

A. D. 1836-7.

7^o GULIELMI IV.

C. 57.

94

CAP. LVII.

Repealed by 18th Dec 1894

An Act to erect part of the County of Gloucester into a separate and distinct County.

Passed 1st March 1837.

WHEREAS from the great extent of the present County of Gloucester, it is necessary and expedient that the same be divided into two Counties; Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That all that part of the said County of Gloucester, which lies to the northward and westward, and is included within the line drawn due south, from the mouth of Belldune River until it strikes the line dividing the Parishes of Beresford and Bathurst in the said County, thence westerly by the line dividing the Counties of Northumberland and Gloucester until it strikes the line dividing the County of Carleton from the present County of Gloucester, thence by said line a northerly course until it strikes the line of the Province of Lower Canada, be, and the same is hereby erected into a County, separate and distinct from the said County of Gloucester, to be called and known by the name of the *County of Restigouche*; and that part of the present County of Gloucester, not included within the limits of the said new County above described, shall henceforth comprise the County of Gloucester. County of Gloucester divided, and County of Restigouche erected.

II. And be it further enacted, That the like Courts of Justice shall be erected and established, and the like Justices and other officers be constituted and appointed in the said new County, as are now erected and established, constituted and appointed in the said County of Gloucester, and with the like powers and authorities. Establishment of Courts of Justice, Justices and other officers in the new County.

III. And be it further enacted, That the Courts of General Session of the Peace and Inferior Courts of Common Pleas shall be holden in the Shire Town of the said new County twice in every year at the times following: (that is to say,) on the first Tuesday in January and second Tuesday in July, and continue until the business shall be finished, not exceeding five days; and that two additional Terms of the said Inferior Courts of Common Pleas for the said County shall be holden as follows, (that is to say,) on the second Tuesdays in April and second Tuesdays in October, and continue until the business be finished, not exceeding five days, at which additional Terms no Jury shall be summoned. Terms of the Court of Sessions and Common Pleas.

IV. And be it further enacted, That the Town of Dalhousie, in the said County of Restigouche, shall be for ever hereafter the Shire Town of the said County, and that a Court House and a Gaol shall be erected in the said Shire Town, in like manner and by such and the like ways and means as such buildings have been or may be erected in other Counties in the Province, and in such place within the said Shire Town as the Lieutenant Governor or Commander in Chief for the time being shall direct, and that all the Public Offices in the said new County shall be kept at the places so to be directed and determined upon by the said Lieutenant Governor or Commander in Chief for the time being. Dalhousie to be the Shire Town. Court House, Gaol, and public offices to be erected there.

V. And be it further enacted, That in the said Shire Town shall be erected and established a Registry of Deeds, Conveyances, Wills, Mortgages, Memorials of Judgments or Recognisances for the said County, to be managed and executed by a Register, to be constituted in like manner, and under and subject in all respects to the like laws, rules and regulations as any other Registry in any other County of the Province; and that all Deeds, Conveyances, Wills, Mortgages, Memorials of Judgment or Recognisances, which may affect any Lands, Tenements, or Hereditaments in the said County, shall be entered and registered at full length in the said Registry of Deeds to be established.

said Registry, provided the same Deeds or other documents have not been before registered in the said County of Gloucester.

Parishes of Gloucester comprised in the new County to be the Parishes of the new County.

VI. And be it further enacted, That the several Parishes of the said County of Gloucester, in whole or in part comprised within the said new County, shall continue by their respective names to be the Parishes of the said new County, until altered by the General Assembly, and that the Town or Parish officers to be hereafter annually appointed for the said new County, shall in all respects possess the same powers as the like officers in any other County: Provided always, that the powers and authorities of the present or any other officers appointed or to be appointed by the Court of General Sessions of the Peace for the said County of Gloucester, shall continue until after the first General Session of the Peace shall be holden in and for the said new County.

Actions in Common Pleas brought before the commencement of this Act, to be determined in Gloucester.

VII. And be it further enacted, That all actions now depending, or which hereafter may be brought in the Inferior Court of Common Pleas for the said County of Gloucester, and all writs or processes which may or shall be issued and delivered to the Sheriff of the County of Gloucester before this Act shall go into operation, shall be there proceeded in and finally determined, although the parties may reside, or the causes of action may have arisen in the said new County; and that all rates and assessments which have been or which hereafter may be made on the Inhabitants of that part of the said County of Gloucester hereby erected into a separate County, before the commencement of the operation of this Act, shall be proceeded in and collected, and paid and the accounts finally settled, as if this Act had not been made: any thing herein contained to the contrary notwithstanding; Provided always, that no assessment shall be made upon the Inhabitants of the said new County for the purpose of erecting a Court House, Gaol, or other public buildings within the said County of Gloucester.

Assessments made to be proceeded in.

New County to send one Member to the General Assembly.

VIII. And be it further enacted, That the said new County shall be entitled to send one Member to serve in the General Assembly of this Province, to be elected by the Freeholders, in like manner, and subject to the like laws, rules and regulations under which other Members are elected in any other County, and that all such Freeholders whose Title Deeds may have been registered in the County of Gloucester before this Act shall go into operation, shall be entitled to vote without having their Deeds registered anew in the said new County.

Intention of the Legislature to 24th 5th 1838

When new County to be considered as erected.

IX. And be it further enacted, That the said new County shall not be deemed to be erected and established until the commissions shall be issued for erecting the said Courts of Justice and appointing the several Justices and other officers for the said new County, and the same shall be notified by proclamation of the Lieutenant Governor or Commander in Chief for the time being: Provided always, that this Act shall not be in force until His Majesty's royal approbation be thereunto had and declared.

Suspending clause.

[This Act was specially confirmed, ratified, and finally enacted by an Order of the Queen in Council, dated 20th day of December, 1837, and published and declared in the Province on the 20th day of June, 1838.]

