

with all such Monies as may remain in his hands after the payment of the ordinary and incidental expenses of the year.

V. *And be it further enacted by the authority aforesaid, That the Treasurer of the said District shall not receive any percentage for any sum or sums of Money which may be loaned under the authority of this Act and which may come into his hands, or for paying out the same in fulfilment of the contract aforesaid.*

Treasurer not to receive per Centage on money loaned.

CHAP. VII.

AN ACT to Erect the County of Prince Edward into a Separate District.

[Passed 16th March, 1831.]

WHEREAS from the peculiar situation of the County of Prince Edward in the Midland District of this Province, and from various other causes, it has become expedient to erect the said County into a Separate District: *Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'"* and by the authority of the same, That so soon as the Governor, Lieutenant Governor, or person Administering the Government of this Province for the time being, shall be satisfied that a good and sufficient Gaol and Court House has been erected therein for securing Prisoners, and for accommodating such Courts as shall or may be held within the said County, it shall and may be lawful to and for the Governor, Lieutenant Governor, or person Administering the Government of the said Province for the time being, by and with the advice of His Majesty's Executive Council in this Province, to declare by Proclamation the said County of Prince Edward a separate and distinct District, by such name as He shall think fit: *Provided nevertheless, that nothing in this Act contained shall affect, or be construed to affect, the Jurisdiction of His Majesty's Court of King's Bench in this Province, or to make it necessary*

Preamble,

The County of Prince Edward may by Proclamation be declared a separate District so soon as a Gaol and Court House shall be erected.

Not to affect the Jurisdiction of any Courts.

or lawful to issue Commissions of Oyer and Terminer and General Gaol Delivery, and Commissions of Assize and Nisi Prius for the said District, or to affect the Jurisdiction of the Courts of General Quarter Sessions of the Peace, or District Court, within the said Midland District : *Provided nevertheless*, that if at the time the said County shall be set off into a separate District, any Action shall have been commenced, or be pending for any cause of Action arising therein, or any Indictment of any indictable offence that has been committed within the said County, the said Action or Indictment shall and may be tried at the next Assizes, or other Court in which the same may be pending, to be held in and for the Midland District, unless all the parties concerned shall agree that the same shall not be tried in said Midland District : *Provided always*, that such Gaol and Court House shall be erected in the Village of Picton, upon a certain Block of Land, containing two and a half Acres, granted, or intended to be granted and conveyed to Asa Worden, Simeon Washburn, and James Dougal, Esquires, agreeably to a Resolution adopted at a Public Meeting in May One Thousand Eight Hundred and Twenty-six, convened for the purpose of fixing the Site of the said Gaol and Court House, unless a majority of such Justices of the Peace of the Midland District as shall be present on the second day of the Court of General Quarter Sessions for the Midland District in the Month of July next, shall by a Resolution declare that such Site is ineligible.

Court House to be erected in Picton.

II. *And be it further enacted by the authority aforesaid*, That the Courts of Oyer and Terminer and General Gaol Delivery, of Assize and Nisi Prius, the Courts of General Quarter Sessions of the Peace, District Court, Surrogate Court, Court of Requests, and every other Court and Jurisdiction, with all District Offices whatsoever, held or to be held, possessed and enjoyed in and by the other Districts of this Province at the time of such Proclamation as aforesaid, shall from thenceforth, with the like Powers and Authorities, be held and enjoyed in and by the said District, to be thereby declared and named by virtue of this Act, and that all and every Jurisdiction, Regulation, Rule, Privilege, Exemption, matter or thing, which shall or may have been enacted, provided and declared by any Act or Acts of the Parliament of this Province, made, or to be made, touching or concerning the said other Districts, and which shall be in force and operation at the time of such Proclamation as aforesaid, shall be, and are hereby, from thenceforth, extended to that District, to be thereby declared and named as aforesaid, unless otherwise provided for by this Act; or any other Act or Acts of the Parliament of this Province.

Courts established in the new District.

Laws relating to other Districts generally to be equally applied to the new District

III. *And be it further enacted by the authority aforesaid,* That all and every the Provisions, Rules, Regulations, Matters and Things, contained in any Act or Acts of the Parliament of this Province for the Regulation of or relating to Gaols, which shall be in force and operation at the time of declaring and naming such New District as aforesaid, shall be and are hereby from thenceforth extended to the said Gaol and Court House, and that the aforesaid Courts of Oyer and Terminer and General Gaol Delivery, Assize and Nisi Prius, General Quarter Sessions of the Peace, Surrogate Court, and every other of the aforesaid Courts required to be held at a place certain, shall be commenced and from time to time holden at the aforesaid Court House, or such other Court House as shall hereafter be erected for that purpose by virtue of any Act or Acts of the Parliament of this Province.

