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No. 94.

4th Session, 6th Parliament, 24 Victoria, 1861.

BILL.

An Act to amend the Act 22 (1858) Vic., chap. 36, intituled "An Act to divide the Township of Hemmingford, in the County of Huntingdon, into two separate Municipalities."

(PRIVATE BILL.)

Received and read, first time, Tuesday,
9th April, 1861.

Second reading, Wednesday, 10th April,
1861.

Mr. SOMERVILLE.

QUEBEC:

PRINTED BY THOMPSON, HUNTER & CO.,
ST. URSULE STREET.

An Act to divide the Township of Hemmingford, in the County of Huntingdon, into two separate Municipalities.

- W**HEREAS the division of the Township of Hemmingford, in the County of Huntingdon, proposed in the Act twenty-second Victoria, chapter thirty-six, was not carried into effect under the said Act, and a very large number of the inhabitants of the said Township have by their petition represented that the welfare and convenience of those residing in the western section of the said Township would be greatly promoted if the said Township were divided into two municipalities, and have prayed that it may be so divided; and it is expedient to grant their prayer: Therefore, Her Majesty, &c., enacts as follow: :
- 10 I. Upon, from and after the passing of this Act, so much of the present Township of Hemmingford as lies in the first range of the said Township, from lot number twenty-one to lot number forty-two; in the second range, from the centre of the by-road on lot number seventy-two to lot number ninety-three; in the third range, from the centre of the said by-road, on lot number one hundred and eighteen to lot number one hundred and thirty-seven; in the fourth range, from the centre of the said by-road, on lot number one hundred and sixty to lot number one hundred and seventy-four; in the fifth range from lot number one hundred and ninety-seven to lot number two hundred and six; in the first range of the Clergy Reserve Lands, in the said Township, from lot number eleven to lot number fifteen, and lots numbers ten and eleven in the second range of the said Clergy Reserve Lands,—including all lots and parts of lots herein above mentioned,—shall be separated from the present Township of Hemmingford, and shall form a distinct Township and Local Municipality, under the name of the Township of Havelock; and the said Township of Havelock shall thereafter be deemed to be such separate Municipality for all municipal, school, judicial and other purposes whatsoever; in the same manner and to all intents and purposes as though the said Township of Havelock had been a distinct Township from the remainder of the said Township of Hemmingford, but had been united therewith and was hereby detached therefrom; and the said Township of Havelock shall enjoy and exercise all the rights, powers and privileges conferred by any Acts or laws whatsoever upon Township Municipalities in Lower Canada; and the remainder of the said present Township shall constitute and remain the Township Municipality of Hemmingford, and so many of the present Municipal Councillors and School Commissioners as reside within the Township of Hemmingford as hereby constituted and limited, shall, notwithstanding this Act, remain in office, and continue to be members of the Municipal Council and School Commissioners for the Township of Hemmingford as limited by this Act, until they vacate their offices and seats in due course of law.
- Preamble.
- New township of Havelock described and constituted after the passing of this Act.
- To be a township for all purposes.
- Remainder of Hemmingford to continue a township.

First election of Councillors and School Commissioners for Havelock.

II. Within one month after the passing of this Act, an election of Councillors and of School Commissioners shall be held in and for the Township of Havelock, upon notice to that effect to be given by the Registrar of the County of Huntingdon, who shall in such notice ap- 5
point the time and place for such election, and of the first meeting of the Municipal Council of the said Township: and seven Councillors shall be elected to form the Council of the said Municipality of Havelock, by the inhabitants of the said Township entitled to vote at such elections, in the manner prescribed by the Lower Canada Consolidated Municipal Act; and the said Municipality and Council shall be invested 10
with all the powers by the said Act conferred upon Local Municipalities and Councils: and the said new Municipality shall enjoy all the rights, powers and privileges conferred upon School Municipalities by the said School Laws.

In default Governor to appoint.

2. In default of such election being held as above directed, the Coun- 15
cillors and School Commissioners for the said Municipality of Havelock shall be appointed by the Governor in the manner by law prescribed, and any Councillors or Commissioners elected or appointed under this Act shall hold office until the general election of municipal officers in 1862 and 20
no longer.

Present municipal officers, except Councillors and School Commissioners, continued.

III. The present municipal officers, other than Councillors and School Commissioners, of the Township of Hemmingford, shall retain the same office in that one of the Municipalities hereby constituted in which they reside respectively, and the vacancies among such other officers in each Municipality shall be filled in the manner provided by the said Lower 25
Canada Consolidated Municipal Act.

How the present liabilities of the township of Hemmingford shall be discharged.

IV. The debts, obligations and liabilities of the present Township of Hemmingford (if any there be) shall be assumed by the Township of Hemmingford as hereafter to be constituted: and to enable the said Township to provide for the payment thereof, the Municipality thereof 30
shall be entitled to have and receive all rates and assessments which may be due and collectable in the present Township of Hemmingford at the time of the passing of this Act; and in the event of the amount received from such rates and assessments not being sufficient for the payment in full of the said liabilities, it shall be lawful for the County 35
Council of the County of Huntingdon to pass a By-law providing for a special assessment to be levied in the Township Municipalities hereby constituted, of an amount sufficient for the complete discharge of such joint debts and liabilities as may be then still unprovided for.

Disposal of any surplus in the hands of former Secretary-Treasurer.

V. And in the event of any surplus funds remaining in the hands of 40
the Secretary-Treasurer for the present Township of Hemmingford, after all the liabilities of the said Township have been paid and satisfied, it shall be the duty of the said Secretary-Treasurer to make an apportionment thereof between the two Municipalities hereby constituted, such apportionment to be based upon the value of the assessable prop- 45
erty in each of the said Municipalities, as shown by the last Valuation Roll for the present Township of Hemmingford.

Act 22 V., c. 36 repealed. Proviso.

VI. The Act cited in the preamble to this Act (twenty-second Vic- 50
toria, chapter thirty-six) is hereby repealed; but nothing in this Act, or in chapter seventy-five of the Consolidated Statutes for Lower Canada mentioning the Township of Havelock as included in the County of Huntingdon, shall be construed as affecting any suit now pending, as

regards the question whether the territory hereby constituted the Township of Havelock, or any part thereof, was or was not a Parish municipality before the passing of this Act, the intention of the said chapter seventy-five being merely to declare the territory which might under the Act 5 hereby repealed have formed the Township of Havelock, to be in the County of Huntingdon.

VII. This Act shall be deemed a public Act.

Public Act.