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No. 272.

2nd Session, 3rd Parliament, 12 Victoria, 1849.

BILL.

An Act to supply certain necessary Legislative provisions not included in certain Acts therein mentioned.

Received and Read a first time, Tuesday, 24th April, 1849.

Second Reading, Friday, 27th April, 1849.

Hon. Mr. BALDWIN.

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BILL.

An Act to supply certain necessary Legislative provisions not included in certain Acts therein mentioned.

WHEREAS by an Act of the Parliament of this Province passed in the Session of Parliament held in the tenth and eleventh years of Her Majesty's Reign, chaptered thirty-nine, and intituled "An Act to divide 10 and 11. Vict., c. 39.
5 "the Western District of the Province of Canada and for
"other purposes therein mentioned," and which Act is referred to and further provision made with respect to the territory to which the same applies by a certain other Act of the Parliament of this Province passed in the present Session thereof, intituled, "An Act for abolishing the County Substitution Act of
"Territorial Division of Upper Canada into Districts, and this Session.
"for providing for temporary Unions of Counties for Judicial and other purposes, and for the future dissolutions
"of such Unions, as the increase of wealth and population
15 "may require;" And whereas by the former of the said Acts provision was made for the erection of a new District, which description of territorial division is by the latter of such Acts abolished; And whereas, while the said last mentioned Act treats the area of territory which
20 by the first mentioned Act was embraced in such new District as containing two separate counties under the names of Kent and Lambton, respectively, the Townships of which such Counties respectively consist are not specifically declared by either of the said Acts, and it is
25 therefore expedient that such omission should be supplied: Be it therefore enacted, &c.

And it is hereby enacted by the authority of the same, Of what
That for the purpose of the said last mentioned Act and Townships
for all other purposes whatsoever, the said County of Kent and
30 Kent shall from henceforth include and consist of the Lambton res-
Townships of Camden, Chatham, East Dover, West pectively shall
Dover, Harwich, Howard, Orford, Raleigh, Romney, East
Tilbury, West Tilbury and Zone, and that the said
County of Lambton shall from henceforth include and
35 consist of the Townships of Brooke, Dawn, Bosanquet,
Enniskillen, Euphemia, Moore, Plympton, Sarnia, Sombra,
and Warwick, and this provision with respect to the said
Counties shall have the like effect to all intents and pur-
poses whatsoever, as if the same had been inserted in
40 either or both of the said Acts of Parliament: Provided Proviso : as
always nevertheless, firstly, that the said County of to representa-
Lambton shall for the purpose of representation in the tion.
A 377

Legislative Assembly continue united with the said County of Kent so as together to return one member to the said Legislative Assembly as the territory of which such Counties consist doth at present; And provided also, secondly, that the said Counties of Kent and Lambton and the County of Essex shall form a Union of Counties, to be known as the United Counties of Essex, Kent and Lambton, until such Union shall be dissolved by Proclamation as provided by the said last mentioned Act of Parliament or otherwise as hereinbefore provided, 10 and all the provisions of the said last mentioned Act of Parliament applicable to Unions of Counties in general, shall be applicable to such Union to all intents and purposes as if the same had been inserted in the said last mentioned Act of Parliament, and the Schedules thereto annexed, under the name of the United Counties of Essex, Kent and Lambton as aforesaid, instead of under that of the United Counties of Essex and Kent.

Proviso ; as
to the temporary Union of
Kent, Essex and Lambton
for certain purposes.

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II. And be it enacted, That as well for the purposes of this Act and the said other Acts of Parliament hereinbefore mentioned and referred to as for all other purposes whatsoever, so much of the said Township of Dawn as lies to the south of the south main branch of the River Sydenham, sometimes known as Bear Creek, shall be detached from the said Township of Dawn, and by and under the name of the Gore of Camden, be attached to and henceforth form a part of the said Township of Camden; that so much of the said Township of Sombra as lies to the south of the said south main branch of the said river shall be detached from the said Township of Sombra, and 30 by and under the name of the North Gore of Chatham be attached to and henceforth form a part of the said Township of Chatham; and that so much of the said Township of Zone as lies to the north of the northerly side line of lots numbers fifteen in the several concessions of 35 the said Township of Zone, shall be detached from the said Township, and shall henceforth form a new Township by and under the name of the Township of Euphemia.

