

ABSTRACTS
OF
ACTS OF PARLIAMENT,
BY-LAWS AND ORDERS.

**PUBLISHED FOR THE USE OF THE TOWNSHIP OFFICERS OF THE
DISTRICT OF NEWCASTLE.**

BY ORDER OF THE DISTRICT COUNCIL, Nov., 1847.

Cobourg:
W. KINGSTON,
Office of The Provincialist, corner of Division and King streets.

1847.

ABSTRACTS.

TOWNSHIP MEETINGS.

1. Any Township containing thirty inhabitant freeholders or householders, is entitled to hold Township meetings. 1 Vic. 21.
sec. 6.

2. Any Township not having the requisite number of inhabitants, shall be taken and reputed to be as part of such adjacent Township as, in the opinion of the Magistrates granting the warrant, may be deemed most convenient for the new Township.

3. Two Justices of the Peace to issue their warrant to the Township Clerk at least ten days before the day of meeting, authorizing him on the first Monday, in January, at the hour of 12 o'clock noon, (or if a Councillor is to be elected, at the hour of 10 o'clock in the forenoon,) to assemble the inhabitants, freeholders, and householders, paying or liable to pay any public assessment or rate of such Township, for the purpose of choosing or nominating the Township Officers. Sec. 2.
9 Vic. 40.
sec. 1.

4. The Township Clerk to preside at the meeting, until a Chairman be chosen. 1 Vic. ch. 21.

5. The Township Clerk to give at least eight days previous notice of the meeting; and in case he should neglect or refuse so to do, the said inhabitants may assemble at the legal place of meeting, and, having appointed a Chairman, may proceed to business. sec. 2.
Sec. 3.

6. No person shall be qualified to vote at any Township meeting for the election of Officers, except he be a freeholder or householder of such Township, of the full age of 21 years. All questions to be decided by a majority of the freeholders and householders present, and any person not duly qualified, offering to vote, is liable to a fine. Sec. 4.

7. All Township Meetings to be held at such place as may be appointed by a By-Law of the District Council, and not elsewhere. 9 Vic. 40.
sec. 2.

- 4 and 5 Vic. 10, sec. 7. 8. The Township Meeting shall first elect a Councillor or Councillors, if there be a vacancy.
- 1 Vic. ch. 21, sec. 5. 9. The meeting shall then elect a Township Clerk, Assessor, Collector, a sufficient number of persons to serve as Pound-keepers and Overseers of Highways, three Town Wardens, and not less than three nor more than twelve Fence-viewers.
- 8 Vic. 20, sec. 1. 10. The Meeting may determine and order in what manner, at what period, and what description of horned cattle, horses, sheep and other animals, shall be allowed to run at large, or be restrained from so doing; and what shall be the fine or forfeiture upon the owner of any animals running at large, contrary to such regulations; and also, make rules and regulations relative to pits, precipices, or other places dangerous to travellers, or the destroying or suppressing the growth of such weeds as are detrimental to good husbandry, the height and description of lawful fences, and such other matters connected with the Township, as may tend to promote the peace and welfare of the same.
- 1 Vic. ch. 21, sec. 12.

DISTRICT COUNCILLORS.

- 9 Vic. ch. 49, sec. 1. 1. The Township Meeting at which a Councillor is to be elected shall commence at ten o'clock in the forenoon, and shall finally close at four o'clock in the afternoon of the same day.
- 4 and 5 Vic. ch. 10, sec. 10. 2. Every Township or reputed Township entitled to elect Township Officers shall also be entitled to elect one Councillor, and if in such Township there shall be more than three hundred inhabitant freeholders and householders on the assessment list, such place shall be entitled to elect two Councillors.
- Sec. 6. 3. The Collector or Collectors for any locality in which any election for Councillors shall be held, shall furnish to the Town Clerk, at least six days before the time appointed for such election, a certified list of all the inhabitant freeholders and householders entered upon the then last assessment roll for such locality, and those persons only whose names are entered on such list, shall vote

at the election ; and it shall be lawful for the Town Clerk to require of and administer to any person claiming to be one of the persons entered on such list, the following oath :

“ I do swear (or solemnly affirm) that I am A. B., whose name is entered on the Assessment Roll for the Township of _____, and that I have not already voted at this election.”

But no other proof of qualification shall be then required of any such person.

4. Every Township Meeting shall first proceed to the election of a Councillor, and a Poll shall be had if demanded by any Candidate, or by any three Electors then present ; if there should be an equal number of votes polled for two or more persons to be Councillors, it shall be lawful for the person presiding at such election, whether otherwise qualified or not, to give a vote for one or other of the persons having such equality of votes. The poll lists shall, by the person presiding, after the conclusion of every election, be delivered to the Clerk of the Peace of the District, in which such election shall have been held. Sec. 7.

5. Before the person presiding at the election of Councillors shall proceed to poll the votes, he shall subscribe and take the following oath, before some Justice of the Peace of the District, who shall certify and return such affidavit to the Warden of the District : Sec. 8.

“ I, C. D., do swear, (or solemnly affirm,) that I have not directly nor indirectly by myself, or any other person, received any fee, gratuity, or reward, either in money or otherwise, or any promise of any, as a consideration for my returning, or effecting the return, of any person, as a member of the District Council of the District of Newcastle, and that I will, to the best of my skill and ability, fairly, honestly, and faithfully, conduct the present election for the choice of a member (or members) of the said Council, and truly return the candidate (or candidates,) who at the final close shall appear to have a majority of votes ; and that I will use my best endeavors to preserve peace and order at such election, and to give all persons entitled to vote, free and unmolested access to and from the poll.”

Sec. 6. 6. The Township Clerk may administer to any person offering to vote, the following oath :

“ I swear, (or solemnly affirm,) that I am A. B., whose name is entered on the Assessment Roll of the Township of _____, and that I have not already voted at this election.”

Sec. 7. 7. The Township Clerk, or presiding officer, shall keep a poll list in the following form, and deliver the same to the Clerk of the Peace, immediately after the conclusion of such election.

Names of Freeholders and Householders on the last assessment roll of the Township of _____.	Names of the Candidates.			
	A. B.	C. D.	E. F.	G. H.
John Bull - - - - -	1	—	—	—
Patrick O'Neil - - - - -	—	1	—	—
Richard Jones - - - - -	—	1	—	—
Thomas Wilson - - - - -	—	—	1	—

Sec. 9. 8. The person presiding at the election is empowered to act as a Conservator of the Peace, and such person presiding, or any Justice of the Peace present at such election, may arrest or cause to be arrested, and may try or bind over for trial, or summarily punish by fine or imprisonment, or both, any person or persons who may assault, beat, molest, or threaten, any elector at, coming to, or returning from, the said election.

9. All Justices of the Peace residing in the Township wherein the election is held, upon being notified in writing by such person presiding, shall attend at such election for the purpose of aiding in preserving peace and order thereat ; and such Justice or Justices, or person presiding, shall and may, when they consider it necessary, appoint and swear in any number of special constables, not exceeding twenty-five, to act as peace-officers, and assist in maintaining peace and order at such election.

Sec. 11. 10. Every person elected a member of a District Council, shall be seized and possessed to his own use, in fee, of lands and tenements within the District in which such local divisions respectively shall be situate, or within some one or other of the Districts next adjoining such District, of the real value of five hundred pounds cur-

rency, over and above all charges and encumbrances due and payable upon or out of the same.

11. It shall be lawful for the inhabitants of any Township to elect any person to be a District Councillor, although such person may not be resident within the Township for which he may be elected. 9 Vic. ch. 40. sec. 18.

12. No person elected as a Councillor shall be capable of acting as such, until he shall have taken and subscribed before the Warden of the District, or one of the Justices of the Peace, who shall have authorized the election, the oath of allegiance to Her Majesty, her heirs and successors, and also an oath in the words, or to the effect following, viz. : 4 and 5 Vic. ch. 10, sec. 15.

“ I, A. B., having been elected a Councillor in the District Council of the District of Newcastle, do hereby solemnly and sincerely swear (or affirm) that I will faithfully fulfill the duties of the said office, according to the best of my judgment and ability; and that I am seized and possessed to my own use, of lands held in fee, viz. : (describing the lands); and that the said lands are within the District of _____, and are of the real value of three hundred pounds currency, over and above all charges and encumbrances due and payable upon or out of the same; and that I have not fraudulently or collusively obtained the same for the purpose of qualifying me to be elected as aforesaid. So help me God.”

13. Every person duly qualified, who shall be elected to the office of Councillor, shall take and subscribe the oaths herein before mentioned, within ten days after the notice of his election; and in default thereof, such person shall be deemed to have refused to accept the said office, and shall be liable to pay the fine for non-acceptance of office, and the said office shall thenceforward be deemed to be vacant, and shall be filled up by another election. Sec. 16.

14. In cases where any person elected shall prove to be disqualified, or shall prove exemption, or shall refuse to accept office or to take and subscribe the above mentioned oaths, it shall be lawful for the Justices who signed the warrant for the meeting at which such person was elected, or for either of such Justices, to issue his or their warrants to the Township Clerk, authorizing him on a day named in the warrant, (of which day not less than 5 days notice Sec. 17.

shall be given,) to proceed to another election of a fit and proper person to supply the place of the person who shall have refused to accept office, or to take and subscribe the said oaths.

Sec. 15.

15. If a vacancy occurs in any of the Councils, it shall be lawful for the Warden of the District to issue in the name of Her Majesty, a warrant attested by him, under his hand and seal, directed to the Clerk of the Township for which such vacancy shall have occurred, requiring him, after five days notice to be given, to cause an election to be made of a Councillor to supply such vacancy, which warrant shall by such Town Clerk be duly executed; and every Councillor, elected under such warrant, shall vacate his seat in the Council at the time the person, in whose stead he shall have been chosen, would have vacated his seat.

TOWNSHIP OFFICERS.

1 Vic. ch. 21,
sec. 5.

1. No person shall be compelled to serve in any office in any Township in which he does not reside, nor shall be elected to serve in any Township office oftener than once in three years, unless he shall consent thereto: no Magistrate shall be liable without his consent to serve in any Township office.

2. Should the inhabitants of any Township neglect or refuse to assemble and appoint any particular Officer or Officers for the year, then, and in such case, the Officers of the Township for the preceding year, or such of them as shall not be relieved by the appointment of other officers, as their successors, shall continue and remain in office for the succeeding year.

Sec. 9.

3. Every Township officer shall subscribe the following declaration in the Township Clerk's book, within twenty days from his appointment, and in default shall forfeit and pay a sum not less than one pound, nor more than five pounds with costs.

