

Laws of Her Majesty's Province of United Canada, passed in the year 1854. Quebec: Stewart Derbishire and George Desbarts, 1854.

18 Victoria – Chapter 149

An Act to authorize the Municipal Council of the County of Welland to raise means to liquidate certain debts and claims against the said County, and for other purposes. Assented to 19th May, 1855.

Whereas the Provisional Municipal Council of the County of Welland have by their Petitions prayed to be authorized by law to borrow upon the credit of Debentures of the said County, such sum and sums of money as shall be sufficient to liquidate certain debts and liabilities of the said County and to pay certain, balances due upon the purchase of the Marsh Lands Tract and for constructing improvements thereon; and also for some further powers in respect to the sale and management of the said Lands; And whereas it is expedient to grant the prayer of the said Petitions: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the- same, as follows:

I. It shall and may be lawful for the Provisional Municipal Council of the County of Welland, or their successors, to ascertain and allow the amount of all just debts and legal or equitable liabilities of the said County contracted or incurred prior to the first day of February, one thousand eight hundred and fifty-four, and subject to the restrictions and limitations imposed upon Municipal Councils generally in Upper Canada for passing By-laws for creating debts or contracting loans, to pass a By-law or By-laws to raise a loan for such an amount as shall be sufficient to pay off such debts and liabilities, and to issue any number of debentures, in sums of not less than twenty-five pounds each, which may be necessary and requisite therefor, and to dispose of the same and to apply the proceeds thereof to the purpose for which such loan is hereby authorized.

II. The ice simple of any and all lands acquired and held by Deed of Conveyance by the Provisional Municipal Council of the County of Welland, erected such Provisional Municipal Council under the provisions of a certain Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act for abolishing the Territorial Division of Upper Canada into Districts, and 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 may require*, shall be and become vested in the Provisional Municipal Council of the County of Welland, now erected and being such Provisional Municipal Council, their successors and assigns; and it shall be lawful for the said Provisional Municipal Council last named, or their successors, by By-law or By-laws, to sell and convey in fee simple to any purchaser or purchasers whatsoever, and for such sum or sums of money as to such Municipal Council shall seem best, so much and such parts of the said lands as are not now or shall not be required for the uses of the

said County, and to apply the proceeds of such sale or sales to the general purposes of the said County.

III. It shall and may be lawful for the Provisional Municipal Council of the County of Welland aforesaid, or their successors, to pass a By-law or By-laws, subject to the restrictions and limitations imposed upon Municipal Councils generally in like cases, to raise a loan of an amount sufficient to pay on the instalments, with the interest thereon, due and to become due upon a certain mortgage made on behalf of the said Council by John Frazer, Esquire, and others, Commissioners therein named, to Her Majesty the Queen, bearing date the twenty-ninth day of April, one thousand eight hundred and fifty-four, upon the Marsh Lands Tract in the said County, together with the sum of three hundred and twenty-two pounds sixteen shillings, and interest, advanced by the said Commissioners for the benefit of the said County, in part payment of the said tract; and for paying such expenses as shall have been incurred by the said Commissioners and the said Council in the purchase and acquisition of the said tract of land; and to defray the costs and expenses of constructing the drains and other improvements mentioned in the said mortgage and therein required to be constructed, and such improvements in the way of opening roads and drains through the said tract or otherwise as may be thought necessary by such Council; and to issue any number of Debentures payable in sums of not less than twenty-five pounds each which may be necessary and requisite therefor; and to dispose of the same and to apply the proceeds to the purposes for which such loan is hereby authorized: Provided, firstly, that it shall be lawful for the Commissioner of Public Works for this Province for die time being, to accept from the said Council such an amount of the Debentures in this section authorized to be issued and payable at such time and times as may be agreed upon between the Commissioner of Public Works and the said Council, in payment and satisfaction of the said mortgage, and thereupon to discharge the said mortgage: And provided, secondly, that a certain By-law of the said Provisional Municipal Council, passed on the twelfth day of December, one thousand eight hundred and fifty-four, intituled: *An Act to raise the sum of five thousand pounds by way of loan to pay certain liabilities of the County of Welland on account of the purchase of the marsh lands tract, and to defray the expenses of necessary improvements thereon*, shall have all the effect of a By-law passed under authority of this Act, as if the same had been passed after the passing hereof, any Jaw or statute to the contrary notwithstanding.

