



THE  
COUNTY WARDEN

AND

MUNICIPAL OFFICERS' ASSISTANT.

CONTAINING A COMPLETE SYNOPSIS OF THE MUNICIPAL COUNCIL AND MUNICIPAL COUNCIL AMENDMENT ACTS, EACH SECTION OF WHICH IS BRIEFLY QUOTED FROM TWO TO TEN TIMES, UNDER ABOUT ONE HUNDRED AND FIFTY DISTINCT HEADS, ALL MOST CAREFULLY AND ALPHABETICALLY ARRANGED. IN A SIMILAR MANNER ALSO, UNDER THE SAME HEADS, ARE ARRANGED, SUCH PORTIONS OF THE ASSESSMENT, SCHOOL, JURY, AND TAVERN LICENSE ACTS, AS IMPOSE ANY DUTY UPON ANY MUNICIPAL OFFICER, &c., &c., &c.

To which is added

A LARGE NUMBER OF TABLES AND FORMS

FOR THE USE OF

MUNICIPAL CORPORATIONS AND THEIR OFFICERS,

BY

THOMAS S. SHENSTON, J. P.

(LATE DISTRICT COUNCILLOR,)

COUNTY CLERK, COUNTY OF OXFORD, C. W.

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Price, 1s. 10½d. Currency.

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THOMAS S. SHENSTON.

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## P R E F A C E .

In presenting this little work to the Public the compiler begs leave to explain the reasons that have induced him to assume the responsibility of its publication.

The compiler early experienced, as District Councillor, the very great inconvenience of not being able on the instant, to turn to some particular section or provision of the Act, in order to solve a doubt or confirm an opinion. Since that period, moreover, the Statutes upon which our Municipal Corporations depend, have become much more voluminous and complex. The present Municipal Act alone contains 330 long sections and sub-sections, and occupies no less than 80 pages in the printed Statutes.

The Members of our rural Municipalities are, with great propriety, chiefly chosen from amongst the industrious classes of the people. It is too much to expect (even if they had the Statutes) that they will either have leisure or an inclination to study into the long and tiresome details of the Acts, until all the distinct provisions are imprinted on the memory.

With respect to the contents and arrangement a brief examination will, I trust, be sufficient to convince any one that the work affords a safe guide and should be considered an indispensable companion to every Municipal Officer.

The work contains a *complete digest* of the Municipal Act, the Municipal Council Amended Act, and ALL the Sections of these Acts are briefly quoted from two to ten times, under upwards of one hundred and fifty distinct heads, most carefully and alphabetically arranged, and such portions of the *School, Assessment, Jury and Tavern License Acts* as impose *any* duty upon *any* Municipal officer, and the reader may rest assured that *all* the information contained in these Acts is fully given under their respective heads.

Notwithstanding the work is contained in a small compass, it has cost the compiler a good deal of labour, thought and care, and he now humbly commits it to the parties whose convenience it is intended to serve, confident a work, which will save an incalculable amount of time and labour, and numberless mistakes and errors, will be properly appreciated.

THOMAS S. SHENSTON, J. P.,  
COMPILER.

WOODSTOCK, Canada West, December, 1850.



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Municipal Corporation Act.....	12th Victoria, Chapter 81.
Municipal Amended Act.....	13th and 14th Victoria, Chapter 64.
Assessment Act .....	13th and 14th Victoria, Chapter 67.
School Act.....	13th and 14th Victoria, Chapter 48.
Jury Act .....	13th and 14th Victoria, Chapter 55.
Tavern License Act.....	13th and 14th Victoria, Chapter 65.

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EXPLANATIONS.

- 1st. The quotations are in every instance *the words of the Act itself.*
  - 2nd. The sections numbered with Roman figures are *quoted in full.*
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ACCOUNTS.

144. The Auditors of the several Corporations are required to "report upon all accounts which may be chargeable upon, or may concern such Corporation" "and publish a detailed statement" of such "in two newspapers published within the jurisdiction thereof." 170. The several Clerks are required to "keep the books, records and accounts" of their respective Corporations. 29. "The Municipality of each Township (40, and County) shall, upon the report of the Auditors," "finally audit and allow all such accounts." "And in case any such charge shall not be specially regulated by law, it shall be their duty to allow what is just and reasonable," &c. 59. Villages; 68. Towns, and 82. Cities, "have the like powers." See *Miscellaneous, 1st division.* The several Clerks shall each "preserve and file all accounts acted upon by the body to which he is Clerk." 174. "All books, papers, accounts or documents," &c., "shall be deemed to be chattels belonging to such Corporation," and the embezzlement of any such "by any officer or person" indictable. See *Embezzlement.* 181 and 182. An annual account of the debts due by any Corporation to be submitted to the Governor General.

*School Act.* 27. "The accounts of the County Treasurer and other officers to whom School moneys shall have been intrusted" require to be audited by Auditors "appointed (by the County Council) annually or oftener." An "abstract" of such audited accounts "the County Clerk shall transmit to the Chief Superintendent of Schools on or before the first day of March in each year." See *Auditors.*

AFFIRMATION.

119. "In every case in which an oath is required to be administered

or taken under this Act," the persons who "by law are permitted to affirm instead of swear in judicial cases" need only "make solemn affirmation." The persons here alluded to as being allowed to affirm, are the Quakers, Menonists and Tunkers (Sec. 49th Geo. III., chap. 6), who are required to make affirmation "in lieu of an oath" in the following form:—"I, A———B———, do solemnly, sincerely and truly declare and affirm that I am one of the society called Quakers, (Menonists or Tunkers) and the evidence I will give (*or this affirmation to which I have subscribed my name*) shall be the truth, the whole truth, and nothing but the truth, (*or, is correct and true in every particular to the best of my knowledge and belief,*) and so I solemnly affirm." 123. Any person wilfully affirming falsely in any affirmation "required to be taken under this Act, guilty of corrupt perjury." See *Oath*.

ALDERMAN.—See *Qualification, 1st division*.

83. "For every Ward within the limits of any such City there shall be chosen" (see *Election, 5th division*) "two Aldermen for such Ward," who are required to be "seized of Real Estate (see *Real Estate*) held by him in fee simple within the city" "or the liberties thereof of the assessed value of £500," or "shall be a tenant from year to year, or for a term of years of real property within such city or the liberties thereof, at a *bona fide* rental of £60 per annum, or shall be in receipt of £60 of yearly rent or profit accruing from or out of Real Property within such City." "The Mayor of every such City shall be elected from amongst the Aldermen thereof." 87. "The Alderman of such City shall, by virtue of his office, be a Justice of the Peace in and for such City." 135. No Alderman "shall require any property qualification," "nor any oath be required of him than his oath of office (and qualification) as such Alderman" to "enable him lawfully to act as a Justice of the Peace." 127. The oath of office is required to be taken by "each City Councillor" &c., and "all other officers who shall be *appointed* under this Act," but no mention is made of "Aldermen," who are not "appointed" but *elected*. 125. Any Alderman "shall have power and authority to administer any oath or affirmation required to be taken under this Act *relating to the business of the place,*" which is required to be "duly certified to by him, *subscribed by the party* taking the same and deposited in the office of the Clerk" "within eight days," "on pain of being deemed guilty of a misdemeanor." 96. "Grand Jurors (and 98. Petit) of the Recorder's Court," to be summoned "under precept signed by the Recorder or Alderman." 93. "One or more Aldermen shall preside with the Recorder" at the "Recorder's Court. 118. "A Police Magistrate with any two Aldermen" may receive complaints of "any riotous or disorderly conduct in any Inn, Tavern, Ale or Beer houses situate within such City," "abrogate the license, or may suspend the benefit of the same for any period not exceeding 60 days." See *Tavern License*. 140. The "Mayor or any two Aldermen" may "commit to hard labour" such persons as may be by By-law directed to be so sent. 165. In certain cases Aldermen may be elected "from

amongst the qualified freeholders and householders" by the "members of the Corporation." See *Election*. 82. City Corporate powers "shall be exercised by, through, and in the name of the Mayor, Aldermen and Commonalty of such city.

*School Act*. 32. Aldermen shall be School Visitors in the cities where they shall reside.

*Jury Act*. 76. All the powers conferred and duties imposed by this Act upon Justices of the Peace with respect to Counties, are hereby conferred and imposed upon the Aldermen of the different cities. See *Justices of the Peace*.

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ANIMALS.—See *Pound Keeper*.

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ARBITRATION.

197. Any disputes respecting the payment for lands occupied for roads to be settled by arbitration, each party choosing his own arbitrators. 196. and 197. Make long provisions with respect to the manner of conducting such arbitration. 200. For the appointment of an arbitration to award the amount of compensation to be paid by the City Council to the County Council for the use of the Court House and Gaol.

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ASSESSOR.—See *Qualifications, 1st division*.

28. Each Township shall, so soon as conveniently may be, appoint such and so many Assessors (and Collectors) as shall or may be permitted by law for the Assessment of property. (*Assessment Act*. 14, "One or more at discretion,") who shall hold office until the third Monday in January of the next year after their appointment, "and all vacancies to be filled up by a new appointment." It appears by this section that Assessors (and Collectors) may be appointed *without* a By-law although all other appointments *must be by one*. 78. Each Town Council to appoint Assessors as above, "whose duty it shall be to make assessments in like manner as the Assessors in the several Townships." "None of the Town Councillors shall be eligible to be appointed," or any other person, "unless he shall be rated on the Collector's roll for the year preceding to the amount of £300." 134. Any Assessor may be appointed "for more than one ward in any City or Town." 133. "No person shall be qualified to be appointed Assessor of any Township, Village or Ward," "who shall be a Councillor or Alderman for such," nor "unless he shall, at the time of his appointment, be possessed to his own use, of property sufficient to qualify him to be elected Councillor for such Township (£100), Village (£250), Town (£300), or City" (£300). See *Qualification, 2nd division*. 129. "Every person elected or *appoin'ed* under this Act, to any office which requires a qualification of property" shall "take and subscribe the following oath. (See Form B.) Consequently it is necessary for *Assessors* to take oath of office and "*qualification*," they being officers (and the only ones) "*appointed*" to an office which "requires a property qualification." 31. (17.) Township Councils by By-laws to "settle their remuneration."

59, Villages, 80, Towns, and 106, Cities, have "the like powers." See *Miscellaneous, 1st division.*

*Assessment Act.* 14. "The number of Assessors (or Collectors) to be appointed in and for any City, Town, Village, or Township shall be one or more," and "may appoint the same Assessor (or Collector) to act in any number of Wards." See *Property, also Exemptions.* 15 Each City, Town, Village and Township "may divide into convenient assessment districts, their respective Municipalities, "and may prescribe such regulations for governing the Assessors in the performance of their duties as shall not be inconsistent with law."

IV. Provided always, and be it enacted, That no person deriving income from any trade, calling, office or profession, exceeding the amount of fifty pounds per annum, shall be assessed for a less sum as the amount of his nett taxable personal property, than the amount derived from such income during the year then last past, but such last year's income shall be held to be his nett taxable personal property, unless he has other taxable personal property to an equal or greater amount.

VII. And be it enacted, That all lands shall be assessed in the Township, Village or Ward in which they lie, and in the name of and against the owner thereof, if known, and if he resides or has a legal domicile, when the assessment shall be made, within such Township, Village, or Ward, or the Town or City in which it is included, and if such lands be occupied by such owner, or wholly unoccupied; but if the owner be not so resident or be unknown, and the land be occupied, it shall be assessed in the name of and against the occupant; and occupied land owned by a party residing or having a legal domicile in the Township, Village, Town or City where the same is situate, but occupied by another party, may be assessed in the name of and against the owner or the occupant (inserting the names of both in the Roll with the word "or" between them, and notifying both in the manner hereinafter provided.

VIII. And be it enacted, That unoccupied lands not known to be owned by any party resident or having a legal domicile in the Township, Village, Town or City where the same are situate, or belonging to any party whose residence or domicile, upon diligent enquiry by any Assessor of such Township, Village, Town or City, shall not be found therein, shall be denominated "lands of non-residents," and shall be assessed as hereinafter provided.

IX. And be it enacted, That every party shall be assessed in the Township Village or Ward where he resides when the assessment is made, for all taxable personal property situate therein owned by him, including all taxable personal property in his possession or under his sole control as trustee, guardian, executor or administrator; and in no case shall property so held be assessed against any other party, and it be owned or possessed by or under the control of more than one party, each shall be assessed for his share, or if they hold in a representative character, then each shall be assessed for an equal portion.

10. "Thereafter (after 1850) the taxes levied or assessed for any year shall in all cases be considered for the then current year, commencing with 1st January, and ending 31st December."

XIII. And be it enacted, That the yearly value aforesaid of real property in Cities, or incorporated Towns or Villages, shall be the real rack-rent or full yearly value thereof, to be ascertained by the Assessors in the manner hereinafter provided, for each separate tenement; except that if more than one-fourth of an acre of land be attached to any house or building forming a separate tenement, the overplus shall be held to be vacant ground, the full actual value whereof shall be estimated by the Assessors, and the yearly interest on such value at six per cent., per annum, shall be deemed its yearly value.

**XVI.** And be it enacted, That between the First day of February and the First day of April, in each year, the assessors for each Township, Village or Ward, shall proceed to ascertain by diligent inquiry, the names of all the taxable inhabitants and parties in their respective Townships, Villages and Wards, and also all the taxable property within the same, and its extent, amount and value.

**XVII.** And be it enacted, That the Assessor or Assessors for each Township, Village and Ward, shall prepare an Assessment Roll, in which shall be set down in separate columns, according to the best information in their power, the names of all taxable parties in the Township, Village or Ward, with the extent or amount of property assessable against each, and containing the particulars mentioned in the Schedule B. (see Form E.) for each of the items whereof the Assessment Roll shall contain a separate column.

**XVIII.** And be it enacted, That it shall be the duty of each party assessable in any Township, Village or Ward, if required by the assessor or by one of the Assessors, if there be more than one, to deliver to such assessor a statement in writing signed by such party (or his Agent, if such party be absent) and containing all the particulars respecting the property or income assessable against such party which are required in the Assessment Roll; and such statement shall be declared to by such party or his Agent before the Assessor; or, if there be more than one Assessor, before any one of them, in the following form:

"I, A. B., do solemnly declare that the foregoing statement contains a full and true account of all taxable property and income assessable against me (or against C. D.,) in the Township, (Village or Ward of \_\_\_\_\_) and that the amount or values (or yearly values) therein assigned to the same, are the full and true amount and value (or yearly value) thereof, to the best of my knowledge and belief; (and if the declaration be made by an agent, add,—and that I have the means of knowing and do know the extent and value of the property assessable against the said \_\_\_\_\_):"

And any wilfully false statement in any such declaration, shall be a misdemeanor punishable as perjury; and if any such assessable party shall fail to deliver such statement and declaration to the Assessor or one of the Assessors when thereunto required, such person shall thereby forfeit to the Municipal Corporation of the Village, Town, City or Township, the sum of Five Pounds Currency, to be recovered as a debt due to such Municipal Corporation in any way in which debts due to it can be recovered: Provided that no such statement shall bind the Assessor or Assessors further than they shall from their own personal knowledge, believe the same to be correct, nor shall it excuse them from making due inquiry whereby to ascertain whether it is or is not correct.

**XIX.** And be it enacted, That when a person shall be assessed as Trustee, Guardian, Executor or Administrator, he shall be assessed as such with the addition to his name of his representative character, and such assessment shall be carried out in a separate line from his individual assessment, and he shall be assessed for the value of the real estate held by him, whether in his individual name or in conjunction with others in such representative character, at the full value thereof, and for the taxable personal property held by him in such character, at the full value thereof, or for the proper proportion thereof, if others, resident within the same Municipality, be joined with him in such representative character.

**XX.** And be it enacted, That the lands of non-residents shall be designated in the same Assessment Roll, but in a part separate from the other assessments, headed "Non-residents' Land Assessments," and in the manner following, that is to say:

If the land to be assessed be a tract not known to be sub-divided into lots, it shall be designated by its boundaries or other intelligible description:

If it be a tract which is known to be sub-divided into lots, or be part of a tract known to be so subdivided, the Assessors shall proceed as follows:

They shall designate the whole tract in the manner above described with regard to undivided tracts:

If they can obtain correct information of the sub-divisions, they shall put

down in their assessment rolls, and in a first column, all the unoccupied lots owned by non-residents, by their numbers and names alone and without the names of the owners, beginning at the lowest number and proceeding in numerical order to the highest; in a second column, and opposite to the number of each lot, they shall set down the quantity of land therein liable to taxation; in a third column and opposite to the quantity, they shall set down the value of such quantity, and if such quantity be a full lot, it shall be sufficiently designated as such by its name or number as aforesaid, but if it part of a lot, the part shall be designated by boundaries, or in some other way by which it may be known.

XXI. And be it enacted, That all real and personal property liable to taxation shall be estimated by the Assessors at its full value, (or full yearly value as the case may be) as they would appraise the same in payment of a just debt from an insolvent debtor.

22. All the male inhabitants of any City, Town, or Village, between the age of 21 and 60 years, "not otherwise assessed, and not exempted by law from performing statute labour," shall pay ten shillings yearly, "and the Assessor shall return their names and give them like notice as the other parties assessed."

XXIV. And be it enacted, That the Assessors shall complete their Assessment Rolls on or before such day in every year as the Council or Municipality of the City, Town, or Village or Township shall appoint.

XXV. And be it enacted. That the Assessor shall also immediately after the completion of their Roll, leave for every party named thereon and resident or domiciled within the City, Town or Village or Township, a notice of the actual or yearly value at which his real property and of the sum at which his taxable personal property shall have been assessed by them.

XXVI. And be it enacted, That immediately after the completion of their Rolls, the Assessor, or if there be more than one, the Assessors, or a majority of them, shall sign the Assessment Roll, first attaching thereto a certificate signed by them, in the following form :

"I do (or we do severally) certify, that, I (or we) have set down in the above Assessment Roll, all the real property liable to taxation, situate in the Township, Village or Ward of \_\_\_\_\_ (as the case may be) and the true actual (or yearly) value thereof in each case, according to the best of my (or our) information and judgement; and also that the said Assessment Roll contains a true statement of the aggregate amount of the taxable personal property of every party named in the said Roll; and that I (or we) have estimated the same according to the best of my (or our) information and belief."

XXVII. And be it enacted, That the Roll thus certified shall, on or before such day as the Council of the City, Town, Village or Township shall appoint be delivered by the assessor or assessors to the Clerk of the Township, (Village, Town or City, as the case may be,) who shall lay the Roll before the Court of Revision hereinafter mentioned.

28. The Assessors to attend, when required, the Court of Appeal. See *Court of Appeal*. 61. "Any Assessor who shall refuse or neglect to perform the duties required of him" shall forfeit "the sum of £25." 62. For any "unjust or fraudulent assessment, any sum not exceeding £50" [or 6 months' imprisonment]; "that any real property assessed at an actual or yearly value greater or less than its true value by 30 per cent. thereof, shall be *prima facie* evidence that such assessment was fraudulent..". See Form L. 70. If any Assessor "shall neglect or omit to make out and complete his Assessment Roll," "and return the same to the office of the Clerk" "at least on or before the 1st September" "shall forfeit for every such offence the sum of £50," and "not to relieve any such Asses-

or from the obligation of returning such Roll at an earlier period of the year, or from any penalty he may incur by not returning the same accordingly." Alluding, no doubt, to any By-law that may be passed, making it necessary to return the Roll *before* the 1st September. 71. Any Assessor who "at the time of the meeting of the Selectors of Jurors" "shall have the actual charge of the Assessment Rolls" "shall neglect or omit to perform the duties required of him by the XI. section of this Act" ["to bring such Roll to such annual meeting, and to permit the use of the same for the purposes aforesaid"] "shall for every such offence forfeit the sum of £25."

*Jury Act.* 11. "The Assessor or Assessors of the respective Cities, Towns, Villages and Townships in Upper Canada, shall be *ex officio* selectors of Jurors" for such. See *Selectors of Jurors*.

ASSESSED TOO HIGH.—See *Court of Appeal*.

AUDITORS.—See *Qualification, 1st division*.

29. The Township and (40) County Councils "upon the report of the Auditors, shall finally audit and allow all accounts" &c., also those of their Treasurers, and "Collectors, so far as the accounts of such shall relate to Township" or County purposes respectively, (Sect. 172 *as amended*, provides that all "County moneys" are to be paid into the hands of the Township and Village Treasurers). 143. "At the first meeting in *each year*, every Corporation erected under this Act" "shall appoint two persons to be, and to be called Auditors of such Corporation, one of whom shall be appointed on the nomination of the Head" and the other "in the same manner as other officers." "No member" "Clerk or Treasurer" "nor any person who then shall have directly or indirectly by himself or in conjunction with any person, any share or interest in any contract" "shall be appointed such Auditor" and before acting must take and subscribe the following oath (see Form C.) 144. "It shall be the duty of such Auditors to examine, settle and allow, or report upon all accounts which may concern such Corporation, or within its jurisdiction" "for the year ending on the 31st December, preceding the appointment of such Auditors, and to publish a detailed statement of the receipts and expenditures of such Corporation in two newspapers published within the jurisdiction thereof, or in the nearest thereunto; and to file their report thereon in *duplicate* in the office of the Clerk" within "one month after their appointment."

*School Act.* 27. Each County Council "to appoint *annually* or *oftener*, Auditors, whose duty it shall be to audit the accounts of the County Treasurers and other officers to whom School Moneys shall have been intrusted, and to report to such Council." 31. The local Superintendent "to furnish (*when required*) the Auditors with the Trustees' orders, as the authority for his cheques upon the Treasurer."

BAILIFF.—See *Qualification, 1st division*.

88. "There shall be in each City (besides a Chief Constable) one High

Bailiff, who shall be appointed *annually*" and "may by By-law, if they shall deem fit, provide that both offices be held by one and the same person." 96. The "Grand," and (97) "Petit Jurors" for the Recorder's Court "to be summoned by the High Bailiff." 102. "The Recorder shall have the power of suspending from the duties of his office any High Bailiff" "for any period at his discretion" "and must report the same, with the cause thereof" to the Council, "and the said City Council shall thereupon—in their discretion, dismiss such High Bailiff." During such suspension such High Bailiff cannot act "except by the express permission of the Recorder in writing," nor is he "entitled to any salary or remuneration for the period of such suspension." The "Recorder may appoint some fit and proper person to act as High Bailiff during the period of such suspension."

*Assessment Act.* 49 to 66 defines the duties of Sheriffs and Bailiffs with respect to selling lands for taxes, &c.

*Jury Act* 67. Any High Bailiff "who shall summons, or pretend to summons any men to serve as Jurors other than those whose names are specified in a warrant signed by the Sheriff," the Court is required "in a summary manner to set such fine as it shall deem meet." 68. If convicted of making any unauthorized alterations in any Jurors' books "shall forfeit the sum of £50." 77. Allowed to employ a deputy to perform "the duties by this Act required by High Bailiffs." 89. The several High Bailiffs after each Recorder's Court are required to note the names of Jurors attending and serving. 90. On payment of one shilling, required to give any Jurymen a certificate of his having served.

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#### BANKRUPT.

112. Any member of any Corporation who "shall be declared a bankrupt or shall apply to take the benefit of any Act for the relief of insolvent debtors, or shall compound by deed with his creditors," "shall thereupon immediately become disqualified, and shall cease to be a member," and "the vacancy thus created, shall be filled up" in the usual way.

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#### BATHING.

60. (10) Village Councils, are empowered to make By-Laws "For preventing, or regulating the washing or bathing in any public waters, in or near such village." 80. Towns and 106, Cities have "*the like powers.*" See *Miscellaneous*, 1st division.

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#### BORROWING MONEY.—See *Money.*

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#### BOUNDARY LINES.

30. "The boundary lines of the different Townships in Upper Canada, shall hereafter be ascertained and established upon a permanent footing, under the authority of 38 Geo. III. chap. 1. (*This act was repealed by 12th Victoria, chap. 35*) or under the authority of any act to be passed in the present or any future session for that purpose." The Act first above quoted, was passed "*during the present session,*" which is generally

called the "Surveyor's Act." (*It repeals the whole of the 38 Geo. III. chap. 1, and makes precisely the same provisions in sections 26, 27, 28, 29, 30 and 31, as were in such Act before its repeal, and by Sec. 26, it is enacted, That durable monuments "shall be placed at the several corners of every Township that hath been surveyed" &c., and "such shall be considered permanent boundaries."* 27. *All such monuments "shall be so placed under the direction and order of the Commissioner of Crown Lands."* 30. *"It shall not be necessary for the Commissioner of Crown Lands to carry the above provisions into execution," "until an application for that purpose, shall have been made to the Governor by the District Council," "who shall cause the sum requisite" to be levied on the inhabitants of such Township or Concession. By the amended Municipal Act, Sec. 7, the powers alluded to above, are "transferred, to and imposed upon the different Township Municipalities and their Treasurers, and Officers respectively."* See 1st Victoria, chap. 19. 31. (126) Township Councils are empowered to make By-laws, "for ascertaining and establishing by public authority, according to law, the boundary lines of such Townships." In other words, to make the above application. 60 [4] Village Councils may make By-laws, "for surveying, by competent persons, and settling the boundary lines of highways." 155. "Upon the petition of the Corporation of any Town or Village," the Governor may by Proclamation, "add to, or alter the boundaries of any such." 89. Any City Council "may from time to time, as may seem expedient, alter, add to, or vary the boundaries of such City," (90) by "Proclamation, under the Seal of such City." 201 Refers to Schedules A. B. & C., in which the boundaries of certain Cities, Towns and Villages are defined: 202 Refers to Schedule D. in which several Towns are named, the boundaries of which were established by Proclamation, bearing date 4th September, 1849. 29th September 1849, and 27th September 1850. See *Corporations* and their powers with respect to Boundaries.

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#### BREAD.

60, (10) Village Councils are empowered to make By-laws "for regulating the assize of Bread, and preventing the use of deleterious materials in the making thereof." 80. Town and 106. City Councils have "the like powers." See *Miscellaneous 1st. division.*

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#### BRIDGES.

31. Township Councils are empowered to make By-laws "for constructing or making any Bridge." "For granting money to the County Council," for improving any Bridge, and "for regulating the driving and riding over any Bridge." 41 confers similar powers upon County Councils, (8 Vic. chap. 44, makes provisions with respect to fast driving over Bridges. See *Driving Immoderately.*) Bridges lying between two Municipalities, See *Highways* or Sec. 37, 38 and 39. 80. Towns and 106. Cities have "the like powers," See *Miscellaneous, 1st division.*

## BY-LAWS.

All By-laws in which a penalty is imposed, should state to whom (185 Treasurer of the Corporation) it is to be paid over. I have observed in quite a number of By-laws passed in Upper Canada, in which penalties are imposed, to be collected upon conviction, before a Justice of the Peace; that the privilege of an appeal to the Quarter Sessions is given, I cannot but think that this is incorrect, for in summary convictions under Provincial Statutes, appeals are only allowable in such instances where it is *expressly provided*. 185. "All persons committing any offence against any By-law *lawfully made*," "may be prosecuted in a summary way before any Justice of the Peace," and such Justice "shall have full power and authority to award the penalty or the imprisonment imposed by the By-law, under which the conviction shall be had," and levy for the penalty and cost "by distress and sale of goods." 182. Any By-law passed "for the liquidation of such (due before 1850,) debt," must "be approved of by the Governor." 150. "That all the By-laws of the different Municipalities, remaining unrepealed at the time this Act shall come into force, (1850) shall continue in force, until amended, altered, or repealed by some By-law to be passed for such purposes, by the Municipal Corporations, by this Act substituted for such former Corporations." 3, 4 and 5 Required the *late District Council* to pass By-laws to divide Townships into Wards, (6) and "Copies of *such* (District) By-laws shall be published by every *such* (District) Council, twice in the *Gazette*, and four times in some public newspaper." By-laws to divide any Township into Wards, are *now* to be passed by the Township Council, and need not be published according to the above. 8. Each Township Council may, "from time to time, by By-law, divide such Township into Wards," or "divide the same anew, or re-range them" by "at least, four-fifths of the members." 39. By-laws passed "for making or improving Roads, lying between two or more Municipalities" "shall have no force or effect whatever, until the passing of a similar one, by such other Corporation." 155. Unlawful By-laws may be "quashed" by certain courts. 177. By-laws for raising money, not repealable, and (178), the officer who shall attempt it, "shall be guilty of a misdemeanor." See *Money*. 198. "All By-laws made and passed by any Corporation, shall be authenticated by the Seal of the Corporation, and by the signature of the Head" and "the *Clerk*," and any "*Copy*" written "without erasure or interlineation, sealed with the seal, and certified to be true, by the Clerk, and *any member*, shall be deemed authentic, and shall be received as evidence in any Court." 199. The By-laws or copies must "be kept in the office of the Clerk," "and shall be open at all reasonable times and hours, to the inspection of the public." "Copies thereof to be furnished (at the rate of 6d per 100 words) by the Clerk." 156. All By-laws "of any Municipality," in force on the 1st January, 1850, shall remain so "until repealed by the *Municipality, by this Act substituted for such former Municipality*." Query: Can a Township Council repeal a By-law of the *late District Council*? Previous to 1850, there were no Township

Councils. Can they therefore be considered as a "*Municipality substituted for such former (District Council) Municipality?*" See *Miscellaneous* 2nd division. For the amount of fines that each Corporation is empowered to inflict, for the non-observance of their By-laws, See *Penalties*. See also *Corporation*. For the description of By-laws which each Corporation is empowered to make.

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CASTING VOTE.

*Amended Act.* 15. "In the case of there being an equality of votes on the election of Townreeve for any Township or Village," "or the election of Mayor for any Town or City" (no mention made of Warden) the member "who, according to the Collector's Roll for the year next preceding that on which such election shall be held, shall be assessed for the highest amount, shall have a second or casting vote." 168. "All votes, resolutions and proceedings of such (each Corporation) meetings shall be carried by the majority of votes of the persons composing such meetings, other than the person presiding, who, in case of an equality of votes, shall have the casting vote." 160. "If any two or more candidates shall appear to have an equal number of votes" "the Returning officer" "shall give a vote for one or more of the candidates having equal numbers so as to decide the Election."

*Jury Act.* 12. "In case of an equality of votes amongst the selectors of Jurors," "the Mayor or Town Reeve, or in his absence, &c., the Clerk" and in the Clerk's absence the Assessor. See "*Selectors of Jurors.*"

*License Act.* 8. "If on any question the Inspectors shall be equally divided, the Mayor or Townreeve shall vote thereon and decide the same."

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CATTLE.

31. (19.) Township Councils are empowered to make By-laws "for regulating and restraining the running at large of Horses, Cattle, and Hogs, Turkies, Geese and Poultry, and to provide for the impounding of the same." 59, Village, 67, Towns, and 106 City Councils have "*the like powers.*" See *Miscellaneous, 1st division*, also *Pound Keeper*.

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CEMETERIES.

60. Village Councils are empowered to make By-laws "for laying out, improving and regulating Public Cemeteries," &c. 80. Town and 106 City Councils have the "*like powers.*" See *Miscellaneous, 1st division*. 141. "It shall be lawful for any Village, Town or City to purchase," without or within their limits, lands "for one or more public Cemeteries for the interment of the dead."

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CENSUS.

10 and 11 Victoria, chapter 14, section 5. "A general Census shall be taken in the months of March and February" in the years 1848 and 1850, "and in the same months in every fifth year hereafter." 6. Each

County Council "shall set off each Township into enumeration divisions, and appoint one or more fit and proper person as enumerators in the divisions so set off." 7. Incorporated Cities, Towns and Villages to appoint similar officers. 8. Enumerators to be paid "such sums as they (the respective Corporations) may deem fit."

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CHAIRMAN.

168. "If the person who ought to preside (Warden, Mayor, Reeve, or Deputy Reeve) at any meeting shall be absent, it shall and may be lawful for those present to appoint from amongst themselves a chairman" who shall have the same power and authority."

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CHAMBERLAIN. See *Qualification, 1st division.*

171. Each City Council "shall appoint a Chamberlain" "who shall hold office during pleasure, and shall be paid by such salary or per centage as they shall appoint, and who shall give security for the faithful performance of his duties. See *Treasurer, 4th division.*

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CHIMNIES.

59. Police Villages are empowered to "make and enforce" "Regulations," and (60.) Villages to make "By-laws" for the construction, &c., of chimnies. 80, Town and 106, City Councils have "the like powers." See *Miscellaneous, 1st division.*

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CIRCUSES.

31. (22.) Township Councils are empowered to make By-laws "for preventing, restraining or regulating circuses," or impose a tax not exceeding £5 for the privilege of acting, &c. 60, Villages, 80, Towns, and Cities, 106, have like powers. See *Miscellaneous, 1st division.*

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CHARIVARIES.

60. (10.) Village Councils are empowered to make By-laws "for punishing parties engaged in charivaries and other like disturbances of the peace," 80, Towns, and 106, Cities have the like powers. See *Miscellaneous 1st division.*

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CONSTABLES.—CHIEF.

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CONSTABLE. See *Qualification, 1st division.*

74. "There shall be in each Town, (and 88 City) one Chief Constable, and one or more Constables for each Ward," who shall "hold their offices during pleasure," "but shall be liable to be suspended and dismissed as" follows: (71) In Town the "Police Magistrate," and in Cities (102) the "Recorder" "shall have the power of suspending from the duties of his office any (Chief or Ward) Constable" "for any period at their discretion, and immediately after such suspension they shall report the same with the cause thereof" to the Council, "and the said Council shall thereupon in their discretion, dismiss or restore such to the duties of his office," "during such suspension shall not be entitled to any salary," "a fit and

proper person" may be appointed "during such suspension" by the above parties within their respective Municipalities. 88. In Cities "the office of High Bailiff and Chief Constable may be united in, and held by the same person." 157. All Constables present at any Election "are enjoined to assist the Returning Officer," who may (158) appoint "Special Constables" who are "liable to a penalty of £5," "if he shall refuse to be sworn as such."

CIVIL ENGINEER. See *Qualification, 1st division.*

41. (6) Any County Council may by By-law "appoint one or more Civil Engineers," "add to, displace or diminish the number of them."

#### CITIES.

82 & 201. The Cities at present incorporated are, Toronto (6 wards.) (See 4th, William IV. chap. 23, sections 96 and 97; and 3rd Victoria, chap. 47. sec. 2.) Kingston, (7 wards :) and Hamilton (5 wards.) 84. Whenever any Town "shall be found by the Census returns (which are taken every fifth year from the year 1850, see *Census*.) to contain more than 15,000 inhabitants, then on petition from the Town Council," the Governor may by Proclamation "erect such Town into a City." 7. "No part of any city or of the liberties thereof," although lying within the boundaries of a Township, shall, for the purposes of this Act, be held to form part of such Township. 9. *Amended Act.* When any town shall be erected into a City as above, it "shall, for the purposes of representation, cease to form part of the County," but be "in the relative position to the County on the borders whereof it shall be situate," as are the present cities as provided by section 85. (85. All such Cities "shall for all Municipal and (certain) Judicial purposes, be a County of itself." The County Council "may hold their sittings, keep their public offices," &c. &c. within the limits of such City.) The inhabitants of Cities are exempted from serving as Jurors at certain Courts. See *Jurors.*

CITY OR COMMON COUNCIL. See *Corporation, 7th division.*

CLERKS. See *Qualification, 1st division.*

First division applies *equally to all Clerks.*

169. "It shall be the duty of every Corporation to appoint a County, City, Town, Township or Village Clerk, as the respective cases may require, who shall hold office during pleasure, and shall be paid by such salary as they shall appoint," 173 and "shall hold their office until removed therefrom by the Corporation for the time being." 170. The Clerk "shall record, in a book to be provided for that purpose," "all the proceedings of the Council of which he is the Clerk," "make regular entries of all resolutions and decisions, and record the votes of every person entitled to vote on any question" "if requested by any one member present to do so," and "keep the Books, Records and Accounts:" all of which are required "to be open, without fee or reward, to the inspection of all

persons at all reasonable times." (144. Also one of the duplicate reports of the Auditors.) 173. "The Clerks" "shall hold their offices until removed therefrom by the Corporation for the time being." 199. "Original or certified copies of all By-laws, minutes and proceedings," &c., shall be kept in the office of the Clerk, and "to be open at all reasonable times for the inspection of the public," and are required "to furnish copies thereof at the rate of 6d. per 100 words." 155. The Clerks, "upon application and *payment* of his fees" shall, "within a reasonable time, furnish a copy of any By-law certified under his hand, and the seal of the Corporation." 198. *All By-Laws* must be signed by the Clerk as well as by the head. 125. Each Clerk "shall have authority to administer any oath or affirmation required to be taken under this Act, and relating to the business of the same," "*except where it shall be specially provided for,*" all such must be "duly certified to *and subscribed by the party,*" and deposited in his office "within 8 days, on pain of being deemed guilty of a misdemeanor." 128. In the absence of any Judge, Recorder or Police Magistrate (in any Town or City), or Justice of the Peace, the "Head" "shall be sworn into office" by "the Clerk in presence of a meeting of such Corporation." 143. Clerks are disqualified from being appointed Auditors. 179. Clerks of Corporations to be considered as officers of Court from which writ issued for certain purposes. I have observed that it is customary to appoint a Clerk "*pro tem.,*" to act during any temporary absence of the proper Clerk. Such, I think, should in every instance take and subscribe the oath of office as *such* Clerk, before acting; especially before signing a By-law, which requires his signature as well as that of the Head, to make it valid.