Sec. 30.

Sec. 9.

DECLARATION.

I, A. B., solemnly promise and declare, that I will faithfully and diligently perform the duties of _____, for the Township _____, for the current year.

4. Councillors may appoint other Township officers in lieu of those who shall make default as aforesaid, who shall subscribe the said declaration in the Clerk's book, and have the same power, and be liable to the same responsibilities, as if they had been elected or appointed at the Township meeting. ^{1 Vic. ch. 21. sec. 9. 4 and 5 Vic. ch. 10, sec. 45. By-Law 2.}

5. It shall and may be lawful for the inhabitant freeholders and householders, at the Township meeting to choose one Clerk of said Township; one Assessor; one Collector; a sufficient number of persons to serve as Pound-keepers, and Overseers of Highways, and also three Tax Wardens, and not less than three, nor more than twelve Fence-viewers. ^{1 Vic. ch. 21. sec. 5. 8 Vic. ch. 29. sec. 1.}

6. The Constable to whom any warrant, execution, or summons may be directed, authorized to be issued by this Act, shall be entitled to the following fees, and no more, for executing such warrant, execution or summons, viz.: Four pence per mile for every mile he may have to travel to execute the same, which travel shall be verified on oath, if required; and for levying, advertising, selling and making returns, two shillings and six pence; for every Summons served, eight pence. ^{Sec. 17.}

TOWNSHIP CLERK.

1. The Township Clerk, upon receiving a warrant signed by two Magistrates, shall issue a notice, to be affixed at three public places in the township, giving at least eight days previous notice of the Township meeting. ^{1 Vic. ch. 21. sec. 3.}

TOWNSHIP CLERK'S NOTICE TO ASSEMBLE THE INHABITANTS.

Whereas, by virtue of a Warrant from A. B. and C. D., Esquires, two of Her Majesty's Justices of the Peace, to assemble the inhabitants of the Township of ———, on Monday, the ——— day of January next, at ———, for the purpose of choosing and nominating Township Officers for the ensuing year, notice is hereby given, that the annual Township meeting of the Township of ———, will be holden at ———, on Monday, the ——— day of January next, at the hour of twelve o'clock, noon, accordingly.

Dated ———, ———.

E. F., Town Clerk.

1 Vic. ch. 21, sec. 2. 2. The Town Clerk shall preside at the Township meeting until a Chairman be chosen.

Sec. 7. 3. It shall be the duty of the Clerk to keep a record of all such notices, as shall be lawfully transacted at the Township meeting, and all other matters relating to the Township, which by virtue of his office, it shall be his duty to read : which record, together with all other records, papers, monies unexpended, and property belonging to the Township, which may come into his hands by virtue of his office, shall be faithfully kept and preserved by such Clerk, and by him delivered over to his successor duly appointed.

Sec. 9. 4. It shall be the duty of the Township Clerk of any Township, during the continuance of his office, to provide and keep a book, wherein shall be entered declarations in the form hereinafter contained, which declaration shall be signed by the said Township Clerk, and by all the other Township Officers of the Township ; and so soon as the annual Township meeting shall have adjourned, the Township Clerk shall put up at some conspicuous place, where the said township meeting was held, a list containing the names of all such persons, as have been chosen to any office in such Township, and it shall be the duty of the Township Clerk, immediately after the expiration of twenty days from his appointment, to transmit to a Justice of the Peace, and Councillor of his Township, a list of all Township officers who have been chosen for the current year, and have not subscribed the declaration aforesaid, and the said Justice shall proceed against such defaulter, and recover the sum forfeited under this Act, and the Councillor or Councillors of the Township may then appoint other Township officers in lieu of those who shall make default as aforesaid, who shall subscribe the said declaration in the Clerk's book.

By-Law 2.

1 Vic. ch. 21, sec. 8. 5. It shall be the duty of every Township Clerk to make out two copies from his record of the proceedings of the meeting at which he was appointed Clerk for the Township, within twenty days after his appointment, one of which he shall post up in a conspicuous manner at the place where the meeting was held, and deliver the other with a copy of the Account Current of the Township for

the preceding year to the Clerk of the Peace for the District. Any Township Clerk who shall be lawfully chosen and appointed at any Township meeting, and who shall have accepted or taken upon himself the said office, and shall not have delivered to the Clerk of the Peace the documents hereinbefore mentioned, within the period of twenty days, as aforesaid, shall forfeit and pay a sum of not less than twenty shillings or more than five pounds to be levied by warrant of any Justice of the Peace, upon complaint of the Clerk of the Peace or any other person.

6. It shall be the duty of the Township Clerk, to make out a full and detailed statement of all monies received and expended by him during the current year: which statement shall be signed and certified by the said Clerk, a copy of which shall be put at the place at which the ensuing Town meeting shall be ordered to be held, on or before ten o'clock on the day of meeting: his accounts of receipts and disbursements shall be laid before the Township meeting. The Township Clerk's Accounts, to be audited by the District Auditors. ^{1 Vic. ch. 21, sec. 11.} ^{4 and 5 Vic. ch. 10, sec. 36.}

7. Every Township Clerk shall give bond for the due performance of his duty which bond may be in the following form. ^{1 Vic. ch. 21, sec. 11.}

Know all men by these presents, that we, K. L., Township Clerk for the Township of _____, in the District of Newcastle, and D. K., of _____, and J. K., of _____, are held and firmly bound to J. B., Treasurer of the District of Newcastle, in the sum of _____, to be well and truly paid to J. B., Treasurer, or his successors in office, for which payment well and truly to be made to the said J. B., we bind ourselves jointly and severally, our heirs, and executors, administrators, firmly by these presents, sealed with our seals, dated &c.

The condition of the above bond is such, that if the above bounden K. L., shall well and truly pay over, according to law, for the use of the Township, all monies coming into his hands by virtue of his office, and applicable to the general uses of the Township, and deliver the remainder, if any there be, together with all books, records and papers belonging to the Township, into the hands of his successors in office, as the law directs, then this obligation is null and void, or otherwise to remain in full force.

- 1 Vic. ch. 21,
sec. 21. 8. It is the duty of the Township Clerk to obtain a list of persons in his Township liable to perform Statute labor, shewing the number of days each person is liable to work, from which list the Overseers of Highways for the Township shall have authority to take a copy or extract.
- By-Law 3. 9. The Township Clerk is authorized to pay out any money which may at any time be placed in his hands to the order of the Councillor or Councillors of Township respectively, to be expended on the Highways and Bridges in the Township.
- 1 Vic. ch. 21,
sec. 31. 10. It is the duty of the Township Clerk on or before the first day of December in each and every year, to furnish the Magistrates of the Division with the names of the Overseers of Roads who shall not have rendered their accounts for the current year, in order that the said Overseers of Highways may be called upon for the same.
- By-Law 8,
sec. 1. 11. Each Township Clerk is entitled to a salary of four pounds a-year.
- By-Law 43,
sec. 2. 12. When Statute labor is commuted into money in any Township, or any part of a Township, it is the duty of the Township Clerk to insert opposite the name of every individual in any list which shall be brought to him for that purpose by any Overseer of Highways the number of days of Statute labor which he or she has to perform, and also the amount to be paid by each person in said list, in lieu of said Statute labor, according to the provisions of any By-Law authorizing the said commutation.
- By-Law 15,
sec. 8. 13. Every Township Clerk, on depositing his bond with the Treasurer, shall produce a certificate stating that the Sureties whose names are therein inserted have been approved of by the Councillors of the Township.
- Res. of Council,
5th Nov.,
1842. 14. The Town Clerk of each Township is required to transmit to the District Clerk a copy of his account by the second Monday in January, in each and every year, in order that the same may be submitted to the District Auditors for examination.
- Res. of Council,
3rd Feb. 15,
1843. 15. No Township Clerk shall be entitled to receive any remuneration for his services unless he has given Bonds in a legal manner for the due performance of his duty, and his accounts have been audited according to law.

OVERSEERS OF HIGHWAYS.

1. It shall be lawful for the Inhabitant Freeholders and ^{1 Vic. ch. 21,} Householders at the annual Township meeting to choose ^{sec. 5.} a sufficient number of persons to serve as Overseers of Highways.

2. It shall be the duty of the Overseers of Highways, ^{Sec. 20.} to superintend, make and keep in repair the highways, roads and bridges that may be allotted to them severally, from time to time, and ordered by the Magistrates (now District Councillors) acting for the division: which divisions ^{By-Law 1.} the Magistrates (now District Councillors) are hereby authorized and impowered to make at a Special Session, by them, for that purpose to be holden on or before the third Saturday of the month of April in each year, of which Special Session, at least six days public notice shall be given, by putting up the same in at least three public places within each Township; and every overseer shall, after having received such order, notify all persons within his division, liable to perform Statute labour, and order them, after having given three days notice of the day, hour, and place, which notice may be delivered either in writing or verbally at the place of residence of such persons so liable to work, within the time stated in such order, on such part of the roads, bridges, or highways, as they are directed to make, mend or repair: and shall and may direct all persons performing such labor to destroy such weeds as may be in his opinion, hurtful to good husbandry: and shall give to every person who may have done his Statute labor for the year, requiring the same, a certificate under his hand of having performed his share of Statute labor in that Township for the year.

3. It shall be the duty of the Township Clerk to obtain a list of persons in his Township liable to perform Statute labor, showing the number of days each person is liable to work, from which list the Overseers of Highways shall have authority to take a copy or extract. ^{1 Vic. ch. 21, sec. 21.}

4. When any road or highway passes any deep water, ^{Sec. 22.} precipice, or other dangerous place, the Overseer, in whose division such may be situated, shall, by statute labor,

cause good and sufficient guards, rails, or fences, to be erected, in order to make such place safe; and shall also erect finger posts at all such places within his division, as shall be necessary for the direction of travellers.

9 Vic. ch. 40,
sec. 13.
By-Law 71.

5. Any person liable to perform Statute labor may compound for the same, if he or she shall think fit, on or before the tenth day of May in each and every year, by paying the Overseer for the Division in which he resides, the sum of two shillings and six pence for every day which he or she may be required to work; and such Overseer is hereby required and authorized to accept the said sum in lieu of such Statute labor, and shall and may lay out and expend the same, for the improvement of roads and bridges allotted to his division, under the direction and control of the Councillors of the Township in which the said money has been paid.

1 Vic. ch. 24,
sec. 24.

6. In order to provide materials for making or erecting bridges or causeways, or making or repairing any road, with the money or labor of any Township, it shall and may be lawful for any Overseer of Highways, in the actual discharge of his duty, to direct the persons performing the work to cut down or make use of any trees or underwood standing upon any unenclosed and unimproved lands, and also to break up and make use of any stone upon any unimproved and uncultivated land, that the Overseer may think necessary for that purpose, doing no unnecessary damage to the premises whence they are taken.

