

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

20 Victoria – Chapter 108

**An Act to incorporate the Village of Mitchell, in the County of Perth. Assented to 10th June, 1857.**

Whereas the inhabitants of the Village of Mitchell in the County of Perth, 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 Mitchell shall be a body corporate apart from the Townships of Logan and Fullarton, 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 Mitchell.

II. The said Village shall comprise and consist of the lots and parcels of land, included within the following boundaries, that is to say: On the north, the concession road between the second and third concession of the Township of Logan, commencing at lot number eleven and ending at lot number twenty, both inclusive, of the said Township: on the east, the side Road between lots numbers twenty and twenty-one in the Township of Fullarton, north, thirty degrees east, and the side road between lots numbers ten and eleven of the said Township of Logan; on the south the concession road between the second and third concession of the Township of Fullarton, south, sixty degrees east, commencing at lot twenty-one and ending at lot thirty of the said Township; and on the west the boundary line between the said Township of Fullarton and the Township of Hibbert, north thirty degrees east, and the side road between lots numbers twenty and twenty-one of the said Township of Logan.

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 Mitchell, 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 Collectors or Township Clerks of the Townships of Logan and Fullarton, or other person having the legal custody of the Collectors' Rolls of those Townships, 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 Rolls so far as the same relate to voters resident in the said Village, and so far as such Rolls contain the names of the male freeholders and householders rated upon such Rolls 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 Rolls, 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 Mitchell, 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 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 Townships of Logan and Fullarton, 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 Townships of Logan and Fullarton aforesaid, but the said Village of Mitchell shall be liable to pay to the Treasurers of the Townships of Logan and Fullarton respectively aforesaid, in each and every year until any such 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 Councils of the said Townships of Logan and Fullarton respectively 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 said Townships of Logan and Fullarton respectively, 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 Councils of the said Townships respectively, 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 Councils of the Townships of Logan and Fullarton, shall not proceed to collect any rate or assessment imposed by the said Councils 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 Officers to be appointed by the said Village Councillors for that purpose: Provided always, that nothing herein contained shall affect any school section or school rate for the present year, nor the right of any school section to any money already set apart for school purposes: And provided further, that the said Village of Mitchell, shall be entitled to recover from the said Townships of Logan and Fullarton respectively, such share of all money apportioned to such Townships from the Upper Canada Municipalities Fund, prior to the passing of this Act, as shall bear the same proportion to the whole sum so apportioned to the said Townships, as the number of the rate payers resident within the limits of the said Village as shewn by the Collector's Rolls of one thousand eight hundred and fifty-six bears to the whole number of rate-payers of the said Townships.

XIII. The Clerks of the said Townships shall, and they are hereby respectively required to furnish to the Clerk to be appointed by the Council of the said Village, on demand made by him therefor, true copies of the Assessment Rolls 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 the said Village, and the expenses of

furnishing any documents, or copies of papers or writings, by the Clerks or other officers of the Councils of the said Townships respectively, hereinbefore referred to or required to be furnished, shall be borne and paid by the said Village Council to the said Township Councils or otherwise, as the said Township Councils shall require.

XV. This Act shall be deemed a Public Act.