

No. 229.

1st Session, 4th Parliament, 16 Victoria, 1852.

BILL.

An Act to repeal parts of the Acts 12 Vic., cap. 78, and 14 and 15 Vic., cap. 5, so far as the same relate to the County of Welland, and to provide for the selection of a suitable place for a County Town in the United Counties of Lincoln and Welland.

Received and Read a first time, Monday, 8th
November, 1852.

Second Reading, Tuesday, 15th Feb. 1853.

Mr. STREET.

QUEBEC:

PRINTED BY JOHN LOVELL, MOUNTAIN STREET.

BILL.

An Act to repeal parts of the Acts 12 Vic., cap. 78 and 14 and 15 Vic., cap. 5, so far as the same relate to the County of Welland, and to provide for the selection of a suitable place for a County Town, in the United Counties of Lincoln and Welland.

WHEREAS by the Act of the Parliament of this Province, passed in the 12th year of Her Majesty's Reign, chaptered 78 and intituled, "*An Act for abolishing the Territorial Division of Upper Canada into Districts, and for providing for temporary Unions of Counties for judicial and other purposes, and for the future Dissolutions of such Unions, as the increase of wealth and population may require;*" it is, amongst other things, enacted, That the Counties of Haldimand and Welland, the junior Counties of the three United Counties of Lincoln, Haldimand and Welland, should have power to dissolve the Union of the said Counties, and form separate Counties, and that the Town Reeves of the different Townships, Unions of Townships, Villages and Towns, in each of the said Counties of Haldimand and Welland, should, within their respective Counties, form a Provisional Council: And whereas, since the passing of the said Act, the County of Haldimand has been formed into a separate County, for judicial and other purposes; And whereas, in the County of Welland, the Town Reeves have formed themselves into a Provisional Council; And whereas, it appears to the inhabitants of the said Counties of Lincoln and Welland, that an immediate dissolution of the Union of the two Counties will be attended with a great and unnecessary expense, and that it would be more conducive to the interests of both Counties if they should be placed upon the like footing with other Counties referred to in the said Act, as to the right to separate, with power to the Council of the said United Counties to fix upon a central place in the said United Counties, for the erection of County buildings; Be it therefore enacted, &c.,

That so much of the said Act hereinbefore in part recited, and so much of a certain other Act passed in the Session held in the 14th and 15th years of Her Majesty's Reign, cap. 5, intituled, "*An Act to make certain alterations in the Territorial Divisions of Upper Canada,*" as relates to the dissolution of the Union of the

Preamble.
12 V., c. 78.

Recital.

Certain parts
of 12 V., c. 78,
and 14 and 15
V., c. 5, re-
pealed.

said Counties of Lincoln and Welland, and provides for the Town Reeves of Welland, forming themselves into a Provisional Council, and all other Acts and parts of Acts inconsistent with this Act, be and the same are hereby repealed.

Municipal Council of Lincoln and Welland.

II. And be it enacted, That from and after the passing of this Act 5 the said Counties shall form and be known as the United Counties of Lincoln and Welland, and the Reeves and Deputy Reeves of the different Townships, Villages and Towns therein, shall compose and form the Council of the said United Counties, and shall have the same powers and be subject to all the liabilities, as are by law provided, 10 with respect to like Municipalities in Upper Canada.

Certain property vested in the United Counties and certain By-laws and Acts to be void.

III. And be it enacted, That any property purchased for County purposes by the Provisional Council of Welland, and now vested in them, shall become the property of the said United Counties, and all By-laws or acts, passed or done by the Provisional Council relative 15 to the erection of County buildings, other than the purchase of land for County buildings where the land is now vested in the said County of Welland or in any party in trust for the said County, shall from henceforth be null and void.

Municipal Council of Lincoln and Welland to select a site for County buildings, &c.

IV. And be it enacted, That for and notwithstanding anything 20 by the said Provisional Council of Welland heretofore done, under and by virtue of the said first recited Act, the Council of the said United Counties of Lincoln and Welland shall have full power and authority to select, in the County of Welland, one of the United Counties of Lincoln and Welland, a place for the erection of suitable 25 County buildings for the said United Counties, such place being central as regards both Counties, and shall have power to purchase therefor sufficient land; the same when purchased to vest in, and become the property of the said United Counties, and to raise by assessment on all the taxable property of the said Counties, a sum 30 sufficient to purchase the said property, and erect thereon the necessary buildings, subject to all the conditions and restrictions now in force in Upper Canada in like cases; Provided always, that such selection of such place shall be made at a special meeting of the 35 Municipal Council of the said United Counties, which the Warden thereof is hereby authorized and required to call for that purpose, to be held not later than three months from and after the passing of this Act; and on neglect or failure to make such selection, it shall be lawful for the Governor in Council, at any time after such meeting as aforesaid, to issue a Proclamation, under the Great 40 Seal of the Province, naming a place in the said County of Welland, one of the said United Counties of Lincoln and Welland, for a County Town, such place being central as regards both Counties, *

Proviso.

Governor in Council to appoint a place if the Municipal Council fail to do so.

and from and after such selection or nomination it shall be the duty of the said Council, within a reasonable time thereafter, to take the necessary steps to raise money, and erect the necessary County buildings thereat.

5 V. And be it enacted, That debts and liabilities due by or charge-
 able to the said Provisional Municipal Council of the County of
 Welland, shall be assumed, paid and discharged by the said United
 Counties of Lincoln and Welland, and every sum or sums of money,
 rates in arrear, or other claims or demands due to the said Provisional
 10 Council of Welland, shall belong to, and be the property of the said
 United Counties, and may be levied and collected by them in their
 joint corporate name, as if the said liability had been originally con-
 tracted to or with the said United Counties of Lincoln and Welland.

Debts &c., of
 Welland to be
 assumed by
 the United
 Counties.

15 VI. And be it enacted, That so soon as the Court-House and
 Gaol of the said United Counties shall have been erected and com-
 pleted, at such place as aforesaid, it shall and may be lawful for the
 Governor to issue a Proclamation, under the Great Seal of
 the Province, declaring such place to be the County Town of such
 United Counties, and from and after such Proclamation, the Courts
 20 of Oyer and Terminer, and General Gaol Delivery, Assize and Nisi
 Prius, General Quarter Sessions of the Peace, County Court,
 Surrogate Court, and every other Court required to be held at the
 County Town, shall be commenced, and from time to time holden
 at the aforesaid Court House.

Certain Courts
 to be held at
 the Court-
 House to be
 erected under
 this Act.