

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

20 Victoria – Chapter 104

An Act to incorporate the Village of Fort Erie, in the County of Welland. Assented to 10th June, 1857.

Whereas the inhabitants of the Village of Fort Erie, in the County of Welland, 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, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

- I. From and after the passing of this Act, the Inhabitants of the said Village of Fort Erie shall be a body corporate apart from the Township of Bertie 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 ill the name of the Municipality of the Village of Fort Erie.
- II. The said Village shall comprise and consist of the tract of land bounded as follows, that is to say: Commencing at the Niagara River on a line with the south-east angle of lot number five, in the first Concession of the said Township of Bertie, and running thence westerly along the southern boundary line of the said lot, to the south-east angle of lot number five in the second Concession of the said Township, thence south until the line strikes the shore of Lake Erie, thence along the shore of Lake Erie and of the said River, to the place of beginning.
- III. Immediately after the passing of this Act, it shall be lawful for the Governor of this Province to appoint a Reluming Officer for the said Village of Fort Erie, 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 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.
- 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.
- V. The Collector or Township Clerk of the Township of Bertie, 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.

- 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.
- VII. Elections for Councillors for the said Village of Fort Erie, 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.
- VIII. The several persons who shall be elected or appointed under this Act shall take the same oaths of office and of qualification as now prescribed by law.
- 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.
- X. From and after the passing of this Act, the said Village shall cease to form part of the said Township of Bertie, 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 Bertie aforesaid, but the said Village of Fort Erie shall be liable to pay to the Treasurer of the Township of Bertie 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 one thousand eight hundred and fifty-six, and the same shall be a debt against the said Village.
- XI. Any Councillor elected to serve in the Township Council of the said Township of Bertie for the present year, and residing within the above prescribed limits of the said Village, shall immediately: on the appointment of the said Returning Officer, cease to be such Councillor, and the duly qualified electors of the remaining portion of the ward from which the said Village will be taken, 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.
- XII. The Officers of the said Council of the Township of Bertie 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 or be construed to affect the school, section or sections in which, the said Village is now situate, for the present year, nor until an arrangement to alter or change the same shall be made between the said Township and the said Village.

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 thereof.

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.

XV. This Act shall be deemed a Public Act.