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2nd Session, 6th Parliament, 22 Victoria, 1859.

(LOCAL BILL.)

BILL.

An Act for the erection of a certain part of the Township of Durham, in the County of Drummond, into a Separate Local and School Municipality, by the name of South Durham.

Received and read, first time, Friday, 25th
Feb., 1859.

Second reading, Monday, 28th Feb., 1859.

MR. DUNKIN.

TORONTO :

PRINTED BY JOHN LOVELL, YONGE STREET.

An Act for the erection of a certain part of the Township of Durham, in the County of Drummond, into a separate Local and School Municipality, by the name of South Durham.

WHEREAS certain of the inhabitants of the Township of Durham, Preamble.
 in the County of Drummond, have, by their petition, represented, that the welfare and convenience of those residing in the five rear ranges of the said Township would be greatly promoted if the said Township of Durham were divided into two Municipalities, and have prayed that it may be so divided, and it is expedient (under the limitations hereinafter set forth) to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

- 10 1. Upon, from and after the first day of January, one thousand eight hundred and sixty, so much of the present Township of Durham as lies in the eighth, ninth, tenth, eleventh and twelfth ranges of said Township, shall be separated from the remainder of the said Township of Durham, and shall form a distinct Township and Local Municipality, under
 15 the name of South Durham; and the said Township of South Durham shall hereafter 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 South Durham had always been distinct from, and had never formed part of the said
 20 Township of Durham, and shall enjoy and exercise all the rights, powers and privileges conferred by any Acts or laws whatsoever upon Local Municipalities in Lower Canada; and the remainder of the said present Township shall constitute and remain the Township Municipality of Durham: and so many of the present Municipal Councillors and School
 25 Commissioners as reside within the Township of Durham as here y constituted, shall, notwithstanding this Act, remain in office, and continue to be Members of the Municipal Council and School Commissioners for the Township of Durham as limited by this Act, until they vacate their seats in due course of law.
- 30 II. No division of the Township shall however take place, unless the same shall have been approved of at a public meeting of the Municipal Electors of the said present Township of Durham, to be called by the Mayor of the said Township, or in his default, by the Senior Justice of the Peace residing therein, by posting up a notice of at least fifteen days indicating
 35 the time, place and object of the same, in at least eight public places in the said Township, such meeting to be held before the first day of December next, at the place where the poll at the last General Election
- Certain portion of the Township of Durham erected into a new Municipality; present Councillors, &c., to remain in office.
- Such division only to take place after a public meeting approving thereof.

was held; at which meeting the question shall be submitted to the said Electors; and if at such meeting a poll is demanded by six electors, the votes of the electors shall be taken in the manner provided for in the case of a By-law of a Municipality for creating a debt for the purpose of subscribing for stock in a Railway Company.

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As to present debts and obligations.

III. The present debts, obligations and liabilities of the present Township of Durham (if any there be) shall be assumed by the Township of Durham, as hereafter to be constituted; and to enable the said Township to provide for the payment thereof, the Municipality thereof shall be entitled to have and receive all rates and assessments which may be due and collectable in the present Township of Durham 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 Council of the County of Drummond 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 all such joint debts and liabilities as may be then still unprovided for.

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Surplus funds, how to be divided.

IV. And in the event of any surplus funds remaining in the hands of the Secretary-Treasurer for the present Township of Durham, 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 property in each of the said Municipalities, as shewn by the last Valuation Roll for the present Township of Durham.

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Disputes as to liabilities of School Commissioners, how to be settled.

V. In case of any dispute arising between the respective Boards of School Commissioners for the said two new Townships, as to the disposal to be made of the debts, obligations and liabilities of the School Commissioners of the said present Township, or any thereof, or of their funds or any thereof, the award thereon of the Superintendent of Schools for Lower Canada, shall be binding and conclusive on all parties.

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No lands in present Township discharged from any assessment before first January next. Public Act.

VI. This Act shall not be held to discharge any land within either of the said two new Townships, or any person, from liability for any assessment or penalty imposed or incurred under the Municipal or School Acts, before the first of January next.

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VII. This Act shall be deemed a Public Act.