
		Sections one, two and four.
61	10 & 11 Vict. Cap. 42, Towns and Villages	An Act to confer limited Corporate Powers on the Towns and Villages of Canada West, not specially incorporated
		The whole.
62	10 & 11 Vict. Cap. 43, Bytown	An Act to define the limits of the Town of Bytown, to establish a Town Council therein, and for other purposes
		The whole.
63	10 & 11 Vict. Cap. 45, Dundas	An Act to incorporate the Town of Dundas
		The whole.
64	10 & 11 Vict. Cap. 46, Kingston	An Act to amend the tenth Section of the Act to incorporate the Town of Kingston as a City
		The whole.
65	10 & 11 Vict. Cap. 48, Prescott	An Act to provide for an Assessment of real and personal property in the Town of Prescott, according to the annual value or rental thereof, and for other purposes
		The whole.
66	10 & 11 Vict. Cap. 48, London	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
		The whole.
67	10 & 11 Vict. Cap. 49, Brantford	An Act to incorporate the Town of Brantford
		The whole.

68	11 Vict. Cap. 12, Dundas	An Act to amend the Act to incorporate the Town of Dundas	The whole.
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Schedule B,
 Containing a Description of the Acts and Parts of Acts Saved
 From the Operation of this Act.

First Division
Acts of the Parliament of the late Province of Upper-Canada.

No.	Date and Subject of Act.	Title.	Extent of Repeal.
1	37 Geo. 3, Cap. 10, Ferries	An Act for the regulation of Ferries	So much as relates to the duties of persons attending or having charge of Ferries, the penalties to be incurred by them, and the infliction and recovery thereof.
2	50 Geo. 3, Cap. 1, Highways	An Act to provide for the laying out, amending and keeping in repair the public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose	
3	4 William 4, Cap. 12 Line Fences, &c.	An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the thirty-third year of the reign of His late Majesty King George the Third, intituled, "An Act to provide for the nomination and appointment of Parish and Town Officers within this province," as relates to the office of Fence-Viewers being discharged by Overseers of Highways and Roads .	The second, and all the subsequent Sections of this Act.
4	4 William 4, Cap. 23, Toronto	An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it under the name of the <i>City of Toronto</i>	The proviso to the ninety-sixth Section, and the whole of the ninety-seventh Section.
5	7 William 4, Cap. 24, Houses of Industry ...	An Act to authorize the erection, and provide for the maintenance of Houses of Indurty in the several Districts of this Province	So much of the first Section as relates to the powers and duties of Inspectors, and also Sections three, four, five and six.

6	1 Vict. Cap. 21, Township Officers . . .	An Act to alter and amend Sundry Acts regulating the appointment and duties of Township Officers	Sections thirty-two, thirty-three, thirty-four and thirty-five.
7	2 Vict. Cap. 36, Kingston	An Act to render valid the late elections for Aldermen and Councilmen for the Town of Kingston	
8	2 Vict. Capt. 46, Niagara Market	An Act to authorize the Trustees of the Market Reserve in the Town of Niagara to raise a sum of money for certain purposes therein mentioned	So much of the second Section as reserves any privileges or advantages to certain Lessees and Tenants, or their assigns.
9	3 Vict. Cap. 47, Toronto	An Act to continue an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, intituled, "An Act to alter and amend an Act passed in the fourth year of His Majesty's Reign, intituled, 'An Act to erect the said Town into a City, and to incorporate it under the name of the <i>City of Toronto</i> .' "	

Second Division.

Acts of the Parliament of the Province of Canada.

No.	Date and Subject of Act.	Title.	Extent of Repeal.
10	8 Vict. Cap. 7, Division of Counties, &c,	An Act for better defining the limits of the Counties and Districts in Upper-Canada, for erecting certain new Townships, for detaching Townships from some Counties and attaching them to others, and for other purposes relative to the division of Upper-Canada into Townships, Counties and Districts	Sections one, two, five seven, eight, nine, ten, eleven, thirteen and fifteen, together with the Schedules A. B.
11	8 Vict. Cap. 20, Line Fences	An Act to repeal an Act therein mentioned and to provide for the regulation of Line Fences and Water Courses in Upper-Canada	The whole, except so much of the first Section as vests the appointment of Fence-Viewers in the Inhabitant

			Freeholders and Householders, at their annual meetings.
12	10 & 11 Vict. Cap. 39, Western District	An Act to divide the Western District of the Province of Canada, and for other purposes therein mentioned	Sections three, four, ten eleven and twelve.
13	10 & 11 Vict. Cap. 41 Lock-up Houses	An Act to establish Lock-up Houses in the unincorporated Towns and Villages in Canada West	Sections five and six.