*Jury Act.* 5. All Clerks are exempted from serving as Jurors; (see *Exemption.*)

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CLERKS. *2nd division*

Applies to Township, City, Town and Village Clerks, in *addition* to 1st division.

161. "After the close of every Election the Returning Officer shall return the Poll Books to the Township, Village, Town, or City Clerk" with an affidavit attached. See Forms H. & I. 162 and 163. "*All vacancies* which may occur" "shall be filled up by an Election, to be held under a warrant, (see form J,) under the hand and seal of the Head;" and "in case of his absence, or the vacancy of such office, then under the hand and seal of the Clerk." 120. "In future the Collector's Roll shall contain the amount of the assessed value of real and personal property of each person" "as well as the amount to be collected from such person.

*Assessment Act.* 27. "That in case any party shall deem himself overcharged by the Assessor, he or his agents" "shall notify the Clerk of the City, Town, Village or Township, in writing, of such overcharge by a Court of four members, &c." "If any two members of the Municipality shall think that any party has been assessed too low, the Clerk shall, on their request in writing, give reasonable notice to such

party, and to the Assessor, of the time when the matter will be tried by the said Court, and if such party be a non-resident, shall insert such notice in some newspaper published in the City, Town, Village or Township, or if there be none, then in one published at the nearest place in the County, giving in such notice either the name of the party, or a general description of the property if the name be not on the Roll;" "and the Roll as finally passed by the said Court and *certified to by the Clerk* as so passed, shall be valid and shall bind all parties concerned." "Reasonable notice under this section, shall be understood to mean a notice in writing from the Clerk, to be left at the residence of the party to whom it is addressed, if known and within the limits of the Municipality, or if not so resident, then with any grown person on the premises assessed, or where any of the personal property assessed, shall be, or addressed to such party through the post office, posted at least three days before the time when the matter is to be tried." 30. The City, Town, Township and Village Clerk "shall be the Clerk of the said Court" of Appeal. See *Court of Appeal*.

XXXII. And be it enacted, That it shall be the duty of the Clerk of the City, Town, Village or Township to make out a Collector's Roll for the Township or Village, or for each Ward in the City or Town, as the case may be, on which shall be set down the name of each party assessed,—the correct assessed value of the real property of each party—and the amount of personal property for which such party is taxable, as the valuation on such roll may in any case be affected by any such revision as aforesaid; and he shall also set down on the same roll the true valuation of the lands of non-residents, opposite to the respective lots, part-lots or parcels of land, and as the same may be affected by such revision or equalization; and he shall also calculate and set down the amount for which each party, or each lot or piece of land of a non-resident is chargeable, for any sum or sums ordered to be levied by the Municipal Council of each County for County purposes, under the head of "County Rate," the aggregate of which column shall be the whole sum for which the Township, Village or Ward, shall be taxed for County purposes; and he shall also calculate and set down on the Roll, in a separate column, opposite to the names and lots therein, the amount with which each party or lot is chargeable for any sum or sums ordered to be levied by the Township, Village, Town or City, Municipality or Council for Township, Village, Town or City purposes, or for commutation of statute labour, the aggregate of which column shall be the whole sum to be levied for such Township, Village, Town or City purposes, and which column shall be headed "Township Rate," "Village Rate," "City Rate," or "Town Rate," as the case may be.

33. "For the purposes of this section (taxes of non-residents may be paid to County Treasurers,) it shall be the duty of the Clerk making out the Collector's Roll, to forward immediately to the County Treasurer a copy of so much of the said Roll, as shall relate to taxes on the lands of non-residents." 43. "It shall be the duty of the proper Clerk, previously to the delivery of the Collector's Roll by him to the several Collectors, to furnish the Treasurer of the Township, Village, or Town, or the Chamberlain of the City, with a correct copy of each Roll, so far as the same relates to the lands of non-residents." 46. "And the said arrears (taxes due previous to 1851,) shall be certified to the Clerk of the proper locality by the County Clerk, and shall be added to the assessment Roll, for the year 1851, and collected in like manner."

*Jury Act.* 11. "The City, Town, Village or Township Clerk of the respective Cities, Towns, Villages and Townships in Upper Canada, shall be *ex-officio* Selectors of Jurors for every such City, &c." The Selectors to meet at such place "as may for that purpose be appointed by the Head of such Corporation, or in his absence by the Clerk." 81. Clerks as Selectors are entitled to 10s. "for every selection and distribution of Jurors and the Report thereof;" and "the further sum of 5s. for bringing with him to the meeting of such Selectors the Assessment Roll of the year." See *Selectors of Jurors*.

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CLERKS. 3rd division,

Applies to Township, Village and Town Clerks *in addition* to 1st and 2nd division.

33. No Townreeve (or Deputy) "shall be entitled to take his seat in such (County) Council, until he shall have filed with the Clerk of such Council, a certificate under the hand and seal of the Clerk of the Township, Town, or Village for which he shall be entitled to sit in such Council, of his having been duly elected, and taken the oath of qualification and office." See Form G.

*Assessment Act.* 31. "For the guidance of the County Clerk, the Clerk of each Town, Township and Village, shall forthwith, after the final revision of the Assessment Roll for the same, transmit to the County Clerk a statement of the aggregate value, or yearly value (as the case may be,) of all the taxable real property, and of the amount of all the taxable personal property of such Rolls respectively, as finally revised and passed."

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CLERKS. 4th division,

Applies to City Clerks *in addition* to 1st and 2nd divisions.

103. The Clerks of the City Council "shall be Clerks of the Recorder's Court, and receive the same emoluments as now appertain to the Clerks of the Peace in Upper Canada." 101. Certain costs to be "taxed by the Clerk."

*Assessment Act.* 22. Every Male inhabitant, not otherwise assessed between the age of 21 and 60, in any City, Town or Village required to pay 10s. in lieu of Statute Labour; a list of which is to be taken by the Assessor, "and the Clerk of the Corporation shall enter their names, and the sum for which they are taxable on the Collectors Roll."

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CLERKS. 5th division,

Applies to County Clerks *in addition* to 1st division.

33. "No Townreeve shall be entitled to take his seat" in the County Council until he shall have filed with the County Clerk "a certificate, under the hand and seal of the Township, Village or Town Clerk, of his having been duly elected and taken the oath of qualification and office as such Townreeve." (See Form G.) Deputy Reeves are also required to file such a certificate, and in addition, "a copy of the Collec-

tor's roll" sworn to, "to the effect that the same is a true copy of such Roll, and that it contains the names of all the freeholders and householders of such Town, Township or Village." See Form F.

*Assessment Act.* 31. The County Clerk "shall, before the 1st day of August in each year, certify to the Clerk of each Town, Village and Township in his County the total amount to be levied therein for the current year for County purposes." 47. With certain arrears "it shall be the duty of the County Clerk of the County in which the Township then actually lies, to include the amount of such arrears of Taxes due in the Township in his list of arrears of taxes due on such lands, respectively, for the year 1851." See this section under "*Treasurer* 4th division." 48. "The several County Treasurers on or before the 1st January, 1851, shall make out and submit to the County Council a true list of lands," "on which any taxes shall then remain imposed, &c. &c.," "and the said arrears shall be certified to the Clerk of the proper locality by the County Clerk."

*School Act.* 27. The County Council to appoint annually Local Superintendents and "the County Clerk shall forthwith notify the Chief Superintendent of Schools of the appointment and address of each Local Superintendent, and of the County Treasurer and shall likewise furnish him with a copy of all proceedings of such Councils, relating to School Assessments and other educational matters." (5th) "Shall also transmit on or before the 1st day of March in each year, a certified copy of the abstract of such (Auditor's) report, and also give any explanations thereon as far as he may be able, which may be required by the Chief Superintendent."

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CLERKS. *5th division.*

Applies to Township Clerks in *addition* to 1st, 2nd and 3rd divisions.

20. "In all cases in which the Election of Councillor for any Township shall be by general vote of the whole Township;" "the Township Clerk shall be the Returning Officer." 24. "When no place is appointed by By-law, the Township Clerk" "shall appoint a place for the first meeting of the newly elected Municipality."

*School Act.* 4. "Whenever any School Section shall be formed in any Township the Clerk shall communicate to the person appointed to call the first school meeting for the election of Trustees, the description and number of such section." 12. (9.) The Clerk "is hereby required to allow any one of the Trustees, or their authorized Collector, to make a copy of such (Collector's) Roll as far as the same shall relate to their School Section." 18. "To furnish the Local Superintendent a copy of all proceedings of such Council relating to School matters, of the formation or alteration of Sections and all School Assessments."

*Election Act.* 18. "The Returning Officer in every County in Upper Canada shall appoint as his deputies;" "the Township Clerks for

the time being of the several Townships.” As the Act requires that a copy of it shall be sent to every deputy, previous to his being called upon to act in that capacity it is useless to quote any of it here.

CLERKS. *7th division,*

Applies to Village and Town Clerks in *addition* to 1st, 2nd and 3rd divisions.

59. Each Village and (77) Town to elect a Townreeve, and a Deputy Reeve, (when they have the same number of inhabitants as Townships are required to have to elect one), each required to “have a certificate under the hand and seal of the Village Clerk to the effect of their having taken the oath of qualification and office” before they are allowed to sit in the County Council. 73. “The Clerks of the Town Council of the said Town shall be the Clerks of the Police office of such Towns, and perform the same duties and receive the same emoluments as now appertain to the Clerks of Justices of the Peace in Upper Canada.”

*Assessment Act.* 22. Every male inhabitant not otherwise assessed, between the age of 21 and 60, in any Town or Village, have to pay 10s. in lieu of Statute Labour, a list of such is to be taken by the Assessor, “and the Clerk of the Corporation shall enter their names, and the sum for which they are taxable, on the Collector’s Roll.”

COLLECTOR.—See *Qualification, 1st division.*

22. For each *Township* Election the Collector “shall produce at the opening of every such Election” “either by himself or some other person a fair copy of the Collector’s Roll, made up next before such election, so far as such Roll contains the names of the householders and freeholder, of such Township (or Ward,) with the amount of the assessed value of Real Property, (See *Real Property*) for which they shall be respectively assessed on such Roll,” to be verified on oath, (See Form K.) “before a Justice of the Peace for the County; “the holder or occupier of any separate portion of of a house having a distinct communication with a street, by an outer door, shall be considered a householder.” 44. For *Police Villages* just such a copy is “to be delivered to the person appointed to preside, or to any person by him appointed to receive it.” 57. For *Incorporated Villages* the Returning Officer “shall procure” just such a copy. 65. For *Towns*, “it shall be the duty of any person having the custody of the Rolls,” “to furnish to the Returning Officer,” just such a copy. 83. For *Cities*, such a Roll “as is hereinbefore provided with respect to Towns.” 28. “Each Township Council shall so soon as conveniently may be, after their own election, appoint as many Collectors for the said Township as shall be permitted by the law.” (Assessment Act, Sec. 14, “shall be one or more at discretion,”) “who shall hold office until the third Monday in January, or until his successor be appointed.” It appears that Collectors (and Assessors) may be appointed *without* a By-law, although *all other* officers must be *by one*. 33. No deputy Reeve “shall be entitled to take his seat in the “County Council until he shall

have filed with the County Clerk, a copy of the Collector's Roll, for the previous year, verified by the oath of the Collector," sworn before some Justice of the Peace for the County, to the effect that the same is a true copy &c., [See Form F.] No mention is made as to who is to make the "copy." 29. Township and (40) County Councils are required "to finally audit and allow the accounts of the Collectors as far as such accounts relate to Township (and County) purposes." 31. (7.) Township and (41) County Councils "to settle the remuneration to be paid" to all officers. 78. Each Town Council "shall appoint (three Assessors and) one Collector for each Ward," who shall have the same duties as those of the Townships. No "Town Councillor shall be eligible." (See Section 28 above.) 134. "Nothing herein shall prevent any person from being appointed Collector for more than one Ward in any City or Town." 172. "Every Town, Village and Township Treasurer shall receive from the Collector of such, all moneys collected by such Collector for, or on account of the County Rates;" but "nothing herein contained shall in any way exonerate any such Collector from his liability or limit his liability to the County Council for any of the County Rates, whenever they shall choose to proceed against him instead of against the Corporation of such Town, Village or Township for the recovery thereof." 179. In certain cases the Sheriff may "levy an amount by rate, and command the Collector to collect it." No *direct* mention is made of the appointment of Collectors in Villages or Cities, but 59 confers on Villages, and 106 on Cities "*all the like powers*" as Townships. See *Miscellaneous*, 1st division. See *Lunatic Asylum*.

*Assessment Act.* 7. As to joint owners or occupants, "the taxes thereof may be recovered from either or from any future owner or occupant saving his resource against any other party, and if any land be owned or occupied by more than one party, then any one of them may be deemed the owner or owners, occupant or occupants, and shall be liable accordingly."

XIV. And be it enacted, That for and notwithstanding any thing in the Act last above cited, or in any Act or Law to the contrary, the number of assessors or collectors to be appointed in and for any City, Town, Village or Township, shall be one or more, in the discretion of the Municipality or Council thereof; and such Municipality or Council may in their discretion appoint the same assessor or collector to act in and for any number of wards or for the whole of any City or Town.

22. The Clerks of Cities, Towns and Villages are required to put the name of every male inhabitant not otherwise assessed on the Collector's Roll for the sum of 10s. "in lieu of statute labour," and the respective Collectors are required to collect the same.

XXXIII. And be it enacted, That every Collector upon receiving his Collection Roll, shall proceed to collect the taxes therein mentioned, and for that purpose shall call at least once on the party taxed, or at the place of his usual residence or domicile, if within the Township, Village, Town or City, in which such Collector has been appointed, and shall demand payment of the taxes charged on the property of such party: Provided always, that the taxes upon lands of non-residents in any Township in any County, may be paid to the County Treasurer, who, on being thereunto required, shall

receive the same and give a receipt therefor, specifying the amount paid, the period for which it is paid, the lot or parcel of land upon which it is paid, and the Concession and Township in which such land lies, and the date of payment; but the party making such payment to the County Treasurer shall also pay him therewith a sum equal to five per cent. on the taxes so paid, which shall be the remuneration of such County Treasurer for his trouble: And such County Treasurer shall keep an exact account of all sums so received by him, and shall pay over the same to the Treasurer of the Townships, Towns or Villages to which they shall respectively belong, before the fourteenth day of December in each year; in default whereof he may be compelled to pay over the same in the manner hereinafter provided; and on paying over such sums, he shall deliver to the Treasurer to whom they are to be paid, an account, shewing, with respect to such sums respectively, the particulars above required in the receipt given to the party paying them, and for the purpose of this Section, it shall be the duty of the Clerk making out any Collector's Roll, to forward immediately to the County Treasurer a copy of so much of the said Roll as shall relate to taxes on the lands of non-residents.

XXXIV. And be it enacted, That in case any party shall refuse or neglect to pay the taxes imposed upon him, for the space of fourteen days after such demand made as aforesaid, the Collector shall levy the same with costs, by distress and sale of the goods and chattels of the party who ought to pay the same, or of any goods or chattels in his possession, wherever the same may be found within the Township, Village, Town or City in which he is the Collector; and no claim of property, lien or privilege thereupon or thereto, shall be available to prevent the sale, or the payment of the taxes and costs out of the proceeds thereof.

XXXV. And be it enacted, That the Collector shall give public notice of the day of sale and of the name of the party whose property is to be sold, at least six days previous to the sale, by advertisement to be posted up in at least three public places in the Township, Village or Ward wherein such sale shall be made; and the sale shall be made by public auction.

XXXVI. And be it enacted, That if the property distrained shall be sold for more than the whole amount of the taxes and costs the surplus shall be returned to the party in whose possession such property was when the distress was made, if no claim to such surplus shall be made by any other party, on the ground that the property sold belonged to him, or that he is entitled by lien or privilege to such surplus; and if any such claim be made and be admitted by the party for whose taxes the same was distrained, the surplus shall be paid to such owner; but if such claim be contested, the surplus money shall be paid over by the Collector to the Township, Village, or Town Treasurer, or City Chamberlain, who shall retain the same until the respective rights of the parties shall be determined by action at law or otherwise.

XXXVII. And be it enacted, That if any party against whom any tax now is or hereafter shall be assessed in any Township, Village, Town or City, shall have removed out of the same after such assessment, and before such tax shall have been collected, or if any party shall neglect or refuse to pay any tax which now is or hereafter shall be assessed in any Township, Village, Town or City, within the County in which he shall reside, and payable by him, it shall be lawful for the Collector of such Township, Village, Town or City, to levy and collect such tax with costs, by distress and sale of the goods and chattels of the party aforesaid, in any Township, Village, Town or City, which for judicial purposes shall be within the same County, and to which such party shall have so removed, or in which he shall reside, or of any goods or chattels in his possession therein: and if in any case the taxes payable by any party cannot be recovered in any special manner provided by this Act, they may be recovered, with interest and costs, as a debt due to the City, Town, Township or Village in any competent Court in this Province; and the production of a copy of so much of the Collector's Roll as shall relate to the taxes so payable by such party, purporting to be certified as a true copy by the Clerk of such City, Town, Township or Village, shall be *prima facie* evidence of the debt: and the taxes accrued or to accrue on any land shall be a special lien on such land, having preference over any claim, lien, privilege or incumbrance of any party except the Crown, and shall not require registration to preserve it, and shall bear interest from the time they become

due, which interest shall be deemed part of such taxes: Provided always, that out of the amount recovered in any such suit, the Treasurer of the Town, Township or Village shall pay over to the Treasurer of the County, the portion [if any] appertaining to the County.

XXXVIII. And be it enacted, That the Collector shall receive the tax on any lot, piece or parcel of land separately assessed, although the taxes on others assessed against the same party be not paid, or upon any undivided part of any such lot, piece or parcel of land: provided the person paying such tax shall furnish, in writing, a statement of such undivided part, shewing also who is the owner thereof; and if the tax on the remainder of such lot, piece or parcel of land shall remain unpaid, the Collector shall enter the substance of such statement in his return to the proper Treasurer or City Chamberlain, to the end that the part on which the tax remains unpaid may be clearly known, so that such undivided part may be excepted in case of the sale of the remainder.

XL. And be it enacted, That it shall be the duty of the Collector to receive taxes upon the lands of non-residents if tendered to him within the time of his collection.

XLI. And be it enacted, That on or before the fourteenth day of December, in each year, or on such other day as the Municipal Council of the County shall have appointed, it shall be the duty of each Collector to return his Collector's Roll to the Treasurer of the Township, Village or Town, or City Chamberlain, and to pay over the amount payable to such Treasurer or Chamberlain.

XLII. And be it enacted, That if any of the taxes mentioned in the Collector's Roll shall remain unpaid, and the Collector shall not be able to collect the same, he shall deliver to the Township, Village or Town Treasurer and to the County Treasurer (or to the City Chamberlain, if the account relate to a City) an account of all the taxes remaining due on the said Roll; and in such account the Collector shall shew, opposite to each separate assessment, the reason why he could not collect the same, by inserting in each case the words "non resident," or "no property to distrain" as the case may be, and upon making oath before the Treasurer or Chamberlain that the sums mentioned in such account remain unpaid, and that he has not upon diligent enquiry been able to discover any goods or chattels belonging to or in the possession of the parties charged with or liable to pay such sums, whereon he could levy the same, he shall be credited with the amount thereof, and the said account shall be sufficient authority to the County Treasurer or City Chamberlain to proceed to sell the lands on which such taxes remain unpaid in the manner hereinafter provided.

46. Certain arrears of taxes to be made out by the County Treasurer certified by the Clerk, and "added to the Assessment Roll for the year 1851 and collected in like manner, and the proper proportions of the moneys so collected shall be accounted for and paid over to the Treasurers of the several Municipalities for the purposes for which they were originally imposed." 60. See this section under *Treasurer*. 62. "If any Collector shall make an unjust or fraudulent collection," &c., he "shall be liable to a fine not to exceed £50 [or 6 months' imprisonment]." 63. "If any Collector shall refuse or neglect to pay" to the proper officer "within 20 days after the payment ought to be made," to be proceeded against.

*School Act*. 12. The School Trustees are to employ a Collector not necessarily the Collector of taxes.

*Jury Act*. 5. Collectors exempt from serving as Jurors. See *Exemption*.

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COMMISSION TO INVESTIGATE THE ACCOUNT OF ANY CORPORATION.

181. "Upon the petition of one-third or upwards of the members of any

Corporation," the Governor may appoint a Commission "with such powers as are by law vested in Commissioners appointed under 9 Victoria chapter 38," "to enquire into the financial and monetary affairs of such Corporation," the expenses of which "to be borne by the Municipality" petitioning for it.

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CONTROVERTED ELECTIONS.

146. (Repealed by the amended Act and a long one substituted for it. 147, 148, 149, 150, 151, 152, and 153. These sections are *too* long to copy in full, and *too important* (when wanted) to be abbreviated.

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COPY OF BY-LAWS AND PROCEEDINGS.

199. The "Clerk shall be bound to furnish copies thereof (By-laws and Proceedings) at the rate of 6d. per 100 words, or at such lower rate as the Corporation shall appoint."

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CORONER. See *Qualification, 1st division.*

136. For every City and Town "one or more Coroners shall be appointed." See *Jury Act*, sections 50, 51, 52, 53 and 50. Also 13 and 14 Victoria, chapter 56.

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CORPORATION. *1st division,*

Applies *equally* to County, City, Town, Village and Township Corporations.

175. "The Corporation created by this Act in any County, City, Town, Village or Township shall be *substituted* for, and shall be in the place and stead of the Corporations theretofore existing in and for the same County, under the name of District, City, Town, Township, Village or place, by virtue of any Act or law in force immediately before the commencement of this;" and all debts due by or to such former Corporations to be paid by and to such latter ones. 108. "The Warden of each County," "Mayor of each City and Town," and the "Townreeve of each Township and Village" shall be the Heads of the respective Corporations. *Amended Act.* 15. "In case of there being an equality of votes on the Election of any Townreeve" or Mayor [no mention is made of Warden] the "member who, according to the Collector's Roll for the year next preceding" "shall be assessed for the highest amount, shall have a second and casting vote." 109. The respective Heads "shall *ex-officio* be Justices of the Peace in and for their Corporations." 110. Should any such Head "absent himself from the duties of his office (without leave by resolution,) at any one time for three months he shall vacate his office," and the members may "elect from amongst themselves a successor." 111. Any Head by *consent* "may resign his office." 112. "If any member shall be declared a Bankrupt," he "shall thereupon immediately become disqualified." 113. "The Head" [and in his absence the Chairman] and (125) "Clerk shall have power and authority to administer to any person any oath or affirmation *required* to be taken under this Act, relating to the business of the place," "*except where it shall*

be otherwise specially provided for." 116. "No Corporation shall give to any person any exclusive right," "or to require that a license to exercise the same be taken out." Ferries excepted. See *Ferries*. 121. Every person appointed "must be a naturalized or natural born subject." See *Qualification*, 1st division. 137. The members of each Corporation "shall be Health Officers" within their respective Corporations, under 5th William IV., chapter 10, and "may delegate the powers hereby conferred upon them to others." 143. At the first meeting "in each year [next after the Head?] shall appoint two Auditors," "one of whom shall be appointed on the nomination of the Head," and the other in the usual manner. See *Auditor*. 158. "All votes, resolutions and proceedings of such meetings shall be carried by the majority of the votes of the persons comprising such meeting, other than the person presiding, who in case of an equality of votes, shall have the casting vote." 166. If the office of head becomes vacant, "shall choose from amongst themselves a qualified person to fill such office." All members are "qualified" to be appointed such Head with the exception of City Councillors. The City Mayor "must be elected from amongst the Aldermen." See *Aldermen*, section 83. 167. "All Corporations" and "their officers shall hold office until their successors shall be elected or appointed and sworn into office, and the new Corporation complete." 168. At any meeting "a majority of the whole members who shall by law form such Corporation, shall be a quorum for the dispatch of business" and if the Head shall be absent, a chairman may be appointed. 169. Each Corporation "shall appoint a Clerk who shall hold office during pleasure and paid such a salary as they may appoint." 171. Also a "Treasurer (in Cities a Chamberlain) to hold office during pleasure, and paid such a salary (or percentage) as" they may appoint, who are "to give security for the faithful performance of his duties." See *Treasurers*. 172. The Municipal Corporation of each "Town, Township and Village (not City) shall be responsible to the County Council for all County Rates as shall or may be paid to the Township, Town or Village Treasurer. See *Collector*. 174. All books, &c. are considered "to be chattel property" belonging to the Corporation. See *Embezzlement*. 176 and 177. The present Corporations required to take charge of all debts due by or to any of the former Corporations for which they are substituted. See *Miscellaneous*, 2nd division. 178. By-laws passed for raising money shall not be repealed or altered until the loan is fully paid. See *Money*. 180. The Corporations in debt are required to send an annual statement thereof to the Governor. 181. "Upon the petition of one-third or upwards of the members of any Corporations," the Governor may, "if sufficient cause be shewn," "issue a Commission to enquire into the financial affairs of such." 183. Cannot act as Bankers nor give bonds to a less amount than £25. 191. May by By-law contract with any person to gravel, &c., any road, and allow toll to be collected thereon when completed. 192. Must give one month notice before stopping up any road. 193 and 194. Cannot lay out roads through "lands laid out by the department of Her Majesty's Ordnance." 195, 196 and 197. When any

private property is damaged by any road laid out by any Corporation, the damages to be awarded by arbitration. 198. "All By-laws shall be authenticated by the seal of the Corporation, and by the signature of the Head (or Chairman) and Clerk. 199. "All meetings and proceedings of any Corporation shall be held openly and so that no person shall be prevented from being present thereat *excepting where the public interest shall require the contrary.*" 179. "The Sheriff who shall receive a writ of execution against any Corporation" "shall deliver a copy to the Treasurer," and if not paid within a month afterwards, the rate is to be levied and the Collectors are compelled to collect. "The Clerk, Assessor and Collector of such Corporation shall be deemed to be the officers of the Court out of which such writ issued." 3rd Wm. IV., chapter 7, provides "That all writs and processes at law hereafter to be issued against any *Corporate body;*" "all papers and proceeding before final judgment in any such action, may be served on the President, Presiding Officer, Cashier, Secretary or Treasurer thereof."

*Assessment Act.* 5. "The property belonging to any Township, City, Town, Village or County, if occupied for the purposes thereof, or unoccupied, exempt from taxation.

LX. And be it enacted, That every Township, Village, Town or County Treasurer or City Chamberlain, and every Collector, before entering upon the duties of his office, shall enter into a bond with two or more sufficient sureties, in such sum as the Municipal Council of the County, or the Township or Village Municipality, or the Town or City Council shall require by any By-Law to be passed in that behalf, and in the manner required by such By-Law, and in conformity to all the Provisions thereof; and such sureties shall be to the satisfaction of such Municipal Corporations respectively, and such bond shall be to the Township, Village, Town, City or County, by its corporate name, and shall be conditioned for the faithful performance of the duties of such Treasurer, Chamberlain or Collector.

13 and 14 Victoria, chapter 66. "All Acts and all By-laws, Rules and Regulations of the Municipal Corporations of the Townships, Villages, Towns, Cities or of the District or County Councils imposing rates on assessments, or providing for the collection thereof," "shall be and the same are hereby repealed." See *Provisional Council.*

*School Act.* 40. "If the Corporation of any County, City, Town or Village, raise in any one year a less sum than that apportioned to it out of the Legislative School Grant, the Chief Superintendent of Schools shall deduct a sum equal to the deficiency from the apportionment on the following year."

XLV. And be it enacted, That no part of the salaries of the Chief or Local Superintendents of Schools, nor of any other persons employed, or expenses incurred, in the execution of this Act, shall be paid out of the common School fund, which shall, wholly and without diminution, be expended in the payment of Teachers' salaries, as hereinbefore provided.

*Jury Act.* 6. All Members and Officers of any Corporation exempted from serving as Jurors. See *Exemption.*

## CORPORATION, 2nd division.

Applies to City, Town, Village and Township Corporations, in addition to 1st division.

161. "The Returning Officer shall return the Poll Book to the Clerk."

162. Any person Elected "who shall neglect or refuse to accept, or to be sworn into Office," and (163,) "all vacancies which may occur by death, or otherwise, shall be filled up." See *Vacancies*. For the appointing of Returning Officers. See *Election*. 165. "If in any year there shall be no Election on the appointed day, or a requisite number of Candidates shall not have been Elected, in every such case, it shall, and may be lawful for the Members of such Corporation, or if none be Elected, then those for the next preceeding year," "to supply the deficiency by appointing" "from amongst the qualified," the full number deficient. (*Amended Act.*) 15. "In case of there being an equality of Votes on the Election of any Town Reeve or Mayor," "the Member who, according to the last Collector's Roll, shall be assessed for the highest amount shall have a second and casting vote."

*Assessment Act.* 6. "That all taxes levied under this Act, or 12, Victoria, chapter 81, or under any other Act passed or to be passed, whereby any local or direct tax shall be authorized to be levied, and when no other express provision shall be levied upon the whole rateable, real, and personal property of the locality to be taxed in proportion to the assessed value thereof, and not upon any one or more kind or species of property in particular." 10. "All taxes which shall have been levied during the present year, shall be held to be the taxes of 1850; and hereafter the taxes levied in any year shall in all cases be considered and taken to have been imposed for the then current year, commencing with the 1st January and ending with the 31st December, unless otherwise expressly provided." 11. All sums required for lawful purposes in Cities, Towns and Villages, "the taxes shall be imposed by By-Laws, declaring the yearly rate in the pound, to be levied on the yearly value of all rateable property; and the yearly value of taxable personal property, shall be held to be six per cent., on the assessed actual value thereof." 12. Whenever the amount of taxes which shall be assessed "for any purpose, shall exceed the charges for such purpose, the overplus shall remain at the credit of such Village, City, County, Town and Township," and in like Towns and Villages "shall form part of the general funds at the disposal of such Corporations." 14. "Notwithstanding any Act or law to the contrary, the number of Assessors or Collectors to be appointed in and for any City, Town, Village or Township, shall be one or more in the discretion of the Council thereof;" "may in their discretion appoint the same Assessor or Collector to act in and for any number of wards, or any City or Town." 15. "If they (City, Town, Village, or Township.) deem it expedient, may divide the same into convenient assessment districts," "and may prescribe such regulations for governing the assessors in the performance of their duties, as shall not be inconsistent with

law." 22. "The Municipality of any City, Town, Village or Township may, by By-law to operate generally and rateably, reduce, and at their discretion, increase the number of day's labour to which any such party rated on the Assessment Roll or otherwise shall be liable under this Act." See *Statute Labour*. 29. For the guidance of the Courts of Appeal "the Council of any City, Town, Village or Township, is hereby empowered to make such By-laws," &c., and the Court "shall decide in accordance with such By-law." 27. To appoint a day when the certified Assessment Roll shall be delivered to their respective Clerks. 28. To appoint five as a Court of Appeal to revise the Assessment. See *Court of Appeal*.

*License Act*. Each City, Town, Village and Township are required to make By-laws for the regulation, &c., &c., of Inns. See *Tavern License*.

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CORPORATION, 3rd division.

Applies to City, Town and Village Corporations, in addition to 1st and 2nd division.

138. "The places already established by competent authority as market places in the several Cities, Towns and Villages, shall be, and remain market places," "and all market reservations" shall be "vested on the Municipality of such City, Town or Village." 141. "It shall, and may, be lawful, for the Municipal Corporation of any Village, Town or City, to purchase" "so much real property lying as well beyond as within the limits of such," "for the purpose of one or more Cemeteries for the interment of the dead," such to be purchased in accordance with a By-Law, which is *unrepealable*. 142. They may also purchase land "for the purpose of one or more Magazines, for the deposit and safe keeping of Gunpowder." 188. "On the alteration of any Road where the Road thus altered shall not have been an original allowance for Road, or where the same shall lie within any Village, Town or City," "the site of the old Road to be sold to the Corporation." See *Highways*.

*School Act*. 21. The Town and City Councils "shall be subject to the same obligations as are the Township and County Councils," See *5th and 9th division*, with the exception of the appointment of Local Superintendents, which is to "be made by the Board of School Trustees." 24. The Board of Trustees of any Town, City, (26, or Village.) are required to lay before the Councils of such "an estimate of the sum or sums which they should judge expedient," and it is the duty of such Councils "to provide such sums, in such manner, as shall be desired by such Board." 25. "Each Incorporated Village shall possess and exercise all the powers," "with regard to levying money," &c., as City Councils.

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CORPORATIONS, 4th division.

Applies to County and Township Council in addition to 3rd division.

187. "It shall not be competent" for any Township or County

Council, "to pass any By-Law for stopping up any original allowance for Road in any Township or County," "nor on the limits of any Town, Village or City." See *Highways*.

*Assessment Act.* 11. "The sums which shall be required by law, or by any By-Law of any Township or County, for any lawful purpose, shall, and may be taxed, rated and raised upon estimate, of the amount required for any such lawful purpose for each year, in which such tax is to be levied."

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CORPORATION, 5th division.

Applies to Township Councils, in *addition* to 1st, 2nd, and 4th division.

2. "The inhabitants of each Township in Upper Canada, which shall have over 100 resident freeholders, and householders, on the Collector's Roll thereof," "shall be a body corporate." 8. "It shall, and may, be lawful," "by a vote of at least four-fifths of its Members to divide such Township into several (15. "shall be divided into five wards.") Wards," or "re-divide, or re-arrange them," &c. 9 and 10. When so divided, shall "appoint (by By-Laws,) a person," (and place,) to hold the Election for Councillor in the several Wards. 11. May divide Junior, and (13 and 14,) the remaining Townships of the Union of Townships, of which such was a part, into Wards, when they have sufficient population. 19. Until so divided "the Election for such Townships shall be by the votes of the whole Township Meeting, at a general Township Meeting. See *Election*. 24. The Township Clerk, "or in case of there being none," "then one of the Councillors returned at such Election shall; when no place is appointed for that purpose by By-law, appoint a place for the first meeting of the newly elected Municipality," to "be held on the second Monday next after such election, or if not held on that day, then, on some other day hereafter, of which appointment he shall give notice to the other Members, and at such meeting, the Councillors shall proceed to elect from amongst themselves a Town Reeve, and in Townships which shall have 500 resident freeholders and householders on the Collector's Roll, one Deputy Town Reeve for such Township, for such year." 25. May "adjourn their meetings, from time to time at their pleasure, and the Reeve, or (in case of the absence of the Reeve,) Deputy Reeve, shall have power, at any time, to summon a Special Meeting thereof." 26. All meetings "shall be held in such place, within the Township, as they shall themselves from time to time appoint by adjournment, or by By-Law." 27. "The Town Reeve (or in his absence, the Deputy,) shall preside at all meetings," and when neither present, "then some other Member." 28. "Shall so soon as conveniently may be, appoint such and so many Assessors, (see *Assessors*,) and Collectors, (see *Collectors*,) as shall, or may, be permitted be Law." (*Assessors Act*, section 14., "shall be one or more, at the discretion of such Council,") who "shall hold office until

the third Monday in January, of the year, next after their appointment, and until the Council shall appoint" others, "and in case of a vacancy," the Council shall fill it up" by a new appointment, at the next meeting." It appears that Assessors and Collectors may be appointed *without* a By-Law, although all other officers—as seen by the 31st Section—must be *by one*. 29. Each Township Council "upon the report of the Auditors," shall "finally audit and allow all accounts chargeable against the Township, and in case any charge shall not be specially regulated by Law, it shall be their duty to allow, for the same, such sums as may seem just and reasonable," also, "in like manner, audit and allow the accounts of the Township Treasurer," and "Collector, except so far as respects any County rates." 172. The Collectors are required to pay all "County Rates to the Township Treasurer, and he to pay them to the County Treasurer, and the Township Councils are "held responsible for such County Rates," consequently *all Rates*—it would appear—should be audited by the Township Councils since this alteration has been made, (*Amended Act.*) 7. The powers imposed by the 12th Vict., chapter 36., section 30 and 31 on County Council, with respect to boundary lines, "transferred to, and imposed upon the different Township Municipalities, and their Treasurers and Officers." See *Boundary Lines*. 156. All By-Laws in force "of any Municipality," on the 1st January, 1850, shall remain so, "until repealed by the *Municipality substituted by this Act for such former Municipality.*" 175. The Corporations created in any County, Town, City, Village or Township, by this Act," "shall be *substituted* for, and shall be in the place and stead of the Corporations theretofore existing, in, and for the same." Query—Can a Township Council repeal a By-Law of the late District Council? Previous to 1850 there were no Township Councils, can they therefore in *any respect* be considered as a "Municipality substituted for" such District Council? 31. Each Township Council "shall have power and authority to make By-Laws for each of the following purposes."

