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No. 215.

3rd Session, 5th Parliament, 20 Victoria, 1857.

(LOCAL BILL)

BILL.

An Act to incorporate the Village of New
Hamburg in the County of Waterloo.

Received and read, first time, Friday, 17th
April, 1857.
Second reading, Wednesday, 22nd April, 1857.

MR. FERRIE.

TORONTO:

An Act to incorporate the Village of New Hamburg in the County of Waterloo.

WHEREAS the inhabitants of the Village of New Hamburg, in the County of Waterloo, have by their Petition represented, that from the rapid increase of the population of the said Village it has become necessary to confer upon it corporate powers, and have prayed that it may be incorporated accordingly, and it is desirable to grant the prayer of the said Petition; Therefore Her Majesty, &c., enacts as follows:

Preamble.

I. From and after the passing of this Act, the inhabitants of the said Village of New Hamburg shall be a body corporate apart from the Township of Wilmot in which the said Village is situate; and as such shall have perpetual succession and a Common Seal, with such powers and privileges as are now or shall hereafter be conferred on Incorporated Villages in Upper Canada; and the powers of such Corporation shall be exercised by, through and in the name of the Municipality of the Village of New Hamburg.

New Hamburg incorporated as a Village.

II. The said Village shall comprise and consist of the following lots and parcels of land, that is to say:

Boundaries of New Hamburg.

Lots twenty-two, twenty-three, twenty-four and twenty-five, north of Bleam's Road, and parts of lots twenty-two, twenty-three, and twenty-four, south of Bleam's Road, and parts of lots twenty-two, twenty-three, twenty-four, and twenty-five, south of Snyder's Road; and shall be bounded as follows:

Commencing at the most easterly angle of said lot twenty-two, north of Bleam's Road; thence south seventy-eight degrees thirty minutes west, twenty-six chains and sixty links; thence south thirty-eight degrees and thirty minutes east, one chain and eighty-five links more or less, to the river Nith, usually known as Smith's Creek; thence south thirteen degrees and thirty minutes east, five chains; thence south seventy-eight degrees and thirty minutes west, thirty-one chains, more or less, to the west limit of the River Nith, and continuing along that limit or side, in a south westerly and north westerly course against the current to Bleam's Road; thence south seventy-eight degrees west, along the said road to the limit between lots twenty-five and twenty-six; thence north thirty-eight degrees, thirty minutes west, to the north limit of Bleam's Road, thence continuing on the same course on limit between lots twenty-five and twenty-six, to the centre, or half the distance between Bleam's Road and Snyder's road; and continuing the same across said centre to the north, or front limit of the rear fifty acres of lot twenty-five south of Snyder's Road; thence north seventy-eight degrees and thirty minutes,

east, along the said north or front limit to the original Road allowance between lots twenty-four and twenty-five, south of Snyder's Road, crossing said Road allowance, and continuing across lots twenty-four, twenty-three and twenty-two to the east limit thereof; thence south thirty-eight degrees and thirty minutes east, along the east limit of the said lot twenty-two, to the centre, or half the distance between Bleam's Road and Snyder's Road, and continuing the same course along the east limit of lot twenty-two, north of Bleam's Road, to the place of beginning.

Governor to appoint a Returning Officer.

III. Immediately after the passing of this Act it shall be lawful for the Governor of this Province to appoint a Returning Officer for the said Village of New Hamburg, which Returning Officer shall appoint the time and place for holding the first election in the said Village, of which appointment the said Returning Officer shall give notice in a newspaper published in the Village, or if there be no newspaper published there, then by notices posted in at least three conspicuous places in the said Village, ten days before the said election.

Qualification of Electors, &c.

IV. The duties of the said Returning Officer, and the qualifications of the voters, and the persons elected as Councillors at such first election shall be as prescribed by law with respect to Townships in Upper Canada.

Copy of Collector's Roll to be furnished to the Returning Officer.