New Township constituted.

Certain provisions of the County Substitution Act extended to the Union of Kent, Essex and Lambton.

Proviso ; as

III. And be it enacted, That all the provisions of the thirty-third and thirty-fourth sections of the said last-mentioned Act, making certain provisions with respect to the United Counties of Lincoln, Haldimand and Welland, shall extend and apply to the said United Counties of Essex, Kent and Lambton and every of them, as if they 45 and each of them had been mentioned in such sections and the said schedules to the said Act annexed, respectively; and all the provisions in the said last-mentioned Act of Parliament providing for a union of the said Counties of Kent and Lambton, apart from and irrespective of their union with Essex, shall be and the same are hereby repealed: Provided always, nevertheless, that all

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such provisions as by the Act of the Parliament of this Province passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, intituled, "An ^{to certain provisions of 10 and 11 Vict. c. 39.} Act to divide the Western District of the Province of Canada, and for other purposes therein mentioned," were conferred upon the Township Councillors of the different Townships of the then County of Kent, shall be possessed by and vested in the Provisional Municipal Council of the said County of Kent as described in this Act; 10 and such Provisional Municipal Council shall be charged with and liable to any debt that may have been contracted by competent authority on behalf of the District by that Act intended to be erected; and the Municipal Council of the said County of Kent as described in this Act, both 15 Provisional and Permanent, shall and they are hereby required to provide for the payment of every such debt, and in default of their doing so, the same shall and may be sued for, recovered and levied by rate or otherwise as in the case of debts of any other Municipal Corpora- 20 tion in Upper Canada.

IV. And whereas from the geographical position of Recital. the said County of Lambton it is expedient that provision be made for its separation from the said Union without waiting till its population shall be such as is required by the tenth section of the said Act of this present Session providing for the dissolution of such unions; Be it therefore enacted, That it shall and may be lawful for the Governor of this Province by an Order in Council, upon the Petition of two-thirds or more of the 25 Townrecves of the said County of Lambton, to issue a proclamation under the said tenth section of the said last mentioned Act; Provided always, nevertheless, that none of the restrictions in the second proviso to the said tenth section of the said last mentioned Act shall extend 30 or apply to the said Petition.

On what application the Union between Lambton and the other Counties may be dissolved.

Proviso.

V. And be it enacted, That the term "Townreeves" Word Town- in the said last mentioned Act, in this Act, and in all other reeves, interpreted. Acts passed or to be passed, wherein it refers or shall refer to the Municipal Council of any County or union 40 of Counties, or to those who compose the same, shall include and be construed to include the Deputy Townreeves for the different localities of such County or Union of Counties, as well as the Townreeves for the same.

VI. And be it enacted, That on the dissolution of the union between any County and any other County or Union of Counties in the manner provided for by the said last mentioned Act, a Registrar shall be appointed for the County so separated, and a Registry Office for the registry of deeds shall be kept in and for the same at the 50 County Town thereof, in the same manner and under the same provisions as in other Counties in Upper Proviso; as to Registry Offices in case of dissolution of Unions.

Proviso. Canada ; Provided always, nevertheless, that unless where such separate Registry Office is already established in any such County, there shall be but one Registrar and one Registry Office for each Union of Counties in Upper Canada, so long as they shall continue united as aforesaid. 5

Commencement of this Act. VII. And be it enacted, That this Act shall come into and be in operation upon, from and after the first day of January, one thousand eight hundred and fifty.

Act may be amended. VIII. And be it enacted, That this Act may be amended, altered or repealed by any Act to be passed in this present Session of Parliament. 10