(1.) For the purchase and acquirement of all such real and personal property within the Township as may be required for the use of the inhabitants thereof as a Corporation, and for the sale and disposal of the same, when no longer required.

(2.) For the erection, security, preservation, improvement or repair of a Town Hall, and of all other houses and buildings required by or being upon any land acquired by or belonging to such Township as a Corporation.

(3.) For the purchase and acquirement of such real property as may be required for Common School purposes, for building Common School Houses, and for the sale and disposal of the same when no longer required, and providing for the establishment and support of Common Schools according to Law. See *School Houses*.

(4.) For the erection and establishment of one or more Public Pounds in such Township, and settling the Fees to be taken by Pound-Keepers.

(19.) For restraining and regulating the running at large of horses, cattle, sheep, goats, swine, and other animals, geese, turkeys and other poultry, and to impound or provide for the impounding of the same, and for fixing the periods of the year during which such animals or poultry shall be permitted to run at large, and those during which they shall be restrained from doing so.

(23.) For appraising the damages to be paid by the owners of horses, cattle and other animals trespassing, contrary to the By-Laws or regulations of such Township.

(24.) For causing such horses, cattle or other animals as shall be impounded, to be sold, in case the same are not claimed within a reasonable time, or in case the damages, fines and expenses shall not be paid according to such By-Laws or Regulations.

(25.) For settling the height and description of lawful fences. See *Pound Keeper*.

(5.) For the appointment, under the Corporate Seal of such Township, of a sufficient number of Pound-Keepers, Fence-Viewers, Overseers of Highways, Road Surveyors, and of such and so many other Officers as may be necessary for carrying into effect any of the provisions of this Act, or of any other Act of the Legislature of this Province, or of the late Province of Upper Canada, or of any By-Law or By-Laws of the Municipality of such Township, and in like manner to displace all or any of them and appoint others in their room, and to add to or diminish the number of them or any of them as often as the said Corporation shall see fit. See *Qualification, 1st division, and Fence-Viewers*.

(6.) For regulating and prescribing the duties of all Officers acting under the authority of the Corporation of such Township, and the penalties on their making default in the performance of such duties.

(7.) For settling the remuneration of all Township Officers in all cases where the same is not or shall not be settled by Act of the Legislature, and for providing for the payment of the remuneration by such Act of the Legislature or by the By-Laws of the said Municipality provided and appointed for all Township Officers whatsoever.

(8.) For regulating the bonds, recognizances or other securities to be given by all Township Officers for the faithful discharge of their duties; for inflicting reasonable penalties for refusing to serve in any Township Office, and for the infringement of any and every By-Law of the Municipality of the Township.

(9.) For the erection, construction or repair of such drains and water-courses as the interests of the inhabitants of such Township shall in the opinion of the Municipality require to be so erected, constructed or repaired, at the public expense of such Township,

[10.] For the opening, constructing, making, levelling, pitching, raising, lowering, gravelling, macadamizing, planking, repairing, planting, improving, preserving and maintaining of any new or existing highway, road, street, side-walk, crossing, alley, lane, bridge or other communication within such Township, and for the stopping up, pulling down, widening, altering, changing or diverting of any such highway, road, street, side-walk, crossing, alley, lane, bridge, or other communication within the same: Provided always, nevertheless, that no such new, widened, altered, changed or diverted highway, road, street, side-walk, crossing, alley, lane, bridge or other communication, shall be laid out so as to run through or encroach upon any dwelling-house, barn, stable, or outhouse or any orchard, garden, yard or pleasure ground, without the consent in writing of the owner thereof.

[16.] For granting money to the Municipal Council of the County in which such Township shall be situate, or to that of any adjoining County, to aid the making, opening, building, maintaining, widening or improving any highway, road, street, bridge or communication lying between such Township and any other Township in the same or any adjoining County, or in the making, opening, building, maintaining, widening or improving any highway, road, street, bridge or communication within such Township, assumed by the Municipal Council of the County as a county work, or agreed to be assumed by such Municipal Council on the condition of such grant.

[17.] For regulating the manner of granting to associated Joint Stock Road or Bridge Companies, to which opposition has been made in accordance with the provisions of the Act passed in the present Session of Parliament, intituled, "An Act to authorize the formation of Joint Stock Companies, for

the construction of Roads and other works in Upper Canada," permission to proceed with any Roads or Bridges within the jurisdiction of such Municipality, and the manner of afterwards ascertaining and declaring according to law the completion of the works undertaken by such Companies respectively, so as to entitle such Incorporated Companies to levy tolls upon such works, and of all examinations, enquiries and investigations necessary for the proper, efficient and judicious exercise of such power.

[18.] "For taking stock in or lending money to any Incorporated Road or Bridge Company to which such Municipality shall have granted a license to proceed with such work, in accordance with the requirements of the Statute in that behalf, or in or to any other such Incorporated Road or Bridge Company, in whose Road or Bridge the inhabitants within the jurisdiction of such Municipality shall, in the opinion of such Municipality, be sufficiently interested to warrant them in taking such stock or lending such money for the advancement of such enterprize. All dividends, interest and proceeds to arise or be received from such stock or loan being at all times applicable to the general purposes of such Municipality, and to go in reduction of the rates required to be levied for such purposes. See *Highways*,

[11.] 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 in his default by the overseer of highways or other officer in whose division such land shall lie, such timber to be removed by the proprietor within a time to be appointed by the By-Law, or or in his default by such overseer of highways or other officer, in which last mentioned case it may be used by the overseer or other officer as aforesaid, for any purpose connected with the improvement of the highways and bridges in his division, or sold by him to defray the expenses incurred in carrying the By-Law into effect; Provided always, that no such By-Law shall authorize or compel the cutting down of any orchard or shrubbery, or of any trees planted expressly for ornament or shelter.

[12.] For the protection and preservation of any timber, stone, sand or gravel, growing or being upon any allowance or any appropriation for any public road or roads within such Township, and for the sale of any timber growing or being upon any road allowance, if thought proper by the Council.

[13.] For regulating the driving and riding on or over any bridge erected or to be erected within such Township. See *Bridges*.

[14.] For regulating inns, taverns, ale houses, victualling houses, ordinaries, and all houses where fruit, oysters, clams, victuals or spirituous liquors, or any other manufactured beverage may be sold, to be eaten or drunk therein, and all other places for the reception and entertainment of the public within the jurisdiction of the Corporation of such Township, and to limit the number of them, and in all cases when there exists no other provision by law for the licensing of such houses, to provide for the proper licensing of the same, at such rates as to the Corporation of such Township may seem expedient; the proceeds of such license, in cases not otherwise appropriated by law, to form part of the public funds of such Township, and to be disposed of as the said Corporation may consider advisable. See *Tavern License*.

[20.] For imposing a tax on the owners, possessors or barbonners of dogs; for regulating the manner in which such dogs may be allowed to run at large, or for preventing such dogs from being allowed to run at large at improper times, and for killing and destroying such as are found running at large contrary to such By-law. See *Dogs*.

[21.] For the destroying and suppressing the growth of weeds detrimental to good husbandry.

[22.] For preventing, restraining or regulating exhibitions of wax figures, wild animals, puppet shows, wire-dancing, circus-riding, and other idle acts or feats which common showmen, circus-riders, mountebanks or jugglers usually exhibit, practice or perform, and requiring the payment of a sum not exceeding five pounds to the Township Treasurer before any and every such exhibition shall be allowed to be held or to take place; for imposing a fine upon the proprietors or persons in charge of such exhibition, in case they

shall exhibit without such payment, and for the levying thereof by summary distress to be lield upon the goods and chattels of such showmen, or belonging to such exhibition, whether the owners shall be known or not, or for the imprisonment of the parties offending, for any time not exceeding one calendar month, and for the appropriation of such sums as may be received or recovered under any regulation or By-law to be passed for that purpose.

(26.) For procuring, in case the same hath not been already done, the ascertaining and establishment by public authority according to law, of the boundary lines of each Township, and providing for the periodical inspection and preservation of the durable monuments by law required to be erected for evidencing the same, and for procuring the necessary estimates, and making the necessary application for the same according to law. See *Boundary Lines*.

(27.) For empowering the landholders in each Township, to compound for the Statute labour by them respectively performable, for any term not exceeding five years, at any rate not exceeding two shillings and six pence for each day's labour, and at any time before the labour compounded for ought to be performed, and by any such regulations to direct to what officer in each Township such composition money shall be paid, and how such money shall be applied and accounted for, and to regulate the manner and the divisions in which the Statute Labour shall be performed.

(28.) For enforcing the performance of Statute or Road Labour, or payment of a commutation in money therefor. See *Statute Labour*.

(29.) For the imposing and collecting by distress and sale of the goods and chattels of the offender or offenders reasonable penalties and fines, not exceeding in any case £5 currency, and reasonable punishment by imprisonment either in any Lock-up House in any Town or Village situate within the Township or in the County gaol or House of Correction for any period not exceeding twenty days, for the breach of all or any of the By-laws or regulations of such Municipality.

(31.) For raising, levying, collecting and appropriating such moneys as may be required for all or any of the purposes aforesaid, either by way of tolls to be paid on any Township bridge, road, or other Township work, to defray the expense of making, repairing, or maintaining the same, or by means of a rate or rates to be assessed equally on the whole rateable property of such Township, liable to assessment according to any law which shall be in force in Upper Canada, concerning rates and assessments.

(32.) For making such other local regulations not contrary to any law of this Province, or to any By-law of the Municipal Council of the County within which such Township shall lie, and which shall by law extend to and be in force within such Township, as the good of the inhabitants of such Township may in their opinion require.

(33.) For the repeal, alteration or amendment, from time to time, of all or any of such By-laws, and the making others in lieu thereof, as to them may seem expedient for the good of the inhabitants of such Township.

*School Act.* 18. It shall be the duty of the Municipality of each Township in Upper Canada:—

(1.) To levy such sum, by assessment, upon the taxable property in any school section, for the purchase of a school site, the erection, repairs, renting and furnishing of a school-house, the purchase of apparatus and text-books for the school, books for the library, salary of the teacher, as shall be desired by the Trustees of such school-section, on behalf of the majority of the freeholders or householders at a public meeting called for such purpose or purposes, as provided for by the twelfth section of this Act: Provided always, that such Municipality may, if it shall judge expedient, grant to the Trustees of any school section, on their application, authority to borrow any sum or sums of money which may be necessary for the purposes herein mentioned, in respect to school-sites, school-houses and their appendages, or for the purchase or erection of a Teacher's residence, and cause to be levied upon the taxable property in such section, such sum in each year as shall be necessary for the payment of the interest thereon, and as shall be sufficient to pay off the principal within ten years.

[2.] To levy at its discretion, such sum or sums as it shall judge expedient for procuring the site and for the erection and support of a Township Model School, and for purchasing books for a Township Library, under such regulations as shall be provided according to law: Provided always, that the members of the Township Municipality shall be the Trustees of such Model School, and shall possess the powers of Common School Trustees in respect to all matters affecting such Model School: Provided also, that the Trustees of any one or more Common Schools shall have authority, at their discretion, and with the consent of such Council, to merge their School or Schools, into such Model School; and provided likewise, that tuition to student-teachers in such Model School shall be free.

[3.] To form portions of the Township, where no Schools have been established, into School Sections; to appoint a person in each new School Section to call the first School Section Meeting; and to cause such person to be notified in the manner prescribed in the fourth Section of this Act.

[4.] To alter any school section already established, and to unite two or more school sections into one, at the request of the majority of the freeholders or householders in each of such sections, expressed at a public meeting called by the Trustees for that purpose: Provided always, that the first election of Trustees in such section, consisting of two or more sections united, shall be appointed and held in the same manner as is provided for in the fourth section of this act in respect to a new school section; Provided secondly, that any alteration in the boundaries of a school section shall not go into effect before the twenty-fifth day of December next after the time when it shall have been made; nor shall any step be taken towards the alteration of the boundaries of any school section, nor any application be entertained for that purpose, unless it shall clearly appear that all parties affected by such alteration have been duly notified of such intended step or application: Provided thirdly, that the several parts of such united or altered school sections shall have the same claim to a share of the Common School Fund, to which they would have been entitled, had they not been altered or united: and provided fourthly, that any school site, or school-house, or other school property which shall not be required in consequence of such alterations or union of school sections, shall be disposed of, by sale or otherwise, in such a manner as a majority of the freeholders or householders in the altered or united school sections shall think proper, at a public meeting called for that purpose, and the proceeds shall be applied to the erection of a new school-house, or Common School purposes of such united or altered sections; except that the inhabitants transferred from one school section to another, shall be entitled, for the Common School purposes of the section to which they are attached, to such a proportion of the proceeds of the disposal of such school-house or other Common School property, as the assessed value of their property bears to that of the other inhabitants of the school section from which they shall have been separated: Provided fifthly, that Union school sections, consisting of parts of two or more Townships, may be formed and altered, [under the conditions prescribed in this clause in respect to alterations of other school sections.] by the Reeves and Local Superintendent or Superintendents of the Townships out of parts of which such sections are proposed to be formed, at a meeting appointed for that purpose by any two of such Town Reeves; of which meeting the other party or parties authorized to act with them shall be duly notified; Provided sixthly, that each Union School Section composed of portions of adjoining Townships, shall, for all purposes of Trustee elections and control, be deemed one school section, and shall be considered, in respect to superintendence and taxing for the erection of a school-house, as belonging to the Township in which the school-house may be situated.

[5.] To cause the Clerk of such Township, to furnish the Local Superintendent of Schools with a copy of all the proceedings of such Council relating to the formation or alteration of school sections, all School assessments and other educational matters.

19. "On the application in writing of twelve or more resident heads of families," required "to authorize the establishment of one or more

separate schools for the Protestants, Roman Catholics or Coloured people, and in such case it shall prescribe the limits of the division or section for such School," and appoint a person to hold the first School meeting for the election of Trustees. "No Protestant separate school shall be allowed in any division except where the Teacher is a Roman Catholic," and *vice versa*. 20. "Whenever the majority of the residents of the several sections in any Township, at a public meeting called by the Trustees for that purpose, shall desire to abolish local School section divisions and have all the schools conducted under one system and one management," the Township Council "shall have authority to comply with their request thus expressed, by passing a By-law to that effect." 43. The Legislative School grant payable to the *County* Treasurer "on or before the 1st day of July in each year."

CORPORATIONS. *6th division*

Applies to Incorporated Village Councils *in addition* to 1st, 2nd, and 3rd divisions.

59. Each Village Corporation "shall be formed in like manner as Township Councils, and shall have such *powers, duties, and liabilities*, with and in respect to such Village, as Townships shall have with and in respect to such Townships," and the "Townreeve and Deputy Townreeve (when, from the number of freeholders and householders on the Roll, such Village shall be entitled to elect a Deputy) and other officers" shall also "have the like powers and duties," (see *Miscellaneous, 1st division*.) consequently the next first above division is applicable to Villages. 53. There shall be elected at the *same time*, by the *same description* of voters, in the *same* manner, the *same* number of Councillors as in Townships. This is contradictory—as far as voters are concerned—to the 57th section, for by it Village Voters are required "to have been assessed" "to the value of £12 10s.," whereas no amount is mentioned as being necessary for a Township Voter. See *Election*. 115. Upon the petition of the Village Council the Governor may "add to its boundaries." 172. Village Councils are responsible to the County Councils for all County rates raised within the Village. See this section under *9th division*.

LX. Each Village shall, *moreover*, (or in *addition* to those of the Township) have power and authority to make By-laws for the following purposes:—

[1.] For the opening, constructing, making, levelling, pitching, raising, lowering, gravelling, macadamizing, planking, paving, flagging, repairing, planting, improving, preserving and maintaining any new or existing high way, road, street square, side-walk, crossing, alley, lane, bridge or other communication or any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water and the shores and banks thereof within the jurisdiction of the Corporation of such Village, and for the entering into, performing and executing any arrangement or agreement with the Municipal Corporation of the County or Counties in which such Village may lie for the execution of any such work at the joint expense and for the joint benefit of the Municipal Corporations of such County or Counties, and of such Village and the people they represent; and for the stopping up, pulling down, widening, altering, changing or diverting of any such highway, road, street, bridge, or communication within the same: Provided always, nevertheless,

that no such new, widened, altered, changed or diverted highway, road, street, sidewalk, crossing, alley, lane, bridge, or other communication shall be laid out so as to run through or encroach upon any dwelling house, barn, stable, or out house, or any orchard, garden, yard or pleasure ground, without the consent in writing of the owner thereof.

[2.] For regulating or preventing the encumbering, injuring or fouling of any such highway, road, street, square, side-walk, crossing, alley, lane, bridge or other communication, and of any such wharf, dock, slip, drain, sewer and shore, bay, harbour, river or water by any animals wheel-barrows, cabs, carts, carriages or other vehicles, vessels, craft, lumber, stone, building or other materials or things whatsoever, or in any other manner whatsoever.

[3.] For directing and requiring the removal at any time of any door-steps, porches, railings or other erections, projections or obstructions whatsoever which may project into or over the boundary lines of any such highway, road, street, square, sidewalk, crossing, alley, lane, bridge or other communication, or of any such wharf, dock, slip, drain, sewer, shore, bay, harbour, river and water, or the shores and banks thereof, at the expense of the proprietor or occupant of the real property in or near which such projection or obstruction may be found.

[4.] For surveying, by competent persons, and fixing, marking, determining and settling the boundary lines of such highways, roads, streets, squares, alleys, lanes, bridges, or other communications, and of all such public wharves, docks and slips, for giving names to the same, and affixing such names on boards or otherwise on the houses at the corners of the same.

[5.] For granting to the county or counties in which such Village shall be situate, by way of loan, or otherwise, such sum or sums of money, in aid of such other moneys as may be raised by the Municipal Corporation of such County or Counties, or by voluntary subscriptions, for or towards the making, opening, or erecting of any new road or bridge on the bounds of such Village.

[6.] For regulating and managing any existing market, and for establishing, regulating, and managing any new market, for preventing the selling or vending by retail in the public highways, any meat, vegetables, fruit, cider, beer or other beverage whatsoever; for regulating the place and manner of selling and weighing butchers' meat, hay, straw, fodder, wood, lumber and fish; for restraining and regulating the purchase and manner of selling all vegetables, fruit, country produce, poultry, and all other articles or things, or animals exposed for sale, or marketed in the open air; for preventing the forestalling, regrating, or monopoly of market grains, meats, fish, fruits, roots and vegetables; for restraining and regulating the purchase of any such things by hucksters or runners living within such Village or within one mile distant from the outer limits thereof: for regulating the measurement, length and weight of coal, lime, shingles, laths, cordwood, and other fuel; and for imposing penalties for light weight, or short count or measurement in any thing marketed; for appointing inspectors for regulating weights and measures in the markets, and within such Village according to the lawful standard, and for visiting all places wherein weights and measures, steelyards or weighing machines of any description are used within such Village, and for seizing and destroying such as are not according to such Standard; and for imposing and enforcing the collection of penalties upon any person or persons therein who shall be found in the possession of unstamped or unjust weights, measures, steelyards or other weighing machines, for regulating all vehicles, vessels and other things in which any thing may be exposed for sale or marketed in any highway, street or public place, and for imposing a reasonable charge or duty thereon, and establishing the mode in which it shall be paid; for seizing and destroying all tainted and unwholesome meat, poultry, fish, or articles of food; and for distraining butchers' meat for the rent of market stalls, and for selling the same after six hours' notice. See *Weights and Measures*.

[7.] For regulating any harbour lying within the limits of such Village, and the vessels, crafts and rafts arriving in it; for imposing and collecting such reasonable harbour dues thereon as may serve to keep such harbour in good order, and provide for the payment of a Harbour Master, and the erec-

tion and maintenance of the necessary beacons therein; for regulating and providing for the erection and rent of wharves, piers and docks in the said harbour, and for preventing the filling up or encumbering of any such harbour.

[8.] For regulating the assize of bread, and preventing the use of deleterious materials in the making thereof: and for providing for the seizure and forfeiture of bread baked contrary thereto.

[9.] For enforcing the due observance of the Sabbath; for preventing vice, drunkenness, profane swearing, obscene language, and any other species of immorality and indecency in the streets or other public places, and for preserving peace and good order; for preventing the excessive beating or cruel and inhuman treatment of animals on the public highways of such Village; for preventing the sale of any intoxicating drink to children, apprentices or servants without the consent of their legal protectors; for suppressing and imposing penalties on the keepers of low tipping houses and houses of ill fame visited by dissolute and disorderly characters; for licensing and regulating victualling houses or other houses of refreshment where spirituous liquors are not sold; for the regulation of all public billiard tables, and for licensing, regulating, or preventing bowling alleys or other places of amusement; for regulating or preventing, restraining or suppressing horse-racing and gambling houses, and for entering into them and seizing and destroying faro-banks, rouge-et-noir, and roulette-tables, and other devices for gambling; for restraining and punishing all vagrants, drunkards, vagabonds, mendicants and street beggars, and all persons found drunk or disorderly in any street or public place in such village; for restraining or regulating the licensing of all exhibitions of natural or artificial curiosities, theatres, circuses, or other shows or exhibitions kept for hire or other profit.

[19.] For regulating inns, taverns, ale houses, victualling houses, ordinaries and all houses where fruit, oysters, clams, victuals or spirituous liquors, or any other manufactured beverage may be sold, to be eaten or drunk therein, and all other places for the reception and entertainment of the public, within the jurisdiction of the Corporation of such Village, and to limit the number of them, and in all cases when there exists no other provision by law for the licensing of such houses, to provide for the proper licensing of the same, at such rates as to the Corporation of such Village may seem expedient, the proceeds of such license, in cases not otherwise appropriated by law to form part of the public funds of such Village, and to be disposed of as the said Corporation may consider advisable. See *Tavern License*.

[10.] For abating and causing to be removed all public nuisances; for regulating the construction of privy vaults; for causing vacant lots in central situations when they become nuisances to be properly enclosed; for regulating or preventing the erection or continuance of slaughter houses, gas works, tanneries, distilleries or other manufactories or trades which may prove to be nuisances; for preventing the ringing of bells, blowing of horns, shouting and other unusual noises in the streets and public places; for preventing or regulating the firing of guns or other fire arms; for preventing or regulating the firing or setting off of fire balls, squibs, crackers or fire-works; for preventing or regulating the washing or bathing in any public water in or near such Village; for preventing and punishing parties engaged in charivaries and other like disturbances of the peace; for preventing any indecent public exposure of the person, or other indecent exhibition whatsoever; for preventing profane swearing and the use of blasphemous, obscene or indelicate language.

[11.] For establishing, maintaining and regulating one or more public lock-up houses in and for such Village for the detention and imprisonment of not more than 10 days, under any of the By-laws of such Village, and of all other persons lawfully detained in custody for examination before a Justice of the Peace or other competent authority on any charge of having committed any offence against the law or the By-laws of such Village, or detained for the purpose of his transmission to any common gaol or house of correction upon commitment or otherwise, either for trial or in the execution of any sentence that may have been passed upon him, either by a

Justice of the Peace or other competent authority in that behalf. See *Look-up* *Номаса*.

[12.] For the establishing, protecting and regulating of public fountains, wells, pumps, cisterns, reservoirs and other conveniences for the supply of good and wholesome water or for the extinguishment of fires, and to make reasonable charge for the use thereof; and for preventing the waste and fouling of public water.

[13.] For regulating the keeping and transporting of gunpowder and other combustible or dangerous materials; and for erecting, regulating and providing for the support by fees of a Village Magazine for the storing of gunpowder belonging to private parties, and for compelling persons to store therein; for preventing or regulating the use of fire, lights or candles in livery or other stables, cabinet-makers and carpenters' shops, and combustible places; for preventing or regulating the carrying on of manufactories or trades dangerous in causing or promoting fire; and for regulating the mode of removal, and requiring the safe keeping of ashes in proper deposits; for regulating, removing or preventing the construction of any chimney, flue, fire-place, stove, oven, boiler or other apparatus or thing in any house, manufactory or business which may be dangerous in causing or promoting fire; for regulating the construction of chimneys as to the dimensions and thickness, and the carrying of the same to a proper height above the roofs of buildings, and for enforcing the proper sweeping or cleaning of the same by licensed or other chimney sweepers; for guarding against the calamities of fire by regulating and enforcing the erection of party walls; for compelling owners and occupants of houses to have scuttles in the roofs and stairs and ladders leading to the same, and for authorising the officer to be appointed for that purpose to enter at all reasonable times or hours upon the property of any party subject to such regulations for the purpose of ascertaining that the same properly are obeyed; for requiring the inhabitants of such Village to provide so many fire buckets, in such manner and time as they shall prescribe, and for regulating the examination of them, and the use of them at fires; for regulating the conduct and enforcing the assistance of the inhabitants present at fires, and the preservation of property thereat; for making regulations for the suppression of fires and the pulling down or demolishing of adjacent houses, buildings or other erections for that purpose; for purchasing and establishing and regulating Fire, Hook, Ladder, and property saving Companies; for providing medals or rewards for persons who shall distinguish themselves at fires, and for assisting the widows and orphans of persons who may be killed by accidents occurring at such fires.

[14.] For entering into and examining all dwelling houses, warehouses, shops, yards and outhouses, for ascertaining whether any such places are in a dangerous state, with respect to fire or otherwise, and for directing them to be put in a safe and secure condition; for appointing fire wardens and fire engineers; for appointing and removing firemen; for making such rules and regulations as may be thought expedient for the conduct of such Fire Companies, Hook and Ladder Companies and Property Saving Companies as may be raised with the sanction of the Corporation of such Village.

[15.] For providing for the health of the Village and against the spreading of the contagious or infectious diseases; for regulating the interment of the dead, and for directing the returning and keeping of bills of mortality; and for imposing penalties on physicians, sextons and others for default in the premises; and for providing and regulating one or more Public Cemeteries for the interment of the dead.

[16.] For laying out, improving and regulating any Public Cemetery for the burial of the dead that they may obtain and establish for such Village, and for selling or leasing such portions thereof as they may think proper, and for declaring in the conveyance thereof to the purchasers or lessees, the terms on which such portions are to be held, and for making such other regulations for the improvement, ornament and protection of such Cemetery as they may think necessary and proper. See *Cemeteries*.

[17.] For preventing the immoderate riding or driving of horses or cattle in any of the public highways or streets of such Village; and for preventing the leading, riding or driving of horses or cattle upon the side-walk of the streets of such Village, or other improper places therein.

[18.] For regulating or preventing the fishing with nets or seines, the use of fishing lights, or the erection or use of weirs for eels or other fish in any harbour, river or public water within the limits of the jurisdiction of the Corporation of such Village.

[20.] For preventing the injuring or destroying of trees planted or growing for shade or ornament in such Village, and for preventing the pulling down or defacing of sign boards.

[21.] For borrowing under the restrictions, and upon the security herein-after mentioned, all such sums of money as shall or may be necessary for the execution of any Village work within the jurisdiction and the scope of the authority by this Act conferred upon them. See *Money*.

[22.] For raising, levying and appropriating such moneys as may be required for all or any of the purposes aforesaid, by means of a rate or rates to be assessed equally on the whole rateable property of such Village, according to any law which shall be in force in Upper Canada, concerning rates and assessments.

[23.] For making all such other By-laws as may be necessary and proper for carrying into execution the powers herein vested or hereafter to be vested in the Corporation of such Village, or in any Department or Office thereof, for the peace, welfare, safety and good government of such Village, as they may from time to time deem expedient, such By laws not being repugnant to this or any other Act of the Parliament of this Province or of the Parliament of Upper Canada, or to the general laws of that part of this Province: Provided always, nevertheless, firstly, that no person shall be subject to be fined more than five pounds, exclusive of costs, or to be imprisoned more than thirty days for the Breach of any By-law or regulation of such Village: And provided also, secondly, that no person shall be compelled to pay a greater fine than ten pounds for refusing or neglecting to perform the duties of any Municipal office when duly elected or appointed thereto.

[24.] For the repeal, alteration or amendment from time to time of all or any of such By-laws and the making others in lieu thereof, as to them may seem expedient, for the good of the inhabitants of such Village.

*School Act.* 25. Villages "shall possess and exercise all the powers and be subject to the same obligation with regard to levying and raising moneys for common School purposes, &c., as Cities." (See 8th division.)

CORPORATION. *7th division,*

Applies to Town Corporations in *addition* to 1st, 2nd, and 3rd divisions.

67 and 80. Town Councils and Councillors "shall have all such powers, duties and liabilities within and in respect to such Town, as Village Corporations (and Councillors) shall have in respect to such Village," and the "Mayor and other officers shall have the like powers and duties, &c." "as the Townreeve and other officers" of Villages (see next above division.) 84. "Whenever any Town" "shall be found by the census returns (taken every *fifth* year from 1850) to contain more than 15,000, then, on the petition of such Town Council" the Governor may erect such into a City. 66. "On the second Monday next after the yearly Election" the newly elected Councillors, (see *Election*) "shall meet and choose from amongst themselves a Mayor for such town, who shall have the same powers as Village Reeve." (See *Head, 4th division.*)

The Mayor and Councillors shall form the Town Council, and the said first meeting shall be held where the "Town Council shall have held their usual meetings." 68. The County buildings "of the County within the limits of which such Town shall be situate, shall be and continue to be" those for the town, so in like manner the several County officers. 69. "There shall be in every such Town a Police Office at which it shall be the duty of the Police Magistrate, (in his absence the Mayor or at his request "any Justice of the Peace having jurisdiction in such Town") to attend daily or at such times as may be necessary for the disposal of the business to be brought before him as a Justice of the Peace for such Town." (See *Police Magistrate*.) 70. Police Magistrate to "be appointed by the Crown" but "shall not in the first instance be appointed, until the Council shall have communicated with the Governor General" that such an officer is wanted. 74. There shall be "one Chief Constable, and one or more Constables for each Ward of such town." (See *Constable*.) 75. The Governor may "appoint any number of Justices of the Peace for such Town." 77. Shall "select from amongst themselves one Townreeve" and one Deputy, if there are over "500 resident freeholders and householders on the Collector's Roll." 78. "Shall appoint three Assessors and one Collector for each Ward." (As to the number, repealed by Assessment Act, 14, "one or more at discretion.")

LXXXI. And be it enacted, That the Town Council of each of the Towns, which shall be or remain unincorporated under the authority of this Act, shall moreover have power and authority to make By-laws for each or any of the following purposes, that is to say :

[1.] For establishing and regulating a Police for such Town; for establishing and regulating one or more Alms-houses and Houses of Refuge for the relief of the poor and destitute; for erecting and establishing and also providing for the proper keeping of any work-house or House of Correction that may hereafter be erected in and for such Town; for regulating the erecting of buildings and preventing wooden buildings from being erected in thickly built parts of such Towns.

[2.] For the purchase of such lands as they may deem necessary for the purpose of an Industrial Farm for such Town, of not less than two hundred acres in extent, within such convenient distance of such Town as they may deem expedient, and for erecting or building thereon, such houses, buildings, yards and other inclosures as may be deemed proper for the purposes of such farm.

[3.] For defraying out of the funds of such Town, if necessary, the expense of lighting the same or any part thereof with gas, oil, or other substances, and the performance of any kind of work required for the purpose, and for obliging the proprietors or occupiers of real property to allow such work to be done, and such fixtures placed in or about the premises as may be necessary for that purpose; such work and fixtures to be done at the expense of such Town.

[4.] For regulating and licensing the owners of Livery Stables, Horses, Cabs, Hackney-coaches, Omnibusses, Carts and other Carriages used for hire in such Town, and for establishing the rates of pay or hire, and to compel in a summary manner the prompt payment of the lawful fare or hire to the owner or driver of such Horses, Cab, Hackney-coach, Carts and other Carriages by the parties hiring or using the same, and for preventing Runners, Stage-drivers and others in the streets or public places from soliciting and teasing passengers and others to travel in any boat, vessel, stage or other vehicle.

[5.] For assessing the proprietors of such real property in any such Town as may be immediately benefitted by such improvements, for such sum or sums as may at any time be necessary to defray the expense of making or repairing any common sewer, drain, flagging, posts or pavement in any public highway, street, square or place immediately opposite or near to such real property, and for regulating the time and manner in which such assessment shall be collected and paid.

[6.] For raising, levying at and upon the petition of two-thirds or upwards of the freeholders and householders resident in any particular street, square, alley or lane of such Town, such sum or sums of money as may be necessary to defray the expense of sweeping and watering such street, square, alley or lane by means of a special rate to be assessed equally on the whole rateable property in such street, square, alley or lane.

[7.] For borrowing under the restriction and upon the security herein-after mentioned, all such sums of money as shall or may be necessary for the execution of any Town work within their jurisdiction and the scope of their authority by this Act conferred upon them. See *Money*.

[8.] For raising, levying, and appropriating such moneys as may be required for all or any of the purposes aforesaid, by means of a rate to be assessed on the whole rateable property in such Town according to any law which shall be in force in Upper Canada concerning rates and assessments.

[9.] For making all such laws as may be necessary and proper for carrying into execution the powers herein vested or hereinafter to be vested in the corporation of such Town, or in any department or office thereof, for the peace, welfare, safety and good government of such town as they may from time to time deem expedient, such laws not being repugnant to any other Act of the Parliament of this Province, or of the Parliament of Upper Canada, or the general laws of that part of this Province: Provided always nevertheless, firstly, that no person shall be subject to be fined more than five pounds, exclusive of costs, or to be imprisoned more than thirty days for the breach of any By-law or Regulation of such Town: And provided also, secondly, that no person shall be compelled to pay a greater fine than £20 for refusing or neglecting to perform the duties of any Municipal office when duly elected or appointed thereto.

[10.] For the repeal, alteration, or amendment, from time to time, of all or any of such By-law or By-laws, and the making others in lieu thereof, as to them may seem expedient for the good of the inhabitants of such Town. See *Towns*.

*School Act*. See 1st and 3rd division.

#### CORPORATION. *8th division,*

Applies to City Corporations in *addition* to 1st, 2nd, and 3rd divisions.

82. The Corporate powers of Cities "exercised by, through, and in the name of the Mayor, Aldermen and Commonalty of each such City," "with all the duties powers, liabilities, &c., as Towns." (See next above *division*.) except in so far as such powers may be hereby increased, lessened or modified." 83. For "every Ward within the limits of such City there shall be chosen" (see *Election*, 5th division) "two Aldermen and two Councillors," and "the Mayor of such City shall be elected from amongst the Aldermen thereof." 85. "Each City shall, for all Municipal purposes, and such judicial purposes as are herein specially provided for, but no other, be a County of itself," but not to prevent the County Council from "holding their sittings keeping their public offices, and transacting all their business" &c. in such City. 96. No Justice of the Peace of the County "shall, as such, either have or exercise any jurisdiction over

offences committed within such City." 80. Each City "besides a Chief Constable (and Constables) as is provided with respect to Towns;" (see *Chief Constable*) shall appoint one High Bailiff (see *Bailiff*), who shall be appointed annually," and if "they shall deem it expedient so to do, provide that the office of High Bailiff and Chief Constable may be united and held by one and the same person." 89. May "from time to time, as it may seem expedient, erect any part of the liberties contiguous to such City, as their boundaries shall be at the time, into one or more outer Wards. 90 and 91 Makes provision for the enlargement of any City boundaries. See *Wards*. 92. The Gaol, Court House, and House of Correction of the County "shall be and continue to be the Gaol, Court House and House of Correction of such City," also all their officers "until such City Council shall otherwise direct." 93. Each City, "besides a Police Office and Magistrate, as provided with respect to Towns (with the "like powers") there shall, moreover, be a Court of Record, which "shall be called the Recorder's Court." See *Recorder's Court*. 104. "A Recorder shall not in the first instance be appointed by any such City, until after they have communicated to the Governor General" that such an officer is required, and may (105) "in any such communication declare their opinion that the office of Recorder and Police Magistrate may be vested in the same person;" "in every such case the same person shall be appointed to both such offices," until the Council shall, "by a further communication," express a wish for them to be held separately. See *Recorder*. 139. It shall be lawful for any City to "have and hold" (or "dispose") any "landed property beyond the limits and liberties thereof, as shall or may be necessary for the purpose of an Industrial Farm." By section 81, below, it provides that such Farm "shall not be less than 200 acres." 117. "Whenever there shall be a Police Magistrate" the granting of Licenses to Inn-keepers, &c., "shall be vested in and belong to such Police Magistrate;" if there is no Police Magistrate, such power "shall be vested in and belong to the Mayor." See *Tavern License*. 106. Each City Council "shall have all and singular the powers and authorities within such City," as Town Councils (see *7th division*), have with respect to Towns, and (107) "shall moreover have power and authority to make By-laws for each of the following purposes:"—

[1.] For erecting and establishing and also providing for the proper keeping of a City Hall, Court House, Gaol, House of Correction and House of Industry, in, and for such City, and the Liberties thereof, and appointing the Inspectors of any such House of Industry.