Sec. 25.

7. Every person liable to perform Statute labor, if not compounded for, shall either in person, or by a sufficient and able-bodied man in his stead, be obliged, under the direction of an Overseer acting for the division, to work faithfully and diligently on the said road, and shall bring with him such tools or implements useful for the purpose, as he may be owner of, and be directed by the Overseer to bring, for and during the time he may be liable to work on the said road in each and every year, allowing eight hours to each day's work, exclusive of the time of going and coming to and from the place of work; and that every person within the Township keeping a cart, waggon, or team of one or more horses, or yoke of oxen, shall send

on every day to be appointed by the said Overseers, a cart or waggon, or other implement and team, and one able-bodied man to drive the same, for such space of time as he shall be liable to work on the said roads according to law, allowing eight hours for such day's work, which said day's work with a team and driver, shall be held equivalent to two days personal labor for one man; and if any laborer or driver shall refuse or neglect to work faithfully, or to carry sufficient loads during the time above mentioned, it shall and may be lawful for the said Overseer, and he is hereby authorized and required to discharge such laborer, and the person furnishing such team shall be liable to the forfeiture which every such person would have incurred by virtue of this Act, in case such laborer had not attended, or such team and driver had not been sent, and shall not be allowed for the part or portion of a day which he may have labored.

8. Overseers of Highways shall cause all Statute labor under their direction and control to be performed, and all monies coming into their hands in lieu of Statute labor, to be expended between the 10th day of May and the 24th day of July in each and every year, and in default thereof, shall be liable to forfeit the same sum as is imposed for refusing to make and sign the declaration of office. Sec. 26.

9. Every person liable to perform Statute labor, and not having compounded for the same according to law, who shall neglect or refuse, after having been duly notified as aforesaid, to attend himself, or send a sufficient able-bodied man in his stead, with such carriage, team, implement, or instrument, as may be required by the Overseers, at the time and place appointed, shall forfeit and pay the sum of five shillings for each day he shall so neglect or refuse, to be recovered on complaint of the said Overseer of Highways, by warrant under the hand and seal of a Magistrate, by distress and sale of the goods and chattels of the person so offending, and the imposing of any such fine or penalty on any person, shall not in any wise release such person from performing any duty required of him by this Act, but he shall be liable and subject to perform the same at any time within the cur- 1 Vic. ch. 21.
sec. 27.

rent year, when called upon so to do by the proper officer, as though no such penalty had been imposed.

Sec. 28.

10. If any person shall wilfully stop up any road, or shall pull down or destroy any fence, railing, or guard, that shall have been erected along any water, bridge, or precipice, for the safety of travellers, or any guide or finger post, such person or persons so offending, shall forfeit and pay, on conviction, for every such offence, a sum not less than five shillings nor more than five pounds, to be recovered in the manner provided by the preceding clause of this Act; or in case any tree or trees shall be cut down in or fall out of any enclosed land or other lands, which shall be occupied by a resident settler, in such a way as to obstruct any public road or highway, or any other thing which may be represented as a nuisance, the owner or occupier of such land shall remove the same within twenty-four hours after notice received of such obstruction, under the penalty of ten shillings for every day the obstruction shall continue, the penalty to be recovered in like manner as aforesaid.

Sec. 29.

11. Any person who is not assessed more than £25, and who by reason of age, sickness, numerous family, or misfortune, may be in poor and indigent circumstances, may apply to the Town Wardens for the Township in which such person resides, and the said Town Wardens, on such application, having first notified the Overseer acting for the Division in which such person resides, to appear on the part of the public, shall enquire into the situation and circumstances of the person making such application, the said Town Wardens may exempt such person from the performance of the whole or part of his Statute labor upon the highways for the year, and give him a certificate to that effect, which shall be the Overseer's acquittance for the work.

Sec. 30.

12. If through any inadvertency or otherwise, the name of any person which should have been inserted in the Assessment Roll, shall be omitted, such person shall be liable to work on the Highways in the Township in which he resides, in the same proportion as if no such omission had taken place; and the Overseer is hereby authorized and required to insert in his road list for labor,

any such person as may come into the Township to reside, after the Assessment Roll has been taken for the year, and to call them out to perform Statute labor in the same manner as other persons who reside in the Township: Provided always, that immigrant laborers shall have resided full six months in this Province.

13. The Overseers shall severally make out a true list Sec. 31. or account of all persons within their respective Divisions, who are liable to work on the Highways, and of the labor done or unperformed, by any person liable to perform or compound for the same; and also, of all monies that may come into his hands by virtue of his office, and of the expenditure or payment of the same, which list and account shall be subscribed by such Overseer, and delivered, verified upon oath, (which oath any Magistrate of the District is hereby authorized to administer,) to the Township Clerk, on or before the first day of September in each and every year, and the said account shall be examined by the said Clerk for the purpose of being placed with the records of the Township; and every Overseer of Roads, who shall neglect to render his account, as aforesaid, shall be liable to the same penalty, to be recovered in the same manner as provided by this Act, for persons refusing to take the oath or declaration.

14. Pathmasters to demand from every male inhabitant 3 Vic. ch. 10. sec. 1. within the limits of his Division, of the age of 21 years and upwards, not assessed, the performance of two days Statute labor, or commute for the same at the rate per day allowed by the Statutes of the Province.

15. In case it shall be necessary to repair any sudden breach which may be caused in any public Highway, by reason of any bridge or causeway giving way, or from any other casualty, or to remove any obstruction on account of snow, or to fix or set up beacons or stakes as a guide for travellers over any frozen waters, marsh, plain, or other place, it shall and may be lawful for the Overseer of Highways, in whose Division the same may occur, and he is hereby required to repair, remove, or establish, as aforesaid, or cause the same to be done, by applying any money in his hands, and applicable to the roads and unappropriated, or to direct the application (for that purpose)

of any Statute labor subject to his control ; and in case it shall happen that such Overseer or Overseers shall not at the time have any money or Statute labor under his direction, which he may apply for the purposes aforesaid, it shall and may be lawful for such Overseer to direct any person in his Division, and liable to perform Statute labor, to repair such breach, remove such obstruction; or erect such guides as aforesaid ; and such Overseer shall keep an account of the number of days any person or persons may work on the roads for the purposes aforesaid, which account such Overseer shall transmit to the Clerk of the Township, to be laid before the Town Wardens of the Township, and the said Town Wardens, after examining the said account, if it shall appear just and expedient, may exempt any person who may have assisted, as aforesaid, from performing any part of his or her Statute labor for the next year, and shall give such person as aforesaid, a writing to that effect, which shall be taken and considered by the Overseer, under whose direction such person shall be liable to work, and credited to such person for so much of his Statute labor ; and any person who shall neglect or refuse to perform such labor, or obey the order of the Overseers, when required to work as aforesaid, shall be liable to the same penalties, and which may be recovered and disposed of in the same way and manner, as is provided by this Act for neglecting to perform Statute labor, except such person can make it appear he had a reasonable excuse for so doing : And provided also, that the said Overseer shall proportion such labor among the several persons within his Division liable to perform Statute labor, as nearly equal as circumstances will permit.

By-Law 31, 16. In altering or opening a road, whenever it may be necessary to cut down any trees growing thereon, which may be considered of value, it shall and may be lawful for the Councillor or Councillors of the Township, in which such road is situate, to authorize the Overseer of Highways to sell such trees by public auction, appropriating the proceeds thereof to the repair or construction of Roads and Bridges within the Division in which the said trees are growing, subject to the direction and control of

the Councillors of Townships respectively. Provided always, That the purchasers of the said trees shall be required to cut and remove the same from the road allowance on which they were growing within the period of sixty days from the sale thereof.

17. If any overseer shall sell or dispose of any trees growing as aforesaid, or shall wilfully and knowingly allow the same to be taken away, or if any other person shall remove the said trees without having previously obtained the sanction of the Councillors of the Townships hereinbefore required he shall be liable to a fine not exceeding the sum of five pounds for every such offence, including costs, to be recovered under 4 and 5 Vic. chap. 10, sec. 55. By-Law 31, sec. 2.

18. Every Overseer of Highways shall give at least ten days' written notice of the intended sale, by affixing the same in the Township Clerk's office, and at least three other public places in the Township. Sec. 3.

19. All monies received by authority of this By-Law shall be accounted for in the same manner as all other monies that may come into the hands of any Overseer of Highways by virtue of his office as such. Sec. 4.

20. It shall be lawful for any District Council to make By-Laws for providing that on each side of any highway, which shall pass through a wood, the timber shall be cut down for a space not exceeding twenty-five feet on each side of such highway by the proprietor of the land on which such timber shall be, or on his default by the Overseer of Highways, in whose division such land shall lie. 9 Vic. ch. 40, sec. 14.

21. In the event of any owner or occupier of any wood-land so situate, refusing or neglecting to cut down and clear away the timber for the distance and within the period prescribed, it shall be the duty of the Overseer of Highways, and he is hereby authorized and required to cut down the said timber, and to use the whole or any part thereof for the improvement of the highways and bridges in his division, or to sell the same to defray the expenses that may be incurred in carrying the provision of this By-Law into effect. Provided always, that this By-Law shall not authorize the cutting down of any orchard or shrubbery, or any tree planted expressly for ornament or shade. By-Law 72, sec. 2.

Sec. 3. 22. In case any land situate as above described shall be in the occupation of any person, it shall be the duty of the Overseer of Highways, previously to his proceeding to cut down the trees, as above authorized, to give to the occupier thereof, at least thirty days' written notice by leaving the same at his or her place of residence.

By-Law 94, sec. 2. 23. Every Pathmaster receiving a road scraper for the use of his division, shall grant for the same a receipt, to be deposited with the Township Clerk, and shall be held responsible for the said scraper, until he can deposit with the Township Clerk a receipt signed by his successor in office: on receiving which said receipt the Township Clerk is hereby authorized to give up the receipt personally received by him.

DUTIES OF OVERSEERS OF HIGHWAYS.

An Overseer of Highways shall, with the Statute labor, or money, which may be placed under his control, superintend and keep in repair the roads in the Division, to which he may have been appointed by the Councillors and Magistrates of the Township in Special Sessions.

He must cause all Statute labor, and money in commutation of Statute labor, to be expended between the 10th of May and the 24th of July.

He must make out from the Township Clerk's list, an account of the number of days labor, which each person in his Division is liable to perform, and he must notify to each personally, or either verbally, or in writing, at his usual place of residence, the day, hour and place, where he requires him to work, giving at least three days' notice.

