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No. 159.

1st Session, 6th Parliament, 21st Victoria, 1858.

(LOCAL BILL.)

BILL.

An Act to provide for the separation of the
County of Durham from the County of
Northumberland.

Received and read, first time, Tuesday, 11th
May, 1858.

Second reading, Monday, 17th May, 1858.

MR. ROBINSON.

TORONTO :

PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to provide for the separation of the County of Durham from the County of Northumberland.

WHEREAS a great number of the inhabitants of the United Counties of Northumberland and Durham have by their petitions represented, that from the increasing wealth and population of the said county of Durham, and in order to accommodate the inhabitants thereof, it is desirable that the same should be detached and set apart from the county of Northumberland for judicial and other purposes, and that the county town for the said county should be established by the Legislature, and have prayed that an Act may be passed for the above purpose ; And whereas it is expedient to grant the prayer of the said petition and accordingly to provide for the separation of the said county of Durham from the said county of Northumberland as soon as the necessary provisions for that purpose shall have been made ; Therefore Her Majesty, &c., enacts as follows :

I. It shall be lawful for the county council of the united counties of Northumberland and Durham, whenever they shall receive petitions from any municipality in the said county of Durham in favour of a dissolution of the said union, to appoint some convenient day in the month of January of any succeeding year for the purpose of taking a vote of the rate-payers of the several municipalities composing the said county of Durham upon the question of such dissolution, which said vote shall be taken at the same places, in the same manner, and by the same officers, as votes are taken for the election of councillors, and shall be recorded in books prepared for that purpose, each voter in favour of such dissolution voting "yea," and each voter against such dissolution voting "nay ;" at least ten days' notice of the time appointed for taking the said vote being previously given in at least ten public places in each municipality.

II. The returning officers to take such votes for the respective municipalities shall, within ten days thereafter, return their poll books, verified under oath, to the clerk of the county council, who shall publish and declare the result of the same for the information of all concerned ; and if it shall appear that a majority of all the rate-payers voting at the said polling have recorded their votes in favour of the said dissolution, then the Town Reeves and Deputy Town Reeves of the several municipalities in the said county of Durham, as the same is described and limited in and by the Act passed in the session held in the fourteenth and fifteenth years of Her Majesty's reign, intituled, "*An Act to make certain alterations in the Territorial Divisions of Upper Canada,*" shall form a provisional municipal council for the said county, and shall with respect to the said county, have, possess and exercise all and singular the rights, powers, privileges, and duties conferred, granted or imposed by the Act

Preamble.

County Council of Northumberland and Durham may on petition to that effect take a vote of the rate-payers of Durham for or against a dissolution.

Poll books to be returned to Clerk of County Council, who shall declare the result. 14 and 15 Vic. c. 5. 12 Vic. c. 78.

passed in the twelfth year of Her Majesty's reign, 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 dissolution of such Unions, as the increase of wealth and population may require,*" upon provisional municipal councils erected by proclamation under the authority of the said Act, and also all the powers which may be conferred upon provisional councils generally by any other Act or law in force in Upper Canada; and such provisional council shall and may, as soon as they shall think fit so to do, purchase or otherwise procure the necessary property at the town of Newcastle, which is hereby declared to be the county town of the said county of Durham, and proceed to erect the necessary public buildings, on such property; and all the provisions of the Act last above cited shall apply to the said provisional municipal council and to the said county of Durham.

Newcastle to be the county town.

County officers to be appointed and dissolution proclaimed when the requisite buildings are erected at Newcastle.

III. So soon as the court house and gaol of the said county shall be erected and completed at the said town of Newcastle, according to the provisions of the fifteenth section of the said lastly in part recited Act, and the other provisions of the said fifteenth section shall have been complied with by the said county, it shall be lawful for the Governor of this province to appoint the necessary officers, as provided by the seventeenth section of the said lastly in part recited Act, and by order in Council to issue a proclamation dissolving the union between the said county of Durham and the county of Northumberland, from the date to be mentioned in such proclamation; and all the provisions of the said lastly in part recited Act or of any other Act or law in force in Upper Canada, applicable to counties on and after their being separated from other counties, shall apply to the said counties of Northumberland and Durham respectively.

First meeting of provisional council: notice thereof.

IV. The said provisional council shall first meet at the said town of Newcastle, and a notice of such meeting shall be published in some newspaper published within the said county of Durham or in some adjoining county, and a copy of such notice shall be sent by mail or otherwise to each member of such provisional council, at least eight days before the day appointed for such meeting, by the Warden of the said united counties of Northumberland and Durham, or if such meeting should fail on the said day, a meeting may be called in like manner for another day.

Warden of united counties to appoint a person to preside at such first meeting.

V. The said Warden of the united counties of Northumberland and Durham shall, by a warrant under his hand and seal, appoint one of the town reeves, or deputy town reeves of the said county of Durham to preside at the first meeting of the said provisional municipal council, until a provisional warden shall be elected by such provisional municipal council.

Public Act.

VI. This Act shall be deemed a public Act.

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