[2.] For regulating, in their discretion, the erecting of buildings and preventing wooden buildings and wooden fences from being erected in such City.

[3.] For borrowing under the restrictions and upon the security herein-after mentioned, all such sums of money as shall, or may be necessary, for the execution of any city work within their jurisdiction, and the scope of the authority by this Act conferred upon them. See *Money*.

[4.] For raising, levying, and appropriating such moneys as may be required for all or any of the purposes aforesaid, by means of a rate to be assessed equally on the whole rateable property of such City, according to any law which shall be in force in Upper Canada, concerning rates and assessments.

[3.] For making all such laws as may be necessary and proper for carrying into execution the powers herein vested, or hereafter to be vested in the Corporation of such City, or in any department or office thereof, for the peace, welfare, safety, and good government of such City, as they may from time to time deem expedient, such laws not being repugnant to this or any other Act of the Parliament of this Province, or of the Parliament of Upper Canada, or to the general laws of this part of this Province; Provided always, nevertheless, firstly, that no person shall be subject to be fined more than five pounds exclusive of costs, or to be imprisoned more than thirty days for the breach of any By-law or Regulation of such City: And provided also, secondly, that no person shall be compelled to pay a greater fine than twenty pounds, for refusing or neglecting to perform the duties of any municipal office, when duly elected or appointed thereto.

[6.] For the repeal, alteration or amendment, from time to time, of all or any of such By-laws, and the making others in lieu thereof as to them may seem expedient for the good of the inhabitants of such City.

*School Act.* See 1st and 3rd divisions.

CORPORATION. *9th division,*

Applies to County Corporations in *addition* to 1st and 4th division.

33. "The Townreeves and Deputy Townreeves of the several Townships, Villages and Towns," "shall constitute the County Council," but neither of such "shall be entitled to take his seat in such County Council, until he shall have filed with the Clerk" (County,) "a certificate under the hand and seal of the Clerk of the Township, Town or Village," for which he was elected, "of his having been duly elected and taken the oath of Qualification and office as such Townreeve," (see Form G.) in *addition* to which the Deputies must "*also* file a copy of the Collector's Roll for such Township, Town, or Village for the previous year, verified by the affidavit of the Collector." See *Head, 5th division.* It is not stated by whom such "copy" is to be prepared. 34. "Shall meet in the Shire Hall or Court House annually on the fourth Monday in January, or if not on that day then on some day thereafter, and their meetings may be adjourned from time to time, and to the same place, or any other place within the County or City lying within the boundaries of such County." "Special meetings may at *any* time be summoned by the County Warden *at the place where the last meeting of such Council shall have been held.*" 35. They shall at their first meeting "choose from amongst themselves a County Warden, who shall henceforth preside at all meetings." 36. "It shall be the duty of the County Council" to "keep in repair at the expense of the County" "the Shire Hall, County Court House and Gaol, and House of Correction." 37, 38 and 39. These sections all relate to the duties of County Councils with respect to Roads and Bridges, and making all such which lie between two or more Municipalities, County Roads and Bridges. They are *too* long to copy, and *too* important to abbreviate, nor is there any need of doing either as all County Councils have copies of the Act. 40. "shall upon the *report of the Auditors*, finally audit and allow all accounts chargeable against the County," and in the case of "any charge not specially regulated by law, it shall be their duty to allow such sums as may be just and reasonable,

they shall in like manner audit and allow the accounts of the County Treasurer, and of the Collectors of the several Townships as far as they relate to County purposes." (By section 172, as amended, the Collectors are required to pay all moneys into the hands of the Township, Town, or Village Treasurer, who is required to pay all County Rates to the County Treasurer, consequently no part of the Collector's account can strictly be called "County Accounts." See Section 172 in this division). 10. Amended Act. Any County Council may "establish a Lock-up House in any Town or Incorporated or Police Village." See *Lock-up House*. 8. Amended Act. May by By-law before the 31st December, 1860, "dissolve all or any unions of Townships formed under the authority of the 3rd section," and may form other unions "of two or more Townships lying within the County," having less than 100 inhabitants on the Collector's roll and "designating the order of seniority of the Townships forming such unions" "according to the relative number on the Roll" unless some special reason for the contrary. 172. The Corporations of each "Town, Village and Township shall be responsible to the County Council for all such (County) Rates as shall or may be paid to such Town, Village, or Township Treasurer, who shall, together with his sureties, be responsible to the County Council for the same, as for moneys received by him on account of Town, Village, or Township Rates respectively." The Collectors of any such Corporation "not exonerated from his liabilities to the County Council for any of the County rates whenever they shall choose to proceed against him instead of against the Corporation of such City, (I suppose this is a misprint: it should be *Township*,) Village, or Town for the recovery thereof." 11. May by By-law "divide any Junior township into wards" whenever any such "shall have within it 100 residents." 42. May give to Hamlets 'Regulations of Police' "upon the petition of any number of inhabitants of such Hamlet." 187. Certain roads not to be "stopped up." See *Highways*. 190. "All powers, duties, &c., vested in Magistrates with respect to any particular Road" now vested in the County Council. 41. Each County Council "shall have power and authority to make a By-law or By-laws for each, all or any of the following purposes:—

[1.] For the purchase and acquirement of all such real and personal property, within the County, as may be required for County purposes, and for the sale and disposal of the same when no longer required.

[2.] For the erection, preservation, improvement or repair of a Shire Hall, Court House, Gaol, House of Correction, House of Industry, and of all other houses and other buildings required by or being upon any land acquired by or belonging to such County as a Corporation.

[3.] For the purchase and acquirement of such real property as may be required for County Grammar School purposes, and for the erection, preservation, improvement and repair of County School Houses for the use of Grammar Schools in such parts of the County, or within any City or the liberties thereof, lying within the boundaries of such County, as the wants of the people most require, for the sale and disposal of the same when no longer required, and for making such provision in aid of such Grammar Schools as they may deem expedient for the advancement of education in the same.

[4.] For making some permanent provision for defraying, out of the public funds of such County, the expense of the attendance at the seat of the University of Toronto, and that of Upper Canada College, and Royal Grammar School there, of such and so many of the Pupils of the different Public Grammar Schools of such County, as shall be desirous of, and in the opinion of the respective Masters of such Grammar Schools shall be of competent attainments for entering into competition for any of the Scholarships, Exhibitions, or other similar Prizes offered by such University or College to competition amongst such Pupils, but which Pupils, from the inability of their Parents or Guardians to incur the necessary expense of such attendance, might otherwise be deprived of the opportunity of competing for the same.

(5.) For the endowment of such and so many Fellowships, Scholarships, Exhibitions, and other similar Prizes in the University of Toronto, or in Upper Canada College, and the Royal Grammar School there, to be open to competition amongst the Pupils of the different public Grammar Schools of such County, as they shall deem expedient for the encouragement of learning amongst the youth of such County.

(6.) For the appointment under the Corporate Seal of County Council, one or more County Engineers, one or more Inspectors of the County House of Industry, one or more Overseers of Highways, Road Surveyors, and such and so many other Officers as may be necessary for carrying into effect any of the provisions of this Act, or of any other Act of the Legislature of this Province, or of the late Province of Upper Canada, or of any By-law or By-laws of the Municipal Council of such County, and in like manner to displace all or any of them, and appoint others in their room, and to add to or diminish the number of them, or any of them as often as the said Corporation shall see fit.

(7.) For the settling the remuneration of all County Officers in all cases where the same is not or shall not be settled by Act of the Legislature, and for providing for the payment of the remuneration by such Act of the Legislature or by the By-Laws of the said Municipal Council provided and appointed for all County Officers.

(8.) For regulating all Ferries between any two places in such County, and for establishing the rates of pay or hire to be taken by the owners or conductors of the boats or vessels employed on such Ferries, but no By-law for any such purpose shall have any force or effect until the same shall have been assented to by the Governor of this Province in Council. See *Ferries*.

(9.) For settling and paying a rate at which the Townreeves and Deputy Townreeves forming such Municipal Council shall be remunerated for their attendance at such Council: Provided always, nevertheless, that no By-law to be passed for this latter purpose after the year of our Lord, one thousand eight hundred and fifty, shall be valid unless the same shall by the terms of it be limited to take effect two whole years at least from the passing thereof.

(9.) For the erection, construction or repair of such drains and water-courses as the interests of the inhabitants of such County at large shall in the opinion of the Municipal Council require to be so erected, constructed or repaired, at the public expense of such Township,

(11.) For the opening, constructing, making, levelling, pitching, raising, lowering, gravelling, macadamizing, planking, repairing, planting, improving, preserving and maintaining of any new or existing highway, road, street, side-walk, crossing, alley, lane, bridge or other communication running, lying or being within one or more Townships or between two or more Townships of such County, or between such County and an adjoining County or City, or on the bounds of any Town or Incorporated Village lying within the boundary of such County, as the interests of the inhabitants of such County at large shall, in the opinion of the Municipal Council require to be so opened, constructed, made, widened, changed, diverted, levelled,

pitched, raised, lowered, gravelled, macadamized, planked, repaired, planted improved, preserved or maintained at the public expense of such County; and for entering into, performing and executing any arrangement or agreement with the Municipal Corporation of any such adjoining County or Counties, City or Cities, or of any such Town or Incorporated Village as aforesaid, for the execution of any such work at the joint expense and for the joint benefit of the Municipal Corporation of such Counties, Cities, Towns or Villages and the people they represent respectively: and for the stopping up, pulling down, widening, altering, changing, or diverting of any such highway, road, street, bridge or communications within the same: Provided always, nevertheless, that no such new, widened, altered, changed or diverted highway, road, street, side-walk, crossing, alley, lane, bridge or other communication, shall be laid out so as to run through or encroach upon any dwelling-house, barn, stable, or out-house or any orchard, garden, yard or pleasure ground, without the consent in writing of the owner thereof. See *Highways*.

(12.) For the protection and preservation of any timber, stone, stand or gravel, growing or being upon any allowance or appropriation for any of such County roads.

[13.] For regulating the driving and riding on or over any County bridge erected or to be erected under the authority of such Municipal Council. See *Bridges and Immoderate Driving*.

[14.] For preventing the immoderate riding or driving of horses or cattle in any of the public highways in such County, whether such highways be Township or County roads.

[15.] For making regulations as to pits, precipices and deep waters, or other places dangerous to travellers in the immediate neighbourhood of any County road or bridge.

[16.] For granting to any Town, Township or Village, in such County by way of loan or otherwise, such sum or sums of money in aid of such other moneys as may be raised by the Municipal Corporation of such Town, Township or Village, or by voluntary subscription, for or towards the making, opening or erecting of any new road or bridge in such Town, Township or Village, in cases where such Municipal Council shall deem such Town, Township or Village work of sufficient importance to justify the affording such assistance to it, with a view to the general interest possessed by the County at large in such Town, Township or Village, and yet where such work is not of a character, in their opinion, to justify them, in at once assuming the same as a County work to be executed wholly at the expense of the County at large.

(17.) For attaching any new Township or Townships within such County not having a sufficient population for a separate Municipal organization of their own under the provisions of this Act, to such of the older Townships of such County as they shall deem best for the convenience of the inhabitants of such new Township or Townships, and for thus forming them into a Union of Townships for the purpose of such Municipal organization.

[18.] For regulating the manner of granting to associated Joint Stock Road or Bridge Companies, to which opposition has been made in accordance with the provisions of the Act passed in the present Session of Parliament, intituled, "An Act to authorize the formation of Joint Stock Companies, for the construction of Roads and other works in Upper Canada," permission to proceed with any roads or bridges within the jurisdiction of such Municipal Council, and the manner of afterwards ascertaining and declaring according to law the completion of the works undertaken by such Companies respectively, so as to entitle such Incorporated Companies to levy tolls upon such works, and of all examinations, enquiries and investigations necessary for the proper, efficient and judicious exercise of such power.

(19.) For taking stock in or lending money to any Incorporated Road or Bridge Company to which such Municipal Council shall have granted a

license to proceed with such work in accordance with the requirements of the Statute in that behalf, or in or to any Incorporated Road or Bridge Company, in whose road or bridge the inhabitants within the jurisdiction of such Municipal Council shall, in the opinion of such Municipal Council be sufficiently interested to warrant them in taking such stock or lending such money for the advancement of such enterprise; all dividends, interests and proceeds to arise or be received from such stock or loan being at all times applicable to the general purposes of such Municipal Council, and to go in reduction of the rates required to be levied for such purposes.

[20.] For the imposing fines not exceeding in any case ten pounds currency, for the breach of all or any of the By-laws or Regulations of such Municipal Council.

[21.] For borrowing under the restriction and upon the security hereinafter mentioned, all such sums of money as shall or may be necessary for the execution of any County work within their jurisdiction and the scope of the authority by this Act conferred upon them.

[22.] For raising, levying, collecting and appropriating such moneys as may be required for all or any of the purposes aforesaid, either by way of tolls to be paid on any County bridge, road or other public work, to defray the expense of making, repairing, or maintaining the same, or by means of a rate or rates to be assessed equally on the whole rateable property of such County liable to assessment, according to any law which shall be in force in Upper Canada concerning rates and Assessments.

[23.] For the repeal, alteration or amendment from time to time of all or any of such By-laws, and the making others in lieu thereof as to them may seem expedient for the inhabitants of such County.

*Assessment Act.* 31. The sum to be levied for County purposes, the County Council "shall by By-law direct what portion of such sum shall be levied in each Town, Township and Village in such County."

*School Act.* XXVII. That it shall be the duty of the Municipal Council of each County,—

(1.) To cause to be levied each year upon the several Townships of such County, such sum or sums of money for the payment of the salaries of legally qualified Common School Teachers as shall at least be equal (clear of all charges of collection) to the amount of school money apportioned to the several townships thereof for such year, by the Chief Superintendent of Schools, as notified by him to such Council, through the County Clerk: Provided always, that the sum or sums so levied, may be increased at the discretion of such Council, either to increase the County School Fund, or to give special or additional aid to new or needy school sections, on the recommendation of one or more Local Superintendents: Provided also, that the sum required to be levied in such County in each year, for the salary of legally qualified teachers, shall be collected and paid into the hands of the county treasurer, on or before the fourteenth day of December; and provided likewise, that in case of the non-payment of any part of such sum into the hands of the County Treasurer at that time, no teacher shall, upon application, be refused the payment of the sum to which he may be entitled from such year's County School Fund, but the County Treasurer shall pay any Local Superintendent's lawful order in behalf of such Teacher, in anticipation of the payment of the County School Assessment; and the County Council shall make the necessary provision to enable the County Treasurer to pay the amount of such lawful order.

(2.) To raise by assessment, such sum or sums of money, as it shall judge expedient for the establishment and maintenance of a County Common School Library.

(3.) To appoint annually, a Local Superintendent of Schools for the whole County, or for any one or more townships in such County, as it shall judge expedient; to fix (within the limits prescribed by the thirtieth section of this Act), and provide for the salary or salaries of such Local Superintendent

or Superintendents; Provided always, that no such Local Superintendent shall have the oversight of more than one hundred schools; and provided also, that the County Clerk shall forthwith notify the Chief Superintendent of Schools of the appointment and address of each such Local Superintendent, and of the County treasurer: and shall likewise furnish him with a copy of all proceedings of such Council, relating to School assessments and other educational matters.

[4.] To see that sufficient security be given by all officers of such Council to whom School monies shall be entrusted; to see that no deduction be made from the School Fund by the County Treasurer or Sub-treasurer, for the receipt and payment of School moneys; to appoint, if it shall judge expedient one or more Sub-treasurers of School moneys, for one or more Townships of such County: Provided always, that each Sub-treasurer shall be subject to the same responsibilities and obligations in respect to the accounting for School moneys and the payment of lawful orders for such moneys given by any Local Superintendent within the parts of the County for which he is appointed Sub-treasurer, as are imposed by this Act upon each County Treasurer in respect to the paying and accounting for School moneys.

[5.] To appoint annually, or oftener, Auditors, whose duty it shall be to audit the accounts of the County Treasurer and other officers to whom school moneys shall have been intrusted, and report to such Council; and the County Clerk shall transmit to the Chief Superintendent of Schools, on or before the first day of March in each year, a certified copy of the abstract of such report, and also give any explanations relating thereto, as far as he is able, which may be required by the Chief Superintendent

28. "Where there is more than one Grammar School in a County, the County Council shall have power and authority to divide such County into as many circuits as there are County Grammar Schools;" "the incidental expenses connected with the meeting and proceeding of each County Board of Public Instruction shall be provided for by the Municipal Council of such County."

COUNCILLORS. See *Election*, and *Qualification*.

#### COURT HOUSE.

36. The County Council are required to keep in repair the Court House and Gaol "at the expense of the County." 41. They may also by By-law "purchase such real and personal property within the County as may be required for County purposes," "erect, improve, or repair the Court House and Gaol." 68. The Court House and Gaol within any Town "shall be and continue to be the Gaol and Court House of such Town as well as of such County." 92. "The Gaol and Court House of the County within the limits or on the borders of which any such City shall be situate, shall be and continue to be the Gaol and Court House of such City." 206. Cities are required to pay the County Council for the use of the Court House, and if they cannot mutually agree as to the amount, an arbitration is to be appointed.

#### COURT OF APPEAL.

*Assessment Act*, XXVIII. And be it enacted, That in case any party shall deem himself overcharged by the Assessor or Assessors in his or their Roll, he or his agent may, within 6 days after the notice aforesaid shall have been left for him as aforesaid, or if he be a non-resident, then within six days after the roll shall have been returned to the Clerk, notify the Clerk of the City, Town, Village or Township, in writing, of such overcharge, and the complaint shall be tried by a Court of five members of the City, Town,

Village or Township Municipality or council to be appointed by such Municipality or council, and at such time as the said court shall appoint, reasonable notice of such time being given to the complainant and to the Assessor or Assessors who made the Roll; and the court, after hearing the complainant and the Assessor or Assessors, and any witness adduced by either of them, upon oath, or without hearing either of them who shall fail to appear shall finally determine the matter and affirm or amend the Roll accordingly: and any three or more Members of the court shall be a *quorum*, and any majority of a *quorum* may decide all questions before the court; and if any two Members of the Municipality or Council (whether members of the said court or not) shall think that any party has been assessed too low, the Clerk shall, on their request in writing, give reasonable notice to such party and to the Assessor or Assessors, of the time when the matter will be tried by the said court, or if such party be a non-resident, shall insert such notice in some newspaper published in the City, Town, Village or Township, or if there be none, then in one published at the nearest place in the County, giving in such notice either the name of the party or a general description of the property if the name be not on the roll, and inserting any number of such names or descriptions in the same advertisement; and the matter shall be decided in the same manner as complaints by a party assessed; and the roll as finally passed by the said court and certified by the clerk as so passed, shall be valid and shall bind all parties concerned, notwithstanding any defect or error committed in or with regard to such roll: Provided always that reasonable notice under this section, shall be understood to mean notice in writing from the clerk of the corporation, to be left at the residence of the party to whom it is addressed, if known and within the limits of the Municipality; or if not so resident then with any grown person on the premises assessed, or where any of the personal property assessed shall be, or addressed to such party through the Post Office, such notice being so served or posted, at least three days before the time when the matter is to be tried by the said court.

29. "The said Court shall also have power to receive and decide upon any petition from any party assessed, for any tenement which shall have remained vacant during more than three months" "from any party who, from sickness or extreme poverty shall declare himself unable to pay his taxes," &c. "and to remit or reduce the taxes due by any such party." 30. "The said Court shall have full power to meet and adjourn from time to time," and "any member thereof may administer an oath to any witness, or may issue summonses to any witnesses to attend such Court," and if such refuse to attend [being tendered 2s. 6d.] "he shall incur a penalty of £5."

COUNTY TREASURER. See Treasurer, 3rd division.

COUNTY COUNCIL. See Corporation, 9th division.

#### DEBENTURES.

182, 183, and 184. These sections contain the restrictions and provisions under which debentures may be issued by the several Corporations. None to be less than £25.

DEPUTY REEVE. See Heads, 5th division.

#### DISQUALIFIED.

132. "No Judge," "naval or military officer, on full pay," "persons receiving any allowance" from the Municipality, or "persons having by himself or partner, any interest in any contract," "shall be qualified

to be, or be elected Alderman, or Councillor." 112. Any Bankrupt "immediately becomes disqualified." See *Bankrupt*. See *Exemptions and Selectors of Jurors*.

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DISTRICT COUNCIL—LATE.

3, 4, 5, 6 & 19, Make provisions for dividing Townships into wards, previous to October 2nd 1849. 176. The present Corporation to take charge of all debts, &c., due by the late Councils. See *Miscellaneous*, 2nd division.

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DOGS.

21, (20 and 21.) Township Councils are empowered to make By-laws, "For imposing a tax on the owners or harbourers of dogs," &c. By 22, no By-law can be "contrary to any law of this province." See *Miscellaneous*, 2nd division. 8 Victoria, chapter 53, is still unrepealed, and by it each farmer is allowed one dog free from tax, and in no case can a higher tax than 5s. per head be imposed. 59, Village, 67, Town, and 82, City Council have "the like powers." See *Miscellaneous*, 1st division.

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DRIVING IMMODERATELY

31. (13.) Township, 41. (14.) County and 60. (17.) Village Councils are empowered to make By-laws to prevent immoderate driving or riding over any road or bridge. 67. Towns and 82, Cities, have the "like powers." See *Miscellaneous*, 1st division. The 8 Victoria, chapter 44, provides as follows:—1 "If any person shall drive or ride faster than a walk over any public Bridge exceeding 30 feet in length, shall be fined not less than 5s., or more than 20s." 3. "A notice of the following form must be put up at each end of the Bridge."

*"Any person or persons riding or driving over or on this Bridge, at a faster rate than a walk, will be subject to a fine, on conviction thereof, as provided by Law."*

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ELECTION, 1st division,

Applies equally to all Municipal Elections.

121. "No person shall be qualified to vote or be elected" who "shall not at the time of his voting or election be a subject of Her Majesty, and of the full age of 21 years." 127. Each Returning Officer, "before he enters upon his duties," shall "take and subscribe" the following oath, (See Form A.) 159. Every election shall commence at the hour of 11 o'clock in the forenoon, "and may be held until the hour of 4 o'clock in the afternoon," "and may then be adjourned until 10 o'clock in the forenoon of the next day, and continue until 4 o'clock in the afternoon," "unless, the Returning Officer shall see that all the electors intending to vote have had a fair opportunity of being polled, and one full hour at one time shall have elapsed, and no qualified elector, shall, during such time, give or tender his vote," "in which case he may close the election at 4 o'clock of the first day, or, at any time before that hour on the second day." 112. "Each, and every

person, whose name shall appear on the Collector's Roll, as having been taxed as a householder or freeholder to an amount sufficient, (See the several divisions below, and *Qualification, 2nd division.*) to enable him to vote," shall be allowed to do so, "without any other enquiry, or without taking any oaths other than [1st] that he is the person named on such Collector's Roll; [2nd] that he is of the full age of 21 years. [3rd] that he is a subject of Her Majesty; [4th] that he is a resident within such Township, Village, or Ward; and [5th] that he has not voted before at such election." The following are about the forms of oaths required:—

- 1st "You swear that you are the person here named on this Collection Roll, as having been taxed as a freeholder or householder. So help me God."
- 2nd "You swear that you are of the full age of 21 years, to the best of your knowledge and belief. So help you God."
- 3rd "You swear that you are a British Subject by birth [or naturalization, according to law, to the best of your knowledge and belief.] So help you God."
- 4th "You swear that you are at present a resident within this Township, [Village or Ward.] So help you God."
- 5th "You swear that you have not voted before, for the election of Councillor [or Alderman,] during this present election. So help you God."

124. Each "Returning Officer shall have power to administer all oaths or affirmations to be taken at any such election." 157. Each Returning Officer "shall be a conservator of the peace." 151. [Police Villages, 46,] "If any person, whose duty it shall be, to hold any election," shall be "*one hour absent*," or dead, "it shall be lawful for the persons then, and there assembled, and entitled to vote, to appoint from among themselves a Returning Officer, who shall forthwith proceed to hold such election." 160. When "a Poll is called for the Returning Officer shall keep a Poll Book, in which he, or his sworn Clerk, shall enter in separate columns the names of each Candidate proposed, and seconded by any elector present," and at the close of the Poll shall add up the number of voters for each Candidate," and "shall declare which of the said Candidates have the highest number of votes, beginning with the one having the greatest number, and so on until the whole number of Candidates to be elected at such election having the greatest number of votes," "and shall publicly declare the number of candidates duly elected, and if any two or more Candidates shall appear to have an equal number of votes," the Returning Officer to give the casting vote. 161. The Poll Book to be returned to the Clerk with an affidavit annexed. See Form H. 165. If from *any cause* there shall be no election on the appointed day, or if a requisite member of Candidates shall not have been elected, "or any deficiency arising from refusal of office, or judicial decision," "it may be lawful for the members of the corporation [or, if none elected ~~then~~, the members of the next preceding year,] to supply the deficiency

by appointing" such from amongst the qualified freeholders and householders of the City, Town, Village, or Township, as the case may be. 164. All Special Elections "shall be held upon at least, four days public notice," to be given in four places. See *Special Election* and Form J. For the description of Collector's Roll. See *Collector*. See *Returning Officer*.

*License Act*. 5. At each "Annual Election for Councillors" there shall be elected by the same electors, "three Inspectors of Houses of public entertainment," [in case of Wards, one for each,] and all vacancies shall be filled up in like manner, "as vacancies in the office of Councillor." See *Vacancies*; See *Inspectors*.

ELECTION, 2nd division.

Applies to Townships in addition to 1st division.

1st Part.

9. Township Councils may by By-Law "appoint a fit and convenient place in each of the several Wards, into which such Township shall be divided for holding the Election of Township Councillor," and also [10] to "appoint annually fit and proper persons to be Returning Officers." 17. No Township Election ["although lying within its boundaries"] shall be held within the limits of any City, Town, or Village. 19. If the District Council "shall not see fit to divide any Township into rural Wards," "the Election for Councillors shall be by the votes of the electors of the whole Township, at a General Meeting, to be held at the place of the last annual Meeting." 20. At all such elections the Township Clerk shall be the Returning Officer. 21. "On the first Monday in each year" "there shall be an election, held in each Township," and [23] "five Councillors elected." See 1st division.

2nd Part. Qualification of Township Councillors.

22. "No person shall be qualified to be elected a Township Councillor" "who shall not have been entered upon the Collector's Roll, as assessed for rateable real property, [See *Real Property*] held in his own right or that of his wife, as proprietor or tenant, to the value of £100." 208. *As amended* "the qualification of a Township Councillor shall be £100 freehold."

3rd Part. Qualification of Township Voters.

23. "The persons entitled to vote at such Election, shall be those whose names are upon the Collector's roll, and who, at the time of the election shall be resident in such Township or ward"; provided always, that the occupier of any separate portion of a house, having a distinct communication with a road or street, by an outer door, shall be considered a householder," "in case he shall be assessed, therefore, as a house upon such Roll," and as such entitled to vote.

ELECTION, 3rd division.

Applies to Incorporated Village Election, in addition to 1st division.

1st Part.

52. Each Village "shall have the same power within the limits of

such Village, as are by this act conferred" upon Township. See *2nd division*. 53. "On the first Monday in January, in each year," "there shall be held, an election" for "five Councillors for each Incorporated Village." 54. At any *first* election the Police or Village Clerk, for the time being," shall be the Returning Officer. 55. If no such Clerk the Governor may appoint a Returning Officer; and 56. At every *such* [*first*] election "ten days public notice must be given, in at least three public places."

*2nd Part. Qualification of Village Councillors.*

57. "No person shall be qualified to be elected a Village Councillor who shall not be possessed to his own use of real estate, [See *Real Estate*,] held by him in fee or freehold," "situated within the Village," "of the assessed value of £25), or, unless, he shall be a tenant from year to year, or for a term of years, of property within such Village, at a *bona fide* rental of £20 per annum," "of yearly rent or profit accruing from or out of real property within the Village."

*3rd Part. Qualification of Village Voters.*

53. Village Voters "shall be qualified in like *manner with the Voters at Elections of Township Councillors.*" [This is contradictory to the next Section, for the only qualification required of Township Voters is *that they appear on the Roll.*] 57. "The male inhabitants being either freeholders or householders upon the Collector's Roll, who have been assessed, either, as proprietors, or tenants, for house or land, or for both to the value of £12 10s., within the limits of such Village, and none other shall be entitled to Vote at such Village Election." See *1st division*.

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ELECTION, *4th division.*

Applies to Town Elections in *addition* to 1st division.

*1st Part.*

63. "On the first Monday in each year," [62] "for every Ward within the limits of any Town, there shall be chosen Three Councillors." 64. After the *first* election the Town Council shall appoint the Returning Officer, and a place for holding the election in each Ward, "ten days notice must be given," in "three public places within such Wards."

*2nd Part. Qualification of Town Councillors.*

65. "No person shall be qualified to be elected at such election who shall not be seized to his own use of real estate [See *Real Estate*,] held by him, in fee simple or in freehold," "within the Town of the assessed value of £300, or unless he shall be a tenant from year to year, or for a term of years, within such Town, at a *bona fide* rental of £40, or upwards, per annum, or shall be in receipt of £40 of yearly rent or profit, accruing from, or out, of real property within such Town."

*3rd Part. Qualification of Town Voters.*

65. Town Councillors "shall be chosen by the male inhabitants, who shall be entered on such Collector's Roll, and who shall continue to

reside within such Ward at the time of the Election, and who shall have been assessed, either as proprietor, or tenant, for house, or for lands, or both, to the value of £25, and none other." See *1st division*.

ELECTION, *5th division*.

Applies to City Elections in *addition* to 1st division.

*1st Part.*

83. "All the rules, regulations, provisions and enactments, contained in this Act, as applied to Towns," "shall apply to each City; provided, always, that the Mayor shall be elected from amongst the Aldermen." "For every Ward, there shall be chosen, Two Aldermen and Two Councillors."

*2nd Part. Qualification of City Alderman and Councillor.*

83. "No person shall be qualified to be elected an Alderman, [or Councillor,] for any such Ward, who shall not, at the time, of his election be seized, to his own use, of Real Estate, [See *Real Estate*,] held by him in fee simple, or in freehold within the City, of the assessed value of £500, [Councillor £300,] or unless he shall be a tenant from year to year of Real Property, within such City, or in the liberties thereof at a *bona fide* rental of £60 [Councillor £30] per annum, or shall be in receipt of such sum for rent, "out of real property, within such City."

*3rd Part. Qualification of City Voters.*

83. City Aldermen and Councillors "shall be chosen by the male inhabitants, being either freeholders or householders, who shall have been entered on such collector's Roll, and who shall continue to reside within such Ward at the time of the election, and who shall appear upon the said Roll to have been assessed, either as Proprietors or Tenants, for a house or land, or for both, to the value of £50, and by no others." See *1st division*.

ELECTION, *6th division*.

Applies to Police Villages in *addition* to 1st division.

*1st Part.*

42. "It shall, and may, be lawful for the county council" "upon the petition of any number of inhabitants of any Hamlet" to define its limits, and appoint a place for the annual election of Police Trustees.  
 43. "On the first Monday in January, in each year, it shall be lawful for the residents" of any such Hamlet, to elect "three Police Trustees."  
 45. Each election after the first, the Trustees to appoint a place to hold the annual elections.

*2nd Part. Qualification of Police Trustees.*

44. "No person shall be qualified to be elected Trustee, who shall not have been entered upon the collector's Roll, for rateable property, held in his own right, or that of his wife, as proprietor or tenant, to the value of £100."

*3rd Part. Qualification of Trustee Voters.*

44. "The persons entitled to vote at such elections, shall be those

whose names are upon said Roll, and who shall continue to reside in such Village;" the occupiers of a separate portion of a house having a distinct communication with a road or street, by an outer door, shall be considered a householder, in case he shall be assessed therefor, as a house upon the collector's Roll.\*\* See 1st division.

#### EMBEZZLEMENT.

CLXXIV. And be it enacted, that all the books of the present District treasurers, and all books, papers, accounts or documents of what kind soever, which shall have been kept by or shall have come into the possession of any person or officer to be appointed or employed by any Municipal corporation, by virtue of his office or employment, shall be deemed to be chattels belonging to such Municipal corporation; and all moneys or valuable securities which shall have been lawfully received, or taken into his possession by virtue of his office or employment, shall be deemed to be moneys or valuable securities belonging to such Municipal corporation; and if any such officer or person shall at any time fraudulently embezzle any such chattel, money or valuable security (and any refusal or failure to pay over or deliver up any such money, chattel or valuable security to such Municipal corporation, or to any officer or person by them authorized to demand the same, shall be held to be a fraudulent embezzlement thereof,) he may be indicted and proceeded against, and being convicted thereof, shall be liable to be punished in the same manner as any servant who having fraudulently embezzled any chattel, money or valuable security received or taken into his possession, by virtue of his employment, for and in the name and on the account of his master, may be indicted, proceeded against, and punished: Provided always, that nothing herein contained shall prevent, lessen or impeach any remedy which such Municipal corporation, or any other party may have against such offender or his sureties, or against any other party whomsoever; but nevertheless, the conviction of any such offender shall not be received in evidence in any suit or action at law or in equity against him.

#### EXEMPTION.

CXXXI. And be it enacted, That all persons over sixty years of age, all members of the Legislative Council, and of the Legislative Assembly, all Officers and others in the service of the Crown, either civil or military on full pay, all Judges, Sheriffs, Coroners, Gaolers, and Keepers of houses of correc-

\* NOTE.—208 *as amended*. "All such persons as have heretofore (before 1850) had the right to vote or be elected at the annual elections of Parish and Township officers, for the several Townships in Upper Canada, shall have the right of voting and being elected for the Township and Village Councillors to be elected under the Act:" "and such persons as have heretofore had a right to vote or be elected at the Municipal Election of any City, Town or Village heretofore incorporated" shall still have the right. "All those entitled in every Town and Village not incorporated before the passing of this Act, shall be the resident male inhabitants, being either freeholders or householders (and rated as such) of such town or Village of the age of 21 years." "who shall have resided in such town or Village 6 months previous to the Election." Provided, That the qualification of a Township Councillor "shall be £100 instead of £300 as hereinbefore required of District Councillors," but "it shall be a sufficient qualification, if, in lieu of such £100 of real property (see *Property*.) they shall be seized of real and personal property, which shall, together, amount to £200." Town or Village Councillors "as are lastly above mentioned," "shall be seized and possessed to their own use, in fee, or lands and tenements within the County or Union of Counties" (or next adjoining) "of the real value of £100 over and above all encumbrances, &c."

*Amended Act*, 17. "The provision contained in the 208th Section (the one above) shall be in force until the 31st December, 1851."

tion, all persons in Priest's orders, Clergymen and Ministers of the Gospel of any denomination, all members of the Law Society of Upper Canada, whether Students or Barristers, all Attorneys and Solicitors in actual practice of their professions, all Officers of Courts of Justice, all Members of the Medical profession, whether Physicians or Surgeons, and all Professors, Masters, Teachers, and other Members of any University, College or School in Upper Canada, and all Officers and Servants thereof, and all Millers, and Freemen belonging to any regular Fire Company, shall be and are absolutely free and exempt from being elected or appointed to any Corporate Office whatsoever.—See *Disqualified*.

*Assessment Act.* V. And be it enacted that the following property shall be exempt from taxation:

(1.) All estate and property belonging to or vested in her Majesty, her heirs and successors, or held by her Majesty in trust for or for the use of any tribe or body of Indians, or vested in any public body, officer, person or party in trust for her Majesty, or for the public uses of the Province, save as hereinbefore provided as to any private occupant of such property.

(2.) Every place of worship, every church-yard or burying ground, the real estate of every university, college, incorporated Grammar School or other seminary of learning, actually used or occupied by it, but not if occupied by others or unoccupied,—every public school, town or city hall,—every court house and goal, house of correction and lock-up house, and the land attached thereto, every public hospital with the land attached thereto, or on which the same are erected, and the personal property belonging to each of them,—every public road and way, or public square, and the property belonging to any township, village, town, city or county, if occupied for the purposes thereof, or unoccupied.

(3.) The Provincial Penitentiary and the land attached thereto.

(4.) Every Industrial Farm, Poor-house, Alms-house, House of Industry or Lunatic Asylum, and every house belonging to a company for the reformation of offenders, and the real and personal property belonging to or connected with the same.

