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No. 138.

2nd Session, 5th Parliament, 20 Victoria, 1857.

BILL.

An Act to Incorporate the Village of Fergus,
in the County of Wellington.

Received and read, first time, Friday, 20th
March, 1857.

Second reading, Monday, 23rd March, 1857.

MR. CLARKE.

TORONTO:
PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to incorporate the Village of Fergus, in the County of Wellington.

WHEREAS the inhabitants of the Village of Fergus, in the County of Wellington, 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 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 Fergus shall be a body corporate apart from the Township of Nichol 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 Fergus. Fergus incorporated.

II. The said Village shall comprise and consist of the lots and parcels of land, included within the following boundaries, that is to say: commencing on the south bank of the Grand River where the Concession line between the fourteenth and fifteenth Concessions would strike that bank if produced; thence north-west along that Concession line to the west angle of lot twenty-one in the said fourteenth Concession; thence north-east along the division line between lots twenty and twenty-one to the Township line between Garrafraxa and Nichol; thence south-east along the said Township line to the south-east side of said Road from Fergus to Garrafraxa, in the first Concession of the said Township of Nichol; thence south-west along the south-east side of the said Road, until it intersects the Road allowance between lots numbers ten and eleven; thence north-west along the said Road allowance to the south bank of the Grand River; thence along the said bank of the Grand River, with the stream, to the place of beginning. Boundaries of the Village.

III. 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 Fergus, 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 said 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. Appointment of Returning Officer.

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. His duties, and qualifications of voters.

Copy of part
of Collector's
Roll for Nichol
to be furnish-
ed to Return-
ing Officer.

V. The Collector or Township Clerk of the Township of Nichol, 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. 5
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Oath of Office.

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 Elec-
tions as in
other Villages.

VII. Elections for Councillors for the said Village of Fergus, 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. 15

Oath 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. 20

Five Council-
lors to be elec-
ted, &c.

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. 25

Village separ-
ated from
Township of
Nichol, &c., as
to Taxes.

X. From and after the passing of this Act, the said Village shall cease to form part of the said Township of Nichol, 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 Nichol aforesaid, but the said Village of Fergus shall be liable to pay to the Treasurer of the Township of Nichol 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. 30
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Township
Councillors
residing in
Fergus to go
out, &c.

XI. Any Councillor elected to serve in the Township Council of the said Township of Nichol, for the present year, and residing within the above prescribed limits of the said Village, shall immediately on the appointment of a Returning Officer for the said Village as required by this Act, cease to be such Councillor, and the duly qualified electors of the Township of Nichol 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. 40
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- XII. The Officers of the said Council of the Township of Nichol, 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: Provided always, that nothing herein contained shall affect any school rate or school section for the present year. Township taxes not be collected in Fergus for 1857, &c.
Proviso.
- 10 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 names of the owners or occupiers thereof. Copy of part of Assessment Roll to be furnished.
- 15 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. Expenses of Assessment for present year, how to be borne.
- 20 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. Township monies spent in Fergus in 1857, to be repaid.
- XVI. All Acts and provisions of Acts inconsistent with this Act, so far as the same may affect the said Village of Fergus, shall be and the same are hereby repealed. Inconsistent provisions repealed.
- XVII. This Act shall be deemed a public Act. Public Act.