

CHAP. 34.

An Act to Incorporate the City of Brantford.

[Assented to 2nd March, 1877.]

WHEREAS the Corporation of the Town of Brantford have ^{Preamble.} by their petition represented that, the assent of the electors of the said Town having been obtained thereto, the Council of the said Town have finally passed a by-law of the said Corporation, intituled, "By-law No. 285: To withdraw the Town of Brantford from the jurisdiction of the Council of the County of Brant," in which County the said Town is situated, pursuant to the statute passed by the Legislature of the Province of Ontario, in the thirty-sixth year of the reign of Her Majesty, Queen Victoria, chapter forty-eight, intituled "An Act respecting Municipal Institutions in the Province of Ontario," and also representing that the said Town contained a population of ten thousand souls, and that its population is rapidly increasing, and that the said Town, by reason of its increased and extensive railway facilities, its large manufacturing and mercantile interests, and its situation in the midst of a rich agricultural district, is now and will continue to be an important commercial centre; and whereas the said Corporation, by their said petition, have prayed that the said Town might be erected into a City to be called "The City of Brantford;" and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the thirty-first day of May next after ^{Brantford in-} the passing of this Act, the said Town shall be erected into a ^{corporated as} City, to be called "The City of Brantford," and the said City ^{a City.} shall have the corporate name of "The Corporation of the City of Brantford," and the said City shall have, possess, and enjoy all the rights, powers and privileges vested in, conferred upon, and enjoyed and exercised by incorporated cities of this Province. And the present Mayor and Council of said Town shall be and continue to be the Mayor and Council of said City, and shall hold office until the election of their successors, as provided by this Act, and shall exercise all the rights and powers, and perform all the duties pertaining to the offices of Mayor and Aldermen respectively of a city, and in the event of death, resignation, or disqualification of said Mayor, or of any member of said Council, a new election shall be held to fill the vacancy under the provisions of the Municipal Act of 1873.

2. The Council of the said City shall consist of a Mayor, ^{The Council.} who shall be the head thereof, and fifteen Aldermen, three
Aldermen

Aldermen being elected for each ward, and at the first election the qualification for the said offices of Mayor and Aldermen, and all other officers of the said City, and of the electors thereof, shall be the same respectively as required in towns.

Returning Officer.

3. James Woodyatt, of the said Town of Brantford, Esquire who is now the Clerk thereof, or, in case of his death or inability to act, such other person as the Council of the said Town may by by-law, to be passed before the thirty-first day of December next, appoint in his stead, is hereby appointed the Returning Officer for the purpose of holding the nomination for the first election of Mayor, and it shall be lawful for and incumbent upon the Returning Officer to hold such nomination at the City Hall, in the said City of Brantford, at the hour of ten o'clock in the forenoon of the said thirty-first day of December.

Power of Returning Officer.

4. The said Returning Officer shall have all the powers and perform all the duties of Clerk of the said City, until the appointment by the Council thereof of some other person in his place and stead.

Deputy-Returning Officers.

5. The Council of the said City shall have power by by-law to be passed before the said thirty-first day of December, to appoint a Deputy Returning Officer for each of the several polling sub-divisions of the said City, each of whom shall have all the powers and perform all the duties of Deputy Returning Officers in Municipal elections for cities, and also by by-law, to be passed within the time aforesaid, to name the places in each of the several wards at which the nominations of Aldermen and election of Mayor and Aldermen shall be held in case a poll be required.

First election.

6. The said nominations for Aldermen shall be held on the said thirty-first day of December, at noon, and if a poll be required, the same shall be opened on the same day of the following week, and the nominations and elections of Mayor and Aldermen shall, except in so far as is herein otherwise provided, be conducted and regulated in the same manner as such nominations and elections are conducted and regulated in municipal elections for cities.

Last Assessment Roll to be used.

7. The last revised assessment roll and voter's list of the said Town shall be taken to be the roll and voter's list for any future election either to the Municipal Council or to the Legislative Assembly in the said City until another assessment shall be made and the roll thereof shall be revised, and the voter's list thereunder shall be duly made and completed.

First meeting of Council.

8. The said Returning Officer shall call together the members of the said Council, for the purpose of being organized as a Council, two weeks after the said nomination, or, in case of

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a poll or polls having been opened, two weeks after the election; such meeting to be held in the City Hall.