[5.] The property of every public library.

*Jury Act.* Exemption of Jurors. See *Selectors of Jurors*.

#### EXHIBITIONS.

31. (22,) Township and (60) Village Councils are empowered to make By-laws, "for restraining or licensing all or any exhibitions. 67. Town and (106) City Councils have "the like powers." See *Miscellaneous*, 1st division.

#### FALSE SWEARING.

123 "Every person wilfully swearing or affirming false," "shall be liable to the pains and penalties of wilful and corrupt perjury."

FENCE VIEWERS. See *Qualification*, 1st division.

31. (5) Township Councils may by By-law "appoint a sufficient number of Fence Viewers," and (6) "regulate and prescribe their duties." 59, Village, 67, Town, and (82,) City Councils "have the like powers." See *Miscellaneous*, 1st division. (The 8 Victoria, chapter 20, which is still in force, with the exception of the party by whom they are to be appointed, provides that there "shall not be less than three, or more than twelve," and by a number of long sections defines their duties.) See *Miscellaneous*, 2nd division.

## FERRIES.

41. (8) County Councils are empowered to make By-laws "for regulating all Ferries between two places in the County." 116. No Corporation can exercise any exclusive right. "Provided, always, that nothing herein contained shall affect the right of any Corporation to the exclusive privilege of any Ferry now vested in the present Corporations of such County, City, Town or Village." 145. The Governor General to regulate Ferries over which this act does not confer jurisdiction upon Municipal Councils. (That part of 37 Geo. III., chapter 10, which vested certain power in the Magistrates "to make rules and regulations," &c. is repealed, but that part which defines the duties "of the persons attending such Ferry," is still in force, by which the persons in charge is required "to set up in some conspicuous place for public inspection the fees that he is allowed to demand," and to be fined 20s. "for demanding or receiving a greater fee than established." 8 Victoria, chapter 50, imposes a "penalty of £5 on any person interfering with the rights of the Lessee of any Ferry." 9 Victoria, chapter 9, provides that the above act "shall not prevent any persons from using their own boats, &c.," "to cross such stream." 11th sect., No Ferry to be leased for a longer time than seven years, and then "to be let by public competition, and to parties giving such security as may be agreed on." The notice of such sale must be given "at least four times in four weeks in the Canada Gazette, and one or more papers in the District.") See *Miscellaneous*, 2nd division.

## FIREMEN.

60. (13) Village Councils are empowered to make By-laws for establishing Fire Companies, &c., and "for providing medals or rewards for persons who shall distinguish themselves at fires, and for assisting the widows and orphans of persons who may be killed by accidents occurring at such fires." 67, Town 82, City Councils have "the like power." See *Miscellaneous*, 1st division. 131. "Firemen belonging to any regular Fire Company, shall be, and are, absolutely free and exempt from being appointed or elected to any corporate office." See *Exemption*.

GAOL. SEE *Court House*.

GEESE AND OTHER POULTRY. †

31. (19) Township Councils are empowered to make By-laws "for restraining and regulating the running at large" of "geese, turkies and other poultry." 59, Village, 67, Town and 82, City Councils "have the like powers." *Miscellaneous*, 1st division

GRAMMAR SCHOOLS. SEE *Schools*,

## GUNPOWDER.

51. (9,) Police Villages are allowed to make "Regulations." 60. (13,) Villages are empowered to make By-laws "for regulating the

keeping and transporting of gunpowder, &c." 67, Towns and 82, Cities "have the like power. See *Miscellaneous*, 1st division." 142. Any Town, City or Village Council "may have, and hold," in or out of their limits, "such landed property as may be necessary for building powder magazines."

HAMLETS. SEE *Police Villages*.

HEADS, 1st division

Applies equally to all Heads.

108. "The Mayor of each City and Town," "the Warden of each County," and "the Townreeves of each Village and Township," shall be the "Heads of the City, County, Town, Village and Township Councils respectively." 109. Each Head shall *ex-officio* be a Justice of the Peace, (within the limits of their respective Corporations,) and have all and singular the powers and jurisdiction, as well civil as criminal which belong to that office." 135. No Head "shall require any property qualification to enable him lawfully to act as a Justice of the Peace, nor shall any other oath be required of him than his oath of office" "and qualification," as such Head. 127. Each Head "before entering upon the duties of his office shall take and subscribe the oath of office." (See Form A.)

CXXVIII. And be it enacted, That the head of every municipal corporation erected, or to be erected under the authority of this Act, shall be sworn or affirmed into office by the highest court of Law or equity whether of general or only of local jurisdiction, which shall at the time be sitting within the limits of such corporation, or by the chief justice or other justice or judge of such court at his chambers, or if there be no such court, justice or judge within the limits of such corporation at the time, then before the Recorder or police magistrate of such city or town, or any justice of the peace of the county or town in or over which such corporation shall have jurisdiction, or in the case of townships and villages, by any justice of the peace for the county in which such township or village shall be situate; or in case there shall be no such court, justice, judge, or justice of the peace within such limits at the time, then before the clerk of such municipal corporation in the presence of a meeting of such corporation, which several courts, justices, judges, recorders, and police magistrates, and justices of the peace, and clerks are hereby severally authorized and required to administer such oath or affirmation, and to give the necessary certificate of the same having been duly taken and subscribed.

110. If any Head "without leave by resolution" "shall absent himself from the duties of his office for a period exceeding at one time three months" "shall vacate his office," 111. Any Head "may resign his office" with the consent of the Council. 113 and 125. "The Head of every Corporation" "shall have power and authority to administer any oath or affirmation" "concerning any matter submitted to the Corporation" or "relating to the business of the place," "except where it shall be otherwise specially provided for." All such must be "duly certified to by him, subscribed by the party, and deposited in the office of the Clerk" "within eight days on pain of being deemed guilty of a misdemeanor." 126. May also administer oaths and affirmations to witnesses "in all

matters of dispute concerning roads. 142. The Head to nominate *one* of the two auditors which are required to be appointed annually in each Corporation. 162 and 163. All vacancies to be filled up "by an election to be held under a warrant (see Form J.) under his (the Head) hand and seal." See *Vacancies*. 166. Any vacancy in the office of Head shall be filled up by the appointment of a "qualified person from amongst themselves." (With the single exception of City Councillors, all members of each Corporation are so 'qualified.' See 3rd division.) 168. "All votes, resolutions and proceedings shall be carried by the majority of votes of the persons composing such meeting" other than the Head, who, "in case of an equality of votes," "shall have the casting vote." 167. "All Corporations in office" "including all Councillors" "shall hold office until their successors are sworn into office, and the new Corporation complete." Query: Should the Head of the *County Council* (the next section below provides for other Heads)—in the event of his not being a member—preside at the first meeting of the newly elected Council until a Head is appointed? and if so, can he—in case of an equality of votes—give a casting vote? *Amended Act*. 15. On "there being an equality of votes in any Township or Village on the election of Town Reeve," or "in any City or Town on the election of Mayor," "the member of such Corporation who, according to the Collector's Roll," "shall be assessed for the highest amount, shall have a second or casting vote." 168. In the absence of the Head (and Deputy Reeve in Townships and Villages) "a chairman may be appointed." 198. "All By-laws, bonds, obligations, and other instruments to be executed on behalf of any Corporation," "shall be valid if sealed with the seal of the Corporation and signature of the Head."

*Assessment Act*. 22. Each person "not otherwise assessed" in any City, Town or Village, is required to pay 10s. in lieu of statute labour, and if this sum is not paid, and "no distress sufficient to satisfy the said sum of 10s. (and costs of warrant) shall be found, it shall be lawful for the *Head*" to commit to gaol.

*School Act*. 32, "All members of County Councils, and Aldermen shall be school visitors."

*Jury Act*. Each Head is one of the Selectors of Jurors. See *Selectors of Jurors*, and *Exemptions*.

*License Act*. 8. "If on any occasion the Inspector of Houses of Entertainment shall be equally divided, the Mayor or Town Reeve shall vote thereon and decide the question."

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HEADS. *2nd division*

Applies to County Wardens *in addition* to 1st division.

35. The County Council "shall, at their first meeting" "in each year. choose from amongst themselves a County Warden, who shall henceforth preside at all meetings of such Council;" 34. and may "at

any time" "summons a special meeting at the place where the last meeting of such Council was held. See Form D. See 1st division.

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HEADS. 3rd division

Applies to City Mayors *in addition* to 3rd division.

82. "All such (City Corporate) powers shall be exercised by, through and in the name of the Mayor and Aldermen." 83. The City Mayor "to be elected from amongst the Aldermen." See *Aldermen*. 90. In certain cases the Mayor may "by proclamation under the seal of the City," "annex" wards to it. 93. In the absence of the Recorder the Mayor and Alderman "shall preside at the Recorder's Court." See *Recorder's Court*. See 1st division.

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HEADS. 4th division

Applies to Town Mayors *in addition* to 1st division.

66. "On the second Monday after the yearly election," the Town Council "shall choose from amongst themselves a Mayor for such Town, who shall have the same powers within such Town" as the Town Reeve in any village." 69. "In the absence of the Police Magistrate" "then it shall be the duty of the Mayor thereof to attend daily, or at such time and periods as shall be necessary for the disposal of the business to be brought before him as a Justice of the Peace." "Any Justice of the Peace having jurisdiction in such Town, at the request of the Mayor, may sit for such Mayor at such Police Office." 72. "All offences against the By-laws of the said Town," &c, may be prosecuted for before the Police Magistrate, and if none, "then before the Mayor of such Town." 76. "All oaths of office of the subordinate officers of such town, shall be taken before the Mayor thereof." 80. The Town Mayors "shall have the like powers, duties and liabilities within and in respect to such Town as the Townreeve of a Village. See 1st division.

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HEADS. 5th division

Applies to Town, Village, and Township Reeves and Deputies *in addition* to 1st division.

77. Each Town [53 and 59] Village, and [24] Township Council "shall elect from amongst themselves one Town Reeve," "and when such shall have 500 resident freeholders and housholders on the Collector's roll thereof, then also one deputy Reeve. 25. Township, and 59, Village Town reeves "shall preside at all meetings" of their respective Corporations, or in his absence the Deputy Reeve, and in the absence of the Deputy, any member." 41. [9] The County Council may by By-law establish the remuneration to be paid Town reeves and Deputy reeves. See *Remuneration*. 33. No Town reeve shall be entitled to take his seat in such County Council until he shall have filed with the

County Clerk a certificate under the hand and seal of the Town, Village or Township Clerk of his having been duly elected and taken the oath of qualification and office as such Town reeve." Each Deputy reeve in addition shall "also file a copy of the Collectors Roll" "verified by the affidavit of the Collector;" "to the effect that the same is a true copy of such Roll, and that it contains the names of all the freeholders and householders of such Town, Village or Township as they appear upon such Roll." No mention is made as to whose duty it is to prepare such Roll.

*School Act.* 18. Union school sections formed and altered by the Local Superintendent and Reeves "at a meeting appointed for that purpose by two of the Reeves."

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#### HEALTH OFFICERS.

137. The Police Trustees and the members of each Corporation are "Health Officers within the jurisdiction" of their respective corporation, under 5th Wm. IV. chapter 5, and may delegate such power to others. See also 12th Victoria, chapter 8. 60. (15.) Villages are empowered to make By Laws "For providing for the health of the Village." 67. Towns and (82.) Cities have "the like powers." See *Miscellaneous 1st division.*

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#### HIGHWAYS.

37. Whenever any new or existing road, highway, &c., within any Township," shall be "assumed by the County Council" "as being one in which more than one Township or the whole County is interested," and may plank or macadamise the same at the expense of the County. 38. All roads, &c. "lying or being between different Townships, situate in the same County, shall be exclusively within the jurisdiction, and subject to the control of the County Council." 39. All Roads, &c. "being between different Counties or between a County and a City, lying within the boundaries of such County, or on the bounds of a Town or Incorporated Village within such County, shall be subject to the control of both such" Municipalities, and no By-law, passed with respect to such Roads, "shall have any force or effect whatever until the passing of a By-law in similar terms as nearly as may be by the other of such Corporation." 126. "In all matters of dispute concerning Roads, &c.," before any Corporation, "it shall and may be lawful for the Head" to administer any oath "to contending parties and witnesses." 187. "It shall not be competent to pass any By-law for stopping up any original allowance for Road in any Township or County, nor on the limits of any Village, Town or City therein, or on the borders thereof. Provided, 1st, It shall and may be lawful for the Municipality of any Township within which any Police or any other Village or Hamlet, consisting of not less than 20 dwelling-houses, standing within an area of not less than 200 acres, shall be situate upon the petition of the Trustees," "accompanied

by a certificate for the Register of the County," "that a plan of such Village had been duly filed in his office," "to stop up, sell, and convey, or otherwise deal with any original allowance for Road that may be within the limits of such Village." 188. "On the alteration of any road" in any City, Town, or Village "the site of such old road shall, and may, be sold by the Corporation" "to the parties next adjoining," and "in their refusal to become the purchasers thereof at a reasonable price," "to any other person." See Cor. 6th, 7th, and 8th div. 189. All "Roads, hereafter to be laid out, shall not be more than 90 feet or less than 40 feet in width." 190. The powers formerly vested in Magistrates, now vested in the several Corporations. 191. Any person willing may by By-law be authorised to plank, &c., any road. 192, 193, 194, 195, 196, and 197, Provide for the opening, altering, &c., any street, road, &c., and for the appointment of arbitration to award damages sustained by private persons, whose property may be damaged by any such alteration. See *Boundary Lines and Corporation*, 1st division. 50. *George 3rd, chapter 1, section 13 and 35 (not repealed.)* "All allowances for roads in any Town or Township, made by the Road Surveyor," or "by virtue of an Act of Parliament," or "where public, Money has been expended for opening," or "whereon the Statute Labour has been usually performed, shall be deemed common Roads" "until such shall be altered according to the provisions of this Act." (The "provisions" referred to are repealed.) "The sale and freehold of such roads shall be vested in her Majesty, her heirs, &c." 9*ic.* chap. 8. "No government allowance for Roads shall be opened unless an order ordering the same to be opened shall be first made by the District Council." (See *Miscellaneous*, 2nd division,) and 8 days public notice must be given to the party in possession of such allowance" before the meeting of such Council. See also 13 and 14 Victorin, chapter 15, intituled, "An Act to make better provision with regard to the repairing of Roads within the limits of Cities and Towns, of Roads and Bridges which, having been under the control of the Commissioner of Public Works, may be hereafter relieved from such control."

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HIGH BAILIFF. SEE *Bailiff*.

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HORSE. SEE *Cattle*.

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HOGS. SEE *Cattle*.

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HOUSE OF CORRECTION.

36 and 41. The County Councils to have charge of any House of Correction. 80, Towns and (107,) Cities may pass a By-law "for erecting and establishing" such Houses. 92, and 200. If any City use the House of Correction, belonging to the County they are required to pay for its use.

INCORPORATED VILLAGE. SEE *Village*.

## INDUSTRIAL FARM.

81, (2) Town Councils are empowered to make By-laws "for purchasing such lands as may be necessary for the purpose of an Industrial Farm for such Town, of not less than 200 acres." 106. Cities have "the like powers." See *Miscellaneous, 1st division*. 139. For such purposes they may "have and hold," &c., "such landed property beyond the limits of such City or Town." 140. "It shall and may be lawful for the Mayor, Recorder, Police Magistrate, or any two Aldermen, or Justice of the Peace" "to commit to hard labour at, or send to such Industrial Farm."

## INDUSTRIAL HOUSE.

41, (2) Each County and (107) City Council are empowered to make By-laws "for the erection, repairs, &c. &c.," of such Houses, and (6) "for the appointment of the Inspector of the County House of Industry." 7th William IV., chapter 24, provides for the management of such Houses.

## INSPECTORS OF HOUSES OF PUBLIC ENTERTAINMENT.

*License Act*. 5. "At the Annual Election of Councillors in the several Townships, Villages, Towns and Cities, there shall be elected by the same electors in each Township (not divided into Wards,) or Village, three Inspectors of Houses of Public Entertainment, and in each Ward, "of any Township, Town or City, "one such Inspector; and such Inspectors shall be subject in the same manner as other Municipal Officers, to any By-laws to be made touching their duties, &c. &c.," and any vacancies "shall be filled up in like manner as vacancies in the Office of Councillor." 6. "It shall be the duty of such Inspectors to see that the By-laws of the Municipality are complied with as regards the persons to whom Licenses to keep Houses of Public Entertainment, and to retail spirituous liquors therein are to be issued, and for such purpose, after such previous visits and examinations as they may think proper, meet at such time in each year before the 1st March, and at such place as they shall think meet, (or at such time and place, before the said day, as the Council shall have appointed by By-law,) for the purpose of determining what persons have under the By-laws in that behalf qualified themselves to obtain such Licenses, and to give certificates (See Form N.) to such persons, which shall state the sum payable by such persons respectively for such Licenses, under the By-laws of the Municipality." "If the number of persons who shall have complied with the requirements of the By-laws, shall be greater than the number of persons to whom Licenses may be issued under such By-laws, they shall determine to which of such persons Licenses may be granted with most advantage to the public." 7. "Shall perform similar duties with regard to Inns, Ale and Beer Houses, Victualling Houses, Ordinaries and Eating Houses, and other establishments of like nature," as directed by By-laws. 8. That "any majority may exercise all the powers of the Inspector,s"

“shall have full power to adjourn,” “and if on any question they shall be equally divided, the Mayor, or Town Reeve,” “shall vote thereon and decide the same, unless and until other provision be made for the purpose by By-law.”

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JURORS.

95. “The inhabitants of every City and of the liberties thereof, at all times after the passing of this Act,” “shall be exempted from serving on Juries at any other than the City Courts, or on trials at the Bar of either of Her Majesty’s Superior Courts of Common Law, at Toronto, or at the Courts of Assize and Nisi Prius, &c.” and General Gaol Delivery. 96. The Grand Jurors of City Recorder’s Courts “shall consist of 24,” and (97.) “the Petit Jurors shall consist of not less than 36 or more than 60,” “to be summoned by the Bailiff.” 98. Only those residing in the City shall be summoned as Jurors to attend the Recorder’s Court. 103. No member, officer or servant of any Corporation shall be liable to challenge as a Juror, as an interested party.” See *Selectors of Jurors*.

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JUSTICES OF THE PEACE.

10. (*As Amended*.) Any person committed under 4th Wm IV. chap. 4th, “may be committed to the nearest Lock-up-House.” 70. Police Magistrates “are *ex-officio* Justices of the Peace.” 69. At the request of any Town Mayor, “any Justice of the Peace having jurisdiction in such Town may sit for the Mayor at the Police Office.” 75. The Governor may appoint “any number of Justices of the Peace for any such Town, Provided always, that no such appointment shall be held to limit or otherwise interfere with the jurisdiction, powers or duties of the Justices of the Peace, for the County within which such Town shall be situate in respect to such Town, or in, over, or with respect to offences committed within the same.” 76. All Town Officers to take oaths before the Mayor, Police Magistrate, “or any Justice of the Peace for such Town.” 86. “The Justices of the Peace in and for the County within or on the borders of which such City shall lie, shall as such, neither have, nor exercise any jurisdiction over offences committed in such City, or the liberties thereof.” 87. “From the time of the erection of any Town into a City any Commission of the Peace that may have been issued for such Town shall cease.” And “the Aldermen of each City, shall by virtue of their office be Justices of the Peace in and for such City.” 109. The Head of every Corporation shall *ex-officio* be a Justice of the Peace within the limits of his Corporation. 118. “The Mayor or Police Magistrate with any two Justices of the Peace of such City or Town,” may, on complaint, punish Inn Keepers for keeping disorderly houses, &c. 125. “The Justice of the Peace for Towns” “shall have authority to administer any oath or affirmation required to be taken under this Act, relating to the business of the place, *excepting where it shall be otherwise specially provided for*.” 125. “Every Justice of the Peace, for any of the said Towns, shall be qualified in the same amount of property and shall take the same oaths as are required by other Justices of the Peace,” but the *ex-officio* Justice of the Peace need take “no other

oath than his oath of office as such Warden, Mayor, Recorder, Police Magistrate, Alderman or Town Reeve." 157. "Any Justice of the Peace for the County, Town or City, in which any election is held," may summarily punish "any riotous or disorderly person." 155. "All persons committing any offence against any By-law *lawfully made* by any Corporation, and with regard to prosecution for which no other provision is hereby made, may be prosecuted in a summary manner, before any Justice of the Peace, having jurisdiction in the locality in which the offender shall reside, or within which the offence was committed."

*School Act.* 32. Justices of the Peace are School Visitors.

*Jury Act.* 25. The drafting of the Jury Panels by the Sheriff "shall be in the presence of the Clerk of the Peace, and any two Justices of the Peace of the County, who upon reasonable notice from the Sheriff are hereby required to attend." 89. The Sheriff to be paid by the County Treasurer "upon the receipt of any two Justices of the Peace, or Aldermen respectively, as the case may be, who may have been present at the drafting of such Panel."

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LICENSE. SEE *Tavern License.*

LIVERY STABLES.

81. (4) Town Councils may make By-laws "for regulating and licensing the owners of Livery Stables, Horses, Carriages, Cabs, Carts, &c. &c., used for hire in such Towns, and for establishing the rates of pay or hire, and to compel in a summary manner the prompt payment of such hire," "by the parties hiring or using the same." 82. City Councils have "the like powers." See *Miscellaneous*, 1st division.

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LOCAL SUPERINTENDENT. SEE *Superintendent.*

LOCK-UP-HOUSE.

31. (29) Township Councils "may imprison in any Lock-up-House," [not exceeding 20 days,] "for the breach of any of their By-laws." 59. Village, 67, Town and 80, City Councils have "the like powers." See *Miscellaneous* 1st division. 10. *Amended Act.* Any County Council may "establish Lock-up-Houses in any Town, Village, or Police Village." "Lock-up-Houses established under the laws heretofore in force, shall continue so, although not in any such Town or Village," "parties summarily convicted before any Magistrate, under 4th William IV., chap. 4, may be committed to the nearest Lock-up-House." See 10 and 11 Victoria, chapter 41, which is still in force, with the exception of the 1st, 2nd and 4th sections.

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LUNATIC ASYLUM.

13 and 14 Victoria, chapter 68, provides that "a yearly tax of 6d. in the £100, [and so in proportion on any less sum] on the assessed value or 1l. in the pound on the yearly value, shall be imposed upon all taxable property" for the Lunatic Asylum, the same to be collected, &c.,

"in the same manner as other local taxes," "and paid over by him [the Collector,] to the County Treasurer, [Municipal Act, 172, requires that the Collectors shall pay the County Rates to the Township Village, or Town Treasurer,] or City Chamberlain," the Treasurer and Collector each to have  $2\frac{1}{2}$  per cent.

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MARKETS.

60. [6] Village Councils are empowered to make By-laws "for regulating and managing the existing markets, and for establishing, regulating, and managing any new market, &c. 67. Towns, and 82 Cities have "the like powers." See *Miscellaneous* 1st division. 138. The places already established by competent authority as Market places, "shall be and remain such."

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MAYOR. SEE *Heads 3rd division.*

MEASURES. SEE *Weights and Measures.*

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MEETING OF ANY CORPORATION.

199. "All meetings and proceedings of any Corporation shall be held openly, and so that no person shall be prevented from being present thereat, *except only when the public interest shall require the contrary.*" 168. "All votes, resolutions and proceedings of such meetings shall be carried by the majority of votes of the persons composing such meeting, other than the person presiding, who in case of an equality of votes, shall have the casting vote."

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MISCELLANEOUS. *1st division.*

*Villages.*

52. The Inhabitants of each Incorporated Village shall be a body corporate, with such powers, within such Village, as are by this Act conferred upon the inhabitants of the different Townships, within the limits of such Townships respectively." 59. "The Municipality of every such Village, shall be formed in the same manner as the Municipality of any Township, and shall have all such powers, duties and liabilities within and in respect to such Village, as the Municipality of any Township shall have in respect to such Township; and the Town Reeve (and Deputy) of every such Village, and the other officers thereof, shall also have like powers, duties and liabilities."

*Towns.*

59. The inhabitants of each Town shall be a "body corporate, with the same corporate powers as Villages, *except in so far as such powers may be hereby increased, lessened or modified.*" 67. Each Town Council "shall have all and singular the powers, duties, and liabilities within, and in respect to such Town, which the Municipality of any Village may, or can, lawfully use, or exercise therein." 60. The

Councillors "and other officers shall have all such powers, duties and liabilities within, and in respect to such Town, as the officers of the Municipality of any Village shall have in respect to such Village."

*Cities.*

82. The Inhabitants of each City "shall be a corporate body, with all the powers, duties, liabilities, powers and privileges as Towns," "except so far as they may be hereby increased, lessened, or modified."

106. Each City Council "shall have all and singular, the powers and authority within such City, and the liberties thereof, as the Town Councils of any Town, may have, or can lawfully use or exercise therein."

MISCELLANEOUS, 2nd division.

156. "All the By-laws of the different Municipal Corporations in Upper Canada remaining unrepealed, on 1st January, 1850, "shall continue in force until amended or repealed by some By-law of the *Municipal Corporations by this Act substituted for such former Corporations.*"

175. "The Corporations created or to be created in and for any County, City, Town, Township, or Village, by this Act, *shall be substituted for, and shall be in the place and stead of the Corporations heretofore existing* in and for such County, (under the name of District,) City, Town, Township or Village." 31. (32) Township Councils may make By-laws '*not contrary to any law of the Province;*' 40, (23,) Village, 61, [9.] Town, and 107, City Councils; may make By-laws "as they may from time to time deem expedient, such By-law not being repugnant to this or any other Act of the Parliament of this Province."

CCIX. And be it enacted, That all Acts and parts of Acts and provisions of law, either of the Parliament of this Province, or of the Parliament of the late Province of Upper Canada, and all Acts, By-laws, Rules and Regulations thereupon passed by any Township Meeting, District Council, Board of Police, Town or City Council in Upper Canada, in force in Upper Canada immediately before the time when this Act shall come into force, in so far as the same may be inconsistent with or contradictory to the provisions of this Act, or which make any provisions in any matter provided for by this Act, other than such as is hereby made in such matter, shall be and they are hereby repealed, and shall cease to be in force upon, from and after the day when this Act shall come into effect.

MONEY.

31. [3.] Township, 41, [22.] County, 60, [22.] Village, 81, [3.] Town, 107, [4.] and City Councils are empowered to pass By-laws "for raising, levying and collecting such moneys as may be required," "by means of a rate or rates to be assessed equally upon the whole rateable property." 31. [16.] Townships, and 60, [5.] Villages may grant money to the County Councils for the improvement of the Roads, &c. 41. [16.] County Councils may so grant money to Towns or Villages. 31. [30.] Township, 41, [21.] County, 60, [20.] Village, 81, [7.] Town, 107, [2.] and City Councils may by By-laws borrow money, under the following restrictions:— 177. "No By-law passed for the negotiation of any loan, shall be valid or effectual, to bind any such Corporation, unless a special rate *per annum* over and above, and in addition to all other rates

whatsoever shall be settled in such By-law, to be levied in each year for the payment of the debt to be created by the loan to be negotiated, nor unless such special rate shall be sufficient" "to satisfy and discharge such debt with the interest thereof within 20 years from the passing of such By-law," "and it shall not be competent to repeal any such By-law, or to discontinue such rate until the debt shall be fully discharged." 171 and 172. The Treasurer and Chamberlain to take charge of all the moneys of their respective Corporations. 182. Any By-law passed for the liquidation of any *bona fide* debt due "prior to 1st January, 1849," to be approved of by the Governor General. 183. Cannot act as Bankers or issue Bonds for a less amount than £25. 184. "Every person who shall issue or make any such Bonds, &c., or undertakings for the payment of money contrary to the provisions of the next preceding section," "shall be guilty of a misdemeanor, as provided in 7 William IV., "chapter 13 section 3."

*School Act* 13. Township Councils may authorize Trustees to borrow Money for the building, &c., of School Sites and Houses, &c., to be paid within 10 years.

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NATURALIZATION.

See 12 *Victoria*, Chapter 197.

"No person shall be qualified to vote or be elected or appointed under this Act, who shall not at the time of his voting, election or appointment, be a natural born or naturalized subject of Her Majesty."

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OATH.

125. The "Heads," "Aldermen." Justices of the Peace for the several Towns," "and also every City, County, Town, Township and Village Clerk, shall have authority to administer any Oath required to be taken under this Act, and relating to the business of the place in which he shall hold office, *except where it is or shall be otherwise specially provided.*" They are required to "preserve the same, duly certified by him and subscribed by the party taking the same, and deposit the same in the office of the Clerk," "within eight days, on pain of being deemed guilty of a misdemeanour." 127. Every person appointed or elected to any office "shall before entering upon the duties of his office take and subscribe "the Oath of office, (see Form ) "and in default thereof shall forfeit the sum of £10." 128. "Every person wilfully swearing or affirming falsely in any Oath required to be taken under this Act, shall be liable to the pains and penalties of corrupt perjury." 130. "Every qualified person duly elected or appointed," "who shall refuse or neglect to take the Oath of affirmation of office, and that of qualification, within 20 days after he shall be so elected or appointed, and have had notice of such," shall "forfeit and pay not more than £20, and not less than £2." See *Affirmation*, and *Qualification* 1st division.

OFFICERS. SEE *Qualification 1st division.*

31. (5,) Township, and 41, (6,) County Councils may by By-law "appoint so many other officers as may be necessary for carrying into effect any of the provisions of this Act," and "settle the remuneration to be paid them." 59, Villages, 67, Towns, and 106. Cities "have the like powers." See *Miscellaneous 1st division.* 173. All Officers appointed by any Corporation "with regard to whose period of service no other provision is made" "shall hold office until removed by the Corporation for the time being." 174. "Any Officer who shall come into possession of any books, accounts, papers, &c. &c. "and neglect or refuse to give them upon being demanded shall be guilty of a misdemeanor. See *Embezzlement.* 178. Any Officer who "shall neglect or refuse to carry into execution" an un-expired *un-repealable* By-law, "under a pretence" of a By-law passed for its *a temp'ed* repeal, shall be guilty of a misdemeanor. 186. Any Officer shall be deemed a competent witness.

*Jury Act.* 71. "Any other Officer who at the time of the annual meeting of the Selectors of Jurors, shall have the actual charge of the Assessment Roll," and "shall neglect or omit to perform the duties required of him by the 11th section of this Act, (See *Assessor.*) shall forfeit £25." 5 and 6. "All Municipal Officers" exempted from serving as Jurors. Doubt have arisen as to the meaning of "Officer," whether it included such as Path Masters and Pound Keepers, &c. It appears to me that all who take the "Oath of Office" must be *Officers* of the Councils.

## ORCHARDS.

31. (10,) Township, 60, (1,) Village, and 41, (11,) County Councils, shall not make Roads "to encroach on or run through Orchards," &c.

OVERSEERS OF HIGHWAYS. SEE *Qualification 1st division.*

31. (5 and 11,) Township, and 41, (6,) County Councils may by By-law "appoint a sufficient number of Overseers of Highways," under "the Corporate Seal" "prescribe their duties" and "settle their remuneration." 59, Villages, 67, Towns, and 82, City Councils have "the like powers." See *Miscellaneous 1st division.*

## PENALTIES.

For the breach of any By-law; 41. (20.) The County Council may inflict a Penalty of £10. The Township Council, 31, (19.) £5 or twenty days imprisonment. The Village Council 60, (23.) £5, or thirty days imprisonment. And "no person shall be compelled to pay a greater fine than £10, for refusing or neglecting to perform the duties of any Municipal Office." The Town Councils, 81, (9.) £5, or thirty days imprisonment. The City Councils 107, (5.) £5, or thirty days imprisonment. And Police Villages sundry amounts. (See *Police Villages.*) 48. Any Police Trustee "who shall willfully neglect or omit, to fulfil any of the duties imposed upon him" shall "incur a penalty of 20s." 50. "All the Penalties incurred by any person under any of the regula-

tions of Police," shall be recovered by the Inspecting Trustee, or in his absence a Justice of the Peace. 127. Every person appointed or elected to any office "shall before entering upon the duties of his office take and subscribe" the oath of office, (see Form ) "and in default thereof shall forfeit the sum of £10." 130. "Every *qualified* person elected or appointed to any office" "which requires a property qualification in the incumbent," who "shall neglect for 20 days *after notice* of such, to take the oaths shall forfeit and pay not more than £20 or less than £2." and a similar fine on "every person duly authorized to administer such oath who shall refuse to do so." 158. "Any person liable to serve in the office of Constable" who on being requested by the Returning Officer shall refuse to be sworn in as a Special Constable "shall be liable to a penalty of £5." 185. Any Justice of the Peace "shall have full power and authority to award the penalty or the imprisonment, imposed by any By-law under which the conviction shall be had, with costs, &c." "and to cause the penalty to be levied with costs, if not forthwith paid, by distress and sale of goods."

POUND KEEPER. SEE *Qualification 1st division.*

31. (1.) Township Councils may make By-laws "for the erection of one or more public Pounds and settling the fees to be taken by the Pound Keeper. (19.) "For restraining and regulating the running at large of Cattle, Horses, &c. &c. &c." (23.) "For appraising the damages to be paid by the owners of Cattle, Horses, &c. &c." "For causing such to be impounded," &c., and "for settling the height of lawful fences," &c. 59. Village, 67, Town, and 82, City Councils have "*the like powers.*" See *Miscellaneous 1st division.*" This is in some measure at variance with an "Act of Parliament" which no By-law lawfully can be. See *Miscellaneous 2nd division.*" The 1 Victoria, chap. 21, (generally called the "*Town Meeting Act.*") is by 12 Victoria, chap. 80, wholly repealed with the exception of the four sections which defined the Pound Keeper's duty, which are as follows:—

32. "It shall be the duty of any 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" "delivered to him by any person residing within his division taking up the same," "and if, after the space of 48 hours, the said animals shall not be claimed or redeemed by the owner paying the Pound-keeper his lawful charges and the amount of damages awarded," "shall cause a notice in writing to be affixed in three public places." [See Form ] At the day and place named in such notice "the said Pound-keeper shall proceed to sell the same to the highest bidder; and if any owner, after paying his own legal charges and the amount of damages awarded to the owner, "Provided always, that if no person shall appear to claim the same within the space of three months after public notice of sale, the said Pound-keeper shall pay the said overplus into the hands of the Township Clerk." 33. "If any ox, horse or cow shall be impounded as aforesaid, and not claimed before the expiration of 15 days, and the owner shall not be known by the said Pound-keeper," then at the day on which the same is advertised to sell, "shall postpone the sale thereof for the space of 40 days, at the expiration of which term he shall proceed to sell the same, and dispose of the proceeds as aforesaid;" "Provided always, that the same may at any time before such sale, redeem such animal by paying demands aforesaid." 34. "It shall be the duty of every person taking any animal to the Pound-keepers

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 animals for damage done by them, and in case the owners of such animal shall tender to the Pound-keeper the full sum which shall or may be awarded, with the costs there incurred, all such subsequent costs shall be borne by the party claiming extravagant damages." 35. "It shall be the duty of the Pound-keeper, when the owners of any animal impounded shall object to the amount of damages claimed, [within 48 hours] 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 grounds wherein such animals were found doing damage." [See 4th Wm. IV. chap. 12, sec 5.] and "any two of them shall, within 24 hours after the receipt of such notice, view such fence, and determine whether the same is a lawful fence according to the regulations" [see Form O] "and if any person shall neglect or refuse to attend to examine said damages, shall be liable to a penalty." [See Form Q.]

#### POLICE VILLAGE OR HAMLETS.

Such are not Corporations, but form a part of the Township or Townships in which they are situated, and are empowered to make and enforce a number of "*Regulations.*"

53. Whenever the resident freeholders and householders of any such Village shall amount to 1000, the Governor may upon the petition of 100, erect by proclamation any such Village into an "Incorporated Village," "apart from the Township in which it is situated." 42. Any County Council (if situated in more than one County then each,) "upon the petition of any number of inhabitants of any un-incorporated Village" may by By-law "fix a place in any such Village where the first annual election of Police Trustees shall take place," "the person who shall preside," and "the hour such meeting shall be opened." 43. "On the second Monday in January next, after the end of three calendar months, from the passing of By-law," "it shall be lawful to appoint three Police Trustees. See *Election*, also *Highways*, section 137. We have omitted to copy the Police Regulations in consequence of their length and thinking it would accommodate but few.

#### POLICE TRUSTEES. SEE *Qualification 1st division.*

45. At every election after the *first* the majority of the Trustees shall "appoint the person to preside at such election, and the hour at which the same shall commence." 47. See *Vacancies*. 48. Any Trustee elected "who shall wilfully neglect or omit to fulfil any of the duties" "shall incur a penalty of 20s.," 49. "to be recovered within 10 days after the offence." 15. "All penalties incurred" for the breach of any of the "Regulations" "shall be sued for by the Inspecting Trustee," (if absent then any other,) "before a Justice of the Peace."