He shall similarly call out any person above twenty-one years of age residing in his Division, although such person be not on the assessment roll, or the Township Clerk's list.

He shall, if required, give a certificate to each person, who has performed Statute labor.

He may direct persons performing Statute labor to destroy weeds hurtful to good husbandry.

He shall, by the labor under his direction, cause rails or fences to be erected at dangerous parts of the roads, and erect finger posts where he judges it necessary.

He may, whilst laying out Statute labor, or money, in the repairs of the roads, make use of any growing timber, or stone, upon unenclosed and unimproved land, doing no unnecessary damage.

He may direct any person under him to bring such tools and implements, yoke of oxen, or team, cart or waggon, as such person may be possessed of.

If any laborer, or driver, shall refuse, or neglect, to work faithfully, or to carry sufficient loads, the Overseer may discharge such person, and the person so discharged is liable to the same penalty as if he had not attended.

It is the duty of the Overseer to make complaint to a Magistrate, if any person, duly warned, has failed to perform his labor.

An Overseer is not exempt from his own labor by reason of his holding that office, but any day, on which he superintends the labor of others, will count as a day's work, and he may also be allowed one day's work for attending Special Sessions.

The Overseer must give in to the Township Clerk, on or before the first of September, a list, verified upon oath, of all the persons liable to perform Statute labor in his Division, and of what part of such labor has been performed, together with an account of all monies, which have come into his hands by virtue of his office. The annexed blank form for making the above return will be given him by the Township Clerk at the April Special Sessions.

In case of any sudden obstruction, or damage, to a road, or for the purpose of putting up marks to guide travellers over any frozen waters, the Overseer is required to expend any money in his hands, or to call out Statute labor under his direction, at any other time than between the 10th of May and the 24th of July. And if he has no money or labor unexpended, he shall nevertheless call out persons residing in his Division, apportioning such labor as equally as may be amongst the inhabitants, and he shall immediately give in an account of the labor so performed to the Township Clerk.

The Overseer shall cause to be put up at every bridge within his Division, exceeding thirty feet in length, a legible notice to this effect :

Any person riding or driving over this bridge faster than a walk, will be subject to a fine, as provided by law.

All valuable timber, stone, sand, &c., on the highways, are placed under the control of the Overseers, and may be by him disposed of, and the proceeds expended on the roads, subject to the approval of the Councillors of the Township.

No Overseer, or other person, may remove any fence enclosing any part of a concession line, or allowance for road, unless authorized to do so by an order of the Council, of an application for which at least eight days' notice must be given to the party in occupation.

Any person wilfully stopping up a road, or destroying any railing, guard, or finger post, is liable to a fine of £5.

Any person neglecting, after twenty-four hours' notice, to remove the obstruction in a road, arising from any tree having fallen, or been cut down, from the land in his occupation, is liable to a fine of ten shillings for every day the obstruction remains.

A day's Statute labor consists of eight hours faithful work, exclusive of the time of coming and going.

The work of a yoke of oxen, or team, with a driver, counts as two days and no more.

Any person may commute his Statute labor at the rate of two shillings and six pence per day, and such commutation money must be paid to the Overseer before the first of May.

Every person possessed of a waggon, or cart, or a yoke of oxen, or team of horses, used to draw the same, shall work not less than three days.

Every person above twenty-one years of age, is liable to perform two days' Statute labor, whether he be on the Assessment Roll or not.

Any person neglecting, after due notice, to perform Statute labor, or to send a sufficient substitute, or to furnish such carriage, team, or implements, as he may be possessed of, when duly called upon for them, shall forfeit five shillings for each day he shall so neglect, and he shall, nevertheless, be still subject to perform the labor at any time in the current year.

Any person may compound for five years' Statute labor

by an agreement with the Councillors of the Township, if there be two, or if there is only one, with the Councillor associated with a Magistrate. Any dispute arising as to the performance of such an agreement, to be decided by three of the nearest Overseers of Highways, named by the Township Clerk.

Persons failing to perform their agreement for compounding, are liable to the same penalty, as those who neglect to perform Statute labor.

Any person assessed under £25, who, by reason of age, sickness, or other misfortune, may be in indigent circumstances, may be relieved from Statute labor by the Town Wardens.

Any person riding or driving across any bridge, above thirty feet in length, faster than a walk, is liable to a fine of £1.

Any person maliciously destroying any bridge, or rendering it impassable, or dangerous, is guilty of felony.

Overseers of Highways to make their returns to the Township Clerks, in each Township, respectively, on or before the 1st day of September, in such year.

[BLANK FORM.]

TOWNSHIP OF _____, FOR THE YEAR 184-.

Return of Statute Labor under _____, Overseer of Highways for Division No. —, from _____.

Names of Persons liable to perform statute labor.	No. of Days			Amount paid for Commutation.	Remarks.
	Assessed.	faithfully Performed.	omitted to be Performed.		

A. B., Overseer of Highways.

N. B. The Overseer to sign his name to this return, and make such remarks as he may think necessary.

An Account of Money received by me, ———, as such Overseer, applicable to be expended on the Highways in my Division, for Commutation Money in lieu of Statute Labor, for Fines, for Timber, Stones, or Sand sold, or from any other source; and for what Service or Purpose expended between the 1st January, 184—, and the date of this Return.

Date.	Person's name from whom received.	Amount.	Date.	To whom paid, and for what purpose.	Amount.

A. B., Overseer of Highways.

I, A. B., of the Township of ———, the said Overseer of Highways, make oath, affirmation and declare, that the annexed Return of Statute Labor performed, of Commutation Money paid in lieu of such Labor, and of Statute Labor omitted and neglected to be performed, in my Division; and also that the above account of Money received and expended for and on account of such Highways are just and true, in every particular, to the best of my knowledge and belief. So help me God.

Sworn before me, one of Her Majesty's Justices of the Peace in and for the Newcastle District, this }
 — day of ———, in the year 184—.

POUND-KEEPERS.

1. It shall be the duty of the Pound-keeper to provide himself with sufficient yards or enclosures for the safe keeping of all such animals as it may be his duty to impound, and he is required to impound all animals unlawfully running at large, trespassing and doing damage, that may be delivered to him by any person resident within his division taking up the same: and it shall be his duty to furnish the same with necessary food and drink: and if after the space of forty-eight hours, the said animals shall not be claimed, and redeemed by the owner, or some one on his behalf, paying the Pound-keeper his lawful demand and charges, and the amount of damages awarded to have been done by such animals, to the person taking up the same, he shall cause a notice in writing to be affixed in three public places in the Township for at least fifteen days, which notice shall give a description of such animals, and also state the time and place at which he intends to expose them for sale: and if the owner of such animals, or some one in his or her behalf, does not within the time specified in such notice, as aforesaid, redeem the same by paying to the said Pound-keeper his legal fees (which shall be regulated from time to time by the District Council) and charges, and the damages awarded to the person taking up such animals, the said Pound-keeper shall proceed to sell the same to the highest bidder, at the time and place mentioned in the said notice: and the said Pound-keeper shall, after deducting his own legal charges, and the damages awarded to the person taking up the said animals, provided he is the party injured, return the overplus (if any there be) to the original owner: provided always that if no person shall appear to claim the said animals within the space of three months after public notice and sale, as aforesaid, the said Pound-keeper shall pay the overplus into the hands of the Township Clerk for the time being, to be laid out and expended for the improvement of the roads and bridges within the Township.

1 Vic. ch. 21,
sec. 32.

4 and 5 Vic.
ch. 10, sec. 30.

2. If any ox, horse, or cow shall be impounded as afore-

1 Vic. ch. 21, said, and not claimed before the expiration of fifteen days, as aforesaid, and the owner shall not be known by the said Pound-keeper, then and in that case the Pound-keeper shall not sell such ox, horse, or cow, at the time stated in such notice, but shall postpone the sale thereof for the space of forty days, at the expiration of which time, such Pound-keeper shall proceed to sell the same, and dispose of the proceeds in the manner mentioned in the last preceding clause of this act, provided always that the owner of the same may, at any time, before such sale, redeem such animal by paying demands as aforesaid.

Sec. 34.

3. It shall be the duty of every person taking any animal or animals to a Pound-keeper to be impounded, at the same time, or within twenty-four hours, to state in writing to the said Pound-keeper, all demands he may have against the owner of such animal or animals for damages done by them; and in case the owner of such animals shall tender to the said Pound-keeper the full sum which may be awarded as damages to the party suffering the same, with the costs then incurred, such owner shall not be liable to any costs afterwards incurred, but all such subsequent costs in such case shall be borne by the party claiming extravagant damages.

1 Vic. ch. 21,
sec. 35.

4. It shall be the duty of the Pound-keeper, when the owner of any animal impounded shall object to the amount of damages claimed, within forty eight hours after the same shall have been impounded, to notify three disinterested resident freeholders or householders, farmers in the said Township, to appraise the damages, and also to judge of the sufficiency of the fence, enclosing the ground, wherein such animals were found doing damage; and such freeholders or householders, farmers, or any two of them, shall within twenty-four hours after the receipt of such notice, view said fence, and determine whether the said is a lawful fence, according to the regulations of the Township meeting on the subject, and if so, appraise the damages done: and having reduced this their award to writing, shall deliver the same signed with their names, to the Pound-keeper, within the space of twenty-four hours after having been so notified: provided always that if any person shall neglect or refuse to attend to examine said

damage, after being so notified, as aforesaid, he shall be liable to a penalty of five shillings, for every such neglect or refusal, to be recovered and applied in the same manner as fines imposed by this act for refusing or neglecting to perform statute labor; provided always, that the owner of any animal or animals, not permitted to run at large by the regulations of such Township meeting, shall be liable for any damage done by such animal or animals, notwithstanding that the fence enclosing the premises was not of the height required by the said regulations. Sec. 27.

5. POUND-KEEPERS' FEES.

By-Law 8.
sec. 1.

Animals.	Penalty.	For necessary food and water, per day.
Horses - -	One shilling.	Fifteen pence.
Oxen - -	Nine pence.	Nine pence.
Cows - -	Seven pence half penny.	Seven pence half penny.
Young Cattle	Six pence.	Six pence.
Swine - -	Four pence.	Four pence.
Sheep - -	Two pence.	Two pence.
Geese - -	Two pence.	Two pence.

For advertising each distress, two shillings and six pence; for selling and making returns, two shillings and six pence.
 For summoning householders or freeholders to assess damages, six pence each. Each person assessing damages to be allowed five shillings a-day. If not more than half a day employed, two shillings and six pence.

