

Laws of His Majesty's Province of Upper Canada, passed in the year 1857. Toronto: Stewart Derbshire & George Desbarats, 1857.

20 Victoria – Chapter 102

An Act to incorporate the Village of Newmarket. Assented to 27th May, 1857.

Whereas the great increase in, the population and importance of the Village of Newmarket since the now last census, makes it expedient to provide for its incorporation as a village, before the time when it could be so incorporated under the ordinary operation of the Upper Canada Municipal Corporations Acts: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. Upon, from and after the first day of January, one thousand eight hundred and fifty-eight, the inhabitants of the Village of Newmarket comprised within the boundaries in the Schedule to this Act named, shall be a body corporate, apart from the Townships in which the said Village is situate, and as such shall have perpetual succession and a Common Seal, with such powers as are now by law conferred upon 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 Newmarket.

II. So much of the Upper Canada Municipal Corporations Acts as relates to incorporated Villages, shall, from and after the day last aforesaid, apply to the said Village of Newmarket, and the said Village shall, as an incorporated Village, have and exercise, all and singular the rights, powers, privileges and jurisdictions which are thereby granted or conferred to or upon, or as shall by virtue of the said Acts, or of any other Act or Acts now in force or hereafter to be in force in Upper Canada, belong to incorporated Villages; and all the rules, regulations and enactments in the said Acts, or any of them contained, or which shall in any wise apply to incorporated Villages, and the Municipal Councillors and Officers thereof, shall apply to the said Village of Newmarket, as fully as if it had become an incorporated Village under the ordinary operation of the said Upper Canada Municipal Corporations Acts, with the exceptions hereinafter made.

III. The Municipal Council of the Township of Whitchurch shall and may, at any time after the passing of this Act, and before the first May of December next, appoint a fit and proper person to be Returning Officer for holding the first Municipal Election in and for the said Village of Newmarket under this Act, and in the discharge of his duties, the said Returning Officer shall, be governed by the provisions of the said Upper, Canada Corporations Acts, applicable to first elections in incorporated Villages.

IV. The qualifications of electors at the first election under this Act, shall be the same as those of electors at a Township election of Municipal Councillors; and the Township Clerks for the Townships of Whitchurch and East Gwillimbury shall furnish the Returning Officer appointed under this Act with, certified copies of so much of the Collector's Rolls for the said Townships respectively, as may be required to ascertain the persons entitled to vote at the first election under this Act.

V. It shall not be lawful for the Municipal Council of the said Village to levy, in any one year upon the rateable property of the said Village, for the local, purposes of the said Village except for School purposes, a higher rate than one shilling in the pound, on the, annual value of the said property, as shewn by the Assessment Roll.

VI. Every By-law which shall be passed by the said Municipal Council for the purpose of affording pecuniary aid towards the construction of any public work not entirely within the limits of the said Village, or for any other purpose, and whereby any annual rate mentioned in the next preceding section, excepting always rates for School purposes, will be increased beyond one shilling in the pound, on the annual value of the rateable property of said village, shall, before its final passing, receive the assent of at least two thirds of the Municipal Electors of the said Village, at any election to be held for that purpose.

VII. And whereas a portion of the Township of Whitchurch not included within the limits of the said Village as fixed by this Act, is now and has been for several years included within the School Section, embracing the said Village of Newmarket, and the resident proprietors of the rateable property of the said portion of the Township of Whitchurch have recently been heavily taxed to aid in constructing and furnishing a Public School House for the said Section, and the said School House will under this Act become the property of the said Village; And whereas it is right to secure the said proprietors who reside without the limits of the said Village, in the use and enjoyment of the said School House for a limited period; Therefore be it enacted, that notwithstanding any thing in the School Acts of Upper Canada to the contrary, it shall and may be lawful for the inhabitants resident on the easterly one fifth of lot number ninety-one in the first concession of the said Township of Whitchurch, and on the westerly halves of lots numbers twenty-nine, thirty and thirty-one, in the second concession of the said township, to have and enjoy all the rights and privileges of residents of the said Village, in so far as the privileges and benefits of the Public Common School thereof are concerned, for a period not exceeding ten years from the commencement of this Act, and shall, during such period be liable to the payment of all School rates and assessments in the same manner as if they were residents of the said Village, and as if their rateable property were included within its limits; Provided always, that if at any time the said inhabitants, or a majority of them, shall desire to separate from the said Village, for School purposes, it shall be lawful for them so to do, by giving to the School Trustees of the said Village one year's notice thereof in writing.

VIII. This Act shall be deemed a Public Act.

Schedule.

Boundaries of the Village of Newmarket.

The said Village of Newmarket shall consist of all that part of the County of York which is bounded as follows, that is to say: Commencing in the centre of the first concession of the Township of Whitchurch, on the northern boundary of lot number ninety-five, on the east side of Yonge street; then, southerly, along the centre of the said first concession, to the southern limit of lot number ninety-two, in the said first concession; then, easterly, along the said southern limit of the said lot ninety-two, to the south-

east angle of said lot; then, in a direct line, to the south-west angle of lot number thirty-two, in the second concession of the said Township of Whitchurch; thence, easterly, along the southern limit of said lot thirty-two, to the centre of the said second concession; thence, northerly, along the centre of the said second concession to the northern limit of the allowance for road between the Townships of Whitchurch and East Gwillimbury; thence, westerly, along the northern limit of the said allowance for road to the south-west angle of lot number one, in the second concession of the said Township of East Gwillimbury; then, northerly, along the eastern limit of the allowance for road in front of the second concession of East Gwillimbury, three chains fifty links, more or less, to a point directly east of the north-easterly angle of that part of lot number ninety-six, in the first concession of the said Township of East Gwillimbury belonging to George Lount, Esquire, of the Town of Barrie, County of Simcoe; then, westerly, crossing the allowance for road last mentioned, along the northern limit of that part of said lot ninety-six, now and lately belonging to the said George Lount, Esquire, to the centre of the said first concession of East Gwillimbury; then, southerly, along the centre of the said first concession to the southern limit of the said lot number ninety-six; then, crossing the allowance for road between the said lots numbers ninety-six and ninety-five, in a direct, line, to the place of beginning.