



No. 181.

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

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**BILL.**

An Act providing for the formation of a  
New County, out of the Eastern part  
of the County of York.

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Received and Read a first time, Monday, 15th  
July, 1850.

Second Reading, Monday, 22nd July, 1850.

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MR. PERRY.

## B I L L.

An Act providing for the formation of a new County, out of the Eastern part of the County of York.

**W**HEREAS the great extent of the County of York, Preamble.  
as well as its vast resources, wealth, and population, render a division thereof necessary: And whereas  
5 the Eastern ranges of Townships in the said County are situated at an inconvenient distance from its present County Town, and a large majority of the inhabitants of the said Townships have petitioned Parliament to be set off and formed into a separate County; and it is just and  
10 expedient to grant their request:—Be it therefore enacted, &c.

That the Townships of Whitby, Pickering, Uxbridge, County of Ontario constituted.  
Reach, Brock, Scott, Georgiana, Thora, Mara, and Rama, in the said County of York, shall form a new and separate  
15 County, under the name of the County of Ontario; and that the Village of Whitby, in the Township of Whitby, shall be the County Town thereof; and that a Registrar shall be appointed, and Registry Office shall be kept, in and for the same, at the County Town, in the same  
20 manner as in other Counties in Upper Canada; but that the said County of Ontario shall remain united to the County of York for all judicial and other purposes, until the said County of Ontario shall have made the necessary preparations for that purpose, and shall be disunited by  
25 proclamation, agreeably to the provisions of an Act passed in the last Session of the present Parliament, intituled,  
“An Act for abolishing the Territorial Division of Upper 12 Vict. c. 78.  
Canada into Districts, and for providing for temporary  
Unions of Counties for Judicial and other purposes, and  
30 “for the future dissolutions of such Unions, as the increase of  
“wealth and population may require.”

II. And be it enacted, That inasmuch as the said Town Reeves and Deputies of the County of Ontario made a Provisional Council.  
County of Ontario contains at present a population of about twenty-five thousand inhabitants, with other neces-  
35 sary requisites, it shall, for all the purposes of the aforesaid Act, be considered to all intents and purposes, and dealt with in the same way and manner, as if a Proclamation had issued under the tenth section of the said Act, naming the Village of Whitby, in the said County, as the County  
40 Town thereof, and constituting and erecting the Town Reeves and Deputies of the said County into a Provisional

Municipal Council for the said County, and declaring such Municipal Council a Provisional Municipal Council for the same under the said Act, until the dissolution of the Union of said County with the County of York as aforesaid; and the said Town Reeves and Deputies, for the time being, shall be a Provisional Municipal Council for the said County of Ontario accordingly, and shall have and exercise all the powers, rights and privileges, vested in any such Provisional Municipal Council, by the provisions of the Act aforesaid. 10

What revenue the Provisional Council shall receive.

III. And be it enacted, That during the time the said County of Ontario shall or may be engaged in erecting the necessary public County Buildings, not exceeding three years from the 1st January, 1851, the Provisional Municipal Council of the said County shall be entitled to 15 and receive all revenues raised, levied and collected, in or upon such County, for ordinary County purposes, and for the erection of the said buildings, in the same way and manner as the said Provisional Municipal Council are or may be authorized by law to raise, levy, and expend other revenues for any such or other purposes whatever. 20

In what manner the division of property and liabilities between the Senior and Junior County shall be adjusted.

IV. And be it enacted, That so soon as the said County of Ontario shall have erected suitable buildings, and made the necessary preparations for finally dissolving the Union existing between it and the said County of York, it shall and may be lawful for the Provisional 25 Municipal Council of the said County of Ontario to treat and agree with the Senior Municipal Council of the County of York, for the adjustment and final settlement of the proportion (if any) of any debt contracted by the said County before the passing of this Act, and which may be 30 due at the time, which it may be deemed just that the said County of Ontario, on its being disunited, shall take upon itself, with the time or times of payment thereof, or of the proportion or amount (if any) which the County of York shall pay or reimburse to the said County of Ontario, 35 agreeably to a resolution passed by the District Council on the 30th day of January, 1849, or in consideration of the public buildings, property, and securities of the said County of York, with the time or times of payment thereof; and every such agreement so entered into, 40 between the Municipal Authorities of the said Counties, shall both in law and equity be binding upon such Counties; and in the event of the two Counties, as aforesaid, not entering into such agreement relative to any or all such matters mutually between themselves, the same shall be 45 settled and finally adjusted by the award of three Arbitrators, or the majority of them, to be appointed as follows: the Senior County Council of York to appoint one, and the Provisional County Council of Ontario to appoint one, and the two Arbitrators so appointed to 50 appoint a third, if such two Arbitrators shall neglect

or not agree in the appointment of a third Arbitrator, as aforesaid, within ten days next after their own appointment, then the third Arbitrator, may and shall be appointed by the Governor of the Province in Council; 5 and in case either of such Councils aforesaid shall omit for three calendar months, after being notified and called upon by the other of such Councils, to appoint an Arbitrator on their part, as above provided, it shall and may be lawful for the Governor in Council, to appoint an 10 Arbitrator on the part and behalf of such Council so neglecting to appoint such arbitrator; and that such submission and award shall be subject to the jurisdiction of Her Majesty's Court of Queen's Bench for Upper Canada, in the same manner as if the same were by bond, 15 with an agreement therein that such submission might be made a Rule of that Court; and that the sum or sums (if any) so agreed upon or settled, shall, to all intents and purposes, be a debt due by the one to the other of such Counties, as the case may be, and may or may not bear 20 interest from the date of such settlement, agreeably to the terms of the same, and its payment shall be provided for and made by the Municipal Council of the County require to pay the same, in like manner as is or shall be required by law in respect to other debts due by such Municipal 25 Council, and in default thereof may be sued for and recovered in the same way and manner as any other debt.