By-Law 67.
sec. 3
Sec. 1.
Sec. 2.

ASSESSOR.

1. The Assessor is required to demand and receive from every rateable inhabitant resident within the Township, a list of all the rateable personal property in his, her, or their possession in the Province, and of all the lands, tenements, or other real estate in his, her, or their possession in the Township, specifying the number of the lot or lots, or parts thereof: or otherwise particularly describing the same, and also the number of acres cultivated or uncultivated in each lot or parcel of land: which list shall be taken between the first Monday in January, and the sittings of the Court of General Quarter Sessions of the District, which shall be holden next after the first day of March in each year: and shall make a return within the 1 Vic. ch. 21.
sec. 14.

time aforesaid, duly attested under oath (or affirmation) before the Clerk of the Peace for the District, of all the rateable inhabitants, with a true list of their rateable property, specifying the particulars above mentioned, and shall in like manner insert his own rateable property therein, and shall likewise extend on said roll the amount on which he, she, or they shall be liable to pay tax, opposite to their respective names, at the foot of which he shall subscribe his name; and shall also within the time aforesaid, put up a correct copy thereof in some conspicuous place within the Township, for the inspection of the inhabitants: and the said Assessor is required to report to a Magistrate the names of all such persons in the Township as he conceives either to have given in a false list, or have refused or neglected to give any list, as the law directs, of their rateable property, in order that such offenders may be dealt with according to law, at least fourteen days previous to his returning such roll to the Clerk of the Peace.

Sec. 16.

2. It shall be lawful for each and every Assessor to receive from the Treasurer of their respective Districts, on the certificate of the Clerk of the Peace, that the Assessment Roll hath been duly delivered according to law, the following fees:

If the Assessment does not amount to £50, he shall receive a sum equal to £7 for every one hundred pounds.

4 and 5 Vic.
ch.10, sec.39.
By-Law 8,
sec. 1.

If above £50, and under £100, a sum equal to £6 10s. for every one hundred pounds.

If above £100, and under £150, a sum equal to £6 for every one hundred pounds.

If above £150, and under £200, a sum equal to £5 5s. for every one hundred pounds.

If above £200, and under £250, a sum equal to £4 15s. for every one hundred pounds.

If above £250, and under £300, a sum equal to £4 5s. for every one hundred pounds.

If above £300, and under £350, a sum equal to £4 for every one hundred pounds.

If above £350, a sum equal to £3 10s. for every £100.

3. If any person shall bring into any Township in this Province, any stone horse, kept for the purpose of covering

mares for hire or gain, after the Assessment Roll shall have been made up, it shall and may be lawful for the Collector of such Township, and he is hereby required to demand and receive of any such person, the rate for such horse as aforesaid, unless the owner can satisfy such Collector, that the rate for such horse has been returned or paid for that year, and in case of a refusal of payment, to proceed to the recovery of such rate by distress and sale of such horse as aforesaid. 59 Geo.3, ch. 7, sec. 2.

4. Every stove erected in a room where there shall be no fire place, shall be deemed and considered as a fire place. 1 Vic. ch. 1.

5. It shall be the duty of the Assessor of each Township, to make out a schedule of all lands within the same, not included in his Assessment Roll, and he shall sign and deliver the same to the Clerk of the Peace, with the Assessment Roll, for the information of the Treasurer, in the following form: sec. 41.

Schedule of Land in the Township of —, in the District of Newcastle, not included in the Assessment Roll of said Township for the year —.

Lots, or Parts of Lot.	Concessions.	Number of Acres.

6. Blank Books or Forms for taking the Assessment, Sec. 15. shall be furnished to the Assessors, on their application to the Clerk of the Peace, who shall charge the expenses of the same in his account against the District; and the Clerk of the Peace shall report to the Quarter Sessions, next after the first day of March aforesaid, the names of all Assessors belonging to his District, who have not completed and delivered into his office their Assessment Rolls, for which neglect every such Assessor shall forfeit and pay the same sum as is imposed on officers neglecting to make the declaration of office, which money shall be expended on the roads in the said Township; and the Magistrates, (now District Council,) shall appoint other Assessors for that year, who shall have the same powers and authority, and be liable to the same responsibilities, as they would have been, had they been appointed at the Township meeting; which new Assessors, so appointed,

shall be notified by the Clerk of the Peace of their appointment, and shall proceed to take such Assessment, and make their returns as herein before provided, in one month after having been so notified, and shall sign the declaration in the Clerk's books.

Res.of Coun. 7. Assessors are in all cases to obtain directly from the
189. owners or occupants of farms or tenements, lists of their rateable property, and not from any other person. When lands or houses are in the occupation of tenants, such tenants are to be assessed for the said lands or houses (together with their personal property) unless the owners reside in the Township, and return such lands or houses with other rateable property.

Res.of Coun. 8. A house with two rows of windows under the eaves
507. is a two-story house.

9. A house must be taken to be built of such materials as the principal part of such house is built of.

10. A log-house, clap-boarded or plastered, is nevertheless a log-house.

11. All fire-places above two, whether in use or not, are additional fire-places, and must be assessed.

12. A stove in any room without a fire-place, is counted an additional fire-place.

13. A store and dwelling house in one building, are both rated separately.

14. A house occupied as a dwelling-house must be rated whether it be finished or not.

15. Where there are two or more tenants in one building, each is to be assessed in proportion to the share of the house occupied by him.

By-Law 97, 16. Every person residing within the District of New-
cc. 1. castle, with the exception of the inhabitants of the incorporated towns of Cobourg and Port Hope, shall pay the sum of five shillings a-year for each and every dog, over six months old, which he or she may possess. Provided that every householder whose name shall appear on the Assessment Roll shall be entitled to keep one dog, without paying any tax under this By-Law.

Sec. 2. 17. In making out the Assessment Roll, the person whose duty it may be to make out the same, shall, and he is hereby required to insert a separate column, wherein

the Assessor of each Township shall insert opposite the name of each individual, such number of dogs, as he or she may possess, exclusive of the exemption hereinbefore referred to.

18. Every person, who shall neglect or refuse to give to the Assessor, when applied to by him, a true and correct statement, of the number of dogs, over six months old, which he or she may possess, shall be liable to forfeit and pay the same sum as is imposed on persons neglecting or refusing to deliver to the Assessor a true list of his or her rateable property, according to the provisions of an act passed in the first year of Her Majesty's reign, entitled "An Act to alter and amend sundry Acts regulating the appointment and duties of Township officers." Sec. 7

19. It shall be deemed and held sufficient proof of the S. ownership of any dog upon which a tax may be levied, according to the provisions of this By-Law, if the said dog is known to the Assessor to frequent any dwelling or lodging-house, as a home; and the owner or occupier of such lodging-house shall be held liable for the payment of the tax on any such dog: and any person being generally or frequently attended or followed by any dog, shall be deemed and considered for all the purposes of this By-Law, as *prima facie* owner thereof, and liable as such owner, for the payment of such tax.

COLLECTOR.

1. It shall be the duty of the Collector to make application to the Clerk of the Peace, (first having lodged with the Treasurer of the District the Bond hereinafter mentioned, the securities to which Bond, shall be freeholders, and as such certified by the Town Clerk to be good and sufficient,) for a certified copy of the Assessment Roll; which copy, after being duly examined and certified by the Clerk of the Peace, shall be to every Collector sufficient authority for collecting the same; and it shall be the duty of all Collectors to deliver their Bonds, duly executed, to the Treasurer of the District, and to take up the Assessment Roll on or before the Quarter Sessions next after the first day of July in each year. 1 Vic. ch. 21.
sec. 17.

COLLECTOR'S BOND.

Know all men by these presents, that we, A. B., Collector of the rates for the Township of ———, in the District of Newcastle, and C. D., of ———, in the said District, Yeoman, and E. F., of ———, in the said District, Yeoman, are held and firmly bound to G. H., Treasurer of the District of Newcastle, in the sum of ——— pounds, currency, to be well and truly paid to the said G. H., Treasurer, as aforesaid, or his successor in office, for which payment well and truly to be made to the said G. H., we bind ourselves jointly and severally, our heirs, executors, and administrators, firmly, by these presents. Sealed with our seals, and dated this ——— day of ———, in the year of our Lord ———.

The condition of the above Bond is such, that if the above bounden A. B. shall collect all rates and assessments of the Township of ———, for the year eighteen hundred and ———, for which he has been appointed, and shall pay all monies which he shall so collect, (except his own per centage,) to the Treasurer of the District, on or before the third Monday in December, in the said year eighteen hundred and ———, then this obligation shall be null and void, otherwise to remain in full force and virtue.

Sec. 18.

2. Every Collector shall collect all rates, (which can be collected,) set forth on the Assessment Roll, and shall pay over the amount, and finally settle his account with the Treasurer, on or before the third Tuesday in December, in each year; and no Collector, who has not so settled his account with the Treasurer, shall be eligible to be elected to any Township office at the next Township meeting, and shall also be proceeded against, as hereinafter provided, for the recovery of the amount then due for that year.

Every Collector may reserve for himself the following fees, as a compensation for his services :

4 and 5 Vic.
ch.10, sec.39.
By-Law 8,
sec. 1.
1 Vic. ch. 21,
sec. 18.

If the Assessment of the Township for which he is Collector does not amount to £50, he shall retain a sum equal to £8 for every £100 he collects.

If above £50, and under £100, a sum equal to £7 10s. for every £100.

If above £100, and under £150, a sum equal to £7 5s. for every £100.

If above £150, and under £200, a sum equal to £7 for every £100.

If above £200, and under £250, a sum equal to £6 10s. for every £100.

For all sums over £250, a sum equal to £5 for every £100.

The sums of money paid to Collectors for per centage, By-Law 70, shall be henceforth calculated upon the aggregate amount ^{sec. 4.} of the various rates set forth from time to time on the Assessment Roll, including rates collected on absentee-lands, as well as school and other rates.

3. If any person, who shall occupy a house, farm, or tenement, and shall have been assessed for the same, shall ^{1 Vic. ch. 21, sec. 19.} leave the Township before the said assessed rates have been paid, it shall and may be lawful for the Collector to ask, claim, and recover the said rates, (except such part thereof as shall have been charged on movable property,) from the owner of the said house, farm or tenement, provided, the same shall be demanded fourteen days before the second Monday in December in each year; but should the year, in which the said rates are due, expire before the said rates be demanded, then and in that case, the Collector shall be liable for the amount; nevertheless, the said Collector shall be entitled to proceed, by warrant of distress, against any such tenant, although he may have left the Township; and the Collector may, in like manner, proceed to recover from all other persons residing in his Township, the assessed rates which shall not have been paid by the first Monday in November in each year, the same having been demanded fourteen days previous to the date of the Magistrate's warrant of distress.

