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1st Session, 6th Parliament, 22 Victoria, 1858.

S. S.

BILL.

An Act to enable certain Municipal Corporations in Upper Canada, to aid in the establishment of internal means of communication.

Received and read, first time, Tuesday, 27th
July, 1858.

Second reading, Wednesday, 28th July, 1858.

(500 Copies.)

HON. MR. PATTON.

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BILL.

An Act to enable certain Municipal Corporations in Upper Canada to aid in the establishment of internal means of communication.

WHEREAS that section of the Peninsula of Western Canada Preamble. lying northwesterly from the Town of Guelph, and embracing the greater part of the Counties of Wellington and Bruce as well as portions of the Counties of Grey, Perth and Huron, is entirely destitute of proper facilities for communicating with the produce markets of the Province: And whereas the Reeves of the Municipalities of Fergus, Puslinch, Normanby, Brant, Elora, Minto, Pilkington, Saugueen, Arthur, Nichol, Kinloss, Howick, Greenock, Culross, and Kincardine, and many others have by their petitions prayed that those Municipal Corporations desiring a means of communication may be enabled to aid in the establishment of the same and may be empowered to distribute any liability which they may see advisable to incur thereby over the various sections of each Municipality incurring such liability, in an equitable proportion to the benefits which they may derive from the improvements, or so far as it is practicable so to do:— And inasmuch as the construction of Railways and of other roads has been found to enhance to the largest amount the value of property within easy access of these lines of traffic, and it is believed that the various degrees of additional value given to property within the influence of these works may be taken as a fair standard by which to measure the different degrees of benefit received from their establishment:—And whereas it is expedient to empower the various Municipalities aforesaid to aid in the promotion of their own prosperity in accordance with the equitable principle expressed in the prayers of the petitioners: Therefore Her Majesty, &c., enacts as follows:

I. On and after the passing of this Act it shall be lawful for the County Council of Wellington, the provisional County Council of Bruce, and any other Municipal Corporation either in these Counties or in the Counties of Grey, Huron or Perth, to guarantee to give a bonus to any Company or Companies who shall undertake to build and complete a Railway or gravel road or roads, or both together, through or along these Counties, or other Municipalities aforesaid, such bonus to be paid in annual instalments commencing after the Railway or Gravel roads are in operation or in use, and these instalments to be realised (except in the case provided for by the fourth section) by levying a rate not exceeding one per cent. per annum on the future increase of the assessed value of such Municipalities, which increase is to be taken to mean the difference between the assessed

Certain County Councils may guarantee bonus to Companies building road or Railway through or along their Counties.

value of real property in the year during which any such guarantee shall be given and the assessed value in each year after the improvements shall be completed: Provided always, that such guarantee shall be limited as hereinafter pointed out.

By-law to be first passed, consented to, and approved.

II. Before any Municipal Corporation shall incur any liability under the powers conferred by this Act, a By-law according to form A. in the schedule, shall first be passed with the consent of the Municipal electors thereto, which consent shall be obtained in the manner defined by the 4th, 5th, 6th, 7th, 8th, and 9th sub-sections of the second section of the Act 16 Vic., cap. 22; and if approved by such Electors, and afterwards passed by the Council, then such By-law and all the provisions thereof shall be subject to the approval of the Governor in Council and shall have no force until such approval shall be given.

When Railway or road made and in use, Council may assess and levy an annual rate on increased value of property certain distances thereof.

III. Each Municipal Corporation giving such guarantee as they are by this Act empowered to give, shall annually, so soon as the gravel roads or Railways or both, shall be made and in use, assess and levy upon the rateable real property of the Municipality situate within fifteen miles of the Railway or of such part of it as may be in operation, or within five miles of any gravel road or roads which shall be made and fit for use, such rate or rates as may be determined by the By-law to be passed, not exceeding one per cent. per annum on (except in the case provided for by the fourth section) the increase as aforesaid; and which rate or rates shall continue to be assessed and levied annually, either for such a limited number of years as may be agreed upon and named in the said By-law, or until the aggregate sum realized thereby shall be equivalent to the amount of bonus intended to be granted with interest from the date of the By-law added thereto, the present value of such intended bonus being named in the By-law to be passed.