#### POLICE MAGISTRATE. SEE *Qualification 1st division.*

70. "The Police Magistrate for the several Towns" "shall be appointed by the Crown during pleasure," who "shall be *ex-officio* a Justice of the Peace in and for the said Town and County, within or on the borders of which such Town shall lie, and shall receive a salary of not less than £100 per annum, payable quarterly." But "shall not in

the first instance be appointed," and not "until the Corporation of such Town shall have communicated to the Governor General," "their opinion that such an officer is required." 71. May suspend any Constable. See this section under *Constable*. 72. "All offences against the By-laws of the Town, and all penalties for refusal to accept or be sworn into office in such Town, and all other offences over which one or more Justices of the Peace have or shall have jurisdiction, committed within the Town may be prosecuted and sued for before the Police Magistrate of such Town." 76. "All oaths of office of the Subordinate officers of such Town, shall be taken before the Mayor or Police Magistrate thereof." 82. Confers "*the like powers*" on such City officer. See "*Miscellaneous 1st division*." 93. In Cities, "*Besides a Police Magistrate as provided with respect to Towns*" "there shall be a Recorder's Court," &c. 105. The office of Police Magistrate and Recorder may in any City be united and held by one and the same person, and may also be disunited by "a communication to the Governor General" from the City Council. 117. In the absence of the Mayor the Police Magistrate of any Town or City "shall have the power of granting licenses to Inn-keepers," &c. See *Tavern License*. 135. No Police Magistrate "shall require any property qualification to enable him lawfully to act as a Justice of the Peace, nor shall any other oath be required than his oath of office as such Police Magistrate." 140. "It shall and may be lawful for any Police Magistrate" "to commit to hard labour at, or send to, such Industrial Farm, (See *Industrial Farm*) under such regulations as may be established for the government thereof, any such description of persons as may by the By-laws of the City or Town, be adopted or declared expedient or necessary."

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POLICE OFFICE.

69. "There shall be in every such Town a Police Office, at which it shall be the duty of the Police Magistrate to preside." See *Police Magistrate*. 73. "The Clerks of the Town Councils, of the said Towns, shall be the Clerks of the Police Office of such Towns."

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POULTRY. SEE *Geese*.

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PROVISIONAL COUNCIL.

The 12th Victoria, chap. 78, section 5, Provides that certain Union of Counties alluded to in a Schedule shall "for all Judicial and Municipal purposes" be as one County. 18. The County in which the Court House is situated shall be called the *Senior*, and the remaining County the *Junior* County of such Union. 10. "So soon as by the census taken according to law," (See *Census*,) any Junior County shall "contain 15,000 souls it shall be lawful for the Governor" "upon the petition of two-thirds or more of the Town Reeves of such Junior County," by Proclamation, "erecting the Town Reeves of such Junior County into a Provisional Council for such Junior County" &c. &c.

*Amended Municipal Act*. 11. Provisional Councils may borrow money and contract debts for County buildings and works, "subject to the restrictions for securing the payment of such loans as other" Councils. See *Money*. 12. Provides for their final dissolution. 13. The Corporations substituted for such Provisional Councils, "shall become charged with all debts, obligations, &c." 14. Then By-law for raising a loan of money unpealable.

## PROPERTY.

*Assessment Act.* The word "Property" wherever it occurs shall include both Real and Personal.

## PROPERTY—REAL.

*Assessment Act.* 2. "The term 'Land,' 'Real Estate,' and 'Real Property'" "shall be held to include the land itself, all buildings and other things erected upon or affixed to the same, all trees and underwood growing thereupon, and all mines, minerals, quarries and fossils, in and under the same."

## PROPERTY—PERSONAL.

*Assessment Act.* 3. "The terms 'Personal Property,' and 'Personal Estate,' whenever they occur in this act, shall be construed to include all such goods, chattels, and other property as are enumerated in Schedule A." (Schedule A. All horses and neat cattle of 3 years old and upwards, pleasure carriages of all descriptions all carriages kept for hire. The average stock of goods on hand, of every Merchant, Trader, or Dealer, Manufacturer, Tradesman or Mechanic, such average stock to be considered to be the *mean* between the highest and the lowest amount of goods on hand at any time during the year. The amount of Stock or Shares in Steamers, Schooners, and other Water Craft employed in the conveyance of freight or passengers, and owned within the Municipality.")

## PUBLICATION OF BY-LAWS.

The 3rd, 4th, and 5th Sections make certain provisions for the dividing into Wards the several Townships *by the late District Council, on the 2nd October, 1849*; and section 8 provides "That copies of every such By-law shall be published, twice at least in the Official Gazette, and at least four times in some public newspaper." The power to divide into Wards now is with the Township Councils, but no mention is made as to publishing any such By-law of them. See *Wards*.

## QUALIFICATION, 1st division.

CXXI. And be it enacted, That no person shall be qualified to vote, or to be elected or appointed under this Act, who shall not at the time of his voting, election or appointment, be a natural born or naturalized subject of her Majesty, her heirs or successors and of the full age of twenty one years.

CXXVII. And be it enacted, that each Township, Village, Town or City Councillor, and each Township, County, Village, Town or City Clerk, and each Justice of the Peace for any of the towns aforesaid, and each Assessor and Collector, and each Returning Officer and Returning Officer's Clerk, and each Constable or other officer, who shall be appointed under this Act, by any Municipal Corporation, shall, before entering on the duties of his office, take and subscribe an oath or affirmation, to the effect following, [see Form A] and in default thereof shall forfeit the sum of £10 to the use of her Majesty, together with costs.

CXXIX. And be it enacted, That every person who shall be elected or appointed under this Act, to any office which requires a qualification of property in the incumbent, shall, before he shall enter into the duties of his office, take and subscribe an oath or affirmation to the effect following, that is to say: (See form B.)

CXXX. And be it enacted, That each and every qualified person duly elected or appointed to be a Police Trustee of any police village, or Councillor or Townroove of any Township or Village, or a Councillor, Alderman, or Mayor of any Town or City, or a Township, Village, town, or City Assessor or Collector, who shall refuse such office, or who shall refuse or neglect to

take the oath or affirmation of office and that of qualification, under this Act, within twenty days after he shall be so elected or appointed, and have had notice of such election or appointment, and every person duly authorized to administer such oath or affirmation who shall refuse to administer the same when such administration is reasonably demanded of him, shall, upon conviction thereof before any Court of competent jurisdiction, forfeit and pay not more than twenty pounds, and not less than two pounds, at the discretion of the Court, and to the use of Her Majesty, Her Heirs and Successors, together with such costs of prosecution as shall be adjudged by the Court: Provided always, that no person who shall have served in any of the said offices for the year next before any such election or appointment, shall be obliged to serve or be sworn into the same or any other of the said offices for the year succeeding such service.

QUALIFICATION. *2nd division.*

	COUNCILLORS AND ALDERMEN.			VOTERS.	
	No. of section.	Am't of assess'd prop'ty.	Am't of tenants or rental.	Am't of assess'd prop'ty.	or rental.
Township . . . . .	22	£100	£ 0	£ 0 0	£ 0
Village . . . . .	57	250	20	12 10	0
Village . . . . .	53	0	0	none.	0
Town . . . . .	65	300	40	25 0	25
City Councillors . . . . .	83	300	30	50 0	50
City Aldermen . . . . .	83	500	60	50 0	50
Police Trustees . . . . .	44	100	100	0 0	0

133. "No person shall be appointed Assessor unless he shall, at the time of his appointment, be possessed of property sufficient to qualify him to be elected Councillor for such Township, Village or Ward." See *Election and Assessor*. See note at the bottom of page 57.

QUASH BY LAWS.

155. Illegal By-laws may be quashed by the Court of Queen's Bench.

QUORUM.

163. "A majority of the whole number of those who shall by law form such Corporation shall be a quorum for the dispatch of business."

REAL PROPERTY. SEE *Property*.

REAL ESTATE. SEE *Property*.

RECORDER. SEE *Qualification, 1st division*.

83. "Besides a Police Office and Police Magistrate as provided for towns," "there shall moreover be a Recorder's Court in each City," and "the Recorder for the time being shall preside, assisted by one or more Aldermen of such City." 102. The Recorder may suspend any High Bailiff and Constable." [See *Bailiff*.] 104. Each Recorder "shall be a Barrister of Upper Canada of not less than five years' standing, and shall be appointed by the Crown during pleasure," "shall *ex-officio* be a Justice of the Peace in and for the City," "and shall receive a salary of not less than £250 per annum, payable quarterly." "A Recorder shall not in the first instance be appointed" "until the Corporation of such City shall have communicated to the Governor General that such an officer is wanted." 105. The "office of Recorder and Police Magistrate may be vested in the same person" and disunited "by a communication to the Governor" to that effect from the City Council. During the union of such offices the Recorder not to receive any *additional* salary.

RECORDER'S COURT.

83. In each City there shall be a Recorder's Court "and therein the

**Recorder for the time being shall preside, assisted by one or more Aldermen, or in the absence of the Recorder, the Mayor or one of the Aldermen, to be elected by the Aldermen from amongst themselves, shall preside; and such Court shall in all cases possess the like powers, (100. 'and the like process and proceedings shall and may be used') and have the like jurisdiction as to crimes, offences and misdemeanors committed in such City and the liberties thereof as the Courts of Quarter Sessions of the Peace now have, or hereafter may have by law in Upper Canada within their local jurisdiction," "as well as in all those matters of civil concern not belonging to the ordinary jurisdiction of a Court of Justice."** 94. Four sessions shall be held in each year, viz., "on the second Monday in the months of January, April, July and October." 95. "The Grand Jurors of such Courts shall consist of 24 Jurors [96. Petit Jurors not less than 36 or more than 60] to be summoned by the High Bailiff" "under precept signed by the Recorder" [or the Aldermen elected as above] in the same manner as Jurors are summoned for Quarter Sessions. See *Jurors*. 101. Upon the acquittal of any defendant the costs in certain cases "to be paid out of the City funds." 103. "The Clerk of the Common Council shall be the Clerk of the Recorder's Court."

REEVE. SEE *Heads, 5th division.*

#### REMUNERATION.

31. [7.] Township, and 41, [7.] County Councils may by By-law "settle the remuneration of all Township and County officers in all cases where the same is not or shall not be settled by Act of Parliament." 59. Villages, 67, Towns, and 82, City Councils have "the like powers." See *Miscellaneous, 1st division.* 41. County Councils may make By-laws:

(9.) For settling and paying a rate at which the Townreeves and Deputy Townreeves forming such Municipal Council shall be remunerated for their attendance at such council: Provided always, nevertheless, that no By-law to be passed for this latter purpose after the year of our Lord, one thousand eight hundred and fifty, shall be valid, unless the same shall by the terms of it be limited to take effect two whole years at least from the passing thereof.

As remuneration is expressly provided for the members of the County Council, we would thereby negatively infer that no others were entitled to any. The several members of each Municipality are the Corporation and "the officers" whose remuneration they are to settle are those of such Corporation—surely not the members composing it.

#### RESIGN.

111. "It shall and may be lawful for the Head of any Corporation, at any time, by and with the consent of such Corporation, to resign his office" as such Head.

RETURNING OFFICER. SEE *Qualification, st division.*

124. "Every Returning officer shall have power to administer all the oaths required during any Election." 157. During any Election, "shall act as a conservator of the peace." 161. At the close of every Election "shall return the Poll Book to the Clerk" "with an affidavit thereunto annexed. [See Form H.] See *Election, also Special Election.*

ROADS. SEE *Highways.*

#### ROAD COMPANIES.

31. [17.] Township, and 41, [17.] County Councils are empowered to make By-laws "for borrowing money and taking stock in Joint Stock

Companies," and "for granting to Joint Stock Companies permission to proceed with any Road or Bridge." [See 12 Victoria, chap. 84.]. 59, Village, 67, Town, and 82, City Councils "have the like powers." See *Miscellaneous, 1st division.*

#### S A B B A T H .

60, (9,) Village Councils are empowered to make By-laws "for enforcing the due observance of the Sabbath." 67, Town, and 82, City Councils have the "like powers." See *Miscellaneous, 1st division.*

#### SCHOOL SITES AND HOUSES.

31, [3.] Township Councils empowered to make By-laws "for purchasing such Real Property as may be required for Common School purposes, for building School Houses, &c." 67, Town, 59, Village, and 82, City Councils have "the like powers." See *Miscellaneous, 1st division.* 41. [3.] County Councils have the same powers with respect to Grammar Schools, sites, &c. See *Corporation, 4th division.* 9 Vic. chap. 17, Provides, That "it shall be lawful for any number of persons residing in Upper Canada, who may be interested in any school established or to be established in any Town or Township," to "elect from amongst themselves any number of Trustees not exceeding seven nor less than five," who "shall be capable of taking, holding and possessing such real property requisite for a school," but not more than ten acres: *Provided, "that nothing in this Act shall be construed to extend to Common Schools."* School houses exempt from taxation. See *Exemption.*

#### SELECTORS OF JURORS.

*Jury Act.* I. That every man, except as hereinafter excepted, over the age of 21 years, residing in any County or in any City or the liberties thereof, or in any other local judicial division in Upper Canada, in the possession of his natural faculties and not infirm or decrepit, who shall be assessed for local purposes according to law, for property, real or personal, or both, belonging to him in his own right or in that of his wife, to the amount hereinafter mentioned, shall be qualified and liable to serve as a juror both on grand and petit juries in her Majesty's superior courts of common law at Toronto, having general, criminal or civil jurisdiction throughout Upper Canada, and in all courts of criminal or civil jurisdiction within the county, union of counties, city or other local judicial division of the County in which he shall so reside.

II. And be it enacted, That no person shall be disqualified or relieved from serving as such juror in consequence of his having ceased to be seized or possessed of the property in respect of which he may have been enrolled as such juror, between the time of enrollment and his being called upon to serve as such juror, nor shall the same form any ground of challenge to such juror.

III. And be it enacted, That whenever property shall be assessed on the assessment roll of any township, village or ward, as the property of two or more persons jointly, the selectors of jurors hereinafter mentioned to whom it shall belong to extract from such roll the names of those thereon qualified and liable to serve as jurors under this Act, may, and if they shall have the requisite information as to the names of the parties to enable them to do so, such selectors shall, in making such extract, and for all the purposes of this Act, treat such property as if it belonged to such persons in equal proportions, and each of such persons as respects his qualification and liability to serve as such juror shall be treated by such selectors of jurors in making such abstract as if he had been severally assessed for such equal proportion of such property.

IV. And be it enacted, That the amount of property in respect of which every man shall be qualified and liable to serve as such juror, shall be determined by the relative amount of property for which he shall be assessed on

the assessment roll of the township, village or ward of which he shall be a resident inhabitant at the time of the annual selection of jurors, by the selectors for such township, village or ward as hereinafter provided, and that the mode for ascertaining the same shall be as follows, that is to say: the names of three fourths of the assessed resident inhabitants of the township, village or ward, shall be copied from the assessment roll of such township, village or ward, commencing with the name of the person rated at the highest amount on such roll, and proceeding successively, towards the name of the person rated at the lowest amount, until the names of three fourths of the persons assessed upon such roll, shall have been copied from the same; and the amount for which the last of such persons shall be assessed upon the said roll, shall be that which shall qualify every resident inhabitant of such township, village or ward as such juror, and render him liable to serve as the same.

V. And be it enacted, That all persons of upwards of sixty years of age,—all members of the executive council of this Province,—the secretary of his Excellency the Governor of the Province for the time being, and all officers and others in the service of the Governor for the time being,—all officers of the provincial government, and all clerks and servants belonging to either house of the provincial parliament, or to the public departments of the Province,—the warden of the provincial penitentiary, and all the officers and servants of the said Penitentiary,—all judges of courts having general jurisdiction throughout Upper Canada,—the judges of the county courts and the judges of all other courts, except the quarter sessions of the peace having jurisdiction throughout any county, union of counties or city in Upper Canada,—all sheriffs, coroners, gaolers and Keepers of houses of correction and of lock-up houses,—all priests, clergymen and ministers of the gospel, recognized by law, to whatever denomination of christians they may belong,—all members of the law society of Upper Canada, actually engaged in the pursuit or practice of their profession, whether as barristers or students,—all attorneys, solicitors and proctors actually practising,—all officers of the courts of justice, whether of general county, city or other local jurisdiction, actually exercising the duties of their respective offices,—all physicians, surgeons and apothecaries actually practising,—all officers in her Majesty's army or navy on full pay,—all pilots and seamen actually engaged in the pursuit of their calling,—all officers of the post office, customs and excise,—all sheriff's officers and constables, all county, township, city, town and village treasurers and clerks and town clerks,—all professors, masters and teachers of any university, college, county grammar school, common school or other school or seminary of learning actually engaged in performing the duties of such appointments respectively,—and all officers and servants of any such university, college, school or seminary of learning actually exercising the duties of their respective offices or employments,—all county, township, city, town and village officers not however including justices of the peace,—all millers and all firemen belonging to any regular fire company, shall be and are hereby absolutely freed and exempted from being returned, and from serving as either grand or petit jurors in any of the courts aforesaid, and shall not be inserted in the rolls to be prepared and returned by the selectors of jurors by virtue of this Act, as hereinafter mentioned.

VI. And be it enacted, That all Members of the Legislative Council and of the Commons House of Legislative Assembly of this Province,—all Wardens of counties or unions of counties, and all other members of any county council,—all Mayors, townreeves and deputy townreeves of any city, town, township or village,—all justices of the Peace, and all other members and officers of any municipal corporation, shall be and are hereby absolutely freed and exempted from being selected by the selectors of jurors hereinafter mentioned to serve as grand or petit jurors in her Majesty's inferior courts, and the names of such persons shall not be inserted in the rolls from which jurors are to be taken for such purpose, and if any such name shall have been accidentally inserted in any such Roll, it shall, if drawn in balloting any jury list or drafting any panel therefrom, be set aside and not inserted therein, and all such persons shall be moreover absolutely freed and exempted from being returned upon any general precept to any sessions of Assize or Nisi Prius, Oyer and Terminer or gaol delivery, and the names of

such persons if drawn in drafting such panel, shall be set aside and not inserted in the same.

VII. And be it enacted, That every person whose name shall have been inserted in any of the jury lists as hereinafter provided, for the years next before that in which his name shall be again drawn in any of such lists or for some prior year, within the rule of exemption hereby established, and shall have duly served on some panel returned under a general precept from such jury list, until discharged by the court to which such panel was so returned, shall be exempt from having his name inserted in any of such lists for any subsequent year within such rule of exemption, that is to say if the jurors' roll from which such name shall be drawn as hereinafter provided, shall contain a sufficient number of names to make two complete jury lists of the denomination of such jurors' roll, such person shall be exempt from having his name inserted in such jury list if it shall appear by the jurors' book of the preceding year that his name had been inserted in any of the jury lists for that year, and that he duly attended and served upon any such panel as aforesaid; and if there shall be a sufficient number of names on such jurors' roll to make three such complete jury lists, such person shall be exempt from having his name so inserted if it shall appear by either of the jurors' books of either of the two preceding years, that his name had been inserted in any of such jury lists for either of such years, and that he had so attended and served as aforesaid, for either of such years, and so on, *toties quoties*, allowing one additional year's exemption for each complete additional jury list that such jurors' roll shall furnish as aforesaid.

VIII. And be it enacted, That notwithstanding any thing in this Act contained, service as a juror upon any panel returned by the sheriff of any county or union of counties, shall not exempt the person who shall so serve from again serving as a juror upon any panel returned by the high bailiff or other proper officer of any city embraced within the bailiwick of such sheriff, though such service may be so required of such juror within the period of exemption provided for by the next preceding section of this Act, nor shall any such service upon any panel returned by the high bailiff or other proper officer of any such city, having a recorder's court established in the same, exempt the person who shall have so served from again serving as a juror upon any panel returned to any of the superior courts of criminal or civil jurisdiction, by the sheriff of the county or union of counties within the limits of which such city shall be embraced: and the jury lists for such superior courts for such county or union of counties, and for such city respectively, shall be balloted without any regard being had to any such service, but the inhabitants of every such city, and of the liberties thereof, shall be exempt from serving on juries at any other than the city courts, or on trials at the bar, of either of her Majesty's superior courts of common law at Toronto, or at the courts of assize and *Nisi Prius*, *Oyer and Terminer*, and general gaol delivery for the county or union of counties within the limits or on the borders of which such city shall be situate.

IX. And be it enacted, That no man not being a natural born or naturalized subject of her Majesty, is or shall be qualified to serve as a grand or petit juror in any of the courts aforesaid, on any occasion whatsoever, except only in the cases hereinafter expressly provided for.

X. And be it enacted, That no man who hath been or shall be attainted of any treason or felony, or convicted of any crime that is infamous, unless he shall have obtained a free pardon, nor any man who is under outlawry is or shall be qualified to serve as a grand or petit jury in any of the said courts on any occasion whatsoever.

#### II.—SELECTION AND DISTRIBUTION OF JURORS.

XI. And be it enacted, That the mayor or townreeve, the city, town, village or township clerk, and the assessors or assessor, if there be only one, of the respective cities, towns, villages and townships in Upper Canada, shall be *ex officio* selectors of jurors for every such township and village, and for each of the wards of every such city or town, and in the discharge of their duty as such selectors shall assemble annually on the eighth day of September in each year, at the place where the meetings of the municipal corporation of such city, town, village or township shall be usually held, or at such other place within the jurisdiction of such municipal corporation as may for

that purpose be appointed by the head of such municipal corporation, or in his absence, or the vacancy of the office, by the clerk of such municipal corporation for the purpose of selecting from the assessment rolls or assessment roll of such city, town, village or township, the names of such persons as being qualified and liable to serve as jurors under this Act, shall from the integrity of their characters, the soundness of their judgments, and the extent of their information, be in the opinion of such selectors of jurors, or of a majority of them, most discreet and competent for the performance of the duties of a juror; And it shall be the duty of such city, town, village or township clerk, or such assessor or assessors, or such other officer or person as shall at the time have the actual charge or custody of the assessment roll or assessment rolls for every such city, town, village or township for such year, to bring such assessment roll or assessment rolls to every such annual meeting of the selectors of jurors for such city, town, village or township, and to permit the use of the same for the purposes aforesaid.

XII. And be it enacted, That the selectors of jurors for each city, town, village and township in Upper Canada, shall annually on the day mentioned in the next preceding section of this Act, or on the first day thereafter not being a Sunday, or other statutory holiday, if such first mentioned day shall be a Sunday or other statutory holiday, or if they shall have been unable to complete the duty hereby imposed upon them on such first day, proceed to select such names from such rolls accordingly: Provided always nevertheless, firstly, that they shall in no case select from any of such rolls, a smaller number of names than what shall be equal to two-thirds of the whole number of names on such roll, provided there shall be a sufficient number for that purpose on the same qualified and liable to serve in respect of the amount of property for which they shall be assessed on such roll, and not otherwise wholly disqualified or exempt from serving as jurors according to the provisions of the fifth, sixth, ninth and tenth sections of this Act, or any of them: And provided also, secondly, that in case of an equality of votes amongst such selectors of jurors as to any one or more of the names to be so selected, or as to the division of the report of such selectors in which any such name should be inserted in the distribution of such names as hereinafter provided, or as to any other incidental question which may arise in the performance of the duty hereby imposed upon such selectors, the mayor or townreeve, or in his absence or the vacancy of the office, the city, town, village or township clerk, or in the absence, or vacancy of the offices of both, then the assessor whose roll for the year shall have contained the greatest number of assessed names, and in the case of joint assessors, the assessor first named in the appointment of such assessors shall have a casting or double vote in the decision of the same.

XIII. And be it enacted, That the said selectors of jurors having made such selection as hereinbefore provided, shall for the purpose of the Report thereof to be by them made as hereinafter provided, distribute the names of the persons so selected from each roll into four divisions; the first, to consist of persons to serve as grand jurors in the superior courts; the second, of persons to serve as grand jurors in the inferior courts; the third, of persons to serve as petit jurors in the superior courts; and the fourth, of persons to serve as petit jurors in the inferior courts, and shall make such distribution according to the best of their judgment as to the relative competency of the parties with reference to the duties to be required of them respectively.

XIV. And be it enacted, That the said selectors of jurors shall make such distribution amongst the said four divisions as nearly as may be in the following proportions, relatively to the whole number of persons so selected by them from each of such rolls for that purpose as aforesaid, that is to say; one ninth as nearly as may be under the first of such divisions; two ninths as nearly as may be under the second of such divisions; two ninths as nearly as may be under the third of such Divisions, and four ninths as nearly as may be under the fourth of such divisions.

XV. And be it enacted, That the said selectors of jurors shall thereupon make out in duplicate under their hands and seals, or under the hands and seals of such of them as shall have performed such duty, a report of such selection and distribution for every such township, village or ward, which report shall be as nearly as may be in the form set forth in the schedule; to

this Act annexed, marked A, and be filled up agreeably to the directions contained in the notes to such schedule, to which said report shall be subjoined a written declaration subscribed by such selectors of jurors, stating each for himself, that they had made such selection and distribution to the best of their judgment and information pursuant to this Act, and without fear, favour or affection of, to, or for any person or persons whomsoever, gain, reward or hope thereof, other than such fees as they may be lawfully entitled to receive for the same under the authority of this Act.

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#### SIDE WALK.

60. [1,] Village Councils are empowered to make By-laws for "constructing, planking, &c, side-walks; "for preventing the encumbering, injuring or fouling of any side-walk," and for requiring the removal at any time, of any door steps, projections or obstructions, &c. &c. for side-walks." 67, Town, and 82, City Councils, "*have the like powers.*" See *Miscellaneous, 1st division.*

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#### SPECIAL ELECTIONS.

162. If any person elected "shall neglect or refuse to accept office or to be sworn or affirmed into office, within the time in which the oath of office is required to be taken," [Section 130, "within twenty days after he shall be so elected and have had notice of his election"] "the Head of such Corporation for the preceding year, or in case of his absence or the vacancy of such office, then the Clerk, and in case of the like vacancy in such office, then any one of the members for the preceding year, shall forthwith, by warrant under his hand and seal, [see Form J.] directed to the Returning Officer, require him to hold a new election" "within at least eight days after the receipt of such warrant." 163. "All vacancies which may occur" "by death, a judicial decision against the legality of any election, or otherwise shall be filled up" as in the next above section. 164. All such special elections as mentioned above, "shall be held upon at least four days' public notice to the electors under the hand of the Returning Officer, and posted in at least four most public places." [See Form M.]

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#### SPECIAL MEETING.

34. The County Warden may summon at any time a special meeting of the County Council "*at the place where the last meeting of such Council shall have been held,*" "and such special meeting may be adjourned from time to time, and to the same place or any other place *within* the County," City not excepted. 25. "The Town Reeve, or in case of his death or absence, the Deputy Reeve, shall have power at any time to summons a special meeting thereof." It would appear that no one but a Reeve or Deputy Reeve can convene a special meeting of a Township, but section 168 provides, "that if there shall be a vacancy in the office of Mayor, Warden, or Townreeve," the respective Corporations may "choose from amongst their own number a qualified person to be such Mayor, Warden or Townreeve." 59, Village, 67, Town, and 82, City Councils have "*the like powers.*" See *Miscellaneous, 1st division.* 110 and 111. If the office of Head should become vacant by his resigning, or by his absenting himself for three months without leave by resolution, "a special meeting thereof shall for that purpose be convened within three days after such office shall become vacant, and elect from amongst themselves a successor." See Form D.

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#### STATUTE LABOUR.

31. [27,] Township Councils are empowered to make By-laws for the regulation of Statute Labour. [See *Corporation, 5th division.*] 59, Village, 67, Town, and 82, City Councils have "*the like powers.*" See *Miscellaneous, 1st division.*

**Assessment Act. XXII.** And be it enacted, That every male inhabitant of any city, incorporated town or village, of the age of 21, or upwards, and not over 60, not otherwise assessed, and not now exempted by law from performing statute labour, shall instead of such labour be taxed ten shillings yearly, to be levied and collected in the same manner as other local taxes, to the use of the corporation of the place; and the assessors shall return on their rolls a list of the persons liable under this section, and shall give them like notice with other parties assessed; and the clerk of the corporation shall enter their names and the sum for which they are taxable, on the collection rolls, and the collectors shall collect and pay over the same in like manner as other taxes; and that every male inhabitant of any township between the ages aforesaid and not otherwise assessed, shall be liable to two days of statute labour on the roads and highways in such township; and every party assessed upon the assessment roll of any township shall, if the property of such party be assessed—

At not more than £50, be liable to two days of labour;

At more than £50, but not more than £100, to three days labour;

At more than £100, but not more than £150, to four days labour;

At more than £150, but not more than £200, to five days labour;

At more than £200, but not more than £300, to six days labour;

At more than £300, but not more than £400, to seven days labour;

At more than £400, but not more than £500, to eight days labour;

At more than £500, but not more than £600, to nine days labour;

At more than £600, but not more than £800 to ten days labour;

At more than £800, but not more than £1000, to twelve days labour;

And for every £200 above the sum of £10000 to one day's labour, unless the municipality of such township shall have directed by by-law that a sum of money be paid in commutation of such labour, in which case all the provisions of this section, as to the said tax of ten shillings, shall apply to the commutation money to be paid under such By-law: Provided always, firstly, that the municipality of any city, town, village or township, may, by by-law to operate generally and rateably, reduce, and at their discretion increase the number of days labour to which (by such party rated on the assessment roll, or otherwise, shall be liable under this act: Provided, secondly, that in case no distress, sufficient to satisfy the said sum of ten shillings and the expense of issuing any warrant of distress, shall be found, it shall and may be lawful for the head of any such municipal corporations before whom complaint shall be made, to commit the offender to the common gaol of the county for any time not exceeding six days, unless such sum and costs shall be sooner paid.

**XXIII.** And be it enacted, That the statute labour mentioned in the next preceding section shall, as against non-residents, be and is hereby commuted for the sum of two shillings and six pence currency for each day's labour, and the sum to which such statute labour shall amount at the said rate, shall be added to the taxes payable by such non-residents respectively, and collected as other taxes under this Act.

SURVEYOR. SEE *Qualification, 1st division.*

31. [5.] Township, and 41, [6.] County Councils may by By-law "one or more Road Surveyors, and prescribe their duties, &c." 39, Village, 67, Town, and 82, City Councils have "*the like powers.*" See *Miscellaneous, 1st division.*

SUPERINTENDENT—LOCAL. SEE *Qualification, 1st division.*

**School Act. 27.** Each County Council "to appoint annually, a Local Superintendent of Schools for the whole County, or for any one or more Townships in such County, and it shall judge expedient, [30. not less than £2 per school placed under his charge,] and provide for the salary of such Local Superintendent: Provided that no Local Superintendent shall have the oversight of more than 100 Schools and provided also, that the County Clerk shall forthwith notify the Chief Superintendent of Schools of the appointment and address of each such Local Superintendent." 21. Local Superintendents in Cities and Towns are appointed

“by the Board of School Trustees for such Town or City.” 26. Local Superintendents of Incorporated Villages are appointed by the Board of School Trustees. We consider it foreign to this work, and unnecessary—as each Superintendent must have the Act—to define the duties of Superintendents.

TAVERN LICENSE.

31. (14.) Township, and 60, (19.) Village Councils are empowered to make By-laws “for regulating Inns, Taverns, &c. &c., and all houses where spirituous liquors are sold.” 67. Town and 82, City Councils have “*the like powers.*” See *Miscellaneous* 1st division. 117. Whenever there shall be a Police Magistrate in any Town or City, “the power of granting licenses to Inn Keepers, and the keeping of Ale and Beer Houses within such Town or City or the liberties thereof,” “shall be vested in and belong to such Police Magistrate, and whenever there shall be no Police Magistrate” it shall be vested in the Mayor. 118. “The Mayor, Police Magistrate, or any two Aldermen, or Justices of the Peace for any Town or City, and the Town Reeve of any Township or Village with any two Justices of the Peace for the County,” shall have full power “upon complaint upon oath of any riotous or disorderly conduct in any Inn, &c. &c.,” “to investigate the same,” “to dismiss,” “abrogate the license,” “or suspend the benefit of the same for any period not exceeding 60 days.” See *License Act*, under *Corporation* 2nd division.

*License Act.* 4. Each City, Town, Village or Township Council on and after the 1st March next, “shall have power and authority to make By-Laws,—For limiting the number of Inns and Houses of Public entertainment, in such City, Town, Village and Township, for which, license to retail spirituous liquors to be drank therein shall be issued,” or “for prohibiting the issuing of any such licenses,” and “for fixing the terms and conditions which shall be previously compiled with, by any person desiring such license,”—“the description of house and the accommodation he shall have,”—“the security he shall give for the due observance of all By-Laws,” made in that behalf, “the sum he shall pay for such license, over and above the duty imposed by the Act aforesaid.” (*Imperial Act*, 14, *George III.*, chapter 88. 5. “*That there shall, from and after the 5th day of April, 1775, be raised, levied, collected, and paid, unto His Majesty's Receiver General of the said Province, for the use of His Majesty, his heirs, and successors, a duty of £1 10s. sterling money of Great Britain, (£2 3s. 9½d. currency,) for every license that shall be granted by the Governor, Lieutenant Governor, or Commander-in-Chief of the said Province, to any person or persons for keeping a house or any other place of public entertainment, or for the retailing wine, brandy, rum, or any other spirituous liquors, within the said Province.*”) “and for imposing for any contravention of such By-Laws, any penalty or punishment which they may lawfully impose” (£5 0 0.) The same “with respect to Ale and Beer Houses,” or “other Houses where fermented or manufactured liquors are sold, to be drank therein.” “Provided, always, that nothing herein contained shall relieve any person keeping a House of Public Entertainment, and retailing wine and spirituous liquors therein, without a license, from the penalty imposed for such offence by the Act aforesaid. (14, *George III.* chapter 88. 5. “Any person keeping any such House or place of entertainment, or retailing any such Liquors without such License shall forfeit and pay the sum of £10 for every such offence, upon conviction thereof, one moiety to such person as shall inform or prosecute for the same, and the other moiety shall be paid into the hands of the Receiver General of the Province, for the use of His Majesty.”) 5. Also, to make By-Laws to “define the duties and remuneration of Inspectors of Houses of Public Entertainment,” and “the security they shall give,” See *In-*

spectors; See also 5th division, section 31, (14;) 6th division, section 60 (9;) 7th division, section 80 and 8th division, section 106; also, 13 and 14 Vict., chap. which contains provisions at variance with the above.

## TOWNS.

61 and 201. The present Towns are Belleville, Brantford, Brockville, Bytown, Cobourg, Cornwall, Dundas, Goderich, Niagara. (See 2 Victoria, chapter 48, section 2nd,] Peterborough, Picton, Port Hope, Prescott and St. Catharines. 84. Whenever "any Town shall be found, by the census return, (taken every 5th year from 1850,) to contain more than 15,000 inhabitants," then upon the petition of the Town Council, "it shall and may be lawful for the Governor to erect such Town into a City." 115. The Governor "upon the petition of any Town Council may add to the boundaries, and make a new division of the Wards." (not less than 3,) of any Town. 17. "No Town although lying within the boundaries of a Township, shall for the purposes of this Act, be held to form any part of such Township." 27. No part "of any Town although lying within the boundaries of a Township shall be held to form part of such Township." But (*Amended Act*, section 9,) "shall continue to be part of the County," "as well for the purposes of representation in the Commons House," "as for all other purposes whatsoever, except, only, when any such Town shall be entitled to be represented in such Assembly." When any such Town shall be erected into a City, then, it shall be "in the relative position to the County," as is prescribed by the 81st section of the Council Act. See *Cities*.

## TOWNS BY NAME ONLY.

202. The Towns mentioned before "from having been the places where the Assizes have been usually held, &c." and "having been named Towns in Acts of Parliament, are generally reputed to be Towns, and it is inexpedient to deprive them of that distinction, or to subject them to the more extensive organization provided for Towns or Villages in general, until by the increase of their inhabitants they shall respectively become desirous of, and entitled to such," and until then not "any of the provisions of this Act applicable to Towns shall extend to any such Towns." 203. The Towns named in the first division "shall be a body Corporate, apart from the Townships in which such shall be situated," "with all such powers, duties, &c. &c., as are by this Act conferred upon Incorporated Villages." See *Corporation* 6th division." 204. The Towns named in the 2nd division "shall continue a part of the Townships within which the same shall be respectively situated, and shall be subject to the jurisdiction of the Municipalities of the Townships as if the same were an unincorporated Village or Hamlet." (See *Police Village*.) As soon as they "shall contain 1000 inhabitants, it shall, and may lawful for any number of resident freeholders and householders, not less than 100, to petition the Governor," and be erected into an Incorporated Village. 203. As soon as those in the 1st division "shall contain 5,000 inhabitants, it shall, and may be lawful for the Governor," upon petition, "to divide such into wards, and erect such into an Incorporated Town." See *Incorporated Village*," (section 79, Provides for the erection of Villages into Towns when they have a population of 3,000, while by the next above section the Towns in 1st division require 5,000.)