4. If any person, whose name is inserted upon the Assessment Roll, shall neglect or refuse to pay the rate for which he or she stands rated, for the space of fourteen days after demand duly made of the same by the Collector, or his agent duly appointed, the said Collector, upon oath, before one Magistrate, of such demand and refusal of payment, as aforesaid, shall be entitled to demand an execution for the amount of such rate, which execution the said Magistrate is hereby authorized and required to grant; and upon receipt of the same the said Collector shall, and he is hereby authorized and required to levy the same, by distress and sale of the goods and

chattels of the person so neglecting or refusing to pay, having eight days' previous notice of such sale in three public places in the Township, and render the overplus, (if any there be,) to the owner thereof, after deducting the amount of the rates assessed, and the legal charge of the distress and sale.

Sec. 51. 5. The following fee, and no more, shall and may be taken by Collectors for every distress, advertising and sale, namely, three shillings and nine pence.

6 W. 4, ch.
30, sec. 6. 6. When the funds of any District will not enable the Treasurer of such District to pay and satisfy the bounty for destroying wolves, to which the certificate shall entitle the person presenting the same, each certificate shall be a lawful tender to the full value and amount therein specified, (viz., 30s.,) for and towards the discharge of any District rate or assessment to be collected from any person or persons within the District wherein such wolf shall have been destroyed, and shall as such be accepted and taken as equivalent to so much of the current money of the Province, by any Collector, to be paid and delivered over to the District Treasurer, by whom the same shall in like manner be taken as a lawful tender.

Res. of Coun.
489. 7. Every Collector is required to annex the following affidavit to his Assessment Roll, and swear to the same before a Justice of the Peace, to enable him to receive the benefit of any abatement, which he may claim from the amount of his Assessment Roll.

I, A. B., do make oath and declare, that the above statement is true and correct in every particular, according to the best of my knowledge and belief, and further, that I have made application personally, at their last place of residence in the Township, to those parties who are in the said statement returned as having left the Township, (subsequently to my having received my Assessment Roll,) for the amount of the rate respectively due by them, at least fourteen days previously to the second Monday in the month of December last.

Res. of Coun.
302. 8. The Collector of each and every Township is directed and authorized to pay to the Assessor thereof, the amount stated on the Assessment Roll to be due to him, on his furnishing a receipt for the same, which the Collector will

deposit with the Treasurer of the District, when he pays in the amount of his collection, and the Treasurer of the District shall give the Collector credit for the amount of the said receipt.

9. In applying to the District Council to be allowed abatement for sums which he has been unable to collect, the Collector must appear personally before the Council, on the second day of its sitting, in order to furnish any information that may be required of him, with reference to the said abatement. ^{Res. of Coun. 507.}

10. The Collector of each Township shall demand of every person borne on his Roll, the sum of money which he or she may be taxed therein for dogs, and shall pay to the Treasurer of the District, the total amount collected by him on account thereof, at the time which he is now required by law to pay over his other collections, and to settle with the Treasurer for the same. ^{By-Law 97, sec. 4.}

11. In case any person or persons shall neglect or refuse to pay the sum which he or she may be rated for keeping a dog or dogs, the Collector shall recover the same, in like manner as he is now by law authorized to collect and recover the District rate, or Assessment. ^{Sec. 5.}

12. No greater sum than twenty-five pounds shall be allowed to any Township Collector of rates, for his fees on any amount of money which he may collect by virtue of his office, for any one year. ^{By-Law 98.}

HIGHWAYS.

By-Law 22,
sec. 1.

1. So many Surveyors of Highways as occasion may require shall from time to time be appointed by the Council to lay out and regulate the highways and roads: and every Surveyor before he shall enter upon the duties of his office shall make and subscribe the following oath before any Justice of the Peace, as directed by law:

I, A. B., do swear, that I will faithfully and diligently discharge the duty of a Surveyor of Highways, agreeably to law.

Sec. 2.

2. Upon application being made in writing to any such Surveyor by twelve or more freeholders of any Township, stating that any public highway in the neighborhood of such freeholders, may be altered so as to accommodate persons travelling thereon, it shall and may be lawful for such Surveyor, and he is hereby required to examine the same, and report thereon in writing to the Council at its next sitting, describing particularly the alteration intended to be made by the new highway to be opened, or the old road to be stopped up, having given notice to the owner or occupier of the land required for said new road, provided he live in the Township, by leaving a written notice stating the new line of road, and the time at which it is to be brought before the Council, and also having affixed public notice thereof according to the form hereunto annexed, together with a copy of the said report, in two or more public places next adjacent to the place wherein the said alteration is intended to be made, as also in the office of the Township Clerk of the Township, at least fifteen days previous to the next session of the Council, in order that any person, or persons, who may intend to make any objection to the said new line of road, may have an opportunity of doing so at the next sitting of the Council, provided always, that the parties intending to object to such alteration of road give to the Surveyor who may have been employed, a notice in writing according to the subjoined form at least seven days before

the sitting of the Council, and the said notice shall be delivered to the Clerk of the Council by the Surveyor of Highways, appended to his report.

FORM OF SURVEYOR'S NOTICE.

Notice is hereby given, that I, the undersigned Surveyor of Highways in the District of Newcastle, having been duly required to survey and report upon a proposed alteration of the public highway or road leading from ——— to ———, in the Township of ———, have examined the same, and intend to make my report thereon in writing to the District Council at its next sitting, to be holden at Cobourg, on ———, the ——— day of —, —and that the following is a copy of my report intended to be made as aforesaid. (Here giving a copy of the report.)

Witness my hand the ——— day of ———.

A. B., Surveyor.

FORM OF NOTICE OF INTENDED OPPOSITION TO A ROAD.

To Mr. A. B., Surveyor of Roads in the Newcastle District :

Take notice that at the next sitting of the District Council, I (or we) shall oppose the alteration of the public highway or road leading from ——— to ———, in the Township of ———, mentioned in your report dated ——— day of ——. Witness my (or our) hand (or hands) the ——— day of ———.

3. Whenever the owner, or owners of any land required for a new road shall demand compensation for such land, so taken, it shall be incumbent for him or them to give notice thereof in writing according to the following form, to the Surveyor of highways, at least seven days before the sitting of the Council at which the report is to be presented (and not at any future period), of his or their intention to apply for compensation, which notice shall be delivered to the Clerk of the Council by such Surveyor or previously to the sitting of the Council, and such owner or owners shall attend in person, or by agent, at the said sitting of the Council to establish his, her, or their claim for such compensation. Sec. 3.
By-Law 73.

FORM OF NOTICE OF APPLICATION FOR COMPENSATION.

To Mr. A. B., Surveyor of Roads in the Newcastle District :

Take notice that I (or we) the undersigned, intend to claim the sum of ———, as compensation for the land through which

the new road passes, leading from — to —, in the Township of —, as mentioned in your report dated the — day of —, —. Witness my (or our) hand (or hands) the — day of —, —.

By-Law 22,
sec. 4.

4. In all cases in which claims are made for compensation, the applicants for such shall appear on the second day of the session of the Council to support their claims on its being reported by the Surveyor of highways, and in order that the Council may know who are the parties to support any road, so confirmed, where compensation is claimed, Surveyors of highways are hereby required, when copying the petition for the alteration of an old road, or the laying out of a new one, to enter on their reports the names of the petitioners therein, and to give the said petitioners notice at least five days before the meeting of the Council, that compensation is claimed, or that opposition is offered, and that the same shall be taken into consideration the second day of the sitting of the Council.

Sec. 5.

5. In all cases where it shall be found necessary to alter the direction of any road, and the Council shall have established the new road, as a public highway, or directed the closing of any old road, so that the land through which it formerly passed shall become unnecessary for a public highway, in such case it shall revert to the owner of the lot out of which the said allowance of road was taken, and in any case, where compensation has been paid, the said owner shall be required to refund the same.

Sec. 6.

6. Nothing in this By-Law shall extend or shall be construed to extend to authorize any Surveyor to sell and convey the Government appropriation for highways.

Sec. 7.

7. In all cases, when an application shall be made to any Surveyor of highways to have any new road laid out, or any road, already laid out, altered, and the same shall be considered of a local nature, those making the application shall be deemed liable to pay the expenses of the Surveyor, together with the amount of compensation determined upon by the Council to the owner or owners of the land, provided nevertheless that the Council may direct the same to be paid out of the public money of the

District or Township if it shall appear that the said alteration is of manifest utility to the public, and not of a local nature.

8. A new road, when established by authority of the Council, shall be made and kept in repair as public highways, provided always, that in all cases where compensation has been demanded, no order shall issue directing statute labor to be performed thereon, unless a discharge for compensation for land taken for such purpose, or a release for the same from the owner or owners thereof, or a proof of a tender having been made of the value thereof, as determined by the Council, be produced to the satisfaction of the Council. Sec. 8.

9. When the Council shall have established any new line of road, and shall have ordered the same to be opened, it shall be the duty of the Clerk of the Council to transmit to the Town Clerk of the Township in which the said road is situate, a notification in writing of the same, together with a description of the said road, as laid down in the Surveyor's report, in order that the Town Clerk may communicate the same to the Overseer of highways of the division through which the new line of road runs, to open the said road, which he is hereby authorized and required to do under the direction of the Councillors of the Township. Sec. 9.

10. Every Surveyor of highways shall deliver to the Clerk of the Council, on or before the first day of the sitting of the Council, his road reports, together with all papers and documents connected therewith. Sec. 10.

11. Every Surveyor of highways shall obtain from the Clerk of the Council a certificate, stating that such road or roads as he may have charged in his accounts, have been passed by the Council, and that the charges attending the same have been ordered to be paid out of the funds of the District, and to every such account which the Surveyor shall present to the Council for payment, he is required to subscribe and make the following declaration: Sec. 11.

I, A. B., do solemnly and sincerely declare, that I have been necessarily and faithfully employed in examining, surveying, &c. (as the case may be) — days, and that the above account is just and true.

Sec. 12. 12. When it shall appear necessary to any Surveyor of highways to employ a surveyor of lands in laying out or altering any road, as aforesaid, he shall apply to the Council for authority so to do : and every surveyor of lands shall receive the sum of ten shillings for each and every day he may be so employed.