So long as increase of value of such property is less than fifty per cent., half the rate may be calculated on the whole assessed value of such property.

IV. Should the total assessed value of real property within fifteen miles of any Railway or five miles of any gravel road, in any Municipality aiding under authority of this Act in the construction of such works, be found on their completion to have increased less than fifty per cent. over the total assessed value within the same limits at the time the guarantee was entered into, then and in that case one half the rate determined by the By-law shall be calculated on the whole assessed value of real property within the limits aforesaid and levied accordingly; and such half rate on the whole assessed value within the limits aforesaid shall continue to be assessed and levied until the total assessed value within the limits referred to exceeds the original total assessed value by fifty per cent. thereof: But whenever the total assessed value of real property of a Municipality within the limits aforesaid exceeds by fifty per cent. or upwards the total assessed value of the same property during the year when the By-law may be passed before the improvements are commenced, then the rate determined and fixed by the By-law shall be assessed on the increase only, as described in the first and third sections.

By-law once passed and consented to, to be valid and binding, but rate to be levied only as above.

V. After a By-law has been finally passed by the Council of a Municipality with the consent of the electors as aforesaid, it shall be valid and binding upon the municipality, but the rate shall not be levied on any property situate more than five miles from any gravel road and more than fifteen miles from any railroad or such part of it or them as

may be then in operation ; in other respects and within those limits of the works in operation the rate or rates to be agreed upon not exceeding one per cent. shall continue to be assessed and levied annually for the benefit of the parties who may make the improvements in good faith, until the whole liability be fully discharged.

VI. So soon as it shall be necessary to levy any special rate on the increase of the assessed value of any of the Municipalities which may under authority of this Act undertake to aid in carrying out internal improvements, it shall be the duty of the Clerk of the Municipality to procure a plan verified by some Provincial Land Surveyor, showing the exact position of the improvements then in use and also the position of all taxable real property situate within fifteen miles thereof, in the case of a Railway, and within five miles thereof in the case of a gravel road : And he shall from this plan and from the Assessment Roll for the current year make out a special Collector's Roll, or make an addition to the ordinary Collector's Roll, having opposite the names of all taxable persons and property within the specified distance of the improvements, the information mentioned in the schedule B, and the various amounts calculated on the increase at the special rate determined by the By-law and set down in the last column, according to Form B, shall be collected in addition to all other local rates and taxes in the manner provided by the Assessment Laws of Upper Canada ; all the provisions of which, not inconsistent with this Act, shall be so applied as to carry out the true intent and meaning of this Act.

Clerk of Municipality to procure a plan, showing the exact position of the improvements, &c., and to make out a Collector's Roll accordingly.

VII. This Act shall be deemed a public Act.

Public Act.

APPENDIX.

FORM A.

By-law to enable the Municipality of _____, Province of Canada, to aid in the establishment of _____

Whereas the construction of (*specify the work proposed*) would greatly promote the prosperity of the (*name of Municipality*). Therefore the Municipal Corporation of _____, under the authority of the statute (*name of this Act*) of the Province of Canada, by and with the consent of the electors of the said Municipality, enacts as follows :

Subject to the conditions, provisions and limitations of the Act aforesaid, a rate of _____ mills in the dollar shall annually be assessed and levied on the increase of the assessed value of all the real property in the municipality within the limits defined by the said Act, which rate shall continue to be levied (for a period of _____ years) (or until the aggregate amount realized thereby shall be equivalent to _____ pounds, with annual interest added thereto from the date hereof) and the sum annually realised by such rate shall be paid over to the treasurer of _____ as collected.

This By-law shall take effect and be binding on this Municipality from the day of its final passing according to the date hereof.

FORM B.

Additional columns to Collector's Roll for Special Assessment.

1	2	3	4	5
No. of miles from Railway or Gravel Road.	Original assessed value (being that of the year during which the By-law is passed.)	Corrected assessed value for the current year.	Increase in value, being the difference between the amounts in the two next preceding columns.	Amount to be collected (<i>this is to be calculated at the rate fixed by the By-law on the sums set down in the next preceding column.</i>)