IV. It shall and may be lawful for the said Provisional Municipal Council, or their successors, in such manner and under such regulations as shall be determined by By-law or By-laws to be passed by such Council for the purpose, to sell to any purchaser or purchasers whatsoever, any or all of the said lands more particularly described in a certain indenture of bargain and sale made by the Commissioner of Public Works for this Province to the Provisional Municipal Corporation of the County of Welland aforesaid, bearing date the tenth day of February, one thousand eight hundred and fifty-four, and to convey the same in fee or for a less estate under the corporate seal of such Council, and under the hand of the Warden thereof, the instruments of conveyance to be countersigned by the Municipal Clerk; and to take and hold from the purchaser or purchasers a mortgage or mortgages or other lien upon the lands sold or other lands, to secure payment of the purchase moneys or parts thereof, with such covenants on the parts of the mortgager or mortgagers for the payments of the moneys mentioned therein and interest, and for the

execution of such clearing and fencing of the land described in such mortgage or mortgages, and the erection of buildings thereon and otherwise improving the same, and for actual settlement upon and occupation thereof, and such other covenants as shall be in conformity with the terms or conditions of sale which may be established, by any By-law or By-laws to be passed as aforesaid: Provided, firstly, that any and all By-laws heretofore passed by the said Provisional Municipal Council providing for the sale of the said lands or parts thereof shall be deemed and taken to be and to have been passed under authority of this Act, and all sales of the said lands and conveyances thereof and mortgages taken by the said Council to secure payment of balances of the purchase moneys of the said lands, are hereby declared to be valid and effectual as if the same had severally been executed after the passing of this Act: And provided, secondly, that the proceeds of all sales of the said lands, with the interest therein, shall form part of the general funds of the said County, and may be applied in such manner and for such purposes as the Provisional or Municipal Council thereof shall see fit.

V. It shall and may be lawful for the said Provisional Municipal Council or their successors to purchase or acquire and to hold by any title whatsoever for the benefit of the said County, the Mills, Mill Site, Mill Dam and privileges and appurtenances thereof respectively, situate in the Township of Crowland in the said County commonly called, "Cook's Mills" upon Lyon's Creek, and in their discretion to remove the said Mills and Mill Dam for the purpose of securing better drainage of the said Marsh Lands Tract, and also to purchase, acquire and hold in like manner any other lands, moveable or immovable property, which in their discretion it may be thought necessary to acquire to facilitate the drainage of the said Tract and the improvement of the same, and such lands, moveable or immovable property, or parts thereof to sell, when no longer required for the said purpose, and the same to convey to the purchaser or purchasers in such manner as by By-law or By-laws of the said Council shall be determined.

VI. It shall and may be lawful for the said Provisional Municipal Council or their successors from time to time to pass a By-law or By-laws for the preservation, protection and keeping open of the ditches or drains constructed or to be constructed by such Council, and for authorizing and requiring the construction, preservation or keeping open of any other ditches or drains upon Lands in the Townships of Crowland, Humberstone and Wainfleet in the said County, as well the "back ditches" of the Welland Canal and Welland Canal Feeder as other ditches, and for the widening or deepening of the channels of any stream, therein, which may be deemed necessary by the Council to secure the better and more perfect drainage for the said Marsh Lands Tract or other Lands in the said Townships, and for providing for the manner in which the expenses thereof shall be defrayed, either by authorizing and requiring the performance of labor thereon by the owners or occupants of lands adjoining such ditches, drains or streams, or in default thereof, by an assessment or assessments upon such Lands or by an assessment or assessments upon the rateable property of such Townships generally, or such of them or such portions thereof, as shall be most benefitted by such works; and within the limits applicable by law in that behalf to Municipal Councils generally in Upper Canada, to impose penalties for violations of the provisions of such By-laws, and also to appoint from time to time a competent person to be called an Overseer of Drains, to see that such By-laws are faithfully observed, and also to prescribe the duties and provide the remuneration of such Overseer: Provided always, that no assessment or

other charge whatever shall be imposed upon the said Welland Canal or upon any lands or other property held by the Board of Public Works of this Province, in the said County, for any of the purposes mentioned in this Act.

VII. The map or plan of that part of the Village of Port Colborne situate upon lot number twenty-seven in the first concession of the said Township of Humberstone, surveyed and laid off into village lots under authority of the said Provisional Council by Andrew Hood, Esquire, a Deputy Provincial Land Surveyor, which map is dated the eleventh day of December, one thousand eight hundred and fifty-four, certified by the said Andrew Hood and by the Provisional Warden of the said Council, and entered and registered in the Registry Office of the said County of Welland, on the sixteenth day of the same, month of December, shall be deemed and taken to be and to have been registered in conformity with the provisions of the forty-second and forty-third sections of the Act twelfth Victoria, chapter thirty-five.

VIII. This Act shall have force and effect from the day of the passing thereof, and shall be deemed a Public Act.