Sec. 13. 13. All surveyors that may be employed to lay out, alter, and amend, any highway, shall at the commencement thereof place a good and sufficient post, and also at each angle the said road may make to its termination, which said post shall be marked with a marking iron such as, Sta. I. for station first. Sta. II. for station second, and so on to the termination of the road, and also to mark in the field notes when the said road may cross any concession line, and in what lot, and what particular distance from its nearest known angle. All such roads, when so laid out shall be run by a flag or pocket line, and be well opened out by cutting away the underwood so that the same may be afterwards traced with ease and accuracy.

Sec. 14. 14. No road hereafter to be laid out, shall be more than sixty-six nor less than forty feet in the width, and when any road now or hereafter established shall be altered, it shall not be lawful to lay out such new road of a less width than the one proposed to be altered.

Sec. 15. 15. Every Surveyor shall send in a diagram with every report he may have to make on any road.

By-Law 31, sec. 1. 16. Whenever in altering or opening a road it may be found necessary to cut down any trees growing thereon, which may be considered of value, it shall be lawful for the Councillors of the Township in which such road is situate, to authorize the Overseer of highways to sell such trees by public auction, appropriating the proceeds thereof to the repair or construction of the roads and bridges within the division in which the said trees were growing, subject to the direction and control of the Councillors of Townships respectively, provided always, that the purchasers of the said trees shall be required to cut down and remove the same from the road allowance on which they were growing within the period of sixty days from the sale thereof.

17. If any Overseer of highways shall sell or dispose

of any trees growing as aforesaid, or shall wilfully and knowingly allow the same to be taken away, or if any other person shall remove the said trees, without having previously obtained the sanction of the Councillors of the Township, he shall be liable to a fine not exceeding the sum of five pounds for every such offence including costs, to be recovered under 4 and 5 Victoria, ch. 10, sec. 55. By-Law 31,
sec. 2.

18. Every Overseer of highways shall give at least ten days' written notice of the intended sale, by affixing the same in the Township Clerk's office, and at least three other public places in the Township. Sec. 3.

19. All monies received by authority of this By-Law, shall be accounted for in the same manner as all other monies that may come into the hands of any Overseer of highways, by virtue of his office as such. Sec. 4.

20. No allowance for road shall be opened unless an order ordering the same to be opened shall be first made by the District Council, provided always, that no such order shall be made, unless a notice in writing that an application for that purpose will be made shall be given to the party in possession of such allowance of road, at least eight days previous to the meeting of the District Council at which such application is intended to be made. 9 Vic. ch. S.

21. It shall be lawful for any District Council to make By-Laws for providing that on each side of any highway which shall pass through a wood, the timber shall be cut down for a space not exceeding twenty-five feet on each side of such highway. (For further particulars see under head of "Overseer of Highways," sections 20 to 22.) 9 Vic. ch. 40.
sec. 14.

22. Any party who may be in possession of any part of an allowance for road, laid out as such in the rear of his lot in the original survey of any Township, the same being enclosed by a lawful fence, and which road, from particular circumstances, may not be travelled or required to be used by the public, for the time being, by reason of any other road or roads being used in lieu thereof, or because the same has not been opened for public travel, shall be deemed and taken to be legally possessed of such part of that road as against any other private party: provided always that in any such case the said possession shall cease and determine, upon an order from any two 8 Vic. ch. 20.
sec. 15.

Justices of the Peace for the District in which such allowance for road may be situate, being made and directed to the proper Township officer requiring him to open the same.

50 Geo.3, ch. 1, sec. 12. 23. All allowance for roads made by the King's Surveyor in any Township or place already laid out, or which shall be made in any Township or place within this Province, and also all roads laid out by virtue of any act of the Parliament of this Province, or any roads whereon the public money hath been expended for opening said roads throughout this Province, or whereon the statute labor hath been usually performed, or any roads passing through the Indian lands, shall be deemed common and public highways unless such roads have been already altered according to law.

COMMUTATION IN LIEU OF STATUTE LABOR.

By-Law 43. sec. 1. 1. In all cases where statute labor is commuted by a By-Law of this Council (now or hereafter to be passed) in any Township, the Pathmaster for the division shall, on or before the third Saturday in April in each year, furnish the Township Clerk with a list of all persons liable to perform statute labor residing within the limits of his division, and the Township Clerk shall forthwith insert opposite the name of each person on said list, the number of days of statute labor which he or she hath to perform, and also, the amount to be paid by each person on said list, in lieu of said statute labor, according to the provisions of the Special By-Law authorizing the said commutation, and the said list, signed by the said Township Clerk, and countersigned by the Municipal Councillors of the said Township, shall be considered and taken as sufficient authority for the Pathmaster for such division as aforesaid to demand and receive from each and every person whose name is entered on said list, the amount at which he or she may be rated thereon, and the said commutation money shall be levied and collected from all persons required to pay the same between the first day of May and the first day of July in each year.

2. If any person, liable to pay money in lieu of statute labor, shall refuse or neglect to pay the same within ten days after demand made for that purpose, then the said Pathmaster for such Division shall proceed against such person, in the same manner as he is now authorized to proceed against persons refusing or neglecting to perform statute labor. By-Law 43,
sec. 2.

3. All sums so collected by Overseers of Highways shall be by them paid into the hands of the Township Clerk on or before the tenth day of July in each year: and such Township Clerk shall keep a separate account of all such monies, and shall not pay out any part thereof, except on the authority of the written orders of the person or persons duly authorized to expend the same. Sec. 3.

LOCAL IMPROVEMENTS.

1. No sum of money will be granted for local improvements except on the petition of the inhabitants residing within the limits of the Township or locality within which the work is to be performed. By-Law 45,
sec. 1.

2. No application for imposing a tax for local improvements will be received by the Council unless signed by at least twelve freeholders or householders residing within the limits of the locality to be taxed, and unless public notice stating the object of the application, and the sum of money required to be raised, be affixed in the office of the Township Clerk, and in at least two other public places within the limits of the said locality, at least fifteen days before the meeting of the Council, in order that persons desirous of opposing the said application may have an opportunity of doing so. Sec. 2.

3. When any sum of money shall be ordered to be raised for local improvements, the Clerk of the District shall forthwith furnish the Assessor of the Township with a statement showing the limits of the locality in which the amount is to be raised, and will, at the same time, furnish him with a roll to be filled up by the said assessor. Sec. 3.

4. The Assessor, on receiving the said roll, shall forthwith proceed to insert therein the name of each inhabitant, Sec. 4.

and the amount of property both personal and real, of which he may be possessed within the said locality, and shall return the said roll to the Clerk of the District within thirty days after having received the same.

By-Law 45,
sec. 5.

5. The Clerk of the District, on receiving the said roll, shall insert opposite the name of each person, his portion of the rate ordered to be raised by the Council, and after having so filled up the said roll, shall transmit the same to the Collector of the Township, who shall forthwith proceed to collect the sum stated opposite the name of each individual, and shall pay the same into the hands of the Township Clerk within at least sixty days after he shall have received the said roll.

Sec. 6.

6. The following fees, and no more, shall be received by Assessors and Collectors for any duties which they may have to perform under the provisions of this By-Law.

By the Assessor,	}	The same percentage, as allowed for collecting the general rates and assessments.
" " Collector,		

Sec. 7.

7. All sums of money ordered to be raised and paid into the hands of the Township Clerk, shall be paid out on the orders of such persons as may be authorized by any By-Law to expend the same.

Sec. 8.

8. The rates hereinbefore directed to be levied shall be collected and paid in the same manner and under the same provisions, as other rates and assessments authorized and ordered to be raised by this Council.

LINE FENCES.

1. Each of the parties occupying adjacent tracts of land, shall keep up a just and fair proportion of the division or line fence between their several tracts of land, which line fence shall be made on the line dividing such tract of land; and where there shall be a dispute between the parties as to the commencement or extent of the part of the said line fence, which either party may claim or refuse to make or repair, it shall and may be lawful for either party to submit the same to the determination and award of three Fence-viewers, who are hereby authorized and required, upon being duly notified by either party, to attend at the time and place stated in such notice, and after being satisfied that the other party in the case has been duly notified to appear at the same time and place, to proceed to examine the premises: and such Fence-viewers, or any two of them, shall determine any and every dispute in the matter aforesaid between the parties: and the award or determination of such Fence-viewers or any two of them shall be binding on the parties, as far as concerns the making or repairing such line fence: and from thenceforth the occupiers of the said tracts of land shall respectively make and repair that part of such fence which shall have been assigned on such award to the occupiers of such tract of land, which award shall be made in writing, and signed by such fence-viewers or a majority of them, and filed with the Township Clerk, and a copy of the same, if so required, given to each of the parties: Provided always, when by reason of any material change of circumstances in respect to the improvement and occupation of adjacent lots of land, an award which has been made under this Act shall cease, in the opinion of either of the parties, to be equitable between them, it shall be in the power of either to obtain another award by the same mode of proceeding; and if the fence-viewers who shall have been called upon to

make such subsequent award, shall find no reason for making an alteration, the whole cost of such reference shall be borne by the party at whose instance it shall have been made.

8 Vic. ch. 20,
sec. 3. 2. If any party who may be in the occupation of any tract of land shall neglect or refuse to make or repair (as the case may be) an equal or just proportion of the line fence between such tract and the adjoining tract of land for a period of thirty days after being required, by a demand in writing by the party occupying such adjoining tract of land, or after the award of the Fence-viewers as aforesaid, it shall be lawful for either of the said parties, after first completing his own proportion of such fence, to make or repair in a substantial manner, out of good sound materials, the whole or any part of the said line fence, which ought to have been by the other party made or repaired, and to recover, in the manner hereinafter mentioned, of the party who may have neglected or refused, in manner aforesaid, to make or repair such proportion of the line fence, the just and full value of such proportion not exceeding the sum of two shillings and six pence per rod, to be ascertained and determined in the manner hereinafter provided: Provided always, that any fence coming within the meaning and intent of the resolution adopted by the inhabitant householders and freeholders, at their last annual Township meeting, shall be considered by all fence-viewers to be a lawful fence, and when no such resolution shall have been adopted, then and in that case it shall be lawful for such fence-viewers, when called upon, to exercise their own judgment, and decide what they consider to be a lawful fence.

8 Vic. ch. 20,
sec. 4. 3. It shall be lawful for any Justice of the Peace, residing within the Township in which such fence may be situated, upon the demand of any party interested, to issue a summons directed to three Fence-viewers, (by their proper names,) of the Township, requiring them to attend at the place, and on the day and hour therein mentioned, to view such fence; and also to issue a summons to the party so having neglected or refused to make or repair such proportion of the line fence, requiring him or them to appear at the same time and place, to show

cause why the party claiming payment, as aforesaid, should not recover the same.

