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No. 149.

3d Session, 3d Parliament, 13 & 14 Victoria, 1850.

BILL.

An Act to authorize the Mayor and Town Council of the Town of Bytown, to collect certain arrears of Taxes, to remove doubts as to the powers of the said Council in other matters, and for other purposes relative to the said Town.

Received and Read a first time, Thursday, 4th July, 1850.

Second Reading, Monday, 8th July, 1850.

Mr. JOHNSON.

BILL.

An Act to remove doubts as to the effect of the disallowance of the Act incorporating the Town of Bytown.

WHEREAS the Town Council of the Town of ^{Preamble.} Bytown have by their petition represented that the said Town was incorporated by an Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled "*An Act to define the limits* ^{10 & 11 V. c. 43} "*of the Town of Bytown, to establish a Town Council therein, and for other purposes,*" that the said Act was carried into effect and remained in full operation until the twelfth day of October, one thousand eight hundred and forty-nine, when Her Majesty's disallowance thereof was signified by Proclamation of His Excellency the Governor General;—that between the passing of the said Act and the signification of the disallowance thereof, as aforesaid, the Corporation of the Mayor and Town Council of Bytown, created by the said Act, had, under the provisions thereof, lawfully entered into divers contracts and incurred divers liabilities, and that at the date of the said proclamation a large amount of taxes and statute labour was due to the said Corporation, which said contracts and liabilities have remained and still remain uncompleted and unsatisfied, and the said taxes and statute labour unpaid and unperformed by reason of the doubts occasioned by the disallowance of the Act aforesaid; that the schools and school-matters of the said Town and all other matters connected with the Municipal affairs of the said Town are also in much confusion by reason of the said doubts, which have even extended to the legality of the proceedings of the Corporation of the said Town, now constituted under the provisions of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, "*An Act to provide by one general law for the* ^{12 V. c. 81.} "*erection of Municipal Corporations and the establishment of regulations of Police in and for the several Counties, Cities, Towns, Townships and Villages in Upper Canada,*" and the said Town Council of the Town of Bytown have prayed that all such doubts as aforesaid may be removed and that their powers in the matters aforesaid be confirmed; And whereas it is clear that the Legislature in passing the Act last above cited did not contemplate the disallowance of the Act first above cited, but on the contrary provided by the Act passed with reference to that last above cited in the twelfth year of Her Majesty's Reign, and intituled, "*An Act to repeal the Act in force in* ^{12 V. c. 80.}

Upper Canada relating to the establishment of local and Municipal Authorities, and other matters of a like nature," it is enacted in effect, that the said first cited Act shall be repealed upon, from and after the first day of January, 1850, and not before, and it is therefore expedient to grant the prayer of the said Petition and to secure to the Corporation of the said Town and other parties the same relative rights as if the Act first cited had remained in force until the time last aforesaid : Be it therefore enacted, &c. 5

Powers and liabilities of the Corporation to be as they would have been if the Act 10 & 11 V. c. 43 (except s. ct. 44) had remained in force until 1st Jan'y 1850.

And it is hereby declared, That for and notwithstanding 10 the disallowance of the Act first cited in the Preamble to this Act, the rights, powers, duties, obligations and liabilities of the Municipal Corporation of the Town of Bytown, constituted under the Act secondly cited in the said Preamble, and of the Council of the said Town and of 15 the Mayor and every Member thereof, and of all Officers thereof, and of all other parties with respect to them, shall be and shall be held to have been the same to all intents and purposes as they would have been if the said secondly cited Act, with the exception of the *forty-fourth* 20 *Section* thereof, had been and remained in force from the passing thereof until the first day of January, 1850, and had been then repealed by the Act thirdly cited in the said Preamble : and more especially, but without prejudice to the full effect of the general provision above made, 25 be it declared and enacted, that the Council of the said Town shall have full power and authority to collect, sue for and recover all arrears of taxes imposed by the late Corporation for the year 1849, and to enforce the performance of or the payment of the commuta- 30 tion for all arrears of statute labour for the said year, and shall pay all just debts and discharge all just liabilities of the said late Corporation, and shall complete and may enforce the completion of all contracts lawfully made by or with the said late Corporation ; and that all elections of 35 Councillors, Mayor or other Officers or functionaries in or with regard to the said Town, and all By-laws, Rules or Regulations made, or things done by the Council of the said Town, or by the said Mayor, Councillors, Officers, or functionaries or any of them, or by any person under 40 their authority, shall be, and shall be held to have been valid and binding, and shall have, and be held to have had full force and effect, provided the same would have been and would be valid and binding, and have force and effect, if the said secondly cited Act (with exception of the 45 *forty-fourth section*) had been and remained in force from the passing thereof to the said first day of January, one thousand eight hundred and fifty.