9. The property, assets, debts, liabilities, and obligations of the said Town of Brantford shall belong to, and be assumed and paid by the Corporation of the said City of Brantford, and the officers and servants of the said Town of Brantford shall, until superseded in or removed from office by the said City Council, remain the officers and servants of the said City of Brantford. Property, &c.,
of the Town.

10. It shall be lawful for the said Corporation of the said Town or of said City after the removal of all of the bodies interred in the present Cemetery, owned by said Town, known as "Mount Hope Cemetery," situate in the Township of Brantford, and purchased by said Town from Joseph D. Clement, and of the head-stones and monuments erected over such remains, to another Cemetery which they may or shall purchase as a new Cemetery or which may be purchased by any company with the consent of said City in lieu of the said Mount Hope Cemetery, to sell, dispose of, and convey the said Mount Hope Cemetery, by public auction or by private sale, and for cash or upon time, or partly for cash and partly on time; and such Corporation may take, accept, have and hold any mortgage or other security for any balance of such purchase money: Provided always, that in case of such purchase of a new Cemetery and of such removal as aforesaid, persons owning plots in the present Mount Hope Cemetery shall be entitled to plots of like size and, as near as may be, similar as to location in such new Cemetery, and in case of dispute, as to the location of such new lot, the same shall be determined by the Judge of the County Court of the County of Brant for the time being, whose decision shall be final. In the event of said City arranging with a company for the purchase by such company of such new Cemetery, the said Corporation may grant to said company as a bonus the proceeds of said Mount Hope Cemetery, or the securities therefor held by them or any part thereof, upon such terms as may be agreed upon by the Corporation and company Removal of
bodies from
cemetery,

11. The said Corporation, its successors and assigns, is and are hereby authorized and empowered forthwith, after giving notice as hereinafter mentioned, to remove from the said Mount Hope Cemetery all the remains of the dead therein interred to such other new Cemetery as shall be purchased by said Corporation or its successors, at the sole expense, charge, and cost of such Corporation or its successors, and to re-inter such remains decently and in order, and to erect any monument, or monuments, head-stone or head-stones erected in Mount Hope Cemetery at the time of such removal, and so far as reasonably may be, with a due regard to the wishes or desires of the relatives or friends of the deceased, as to the manner of such removal and re-interment. Expense of re-
moval of the
bodies.

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Notice of removal of the bodies.

12. The said Corporation and their successors shall, before removing the remains of the dead as aforesaid, during the period of one month publish a notice once in each week in each of the newspapers published in the said Town or City, stating their intention to remove the said remains after a day to be named in the said notice, which day shall not be less than six weeks after the first publication of the said notice, and no further or other notice to the friends or relatives of the deceased shall be necessary.

Police Force.

13. Notwithstanding any statute to the contrary, the said City Council shall have power to organize or continue a Police Force, and to regulate and control the same, and the members thereof, and to fix the salary and allowances of the said members, and in the said City the provisions of the said Municipal Act respecting Police Commissioners, shall not apply, or be of any effect, unless, and until adopted by by-law of the said City Council. But this section shall not apply, or have any force or effect after it shall appear from any general census or from any census which may be taken by the Assessor or under a by-law of the Municipality that said City contains twelve thousand inhabitants or more.

Municipal Act to apply.

14. All the provisions of the said Municipal Act generally as therein in force, so far as the same relate to cities, and so far as the same are not inconsistent with the express provisions of this Act, shall, upon, from and after the said thirty-first day of May, extend and apply to the said City of Brantford in as full, ample, and complete a manner as if the same had been herein expressly enacted.

Arbitration.

15. In the event of the arbitration between the said Town and the County of Brant, and the award to be made therein being unfinished on the said thirty-first day of May next, the same shall proceed to completion between the said City and County, in the manner provided by the Act entitled "An Act respecting Municipal Institutions in the Province of Ontario," and without again submitting the question of separation from the County to the ratepayers of said City.

CHAP. 35.

An Act to extend and define the Limits of the Town of Orillia.

[Assented to 2nd March, 1877.]

Preamble.

WHEREAS the Council of the Town of Orillia, in the County of Simcoe, and the inhabitants of adjacent territory included within the boundaries hereinafter mentioned, have