V. The Collector or Township Clerk of the Township of Wilmot, or other person having the legal custody of the Collector's Roll of that Township for the year of our Lord one thousand eight hundred and fifty-six, shall furnish to the Returning Officer, on demand made by him for the same, a true copy of such Roll so far as the same relates to voters resident in the said Village, and, so far as such Roll contains the names of the male freeholders and householders rated upon such Roll in respect of real property lying within such limits, the amount of the assessed value of such real property for which they shall be respectively rated on such Roll, which copy shall be verified on oath or as is now required by law.

Returning Officer to be sworn.

VI. The said Returning Officer, before holding the said election, shall take the oath or affirmation now required by law to be taken by Returning Officers for Incorporated Villages in Upper Canada.

Future elections to be as in other Villages.

VII. Elections for Councillors for the said Village of New Hamburg, after the year one thousand eight hundred and fifty-seven, shall be held in conformity with the provisions of law applying to Incorporated Villages in Upper Canada.

Oaths of office, &c.

VIII. The several persons who shall be elected or appointed under this Act shall take the same oaths of office and of qualification now prescribed by law.

Number and powers of Councillors.

IX. The number of Councillors to be elected under this Act shall be five, and they shall be organized as a Council in the same manner as in Villages incorporated under the provisions of the Upper Canada Municipal Acts, and have, use, and exercise the same powers and privileges as in the said Incorporated Villages.

Village separated from Township.

X. From and after the passing of this Act, the said Village shall cease to form part of the said Township of Wilmot, and shall to all intents and

purposes form a separate and independent Municipality, with all the privileges and rights of an Incorporated Village in Upper Canada; but nothing herein contained, shall affect or be construed to affect any taxes imposed for the payment of any debts contracted by the Township of Wilmot aforesaid, but the said Village of New Hamburg shall be liable to pay to the Treasurer of the Township of Wilmot aforesaid, in each and every year until any such existing debt be fully discharged, the same amount which was collected within the said described limits of the said Village towards the payment of such debt for the year 1856, and the same shall be a debt against the said Village.

Proviso as to existing debts

XI. Any Councillor elected to serve in the Township Council of the said Township of Wilmot, for the present year, and residing within the above prescribed limits of the said Village, shall immediately on the passing of this Act, cease to be such Councillor, and the duly qualified electors of the Township of Wilmot aforesaid, not included in the said limits, shall thereupon proceed to elect a new Councillor, or Councillors, as the case may be, to serve in the Council of the said Township for the remainder of the year, as in the case of death or resignation provided for by the Municipal laws of Upper Canada.

Election of Township Councillor to replace any residing in the Village.

XII. The officers of the said Council of the Township of Wilmot shall not proceed to collect any rate or assessment imposed by the said Council for the present year, within the limits of the said Village, but the amount which may be required for the purposes of the said Village within the present year, shall be based on the assessment of the Township assessor or assessors for the present year, and shall be collected by the officer or officers to be appointed by the said Village Council for that purpose.

Township Officers not to collect taxes in the Village during 1857: how the Village's taxes for this year shall be raised.

XIII. The Clerk of the said Township shall, and he is hereby required to furnish to the Clerk to be appointed by the Council of said Village, on demand made by him therefor, a true copy of the Assessment Roll for the present year, so far as the same shall contain the rateable property assessed within the same Village, and the name of the owners thereof.

Copy of part of Township Assessment Roll to be furnished to the Village Clerk.

XIV. The expenses of any assessment imposed for the present year, so far as the same shall relate to assessments made within the limits of said Village, and the expenses of furnishing any documents, or copies of papers or writings, by the Clerk or other officer of the Council of the said Township hereinbefore referred to, or required to be furnished, shall be borne and paid by the said Village Council to the said Township Council, or otherwise as the said Township Council shall require.

As to expenses of paper, &c., required under this Act.

XV. Any of the monies of the said Township which shall have been expended within the limits of the said Village for the benefit thereof, since the first day of January last, shall be accounted for and repaid to the Council of the said Township, by the said Village Council.

As to Township monies expended in 1857 in the Village.

XVI. All Acts and provisions of Acts inconsistent with this Act, so far as the same may affect the said Village of New Hamburg, shall be and the same are hereby repealed.

Inconsistent enactments repealed.

XVII. This Act shall be a public Act.

Public Act.