## 1st division.

Amherstburgh.  
Chatham.  
Guelph.

Perth.  
Simcoe.  
Woodstock.

## 2nd division.

Barrie.  
L'Original.

Queenston.  
Sandwich.

TOWN COUNCIL. SEE *Corporation 1st division.*

TOWN HALL.

31. (2) Township Councils are empowered to make By-laws "for the erection, security, preservation, improvement or repair of a Town Hall." 59, Village, 67, Town, and 106, City Councils, have "the like power." See *Miscellaneous 1st division.* 41. (2) County Councils may erect, &c. &c., Shire Halls.

TOWN CLERK. SEE *Clerks 8th division.*

TOWNSHIP.

2. "The Inhabitants of each Township in Upper Canada, which shall have more than 100 resident householders and freeholders on the Collector's Roll," "shall be a body Corporate." See *Corporation 5th division.*

TOWNSHIPS—JUNIOR.

3. Any Township having less than 100 resident freeholders and householders is to be attached to some adjoining Township by the County Council, and called a Junior Township. 11. Whenever any such Junior Township "shall have within it 100 resident freeholders and householders," the County Council may divide it into Wards, fix the place for holding the first Election," and "appoint Returning Officers." 12. Such disunited Junior Township "shall be Incorporated by itself."

*Amended Act.* 8. The County Councils in forming Union of Townships "shall designate the order of seniority of the Townships forming every such Union."

TOWNSHIPS, UNION OF.

3. Junior Townships attached to Senior Townships form a Corporation under the name of "The United Townships of \_\_\_\_\_." 11. County Council to detach Junior Townships when such has more than 100 residents. 13. The Township or Townships remaining "may divide anew their Wards." 14. Makes provisions as to election in such Union of Townships. 41. (17) The County Council may by By-law form Union of Townships.

TOWNSHIP COUNCIL. SEE *Corporation 5th division.*

TOWN REEVE. SEE *Heads 5th division.*

TREASURER. SEE *Qualification, 1st division,*

Applies equally to all Treasurers and City Chamberlains.

171. "It shall be the duty of each Corporation to appoint a Treasurer" [in Cities a Chamberlain] "who shall hold office during pleasure." [173. "The Treasurer and Chamberlain so to be appointed" "shall hold their offices until removed therefrom by the Corporation for the time being"] and "paid by such a salary or per centage as they shall appoint, and who shall give such security for the faithful discharge of the duties of his office, and more especially for the due accounting for and paying over all monies which shall come into his hands by virtue of his office" as the Corporation appointing him may direct. 174. "All books, papers, accounts or documents, of what kind soever," which shall come into any Treasurer's possession "shall be deemed to be chattels belonging to such Corporation. [See *Embezzlement.*] 172. "It shall be the duty of ere

**Treasurer and Chamberlain to receive and safely keep all moneys belonging to** their respective Corporations, "and to pay out the same to such persons and in such manner as he shall be directed to do by any *lawful order of the Corporation thereof, or by any By-law,*" "strictly to conform to and obey any such law or By-law *lawfully made,*" and faithfully to perform all such duties as may be assigned to him." 179. A copy of any writ of execution against any Corporation is required to "be delivered" to the Treasurer [or Chamberlain] thereof by the Sheriff.

*Assessment Act.* XII. And be it enacted, That whenever the amount of taxes which shall be assessed in any township or county, incorporated village, town or city, for any purpose, shall exceed the charges for such purpose, the overplus shall remain at the credit of such township or county, village, town or city, and shall go to the reduction of the tax for the same purpose for the succeeding year, or if such purpose shall have been accomplished then to the reduction of such other tax as the municipality, or council of such township or county, village, town or city shall think fit to direct; and if the amount of taxes which shall be so assessed for any purpose, shall be less than the charges for such purpose, such deficiency shall go in increase of the tax for such purpose in the succeeding year: but in cities and incorporated towns or villages, the amount assessed and levied shall form part of the general funds at the disposal of the corporation, unless otherwise specially appropriated.

36. "If any such claims [taxes distrained for] be contested, the surplus money shall be paid over by the Collector to the Township, Village or Town Treasurer, [all but *County*] or City Chamberlain, who shall retain the same until the respective rights of the parties shall be determined."

XLII. And be it enacted, That if any of the taxes mentioned in the collector's roll shall remain unpaid, and the collector shall not be able to collect the same, he shall deliver to the township, village or town treasurer, and to the county treasurer (or to the city chamberlain, if the account relate to a city) an account of all the taxes remaining due on the said roll: and in such account the collector shall shew, opposite to each separate assessment, the reason why he could not collect the same, by inserting in each case the words "non resident" or "no property to distrain" as the case may be, and upon making oath before the treasurer or chamberlain that the sums mentioned in such account remain unpaid, and that he has not upon diligent enquiry been able to discover any goods or chattels belonging to or in the possession of the parties charged with or liable to pay such sums, whereon he could levy the same, he shall be credited with the amount thereof, and the said account shall be sufficient authority to the county treasurer or city chamberlain to proceed to sell the lands on which such taxes remain unpaid in the manner hereinafter provided,

60. Every Treasurer or City Chamberlain "before entering upon the duties of his office, shall enter into a bond with two or more sufficient sureties, in such sum" as their respective Municipalities "shall require by any By-law to be passed in that behalf, and in the manner required by such By-law, and in conformity to all the provisions thereof; and such sureties shall be to the satisfaction of such Corporations respectively."

*School Act.* 42. "The sum of money annually appropriated in aid of Common Schools in the several Cities, Counties, Towns and Villages [all but *Townships*] in Upper Canada, shall be payable on or before the 1st July in each year, to the Treasurer thereof.

*Jury Act.* 5. All Treasurers exempted from serving as Jurors.

TREASURER. *2nd division,*

Applies to City, Town, Village and Township Treasurers in *addition to* 1st division.

*Assessment Act.* 41. "On or before the 14th day of December in each year, or on such other day as the County Council shall appoint," each

Collector is required "to return his Collector's roll to the Treasurer of the Township, Village or Town, or City Chamberlain, and to pay over the amount payable to such Treasurer or Chamberlain." By this section the *City* Collectors are required to return their rolls, &c. to the City Chamberlain "on such day in each year as the Municipal Council of the *County* shall have appointed." This must, we think, be a mistake, as *County* Councils can exercise no control over *Cities* or their officers.

XLIII. And be it enacted, That it shall be the duty of the proper clerk, previously to the delivery of the collector's rolls by him to the several collectors, to furnish the treasurer of the township, village or town, or the chamberlain of the city, with a correct copy of each roll so far as the same relates to the lands of non-residents; and such treasurer or chamberlain shall enter the same in a book to be kept by him for that purpose, together with the taxes charged upon such lands.

XLIV. And be it enacted, That upon the return of the collector's rolls to the said treasurer or chamberlain, he shall enter in the said book any taxes which may have been charged upon such lands by the municipal council of the county, in which the land is situate, and he shall also enter in the said book the taxes which shall appear to have been received on such lands by the collector.

*School Act.* 24. "All the moneys thus collected [by the Town, City or Village Councils, at the request of the Board of School Trustees] shall be paid into the hands of the Chamberlain of such City," or Treasurer of such Town or Village.

#### TREASURER. *3rd division*

Applies to County Treasurer in *addition* to 1st division, and City Chamberlain in addition to 1st and 2nd divisions.

*Assessment Act.* 38. Collectors may receive the tax on undivided portions of lands, "and if the tax on the remainder of such lot, piece, or parcel of land shall remain unpaid," they are required to make a return of such "to the proper Treasurer or City Chamberlain, to the end that the part on which the tax remains unpaid may be clearly known."

XLV. And be it enacted, That it shall be the duty of the said county treasurer or chamberlain to prepare a list of such lands in each township, village, town or city upon which any taxes shall remain due at the time of the collector making his return, distinguishing in separate columns, and opposite the lots or parcels of land respectively, the amounts due for county rates, and the amounts due for township, village, town or city rates, and it shall be the duty of such county treasurer or chamberlain, within one month after the receipt of such collector's Roll, to address a circular letter through the Post to the owners of the several lots or part-lots of land respectively, on which taxes are still due, stating the amount due, and calling upon such owners respectively for payment thereof: Provided always, that in any case where the county treasurer or chamberlain shall not be able to satisfy himself who the owner of any land in the said list is, or where he resides, it shall be the duty of such treasurer or chamberlain to publish in the *Government Official Gazette* of the Province, a list of such lands, setting forth the total amount due on each, and calling on the owners for payment, charging the expenses of publication against the lands in question in proportion to the amount due on them respectively; and such expenses shall be levied on such lands with the taxes due on them, and with the same advantage of privileged lien.

XLVIII. And be it enacted, That the county treasurer or city chamberlain shall, within thirty days after the collector has made his return, issue a warrant under his hand and seal, directed to the sheriff of the county or high bailiff of the City, commanding him to levy on the said lands of non-residents for the amount of the taxes then remaining due thereon, with his costs.

XLIX. And be it enacted, That the Sheriff or High bailiff to whom the warrant is directed, shall, within the then current year, cause the same to be executed, giving at least three months notice, and shall make return thereof

to the county treasurer or city chamberlain issuing the same, and shall pay to him the money levied by virtue thereof; and the sheriff shall have for executing and returning such warrant, five shillings for the sale of each separate lot or parcel of land, and may deduct and retain for himself three per cent. on the amount levied by him, and the remainder whereof shall be paid over to the treasurer or chamberlain.

56. "The owners of any Real Estate sold for non-payment of taxes" may, at any time within three years from the day of sale, redeem the estate sold, by paying or tendering to the County Treasurer or City Chamberlain for the use and benefit of the purchaser" the sum paid, and 10 per cent thereon, and taxes since paid "and the said Treasurer or Chamberlain shall give to the party paying such redemption money a receipt stating the sum paid and the object of the payment.

LXIII. And be it enacted, That if any collector shall refuse or neglect, to pay to the county, township, village or town treasurer or city chamberlain, or to such other person as shall be legally authorized to receive the same, the sums contained on his roll, or duly to account for the same as uncollected, the county treasurer or city chamberlain, shall, within twenty days after the time when such payments ought to have been made, issue a warrant under his hand and seal, directed to the sheriff of the county, or to the high bailiff of such city, commanding him to levy such sum as shall remain unpaid and accounted for, with costs, of the goods, chattels, lands and tenements of such collector, and to pay to the county, township, village or town treasurer or city chamberlain, the sum coming to each of them respectively, and to return such warrant within forty days after the date thereof, which warrant the said treasurer or chamberlain, shall immediately deliver to the sheriff of the county or high bailiff of the city, as the case may require.

64. "The Sheriff or High Bailiff to whom the warrant is directed shall, within such forty days, cause the same to be executed, and make return thereof to the County Treasurer or City Chamberlain." 65. If either shall refuse or neglect to levy such moneys," "or to pay over the same," "it shall and may be lawful for the Treasurer or Chamberlain to make application in a summary manner, upon affidavit of the facts, to either of the superior courts of common law." 66. "If either shall wilfully neglect or omit to perform any duty required of them by this Act, and no other penalty is hereby imposed for such omission, he shall be liable to a penalty of £50" "at the suit of the County Treasurer or City Chamberlain.

*Jury Act.* 81. "That the Selectors of Jurors for every selection or distribution of Jurors, and the report thereof made by them under this Act, shall be entitled to 10s., [and each Clerk the sum of 5s. for bringing with him to such meeting the Assessment Roll]" "to be paid to them respectively by the Treasurer of the County" [and "or City Chamberlain" we think it ought to have been,] "for which such Jurors are to serve, out of any moneys" "not otherwise specially appropriated by Act of Parliament," "upon receipt of a certificate from the Clerk of the Peace, that such report had been duly made to him within the time for that purpose prescribed by this Act." The Clerk of the Peace of every County and the Clerk of the Recorder's Court of every City "shall be entitled to £1 10s. for every Juror's book furnished and prepared by him under this Act, and the further sum of 2s. for every 100 names contained in the Rolls of Jurors by him entered in such Juror's book, and the further sum of 20s. for each Jury list ballotted," which shall be paid by the Treasurer of such County, or the Chamberlain of such City out of any moneys in his hands not otherwise specially appropriated by Act of Parliament, upon receipt of a certificate from the Chairman of the Quarter Sessions, or the Recorder [or presiding officer of the Recorder's Court] that such book had been furnished and prepared, &c. &c, within

the time, and according to the directions prescribed by this Act. See *Lunatic Asylum*.

TREASURER. 4th division

Applies to County Treasurers in *addition* to 1st and 3rd divisions.

40. Each County Council "shall upon the report of the Auditors of the County finally audit and allow" "the accounts of the County Treasurer." [144. The Auditors are required to report on such accounts "for the year ending 31st December preceding their appointment," within *one month* after their appointment," which is on the third Monday in January.]

*As Amended.* 172. The County Rates levied in any Town, Village or Township within its jurisdiction are required to be paid into the hands of the Treasurer of such Town, Village and Township, and by them paid over to the County Treasurer "within such time as may be prescribed by any By-law of the County Council to be passed for that purpose." "Every such Treasurer shall keep an account in his books with the County Treasurer, and receive from the County Treasurer receipts for all such moneys as he shall pay over to him on account of such County rates." "For all such County Rates so received and paid over to the County Treasurer, the Township Treasurer, Town and Village Treasurers shall be entitled to receive and take to his own use two and a half per cent."

*Assessment Act.* 33. "The taxes upon lands of non-residents in any Township in any County may be paid to the County Treasurer, who, on being thereunto required, shall receive the same and give a receipt therefor, specifying the amount paid, the period for which it is paid, the lot of land upon which it is paid, and the concession, Township, and date of payment; but the party making such payment to the County Treasurer shall also pay him therewith a sum equal to five per cent, on the taxes so paid, which shall be the remuneration of such County Treasurer for his trouble; and such County Treasurer shall keep an exact account of all sums so received by him, and shall pay over the same to the Treasurer of the Township, Town or Village to which they shall respectively belong, before the 14th day of December in each year; in default whereof he may be compelled to pay over the same in the manner hereinafter provided; and on paying over such sums, he shall deliver to the Treasurer to whom they are to be paid, an account shewing, with respect to such sums respectively, the particulars above required in the receipt given to the party paying them, and for the purpose of this section it shall be the duty of the Clerk making out any Collector's Roll, to forward immediately to the County Treasurer a copy of so much of the said roll as shall relate to taxes on the lands of non-residents.

XXXIX. And be it enacted, That the commissioner of crown lands shall, within thirty days after the first day of January, of each and every year, after the passing of this Act, transmit to each and every county treasurer, a list of all the lands granted or leased during the preceding year, to the end that the said treasurers may, and they are hereby required to furnish each township clerk with a list of all the lands in the township for which he is clerk, that have been granted or leased during the said term.

XLVI. And be it enacted, That the treasurers of the several counties in Upper Canada, shall on or before the first day of January, one thousand eight hundred and fifty-one, make out and submit to the municipal council of the county, a true list of the lands in their counties respectively, or in any cities or the liberties thereof, lying within the limits or on the borders of such county on which any taxes shall then remain unpaid, stating the number of acres in each lot or part-lot, describing the same as heretofore prescribed with regard to such lands, the number of years for which it is in arrears for taxes, and the amount of taxes due on each lot or part-lot respectively, both

for taxes chargeable under the wild land assessment law, and for assessments lawfully imposed under by-laws of the municipal councils, together with the names of the owners respectively, as far as such treasurers may be enabled to ascertain the same; and the said arrears shall be certified to the clerk of the proper locality by the county clerk, and shall be added to the assessment roll for the year one thousand eight hundred and fifty-one, and collected in like manner, and the proper proportions of the moneys so collected shall be accounted for and paid over to the treasurers of the several municipalities for the purposes for which they were originally imposed.

XLVII. And be it enacted, That in all cases where any township or townships, or any part or parts thereof, shall have been detached from any district or county for the formation of any new district or county since the passing of the wild lands assessment law the treasurers of each of such districts or counties respectively, shall, on or before the first day of January, one thousand eight hundred and fifty-one, meet together at some convenient place to be agreed upon between them, and make up a correct list of the arrears of taxes due on the lands in such townships or parts of townships respectively, up to the periods at which such lands became parts of the said new districts or counties, and it shall be the duty of the clerk of the county in which the township then actually lies, to include the amount of such arrears of taxes as aforesaid due in the township in his list of arrears of taxes due on such lands, respectively, for the year one thousand eight hundred and fifty-one; and it shall be the duty of the treasurer of the county to pay over to the treasurer of the county from which (or from the district subsequently forming it) such townships or parts of townships were respectively detached, that portion of the said arrears accrued while the township was part of such district or county, which is by law applicable for county purposes, reserving for the use of his own county that portion only of such arrears which is applicable for the improvement of the roads and bridges in the said townships respectively; the said payment to be made as aforesaid, on or before the first day of January, one thousand eight hundred and fifty-two.

LIX. And be it enacted, That it shall be the duty of the county treasurer, on the receipt of the taxes on the lands of non residents, to pay over, as soon as reasonably may be, to the treasurer of the proper Township, town or village municipality, the amount of such taxes belonging to them respectively.

*School Act.* 27. [1.] It is required of the County Council "that the sum required to be levied in such County each year, for the salaries of legally qualified Teachers, shall be collected and paid into the hands of the County Treasurer on or before the the 14th "day of December" and "in case of the non-payment of any part of such sum into the hands of the County Treasurer at that time, no Teacher shall, upon application, be refused the payment of the sum to which he shall be entitled from such year's County School fund, but the County Treasurer shall pay any Local Superintendent's lawful order in behalf of such Teacher, in anticipation of the payment of the County School Assessment, and the County Council shall make the necessary provisions to enable the County Treasurer to pay the amount of such lawful orders." [4.] It is a further duty of the County Council to see "that sufficient security is given by all officers" and "to see that no deduction be made from the School fund by the County Treasurer for the receipt and payment of School moneys," and [5] to appoint auditors "whose duty it shall be to audit the accounts of the County Treasurer, and other officers to whom School moneys shall have been intrusted." 42. The annual Legislative School Grant "shall be payable on or before the 1st day of July, in each year, to the Treasurer of each County.

TREASURER. 5th division,

Applies to Town, Village, and Township Treasurer, in addition to 1st and 2nd division.

172. "It shall moreover (see 1st division,) be the duty of every Town-

ship, Village and Town Treasurer to receive from the Collectors of such "all moneys collected by such Collectors for or on account of the County Rates, and to pay the same over to the County Treasurer within such time as may be prescribed by any By-law of the County Council to be passed for that purpose." The Corporations "of such Town, Village and Township, shall be responsible to the County Council for all such County Rates, as shall, or may, be paid to such Village, Town or Township Treasurer, who shall together with his sureties be responsible to such County Council for the same, as for moneys received by him on account of the Township Village or Town Rates respectively." "Every such Treasurer shall keep an account in his books with the County Treasurer, and shall give receipts for all moneys received by him, on account of the County, and receive from the County Treasurer receipts for all such moneys as he shall pay over to him on account of such County Rates." "For all County Rates so received and paid over to the County Treasurer, the Township, Village and Town Treasurers shall be entitled to receive and take to his own use two and a half per cent."

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TREASURER—SUB.

*School Act.* 27. (4) The County Council may "appoint, if it shall judge expedient, one or more Sub-Treasurers of School moneys, for one or more Townships of such County; Provided always, that each such Sub-Treasurer shall be subject to the same responsibilities and obligations in respect to the accounting for School moneys, and the payment of lawful orders for such moneys, given by any Local Superintendent, within the parts of the County for which he is appointed Sub-Treasurer, as one imposed by this Act upon each County Treasurer, in respect to the paying and accounting for School moneys." (See 4th division.) Also, to see "that sufficient security be given by all officers of the Council to whom School moneys shall be intrusted," and "to see that no deduction be made from the School fund by the (County or) Sub-Treasurers, for the receipt and payment of School moneys."

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TURKIES. SEE *Geese.*

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UNION OF TOWNSHIPS. SEE *Townships*

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VACANCIES.

28. "In case of Vacancy in the office of Collector or Assessor," the Township Council shall "fill it up," 59, Village, 67, Town, and 82, City Councils, have "*the like powers.*" See *Miscellaneous*, 1st division. 47. Any Vacancy "amongst the Police Trustees" may be filled by the remaining ones. 110. Any Head who shall absent himself (without leave by resolution,) for three months, at any one time, shall vacate his office, and "at a meeting called three days afterwards" such vacancy may be filled up." 163. "All vacancies which may occur in any Corporation by death, a judicial decision against the legality of any election, or otherwise, however, shall be filled up by an election to be held under a warrant (see Form J.) directed to the Returning Officer, under the hand and seal of the Head, or in his absence in the vacancy of that office, then, under the hand and seal of the Clerk," "and in case of the like vacancy in such office, then, under the hand and seal of any member of such Corporation." 166, "If there shall be any vacancy in the office of Warden, Mayor, or Town Reeve, by reason of death or removal, &c.," the "Corporation in which such vacancy shall occur, shall, and may, respectively chose, from amongst there own

number, a *qualified* person to be a Warden, Mayor, or Town Reeve, as often as the case may occur," (All the "Members" of each Corporation are "*qualified*" to be appointed such Head, with the exception of City Mayors, in which case they (83) "shall be elected from amongst the Aldermen thereof.") See *Special Election*.

*License Act*. 5. Any vacancy in the office of Inspector to be filled up "in like manner as vacancies in the office of Councillor."

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VILLAGES.

58. Whenever any unincorporated Village or Hamlet shall contain 1000 freeholders or householders on the Collector's Roll, the Governor may, upon the petition of 100 inhabitants, erect such Village into a Town. 115. "Upon the petition of the Council" of any Village, the Governor may "add to the boundaries" of such. 17. "No part of any Village, (City or Town,) although lying within the boundaries of a Township, shall for the purposes of this Act, be held to be part of such Township." 89. "Whenever any Incorporated Village in Upper Canada shall be found by the census returns (taken every fifth year from 1850,) to contain 3000 inhabitants, then, upon the petition of such Village Council," the Governor may erect such into a Town. See *Corporation* 6th division. See *Towns*.

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VILLAGE COUNCIL. SEE *Corporation* 6th division.

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VOTERS.

160. "If any two or more candidates shall appear to have an equal number of votes," the Returning Officer "shall give a casting vote, (See *Casting Vote*) 208. "That in the Cities and Towns in which at the passing of this Act a provision exists for the registration of votes, the same shall continue and be in force until repealed, altered or amended by a By Law of the Corporation of such City or Town." See *Election*.

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WARDEN. SEE *Heads* 2nd division.

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WARDS.

3, 4, 5, 6 and 7 Sections, provides for the erection of Townships into Wards by the *late* District Council, *before* 2nd October, 1849. 8. It shall be lawful for any Township Council "by By-law, to be passed for that purpose, to divide such Township into several Wards," (15, "the same shall be divided into five Wards,") "divide the same anew or rearrange the same more effectually." 9. In every such case the Township Council must appoint a place (10, and person) in each Ward. "for holding the election of Township Councillor." 11, 13 and 14. Provides for the dividing into Wards, Junior Townships, &c. &c. 115. Upon the petition of any Town Council, the Governor may "make a new division of the Wards, and to alter the boundaries of such Wards, so that there be not less than three of them." 205. Any Town or Village Council, upon petition to the Governor, may have the Wards and limits extended. 89. It shall be lawful for any City Council "to erect any part of the liberties contiguous to such City, as their boundaries shall be at the time, into one or more outer Wards," and "alter and vary such," "or any of them, before they shall be annexed to the said City, as hereinafter provided. 90. As soon as "any one of its outer Wards contain as many inhabitants as by the census first taken after the passing of this Act, (1850,) shall be found to be contained in the

most populous of the Wards erected by this Act," "and by the general Assessment Roll of such City, that such outer Ward contains as much assessed property as by the first assessment of the said City, shall be found to be contained in the least wealthy of the Wards erected by this Act, it shall and may be lawful for the Mayor of such City," by proclamation, to annex such Ward to such City.

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WEIGHTS AND MEASURES.

60. (6) Incorporated Villages are empowered to make By-laws "for regulating Weights and Measures according to the lawful Standard, &c.," 67, Town, and 82, City Councils have "the like powers. See *Miscellaneous* 1st division. The 4th George IV., chapter 16, 1st., 2nd., 3rd and 6th sections are in force. The first three provide for the purchasing of a sett of standard weights and measures in each County. 6. "any person who shall have in his possession any weights or measures whereby he sells or buys any article," not stamped, &c., "shall forfeit and pay for every offence 40s." 3rd Victoria, chapter 17. The last section in force, by which "the information of the Inspector upon oath shall in future be considered sufficient evidence for conviction." See 12th Vic., chap. 85. The 5th Wm. IV, chapter 7, Provides that grain sold must be by weight and not by measure, weight as follows:—Wheat, 60 lbs; Indian Corn, 56 lbs; Rye, 56 lbs; Peas, 60 lbs; Barley, 48 lbs; Oats, 34 lbs; Beans, 50 lbs; Timothy and Clover Seed, 60 lbs; 3rd Victoria, chap. 18, Salt, 56 lbs.

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WITNESSES.

180. "With regard to any Prosecution, suit or action to which any Corporation shall be a party, no member, officer, or servant of such Corporation shall be deemed an *incompetent* witness nor shall his testimony be objected to on the grounds of his being interested in the matter, as such member or servant." 126. "That in all matters of disputes concerning Roads, &c." "it shall and may be lawful, for the Head to administer an oath or affirmation to the contending parties, and to any witness to be examined, touching the same."

*Assessment Act.* 30. "The Court (*See Court of Appeals*) or any member thereof, may administer an oath to any witness, and must issue summons to any witness to attend such Court, and if any witness so summoned shall fail to attend [being tendered 2s 6d per day] he shall incur a penalty of £5."

# **RULES AND REGULATIONS**

**APPLICABLE TO ANY MUNICIPAL CORPORATION.**

**ALSO, A LARGE NUMBER OF**

# **TABLES AND FORMS,**

**FOR THE USE OF**

**MUNICIPAL CORPORATIONS AND THEIR OFFICERS.**



# STANDING RULES AND REGULATIONS

OF THE

MUNICIPAL COUNCIL OF THE

OF

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**1—Hour of Meeting.**—That this Council do meet at the hour of 10 o'clock in the forenoon, unless otherwise specially provided; and if at that hour there is no Quorum, (see *Quorum*) the or Chairman do take the Chair and adjourn, with the consent of the majority then present.

**2—Members to keep their Seats.**—That when the Council adjourns, the Members shall keep their seats until the or Chairman leaves the Chair.

**3—Appearance of a Quorum.**—That on the appearance of a Quorum, the or Chairman shall take the Chair, and the members called to order.

**4—Minutes of previous day.**—That immediately after the or Chairman shall have taken the Chair, the minutes of the preceding day shall be read by the Clerk, in order that any mistakes therein may be corrected by the Council.

**5—Order.**—That the or Chairman shall preserve order and decorum, and shall decide all questions of order, subject to an appeal to the Council.

**6—Order.**—That when the or Chairman is called upon to explain a point of order, or practice, he is to state the rule applicable to the case without argument or comment.

**7—Chairman; how Chosen.**—That in case the shall not be in attendance, the Clerk, at the request of some member, shall call the Council to order, until a Chairman can be chosen, who shall preside until the arrival of the (See Chairman.)

**8—Members Speaking.**—That every Member, previous to his speaking, shall rise from his seat, and address himself to the

**9—Two Members rising at once.**—That when two or more Members shall rise at once, the shall name the Member who is first to speak.

**10—Member obliged to Vote.**—That every Member who shall be present when a question is put shall vote thereon.

**11—Member called to Order.**—That a Member called to order shall sit down until the question of order is decided by the

**12—Speaking.**—That no Member shall speak beside the question in debate.

**13—The Motion Read.**—That each Member may of right require the question, or motion in discussion to be read for his information at any period of the debate, but not to interrupt a Member speaking.

**14—Not to Speak more than once.**—That no Member other than the one proposing a question or motion, (who shall be permitted to reply) shall speak more than once on the same question, except in explanation, or by leave of the Council.

**15—Members not to absent themselves.**—That no Member during the Session, shall absent himself for more than , without express leave of absence from the Council.

**16—Rules to be observed in Committee.**—That the Rules of the Council shall be observed in Committee of the whole, so far as they may be applicable, excepting the rules limiting the number of times of speaking.

**17—Names, when to be taken.**—That upon a division of the Council, the names of those who vote for, and of those who vote against, a motion, shall be entered upon the minutes, if one Member requires it. (See "Clerk," 1st Division, Sec. 170.)

**18—Adjournment.**—That a motion for adjournment shall always be in order.

**19—Motion to be in Writing.**—That no motion, except for adjournment, or the reception of reports and petitions, shall be debated upon or put, unless the same be written with ink, and seconded.

**20—No Motion to have a Preamble.**—That no motion prefaced by a preamble shall be admitted in the Council.

**21—Reception of Motion.**—That every motion when seconded, must be read by the Member standing in his place, and also by the Clerk, and then put by the , it shall then be deemed to be in possession of the Council, but may be withdrawn at any time before decision or amendment, by consent of Council.

**22—Speaking to Motion.**—That no Member shall speak to any motion until it is put by the , except the introducer.

**23—Motions or Questions under Debate.**—That when a motion or question is under debate, no motion shall be received, unless to amend, or commit it, or postpone it to a certain day, or for the previous question, or for adjournment, or to lay it on the table.

**24—Previous Question** —That the previous question, until it is decided, shall preclude all amendment and debate of the main question, and shall be in the following words—"*Shall the main question be now put?*"

**25—Motion for Commitment.**—That a motion for commitment, until it is decided, shall preclude all amendments of the main question.

**26—Order of Question.**—That all questions, whether in Committee or in Council, shall be put in the order they are moved, except in filling up blanks, the shortest time and the lowest sum shall be put first.

**27—Motions contrary to Rules.**—That it shall be the duty of the whenever he shall conceive that a motion read by the introducer and Clerk may be contrary to the Rules of the Council, to apprize the Council thereof before the motion shall be put by him, and to cite the rule which is applicable to the case.

**28—Introducing By-Laws.**—That every By-law shall be introduced by a motion of leave, specifying the title of it, or a motion to appoint a Committee to prepare and bring it in, or by an order from the Council on the report of a Committee.

**29—Two Readings.**—That no By-law shall be committed or amended until it shall have been twice read.

**30—Number of Readings.**—That every By-Law shall receive three separate Readings, previous to its being finally passed; but that no By-law shall be read three times on the same day, except on urgent occasions, and this rule suspended by resolution for the single occasion.

**31—By-Laws Read in Committee.**—That all By-laws shall be read and passed in Committee of the whole between its second and third Readings.

**32—Amendments Reported by Chairman.**—That all amendments made in Committee shall be reported to the Council, and by it adopted, before the question to engross it shall be put.

**33—Clerk to Certify Reading.**—That each time a By-law is read, the Clerk shall certify the Reading and the time, on the back thereof.

**34—By-Laws Read in Committee by Clerk.**—That in Committee of the whole, all By-laws shall be read by the Clerk, and debated upon clause by clause, and put by the Chairman as read by the Clerk, leaving the preamble and title to be last considered.

**35—By-Law Passed in Council.**—That when a By-law passes the Council, the Clerk shall sign it and put the date thereto. See Clerk, 1st division, sec. 189-90.

**36—Private By-Laws.**—That By-laws of a private nature shall be introduced by a petition, to be presented by a Member.

**37—Petitioners not to be heard at the Bar.**—That whenever any Petition or By-law shall have been referred to a Committee to examine the matter thereof, and report upon the same, the Council will not admit any Petitioners to be heard against such Petition, or By-law, until the matter thereof shall have first been reported to the Council by the Committee to whom it was referred.

**38—Petitions; how to be Presented.**—That Petitions, Memorials, and other papers addressed to the Council, shall be presented by a Member in his place, who shall be answerable to the Council that they do not contain improper or impertinent matter.

**39—Petitions when and to whom handed.**—That every Petition, Memorial, &c., may be delivered to, and presented by any Member, but not after the day of any general Meeting, unless it shall arise out of a matter before the Council.

**40—Special Committees; how appointed.**—That the mode of appointing a special Committee shall be, first to determine the number it shall consist of; then each member naming one, which shall be written down by the Clerk, those who have the most names shall be taken successively until the number is completed.

**41—Quorum of Committees.**—That of the number of Members appointed to compose Committees, such number thereof as shall be equal to a majority of the whole number chosen, shall be a Quorum.

**42—Committee of the whole; how formed.**—That in forming a Committee of the whole Council, the shall leave the Chair, and shall, before doing so, appoint one of the Members to preside, who shall have the same authority in the Chair of the Committee as the in the Chair of the Council. The need not leave the Chair on such occasions.

**43—Motion to rise and Report.**—That the motion in Committee to rise and report the question, shall always be in order, and decided without debate.

**44—**That every Member who shall introduce a By-law, Petition, or Motion, upon any subject, which may be referred to a select Committee, shall be one of the Committee without being named by the Council.

**45—Standing Committees.**—That at the first Session of the Council in each and every year, standing Committees to consist of Members each, shall be appointed for the following purposes, viz.:—1. Finance and Assessment; 2. Roads and Bridges; and 3. of Education and Schools, to whom all matters relating to these objects shall severally be referred.

**46—Names to be Posted.**—That it shall be the duty of the Clerk, so soon as such Committees are appointed, to post the names of the Members of each in some conspicuous place in the Council chamber, and so at each other Session throughout the year.

**47—Orders of the Day.**—That the orders of the day shall always have the preference to any motion before the Council.

**48—Orders, &c. Lost for the want of a Quorum.**—That when any order, resolution, or question, shall be lost by the Council or Committee breaking up for want of a Quorum, the order, resolution, or question so lost, shall be the first business to be proceeded with and disposed of at the next meeting of such Committee or Council.

**49—**That if any motion shall be made in the Council for any charge upon the people, the consideration of the debate thereof shall not presently be entered upon, but postponed till such further time as the Council should think fit to appoint, and shall be referred to a Committee of the whole first.

**50—**That when any question has been finally put by the , no member is to speak on the same before voting.





NON-RESIDENTS' LAND ASSESSMENTS FOR THE TOWNSHIP OF.....185

Designation of Lands by Boundaries or other intelligible description.	Nos. and names of Lots owned by Non-Residents.	Quantity of Land in each lot liable to tax'n.—acrs.	VALUE OF such LAND. £ s. d.	STATUTE LABOR. —	No. Days.
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**Form F.**

County of..... } A. B., of the Township, (Town or Village,) of..... in the said  
 to wit: } County, Collector for the said Township, for the year one thousand eight  
 hundred and..... } maketh oath and saith that the annexed is a true and correct copy of the  
 Collector's Roll for the Township aforesaid, for the year aforesaid, as far as regards the names of the  
 freeholders and householders upon such Roll.

A..... B....., Collector, .....  
 Sworn before me at ....., County of ....., this..... day of..... 18.....  
 C..... D....., J. P.

**Form G.**

OFFICE OF THE TOWNSHIP CLERK, }  
 ..... 18..... }

In accordance with the 33rd Section (as amended) of the 81st chapter, 12 Victoria, I hereby certify that A. B., Esq., of the Township of....., has been duly elected Townreeve (or deputy) for the said Township for the present year, by the Municipality thereof. And that he has taken the oath of qualification and of office, as such Townreeve, in accordance with the above cited Statute.

C..... D....., (Seal), Township Clerk, .....

**Form H.**

County of..... } A. B., of the Township, (Village, Town or Ward,) of..... in the  
 to wit: } County of....., Returning Officer for the said Township, (as the  
 case may be,) for the year one thousand eight hundred and....., maketh oath and saith, that the  
 accompanying Roll Book contains a faithful, correct and true statement of Poll, at the close of the  
 late Municipal Election for Township Councillor, (as the case may be,) for the said Township, held (as  
 the case may be,) pursuant to public notice, at the house of Mr. C. D., on the ..... Concession, and  
 .... Lot, on Tuesday and....., the ..... and ..... day of ..... last.

A..... B....., Returning Officer, Township .....  
 Sworn before me at ....., in the County of ....., this ..... day of....., 18.....  
 E..... F....., J. P.

The usual method in swearing parties to such affidavits as the three next above, is, for the party to first read and sign the affidavit, he then takes "the book" in his right hand, and the person administering the oath then says to the effect following, viz: "You solemnly swear that this affidavit to which you have subscribed your name, is correct and true in every particular, to the best of your knowledge and belief. So help you God." The party then is to kiss the book, and the person administering the oath to date and sign it officially, as in the above form.