4. Such Fence-viewers, upon being personally served, at least four days previously, with such summons, and any two of them being there and then present, and after having duly examined the fence, and received evidence, which, if required by either party, and if the said Fence-viewers shall think it expedient, shall be given under oath, they or any two of them, shall determine whether the said party, plaintiff, is entitled to recover any or what sum from the party, defendant, under the provisions of this Act: and in all cases where the commencement or extent of the part of such line fence, which each should make or repair, has not been determined by the award of Fence-viewers, as aforesaid, the said Fence-viewers, or any two of them, shall determine the same, and shall report their determination upon the matters aforesaid, in writing, to the Justice by whom the summons shall have been issued, and shall also, in all cases where they determine that the plaintiff is entitled to recover anything from the defendant, state what distance of fence they have determined the defendant should have made or repaired; and the said Fence-viewers, if they shall be required by either party, before they shall have made a report as aforesaid, to the said Justice, shall give to such party requiring the same, a true copy of their said determination.

8 Vic. ch. 20,
sec. 5.

5. If either of the said parties shall desire to procure the attendance of any person to give evidence before such Fence-viewers, it shall and may be lawful for the said Justice to issue a summons to any person to attend as a witness before the said Fence-viewers; and the said Fence-viewers are hereby authorized, whenever it shall be desired, or they shall think it proper, to administer an oath to a witness in the following form:

Sec. 6.

You do solemnly swear, that you will true answer make to such questions as may be asked of you by either of the Fence-viewers now present, touching the matters which they are now to examine and determine. So help you God.

6. The said Justice shall transmit the determination to the Clerk of the Division Court, and thereupon the Clerk

Sec. 7.

of the Division Court shall issue an execution against the goods and chattels of the said defendant, in the same manner as if the party in whose favor the said determination shall have been made, had recovered judgment in the said Court for the sum, which the said Fence-viewers shall have determined as aforesaid, he was entitled to receive, with such costs as are hereinafter provided: provided that no such writ of execution shall be issued, until after the expiration of forty days from the time of such determination.

Sec. 8.

7. When any party shall cease to occupy or improve his land, or shall lay the enclosure before under improvement, in common, the said party shall not have a right to take away any part of the line fence, adjoining to the next enclosure, that is improved or occupied, providing the party occupying the lands adjoining the same, will allow and pay therefor, so much as the Fence-viewers, or a majority of them, shall in writing determine, to be the reasonable value thereof; and whenever any lands, which have laid unimproved and in common, shall be afterwards enclosed or improved, the occupier thereof shall pay for his fair or just proportion of the line fence, standing upon the divisional line between the said land and the land of the enclosure of any other occupant or proprietor, the value thereof to be ascertained and set forth in writing by three Fence-viewers, in case the parties shall not agree among themselves, and the amount of such value may be recovered, according to the proportions so estimated, in the same manner and form as herein before provided, respecting the making and keeping in repair division or line fences.

Sec. 9.

8. In no case shall any person be authorized to take away any part of the line fence, which to the said party may belong, adjoining to the next enclosure, which is improved or occupied, unless the party occupying the lands adjoining the same refuse, after a demand made in writing by the person purposing to remove part of any line fence, to pay for the same as aforesaid; nor without first giving due notice to such party, for at least twelve months previously to the removal of the same.

9. When a water fence, or fence running into the water,

is necessary to be made, the same shall be made in equal parts, unless by the parties otherwise agreed; and in case either party shall refuse or neglect to make or maintain the share to such party belonging, similar proceedings may be had, as in other cases of the like kind, respecting other fences in this Act mentioned. Sec. 10.

10. When the lands belonging to, or occupied by, different persons, are subject to be fenced, and bounded upon or divided from each other by any brook, pond, or creek, which of itself is not a sufficient fence, in such case, if the parties disagree, the same may be submitted to three Fence-viewers, as heretofore provided; and if, in the opinion of such Fence-viewers, such brook, river, pond, or creek, is not of itself a sufficient barrier, and that it is impracticable to fence at the true boundary line, they shall determine how, or on which side thereof, the fence shall be set up and maintained, or whether partly on one side and partly on the other, as to them shall appear just, and reduce their determination to writing, as heretofore provided in other cases; and if either of the parties shall refuse or neglect to keep up or maintain the part of the fence to such party belonging, the same may be done and performed as in this Act before provided in other cases, and the delinquent party shall be subject to the same cost and charges, and to be recovered in like manner. Sec. 11.

11. In all cases when it shall be the joint interest of parties resident to open a ditch or water course, for the purpose of letting off surplus water from swamps, or sunken, miry lands, in order to enable the owners or occupiers of such lands to cultivate or improve the same, it shall be the duty of such several parties to open a just and fair proportion of such ditch or water course, according to the several interests that such parties may have in the same; and in cases where a dispute may arise as to the part, width, depth, or extent, that any party so interested ought to open or make, the same may be referred to three Fence-viewers, in the same way and manner as is heretofore by this Act provided, in cases of disputes between parties relative to division fences; and it shall be the duty of such Fence-viewers, to whom such matters shall be referred, to divide or apportion such ditch or water course Sec. 12.

among the several parties, in such way as in the opinion of such Fence-viewers, shall be a just and equitable proportion, having due regard to the interest each of the parties shall have in the opening of such ditch or water course; and the Fence-viewers shall, at the same time, decide what length of time shall be allowed to each of the said parties to open his share; and the determination of such Fence-viewers shall be made in the same manner, and have the same effect, as is provided by this Act in regard to division or line fences.

Sec. 13. 12. When it shall appear to such Fence-viewers that the owner or occupier of any tract or parcel of land, is not sufficiently interested in the opening of such ditch or water course to make him a party, and at the same time it is necessary that such ditch should be continued across his land by the other party at his own expense, they may award the same in manner and form aforesaid; and after such award, such party may lawfully open such ditch across such land as aforesaid, at his own expense, without being deemed to have committed a trespass for so doing.

Sec. 14. 13. If any party shall neglect or refuse, upon demand made in writing as aforesaid, to open, or make, and keep open, his share or proportion allotted or awarded to him by such Fence-viewers as aforesaid, within the time allotted by such Fence-viewers, either of the other parties may, after first completing his own share or proportion allotted to him, in manner aforesaid, open the share or proportion allotted to such party neglecting or refusing to open the same, and such party so opening such other parties' share, shall be entitled to recover not more than the sum of two shillings per rod, from the party so neglecting or refusing to open his share or proportion, in the same manner as is in this Act provided relative to line and division fences.

Sec. 15. 14. The following fees, and no more, shall be received by the different parties acting under the provisions of this act:

To the Justice of the Peace.

For summons to Fence-viewers, one shilling and three pence.

For subpoena which may contain three names, one shilling and three pence.

For transmitting copy of Fence-viewers' determination to Division Court and to Township Clerk, one shilling and three pence.

To the Fence-viewers.

Five shillings per day each ; if less than half a day employed, two shillings and six pence.

To the Bailiff or Constable employed.

For serving summons or subpoena, one shilling.

Mileage, per mile, four pence.

To Witnesses.

Per day each, two shillings and six pence.

15. The fees herein before allowed shall be included in the execution to be issued by the Clerk of the Division Court as aforesaid, upon the party in whose favor the determination of the Fence-viewers shall be made, making an affidavit that the same have been duly paid and disbursed to the said parties respectively, (and which affidavit the said Clerk is hereby empowered to administer,) and when recovered, shall be paid over by the said Clerk to the said party entitled to recover the same. Sec. 17.

CENSUS.

- 10and11Vic.
ch. 14, sec. 5. 1. The first general Census under this Act shall be taken in the months of February and March, 1848, and a like general Census in the same months in the year 1850, and also in the same months in every fifth year thereafter.
- Sec. 6. 2. It shall be the duty of the several District Councils in Upper Canada, to set off and apportion each Township in their respective Districts into enumeration Divisions, and to appoint one or more fit and proper persons, as an Enumerator or Enumerators in each division so set off.
- Sec. 8. 3. It shall and may be lawful for the several District Councils to apportion such sum or sums of money from the general revenues of such District as they shall deem sufficient for remuneration to the persons appointed to take the Census in the several enumeration Divisions if they shall think fit so to do.
- Sec. 9. 4. The several persons so appointed Enumerators shall visit every house within such enumeration Division or Divisions as shall be assigned to them respectively, and take an account in writing, according to the forms to be provided for that purpose, of the number of persons dwelling therein, and of the age and occupation of all such persons, and also of the number of inhabited houses, and of uninhabited houses within such division, and of every particular matter and thing which may be specified in the forms or schedules to be provided for that purpose.
- Sec. 10. 5. In order to enable such Enumerators more effectually to take the said accounts, they may demand from the head of every family residing within their respective Divisions, or from any member of such family, being more than twenty-one years of age, and from the owners or managers of all factories, agents of companies and others, true answers to all such questions as shall be necessary for the purpose of taking such accounts.
6. Any head of a family or member thereof, being

twenty-one years of age, any owner or manager of a factory, or any agent of any company or any other person, who shall refuse to answer, or who shall wilfully give a false answer to any such questions as aforesaid: and any person who shall in any way wilfully obstruct any Enumerator in the execution of his duties, shall, for every such refusal, false answer or wilful obstruction, on conviction thereof before any two Justices of the Peace for the District in which such person shall reside, incur a penalty of not less than ten shillings nor more than fifty shillings currency and costs, to be taxed by such Justices; and if such penalty and costs be not forthwith paid, the same shall be levied by distress and sale of the goods and chattels of the offender, under the warrant of such Justices, or either of them, or in default of such goods and chattels the offender may be committed by such Justices to the common gaol of the District for any period not exceeding seven days: one half of the said penalty shall belong to the informer, and the other shall be paid to the Treasurer of the District, and shall form part of the funds thereof.

7. The said Enumerators respectively shall sign and certify their returns, and make oath or solemn affirmation before any Justice of the Peace within their District to the effect that the same have been faithfully and truly taken by them, and that the same are correct so far as they can ascertain, and shall lodge the same in the office of the Clerk of the Peace of the District, within one month after the account shall have been taken.

8. Any Enumerator who shall wilfully neglect to make any return, or shall artfully make a false return, shall be guilty of a misdemeanor, and on conviction thereof, shall be liable to punishment by fine not exceeding 25 pounds, or by imprisonment in the common gaol of the District for any period not exceeding three calendar months, or by both, in the discretion of the Court before whom the conviction shall be had: Provided always that any Enumerator who shall wilfully make a false return of such Census on oath or affirmation, as aforesaid, shall, upon conviction thereof, be liable to all the pains and penalties of wilful and corrupt perjury.