**Form I.**

I hereby certify that A..... B....., C..... D....., E..... F....., G..... H....., and I..... J....., Esqrs, all of the Township of....., in the County of....., (as the case may be,) have been duly elected Councillors, to serve in the Municipal Council of the said Township, for the year one thousand eight hundred and....., and that I have publicly declared them thus duly elected before the Electors present at the close of the Poll.

A..... B....., Returning Officer, Township .....  
 To C..... D....., Esq., Township Clerk, .....  
 With slight alteration, the above form will answer for City, Town, Village, or Ward elections.

**Form J.**

County of..... } To A. B., Returning Officer of the Township (Town or Village, as the case may  
 to wit: } be,) of....., in the County aforesaid.

Whereas, C..... D....., who was elected one of the Councillors for the said Township (Ward, Village or Town,) of....., in the said County, at the last general Municipal Election for Councillors for the said Township, hath neglected, (or refused,) to take and subscribe within the required time certain oaths required to be taken in accordance with the 127th and 130th Sections of the 81st Chapter of the 12th Victoria, (or hath departed this life, if dead; or hath removed, if removed,) and in consequence of this his neglect, (as the case may be) the office of Councillor to which he was elected, hath hereby become vacant.

These are therefore, by virtue of the authority in me vested by the 163rd Section of the above cited Act, to require you, within eight days from the receipt of this, my warrant, to cause one resident qualified person to be elected to serve as a Councillor, to supply the place in the Township (as the case may be) Council, thus created by the neglect aforesaid of the said C..... D.....

You are required to cause public and legal notice to be given of such intended election at least four days before the day of such election, specifying the place and hour (10 to 4 o'clock,) when such election is to be held, so that a full opportunity may be given to the inhabitants of the said Township qualified to vote at such election, to select a fit and proper person to serve them as a Councillor in the Township Council aforesaid, in the stead and room of C..... D....., aforesaid.

And what you shall do in the premises you shall certify to me, together with this warrant, within ..... days after the close of such election. Herein fail you not.

Given under my hand and seal, at the Township of ....., County of ....., this .... day of ....., 18....

E..... F.....,(Seal,) Reeve, (as the case may be.)

**Form K.**

County of ....., } A. B., of the Township (City, Town or Village,) of ....., in the  
to wit: { County aforesaid, and Province of Canada, Collector for the Township  
aforesaid, for the year one thousand eight hundred and .... maketh oath and saith, that the annexed  
(or accompanying Roll,) is a true and correct copy of the Collector's Roll for the Township of .....  
aforesaid, for the year aforesaid, so far as the same relates to the names of the freeholders and  
householders, and the amounts for which they are respectively assessed upon such Roll.

A..... B....., Collector Township of .....  
Sworn before me at ....., in the County of ....., this .... day of ....., 18....  
C..... D....., J. P.

**Form M.**

County of ....., Township of ....., } NOTICE.—Public notice is hereby given to the Muni-  
to wit: { pal Electors of the Township of ..... (as the case  
may be,) in the County of ....., that in obedience to a warrant to me directed, and bearing date  
....., 18.... I require the presence of the said electors at ....., in the said Township,  
on ..... the .... day of ..... next, at the hour of 11 o'clock in the forenoon, for the purpose  
of electing a person as Township Councillor to represent them in the Municipal Council of  
the Township of ....., aforesaid, that in case a poll shall be demanded, such poll will be open on  
the above named and the next following days, from the hour of 11 o'clock in the forenoon, to 4  
o'clock in the afternoon of the first day, and from 10 o'clock in the forenoon, to 4 o'clock in the  
afternoon of the second day.

Of all which every person is hereby required to take notice, and govern himself accordingly.

Given under my hand, this .... day of ....., 18....

A..... B....., Returning Officer, Township.....

**Form N.**

We do hereby certify that A.... B.... of the Township of ....., (as the case may be,) in the  
County of ....., hath complied in every respect with the requirements of the several By-laws  
made in that behalf by the Municipal Council of the said Township, with respect to the persons to  
whom Licenses shall be granted, and we trust that a License may be granted him to keep .....  
.... at ....., on the payment by him of the sum of £.... currency.

A..... B.....

C..... D.....

To the Municipal Council of the

of

E..... F..... Inspector.

**Form P.**

We, the subscribers, freeholders (or householders) in the Township of ....., appointed in  
accordance with the 35th Section of the 21st chapter, 1st Victoria, to appraise certain damages done  
by some Hogs, (as the case may be,) belonging to Mr. A.... B....., and to determine upon the law-  
fulness of the fences of the enclosure wherein the said damage was done; having been to the place  
and viewed and ascertained the damage, do hereby certify the amount thereof to be .... pounds,  
.... shillings. And touching the sufficiency of the fence, we decide that the said fence is good,  
lawful and sufficient, (or bad and insufficient.)

C..... D.....

E..... F.....

G..... H.....

Township of ....., ..... , 18....

**Form Q.**

Notice is hereby given that I, the undersigned, Pound Keeper in Division No.... of the Town-  
ship of ....., in the County of ....., have this day at the request of A.... B...., of the said  
Township, impounded in the common Pound of the said Township, situate on the .... Lot, and ....  
Concession, one ....., (as the case may be,) which was this day found trespassing upon the  
lands of the said A.... B...., and unless the owner thereof shall within fifteen days from the date  
hereof, redeem the said ....., at the aforesaid pound, by paying the damages sustained by the  
said A.... B...., by reason of the said .... so trespassing on his lands as aforesaid, and the  
charges of the Pound Keeper, I shall proceed to sell the same at Public Auction, to the highest bidder,  
on the .... day of ..... next, at the hour of .... o'clock, ...., at the said Pound, pursuant to  
Statute, in such case made and provided.

C..... D....., Poundkeeper, .... Division, .... Lot, .... Concession.

....., ..... : 18....

**Form R.**

**REPORT OF THE SELECTION AND DISTRIBUTION OF JURORS.**

For the Township of ..... (or for the Ward of ....., in the City of .....,) in the  
County of ....., for the year 18...., made at the Town (or City) Hall of the said Township (or  
City) by A. B., Townreeve (or Mayor,) C. D., Town (or City) Clerk, and E. F., G. H., and I. J., Asses-  
sors of the said Township (or Ward,) on the .... day of ....., in the year 18...., pursuant to the  
directions of the Act of Parliament of

**FIRST DIVISION**

For the Roll of Grand Jurors to serve in Her Majesty's Superior Courts of Criminal Jurisdiction

NAMES.	No. of Lot or House, where known to the Selectors.	Concession or Street or Unincorporated Village or Hamlet, where known to the Selectors.	ADDITIONS.
John Anderson.....	16	2	Esquire.
Peter Cameron..... &c.	4	6	Yeoman.

## SECOND DIVISION

For the Roll of Grand Jurors to serve in Her Majesty's Inferior Courts of Criminal Jurisdiction

NAMES.	No. of Lot or House, where known to the Selectors.	Concession or Street, or Unincorporated Village or Hamlet where known to the Selectors.	ADDITIONS.
William Adams.....	9	4	Gentleman.
Richard House..... &c.	7	5	Yeoman.

## THIRD DIVISION

For the Roll of Petit Jurors to serve in Her Majesty's Superior Courts of Criminal Jurisdiction

NAMES.	No. of Lot or House, where known to the Selectors.	Concession or Street, or Unincorporated Village or Hamlet, where known to the Selectors.	ADDITIONS.
David Boothe.....	11	7	Merchant.
George Sullivan..... &c.	3	4	Esquire.

## FOURTH DIVISION

For the Roll of Petit Jurors to serve in Her Majesty's Inferior Courts of Criminal Jurisdiction

NAMES.	No. of Lot or House, where known to the Selectors.	Concession or Street, or Unincorporated Village or Hamlet, where known to the Selectors.	ADDITIONS.
George Gule.....	7	8	Tailor.
Samuel Jones..... &c.	15	3	Yeoman.

We, the above named Selectors of Jurors for the Township of ....., do hereby solemnly declare, each severally for himself, that we have made the Selection and Distribution of Jurors in this Report from the Assessment Roll of the said Township for the present year to the best of our judgment and information, pursuant to the directions of the Act of Parliament of (1,) and that we have so made the same without fear, favor or affection of, to or for any person or persons whomsoever, gain, reward or hope thereof, other than the fees to which we are entitled under the provisions of the said Act of Parliament.

Witness our Hands and Seals, the day and year last above written.

A. B., [L.S.] Townreeve. C. D., [L.S.,] Town Clerk. E. F., [L.S.] G. H., [L.S.] I. J., [L.S.] Assessors.

## Forms of Addresses, Petitions, &amp;c.

To His Excellency the Right Hon'ble the Earl of Elgin and Kincardine, K. T., Governor General of British North America, &c. &c. &c.

The Petition of the Municipal Council of the County of ....., in County Council assembled: humbly sheweth:

To the Honorable the Legislative Council of the Province of Canada.

The Petition of the Municipal Council of the County of ..... in County Council assembled, humbly sheweth:

To the Honorable the Legislative Assembly of the Province of Canada.

The Petition of the Municipal Council of the County of ..... in County Council assembled, humbly sheweth:

To the Warden and Reeve of the Municipal Council of the County of .....

The Petition of the Undersigned, inhabitants of the Township of ..... in the County of .... humbly sheweth: That

To the Mayor, Aldermen, and Councillors of the Common Council of the city of .....

The Petition of the Undersigned, inhabitants of ..... Ward, in the city of ....., humbly sheweth: That

To the Reeve and Councillors of the Municipal Council of the Township of .....

The Petition of the Undersigned, inhabitants of the 4th and 5th concessions of the Township of ....., humbly sheweth: That

To the Mayor and Councillors of the Municipal Council of the Town of .....

The Petition of the Undersigned, inhabitants of ....., in the Town of ....., humbly sheweth: That

£12 10s. 0d, Currency.

To the Treasurer of the Township of ....., (or, as the case may be.)

SIR,—Please pay to Mr. A.... B...., or order, the sum of 12 Pounds, 10 Shillings, currency, for Stationery, (as the case may be.)

Done in open Council, this .... day of ....., 18....

C..... D....., Townreeve, .....

This Table shows the rate in the £ that it will be necessary to levy to raise any required amount in any County, City, Town, Township, or Village or School Section.

Amount of Assessable Property.	£d in the £			£d in the £			£d in the £			£d in the £			£d in the £			£d in the £			£d in the £		
	£	s	D	£	s	D	£	s	D	£	s	D	£	s	D	£	s	D	£	s	D
1,000	0	10	5	1	0	10	1	11	3	2	12	1	3	2	6	3	12	11	4	3	4
2,000	1	0	10	2	1	8	3	2	6	4	3	4	6	5	0	7	5	10	8	6	8
3,000	1	11	3	3	2	6	4	13	9	6	5	0	8	6	8	10	18	9	12	10	0
4,000	2	1	8	4	3	4	6	5	0	8	6	8	10	8	4	12	10	0	14	11	8
5,000	2	12	6	5	4	2	7	16	3	10	8	4	13	0	5	15	12	6	18	4	7
6,000	3	2	11	6	5	0	9	7	6	12	10	0	15	12	6	18	15	0	21	17	6
7,000	3	13	4	7	5	10	10	18	9	14	11	8	18	4	7	21	17	6	25	10	5
8,000	4	3	9	8	6	8	12	10	0	16	13	4	20	16	8	25	0	0	29	3	4
9,000	4	14	2	9	7	6	14	13		18	15	0	23	8	9	28	2	6	33	16	3
10,000	5	4	2	10	8	4	15	12	6	20	16	8	26	0	10	31	5	0	36	9	2
11,000	5	14	7	11	9	2	17	3	9	22	18	4	28	12	11	34	7	6	40	2	1
12,000	6	5	0	12	10	0	18	15	0	25	0	0	31	5	0	37	10	0	43	15	0
13,000	6	15	5	13	10	10	20	6	3	27	18		33	17	1	40	12	6	47	7	11
14,000	7	5	10	14	11	8	21	17	6	29	3	4	36	9	2	43	15	0	51	0	10
15,000	7	16	3	15	12	6	23	8	9	31	5	0	39	1	3	46	17	6	54	13	9
20,000	10	8	4	20	16	8	31	5	0	41	13	4	52	1	8	62	10	0	72	18	4
25,000	13	0	3	26	0	6	39	13		52	18		65	2	1	78	2	6	91	2	11
30,000	15	12	6	35	5	0	46	17	6	62	10	0	78	2	6	93	15	0	109	7	6
35,000	18	4	7	36	9	2	54	13	9	72	18	4	91	2	11	109	7	6	127	12	1
40,000	20	16	8	41	13	4	62	10	0	83	6	8	104	3	4	125	1	0	145	16	8
45,000	23	8	9	46	17	6	70	6	3	93	13	0	117	3	9	140	13	6	164	1	3
50,000	26	0	10	52	1	8	78	2	6	104	3	4	130	4	2	156	6	0	182	5	10
55,000	28	12	11	57	5	10	85	18	9	114	11	8	143	4	7	171	18	6	200	10	5
60,000	31	5	0	60	10	0	93	15	0	125	0	0	156	5	0	187	11	0	218	15	0
65,000	33	17	1	67	14	2	101	11	3	135	8	4	169	5	5	203	3	6	236	19	7
70,000	36	9	2	72	18	4	109	7	6	145	16	8	182	5	10	218	16	0	255	4	2
75,000	39	1	3	78	2	6	117	3	9	156	5	0	195	6	3	234	8	6	273	8	9
80,000	41	13	4	83	6	8	125	0	0	166	13	4	203	6	8	250	1	0	291	13	4
85,000	44	5	5	88	10	10	132	16	3	177	1	8	221	7	1	265	13	6	309	17	11
90,000	46	17	6	93	15	0	140	12	6	187	10	0	234	7	6	281	6	0	328	2	6
95,000	49	9	7	98	19	2	148	3	9	197	18	4	247	7	11	296	18	6	346	7	1
100,000	52	1	8	104	3	4	156	5	0	203	6	8	260	8	4	312	11	0	364	11	8
150,000	78	2	6	156	5	0	234	7	6	312	10	0	390	12	6	468	17	0	546	17	6
200,000	104	3	4	208	6	8	312	10	0	416	13	4	520	16	8	625	3	0	729	3	4
250,000	130	4	2	260	8	4	390	12	6	520	16	8	651	0	10	781	9	0	911	9	2
300,000	156	5	0	312	10	0	468	15	0	625	0	0	781	5	0	937	15	0	1093	15	0
350,000	182	5	10	364	11	8	546	17	6	729	3	4	911	9	2	1094	1	0	1276	0	0
400,000	208	6	8	416	13	4	625	0	0	833	6	8	1041	13	4	1250	7	0	1458	6	8
450,000	234	7	6	468	15	0	703	2	6	937	10	0	1171	17	6	1406	13	0	1630	12	6
500,000	260	8	4	520	16	8	781	5	0	1041	13	4	1302	1	8	1562	19	0	1812	18	4
550,000	286	9	2	572	18	4	859	7	6	1145	16	8	1432	5	10	1719	5	0	1995	3	2
600,000	312	10	0	625	0	0	937	10	0	1250	0	0	1562	10	0	1875	10	0	2177	0	0
650,000	338	10	10	677	1	8	1015	12	6	1354	3	4	1692	14	2	2031	16	0	2359	5	10
700,000	364	11	8	729	3	4	1093	15	0	1458	6	8	1822	18	4	2188	1	0	2541	1	8
750,000	390	12	6	781	5	0	1171	17	6	1562	10	0	1953	2	6	2344	7	0	2723	7	6
800,000	416	13	4	833	6	8	1250	0	0	1666	13	4	2083	6	8	2500	12	0	2905	3	4
850,000	442	14	2	885	8	4	1328	2	6	1770	16	8	2213	10	10	2656	18	0	3087	9	2
900,000	468	15	0	937	10	0	1406	5	0	1875	0	0	2343	15	0	2813	3	0	3269	5	0
950,000	494	15	10	989	11	8	1484	7	6	1979	3	4	2473	19	2	2969	9	0	3451	10	10
1,000,000	520	16	8	1041	13	4	1562	10	0	2083	6	8	2604	3	4	3125	14	0	3633	6	8



The Municipal Clerk's Ready Reckoner.

¼TH OF A PENNY IN THE £.						½ OF A PENNY IN THE £.					
£	100l	200l	£	100l	200l	£	100l	200l	£	100l	200l
1	0	0	3	3	51	1	7	7	10	10	10
2	0	0	3	3	52	1	7	7	10	10	10
3	0	0	3	3	53	1	7	7	10	10	10
4	0	0	3	3	54	1	7	7	10	10	10
5	0	0	3	3	55	1	7	7	10	10	10
6	0	0	3	3	56	1	7	7	10	10	10
7	0	0	3	3	57	1	7	7	10	10	10
8	0	0	3	3	58	1	7	7	10	10	10
9	0	0	3	3	59	1	7	7	10	10	10
10	0	0	3	3	60	1	7	7	10	10	10
11	0	0	3	3	61	1	7	7	10	10	10
12	0	0	3	3	62	1	7	7	10	10	10
13	0	0	3	3	63	1	7	7	10	10	10
14	0	0	3	3	64	1	7	7	10	10	10
15	0	0	3	3	65	1	7	7	10	10	10
16	0	0	3	3	66	1	7	7	10	10	10
17	0	0	3	3	67	1	7	7	10	10	10
18	0	0	3	3	68	1	7	7	10	10	10
19	0	0	3	3	69	1	7	7	10	10	10
20	0	0	3	3	70	1	7	7	10	10	10
21	0	0	3	3	71	1	7	7	10	10	10
22	0	0	3	3	72	1	7	7	10	10	10
23	0	0	3	3	73	1	7	7	10	10	10
24	0	0	3	3	74	1	7	7	10	10	10
25	0	0	3	3	75	1	7	7	10	10	10
26	0	0	3	3	76	1	7	7	10	10	10
27	0	0	3	3	77	1	7	7	10	10	10
28	0	0	3	3	78	1	7	7	10	10	10
29	0	0	3	3	79	1	7	7	10	10	10
30	0	0	3	3	80	1	7	7	10	10	10
31	0	0	3	3	81	1	7	7	10	10	10
32	0	0	3	3	82	1	7	7	10	10	10
33	0	0	3	3	83	1	7	7	10	10	10
34	0	0	3	3	84	1	7	7	10	10	10
35	0	0	3	3	85	1	7	7	10	10	10
36	0	0	3	3	86	1	7	7	10	10	10
37	0	0	3	3	87	1	7	7	10	10	10
38	0	0	3	3	88	1	7	7	10	10	10
39	0	0	3	3	89	1	7	7	10	10	10
40	0	0	3	3	90	1	7	7	10	10	10
41	0	0	3	3	91	1	7	7	10	10	10
42	0	0	3	3	92	1	7	7	10	10	10
43	0	0	3	3	93	1	7	7	10	10	10
44	0	0	3	3	94	1	7	7	10	10	10
45	0	0	3	3	95	1	7	7	10	10	10
46	0	0	3	3	96	1	7	7	10	10	10
47	0	0	3	3	97	1	7	7	10	10	10
48	0	0	3	3	98	1	7	7	10	10	10
49	0	0	3	3	99	1	7	7	10	10	10
50	0	0	3	3	100	1	7	7	10	10	10

AT ¼TH OF A PENNY IN THE £.

£ 400	£0 12 6
500	0 15 7½
600	0 19 0
700	1 1 10½
800	1 5 0
900	1 8 1½
1000	1 11 3

AT ½ PENNY IN THE £.

£ 400	£0 16 8
500	1 0 0
600	1 5 0
700	1 9 2
800	1 13 4
900	1 17 6
1000	2 1 8

The Municipal Clerk's Ready Reckoner.

THS OF A PENNY IN THE £.

THS OF A PENNY IN THE £.

£				100L.				200L.				£				100L.				200L.			
s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.		
1	0	0	0	5	1	5	1	2	8	7	10	13	1	1	0	0	0	0	5	1	5	1	
2	0	0	0	5	2	8	2	8	8	7	11	13	1	1	0	0	0	0	5	2	8	2	
3	0	0	0	5	3	9	2	9	2	7	11	13	2	2	0	0	0	0	5	3	9	2	
4	0	0	0	5	4	10	2	9	2	8	0	13	2	2	0	0	0	0	5	4	10	2	
5	0	0	0	5	5	10	2	10	2	8	1	13	3	2	0	0	0	0	5	5	10	2	
6	0	0	0	5	6	10	2	10	2	8	2	13	3	2	0	0	0	0	5	6	10	2	
7	0	0	0	5	7	10	2	10	2	8	2	13	3	2	0	0	0	0	5	7	10	2	
8	0	0	0	5	8	10	2	10	2	8	2	13	3	2	0	0	0	0	5	8	10	2	
9	0	0	0	5	9	10	2	10	2	8	2	13	3	2	0	0	0	0	5	9	10	2	
10	0	0	0	5	10	10	2	10	2	8	2	13	3	2	0	0	0	0	5	10	10	2	
11	0	0	0	5	11	10	2	10	2	8	2	13	3	2	0	0	0	0	5	11	10	2	
12	0	0	0	5	12	10	2	10	2	8	2	13	3	2	0	0	0	0	5	12	10	2	
13	0	0	0	5	13	10	2	10	2	8	2	13	3	2	0	0	0	0	5	13	10	2	
14	0	0	0	5	14	10	2	10	2	8	2	13	3	2	0	0	0	0	5	14	10	2	
15	0	0	0	5	15	10	2	10	2	8	2	13	3	2	0	0	0	0	5	15	10	2	
16	0	0	0	5	16	10	2	10	2	8	2	13	3	2	0	0	0	0	5	16	10	2	
17	0	0	0	5	17	10	2	10	2	8	2	13	3	2	0	0	0	0	5	17	10	2	
18	0	0	0	5	18	10	2	10	2	8	2	13	3	2	0	0	0	0	5	18	10	2	
19	0	0	0	5	19	10	2	10	2	8	2	13	3	2	0	0	0	0	5	19	10	2	
20	0	0	0	5	20	10	2	10	2	8	2	13	3	2	0	0	0	0	5	20	10	2	
21	0	0	0	5	21	10	2	10	2	8	2	13	3	2	0	0	0	0	5	21	10	2	
22	0	0	0	5	22	10	2	10	2	8	2	13	3	2	0	0	0	0	5	22	10	2	
23	0	0	0	5	23	10	2	10	2	8	2	13	3	2	0	0	0	0	5	23	10	2	
24	0	0	0	5	24	10	2	10	2	8	2	13	3	2	0	0	0	0	5	24	10	2	
25	0	0	0	5	25	10	2	10	2	8	2	13	3	2	0	0	0	0	5	25	10	2	
26	0	0	0	5	26	10	2	10	2	8	2	13	3	2	0	0	0	0	5	26	10	2	
27	0	0	0	5	27	10	2	10	2	8	2	13	3	2	0	0	0	0	5	27	10	2	
28	0	0	0	5	28	10	2	10	2	8	2	13	3	2	0	0	0	0	5	28	10	2	
29	0	0	0	5	29	10	2	10	2	8	2	13	3	2	0	0	0	0	5	29	10	2	
30	0	0	0	5	30	10	2	10	2	8	2	13	3	2	0	0	0	0	5	30	10	2	
31	0	0	0	5	31	10	2	10	2	8	2	13	3	2	0	0	0	0	5	31	10	2	
32	0	0	0	5	32	10	2	10	2	8	2	13	3	2	0	0	0	0	5	32	10	2	
33	0	0	0	5	33	10	2	10	2	8	2	13	3	2	0	0	0	0	5	33	10	2	
34	0	0	0	5	34	10	2	10	2	8	2	13	3	2	0	0	0	0	5	34	10	2	
35	0	0	0	5	35	10	2	10	2	8	2	13	3	2	0	0	0	0	5	35	10	2	
36	0	0	0	5	36	10	2	10	2	8	2	13	3	2	0	0	0	0	5	36	10	2	
37	0	0	0	5	37	10	2	10	2	8	2	13	3	2	0	0	0	0	5	37	10	2	
38	0	0	0	5	38	10	2	10	2	8	2	13	3	2	0	0	0	0	5	38	10	2	
39	0	0	0	5	39	10	2	10	2	8	2	13	3	2	0	0	0	0	5	39	10	2	
40	0	0	0	5	40	10	2	10	2	8	2	13	3	2	0	0	0	0	5	40	10	2	
41	0	0	0	5	41	10	2	10	2	8	2	13	3	2	0	0	0	0	5	41	10	2	
42	0	0	0	5	42	10	2	10	2	8	2	13	3	2	0	0	0	0	5	42	10	2	
43	0	0	0	5	43	10	2	10	2	8	2	13	3	2	0	0	0	0	5	43	10	2	
44	0	0	0	5	44	10	2	10	2	8	2	13	3	2	0	0	0	0	5	44	10	2	
45	0	0	0	5	45	10	2	10	2	8	2	13	3	2	0	0	0	0	5	45	10	2	
46	0	0	0	5	46	10	2	10	2	8	2	13	3	2	0	0	0	0	5	46	10	2	
47	0	0	0	5	47	10	2	10	2	8	2	13	3	2	0	0	0	0	5	47	10	2	
48	0	0	0	5	48	10	2	10	2	8	2	13	3	2	0	0	0	0	5	48	10	2	
49	0	0	0	5	49	10	2	10	2	8	2	13	3	2	0	0	0	0	5	49	10	2	
50	0	0	0	5	50	10	2	10	2	8	2	13	3	2	0	0	0	0	5	50	10	2	

THS OF A PENNY IN THE £.

AT THS OF A PENNY IN THE £.

£ 400	£1 0 10	£ 400	£1 5 0
500	1 6 0	500	1 11 3
600	1 11 3	600	1 17 6
700	1 16 5	700	2 3 9
800	2 1 8	800	2 10 0
900	2 6 10	900	2 16 3
1000	2 12 1	1000	3 2 6

The Municipal Clerk's Ready Reckoner.

¾TH OF A PENNY IN THE £.										ONE PENNY IN THE £.										
100l					200l					100l					200l					
s.	d.	s.	d.	£	s.	d.	s.	d.	£	s.	d.	s.	d.	£	s.	d.	s.	d.	£	
1	0	1	4	51	5	8	11	0	18	3	3	1	0	51	3	4	3	12	7	20
2	0	1	4	52	5	9	11	1	18	3	3	1	1	52	3	4	3	12	8	21
3	0	3	7	53	5	10	11	2	18	3	3	1	2	53	3	4	3	12	9	21
4	0	3	7	54	5	11	11	2	18	3	3	1	2	54	3	4	3	12	10	21
5	0	3	7	55	5	11	11	3	18	3	3	1	3	55	3	4	3	12	11	21
6	0	5	7	56	5	12	11	4	18	3	3	1	4	56	3	4	3	12	11	21
7	0	5	7	57	5	12	11	5	18	3	3	1	5	57	3	4	3	12	11	21
8	0	7	7	58	5	13	11	5	18	3	3	1	6	58	3	4	3	12	11	21
9	0	7	7	59	5	13	11	6	18	3	3	1	7	59	3	4	3	12	11	21
10	0	8	7	60	5	14	11	6	18	3	3	1	8	60	3	4	3	12	11	21
11	0	8	7	61	5	14	11	7	18	3	3	1	9	61	3	4	3	12	11	21
12	0	8	7	62	5	15	11	7	18	3	3	1	10	62	3	4	3	12	11	21
13	0	10	7	63	5	15	11	8	18	3	3	1	11	63	3	4	3	12	11	21
14	0	10	7	64	5	16	11	8	18	3	3	1	12	64	3	4	3	12	11	21
15	1	1	1	65	5	16	11	9	18	3	3	1	13	65	3	4	3	12	11	21
16	1	1	1	66	5	17	11	9	18	3	3	1	14	66	3	4	3	12	11	21
17	1	1	1	67	5	17	11	10	18	3	3	1	15	67	3	4	3	12	11	21
18	1	1	1	68	5	18	11	10	18	3	3	1	16	68	3	4	3	12	11	21
19	1	1	1	69	5	18	11	11	18	3	3	1	17	69	3	4	3	12	11	21
20	1	1	1	70	5	19	11	11	18	3	3	1	18	70	3	4	3	12	11	21
21	1	1	1	71	5	19	11	12	18	3	3	1	19	71	3	4	3	12	11	21
22	1	1	1	72	5	20	11	12	18	3	3	1	20	72	3	4	3	12	11	21
23	1	1	1	73	5	20	11	13	18	3	3	1	21	73	3	4	3	12	11	21
24	1	1	1	74	5	21	11	13	18	3	3	1	22	74	3	4	3	12	11	21
25	1	1	1	75	5	21	11	14	18	3	3	1	23	75	3	4	3	12	11	21
26	1	1	1	76	5	22	11	14	18	3	3	1	24	76	3	4	3	12	11	21
27	1	1	1	77	5	22	11	15	18	3	3	1	25	77	3	4	3	12	11	21
28	2	0	9	78	5	23	11	15	18	3	3	1	26	78	3	4	3	12	11	21
29	2	0	9	79	5	23	11	16	18	3	3	1	27	79	3	4	3	12	11	21
30	2	0	9	80	5	24	11	16	18	3	3	1	28	80	3	4	3	12	11	21
31	2	0	9	81	5	24	11	17	18	3	3	1	29	81	3	4	3	12	11	21
32	2	0	9	82	5	25	11	17	18	3	3	1	30	82	3	4	3	12	11	21
33	2	0	9	83	5	25	11	18	18	3	3	1	31	83	3	4	3	12	11	21
34	2	0	9	84	5	26	11	18	18	3	3	1	32	84	3	4	3	12	11	21
35	2	0	9	85	5	26	11	19	18	3	3	1	33	85	3	4	3	12	11	21
36	2	0	9	86	5	27	11	19	18	3	3	1	34	86	3	4	3	12	11	21
37	2	0	9	87	5	27	11	20	18	3	3	1	35	87	3	4	3	12	11	21
38	2	0	9	88	5	28	11	20	18	3	3	1	36	88	3	4	3	12	11	21
39	2	0	9	89	5	28	11	21	18	3	3	1	37	89	3	4	3	12	11	21
40	2	0	9	90	5	29	11	21	18	3	3	1	38	90	3	4	3	12	11	21
41	3	0	10	91	5	29	11	22	18	3	3	1	39	91	3	4	3	12	11	21
42	3	0	10	92	5	30	11	22	18	3	3	1	40	92	3	4	3	12	11	21
43	3	0	10	93	5	30	11	23	18	3	3	1	41	93	3	4	3	12	11	21
44	3	0	10	94	5	31	11	23	18	3	3	1	42	94	3	4	3	12	11	21
45	3	0	10	95	5	31	11	24	18	3	3	1	43	95	3	4	3	12	11	21
46	3	0	10	96	5	32	11	24	18	3	3	1	44	96	3	4	3	12	11	21
47	3	0	10	97	5	32	11	25	18	3	3	1	45	97	3	4	3	12	11	21
48	3	0	10	98	5	33	11	25	18	3	3	1	46	98	3	4	3	12	11	21
49	3	0	10	99	5	33	11	26	18	3	3	1	47	99	3	4	3	12	11	21
50	3	0	10	100	5	34	11	26	18	3	3	1	48	100	3	4	3	12	11	21

AT ¾THS OF A PENNY IN THE £.

£ 400	£1 9 2
500	1 16 5½
600	2 3 9
700	2 11 0½
800	2 18 4
900	3 5 7½
1000	3 12 11

AT ONE PENNY IN THE £.

£ 400	£1 1 4
500	2 1 8
600	2 10 0
700	2 18 4
800	3 6 8
900	3 15 0
1000	4 3 4

Lunatic Asylum Tax—6d. in the £100.

13TH AND 14TH VIC. CHAP. 68.

£	£100			£200			£300			£	£100			£200			£300		
	s.	d.		s.	d.		s.	d.			s.	d.		s.	d.		s.	d.	
1	0	0	6	1	1	6	1	1	6	51	0	3	9	1	3	1	3	9	
2	0	0	6	1	1	6	1	1	6	52	0	3	9	1	3	1	3	9	
3	0	0	6	1	1	6	1	1	6	53	0	3	9	1	3	1	3	9	
4	0	0	6	1	1	6	1	1	6	54	0	3	9	1	3	1	3	9	
5	0	0	6	1	1	6	1	1	6	55	0	3	9	1	3	1	3	9	
6	0	0	6	1	1	6	1	1	6	56	0	3	9	1	3	1	3	9	
7	0	0	6	1	1	6	1	1	6	57	0	3	9	1	3	1	3	9	
8	0	0	6	1	1	6	1	1	6	58	0	3	9	1	3	1	3	9	
9	0	0	6	1	1	6	1	1	6	59	0	3	9	1	3	1	3	9	
10	0	0	6	1	1	6	1	1	6	60	0	3	9	1	3	1	3	9	
11	0	0	6	1	1	6	1	1	6	61	0	3	9	1	3	1	3	9	
12	0	0	6	1	1	6	1	1	6	62	0	3	9	1	3	1	3	9	
13	0	1	0	7	1	1	1	7	63	0	4	0	10	1	4	1	10	4	
14	0	1	0	7	1	1	1	7	64	0	4	0	10	1	4	1	10	4	
15	0	1	0	7	1	1	1	7	65	0	4	0	10	1	4	1	10	4	
16	0	1	0	7	1	1	1	7	66	0	4	0	10	1	4	1	10	4	
17	0	1	0	7	1	1	1	7	67	0	4	0	10	1	4	1	10	4	
18	0	1	0	7	1	1	1	7	68	0	4	0	10	1	4	1	10	4	
19	0	1	0	7	1	1	1	7	69	0	4	0	10	1	4	1	10	4	
20	0	1	0	7	1	1	1	7	70	0	4	0	10	1	4	1	10	4	
21	0	1	0	7	1	1	1	7	71	0	4	0	10	1	4	1	10	4	
22	0	1	0	7	1	1	1	7	72	0	4	0	10	1	4	1	10	4	
23	0	1	0	7	1	1	1	7	73	0	4	0	10	1	4	1	10	4	
24	0	1	0	7	1	1	1	7	74	0	4	0	10	1	4	1	10	4	
25	0	1	0	7	1	1	1	7	75	0	4	0	10	1	4	1	10	4	
26	0	1	0	7	1	1	1	7	76	0	4	0	10	1	4	1	10	4	
27	0	1	0	7	1	1	1	7	77	0	4	0	10	1	4	1	10	4	
28	0	1	0	7	1	1	1	7	78	0	4	0	10	1	4	1	10	4	
29	0	1	0	7	1	1	1	7	79	0	4	0	10	1	4	1	10	4	
30	0	2	0	8	1	1	1	8	80	0	5	0	11	1	5	1	11	5	
31	0	2	0	8	1	1	1	8	81	0	5	0	11	1	5	1	11	5	
32	0	2	0	8	1	1	1	8	82	0	5	0	11	1	5	1	11	5	
33	0	2	0	8	1	1	1	8	83	0	5	0	11	1	5	1	11	5	
34	0	2	0	8	1	1	1	8	84	0	5	0	11	1	5	1	11	5	
35	0	2	0	8	1	1	1	8	85	0	5	0	11	1	5	1	11	5	
36	0	2	0	8	1	1	1	8	86	0	5	0	11	1	5	1	11	5	
37	0	2	0	8	1	1	1	8	87	0	5	0	11	1	5	1	11	5	
38	0	2	0	8	1	1	1	8	88	0	5	0	11	1	5	1	11	5	
39	0	2	0	8	1	1	1	8	89	0	5	0	11	1	5	1	11	5	
40	0	2	0	8	1	1	1	8	90	0	5	0	11	1	5	1	11	5	
41	0	2	0	8	1	1	1	8	91	0	5	0	11	1	5	1	11	5	
42	0	2	0	8	1	1	1	8	92	0	5	0	11	1	5	1	11	5	
43	0	2	0	8	1	1	1	8	93	0	5	0	11	1	5	1	11	5	
44	0	2	0	8	1	1	1	8	94	0	5	0	11	1	5	1	11	5	
45	0	2	0	8	1	1	1	8	95	0	5	0	11	1	5	1	11	5	
46	0	3	0	9	1	1	1	9	96	0	6	0	1	1	6	2	1	1	6
47	0	3	0	9	1	1	1	9	97	0	6	0	1	1	6	2	1	1	6
48	0	3	0	9	1	1	1	9	98	0	6	0	1	1	6	2	1	1	6
49	0	3	0	9	1	1	1	9	99	0	6	0	1	1	6	2	1	1	6
50	0	3	0	9	1	1	1	9	100	0	6	0	1	1	6	2	1	1	6

£ 500	.....	£0	2	6
600	.....	0	3	0
700	.....	0	3	6
800	.....	0	4	0
900	.....	0	4	6
1000	.....	0	5	0

ERRATA.

Page 83, 6th line from bottom, for "£2," read "£1."

Page 85, 24th line from top, for "befrs," read "below."