Laws respecting Gaols and Court Houses to be applicable to the new District.

Courts to be held in the Court House hereby authorised to be erected.

IV. *And be it further enacted by the authority aforesaid,* That from and after the declaring and naming the said County of Prince Edward a Separate District as aforesaid, the Court of General Quarter Sessions of the Peace and District Court of the said District shall be respectively commenced and held at the place hereinbefore appointed for that purpose on the First Tuesday in the months of January, April, July and October, in each and every year, and that the Terms for the said District and Surrogate Court within and for such New District shall respectively commence on the Monday of the week next but one preceding the week in which the Court of Quarter Sessions and Sitting of the said District Court are hereby appointed to be held, and such Terms shall respectively end on the Saturday following.

Periods for holding of the District Courts and Sessions of the Peace,

And Surrogate Court.

V. *And be it further enacted by the authority aforesaid,* That His Majesty's Justices of the Peace, and other persons holding any Commission or Office, or bearing lawful authority, and who shall be residing within the said County of Prince Edward at the time the same shall be declared and named a Separate District as aforesaid, shall continue to hold, enjoy, and exercise the like Commission, Office, Authority, Power and Jurisdiction within that District, in the same manner that they previously held, enjoyed and exercised within the Midland District; *Provided* that the Authority, Power and Jurisdiction, previously exercised by His Majesty's Justices of the Peace and other persons bearing Commission or Office or lawful authority within, or residing within the said County of Prince Edward, shall not in anywise be longer exercised or continued within the Midland District, but the same within that District shall from thenceforth cease and determine; *Provided*, that after declaring and naming such New District as aforesaid, His Majesty's Justices of the Peace

Justices of the Peace and other persons holding Offices and residing in Prince Edward at the time of its erection into a separate District, to continue their functions within such new District.

Limitation of the period for holding such Office.

Justices and others continuing to exercise their authority within the Midland District, shall cease to exercise the same in the new District.

and others who thenceforth continued to hold Commission or Office or bear lawful authority within the Midland District shall cease to hold such Commission or Office or to exercise such lawful authority within said New District to be declared and named as aforesaid, and that no Jurisdiction, Power or Authority, of whatever nature or kind soever to the said Midland District, at the time of the formation of such New District as aforesaid belonging or appertaining, shall longer extend or be construed to extend to the said New District.

Rates and Assessments how to be applied

VI. *And be it further enacted by the authority aforesaid,* That the ordinary Assessments and Rates levied within the said County of Prince Edward for the current year at the time the said County shall be declared and named a Separate District by virtue of this Act, and all future Assessments and Rates to be levied therein, shall be applied and expended for the like purposes within such New District as they at that time might be applied and expended under and by virtue of any Act or Acts of the Parliament of this Province in the Midland District, except in so far as the same may be varied by this Act.

Arrearages due to the Midland District to be paid over within two years after the erection of such new District.

VII. *And be it further enacted by the authority aforesaid,* That the Justices in General Quarter Sessions assembled for the District to be declared and named under this Act shall, and they are hereby required to order the Treasurer of the said District to pay, from and out of the Monies which he shall receive as such Treasurer, within two years after the erection of the said County of Prince Edward into a Separate District, such arrearages as may be due from the said District to the Midland District, for or on account of any Assessment or Rate imposed or levied but not Collected previous to the Separation of the said County of Prince Edward from the said Midland District, such arrearages to be certified to the Justices of the Peace for such District by the Treasurer and Chairman of the Quarter Sessions of the said Midland District.

Fifty Pounds granted annually to His Majesty for payment of Sheriff's Salary,

VIII. *And whereas* it is necessary to make provision for the office of Sheriff, and for the establishment and support of Schools within the aforesaid County of Prince Edward when the same shall have been declared a Separate District by virtue of this Act; *be it further enacted by the authority aforesaid,* That from and after the erection of the said County of Prince Edward into a Separate District by virtue of this Act, and the appointment of a Sheriff therein, there be granted to His Majesty, His Heirs and Successors, from and out of the monies now raised levied and collected, or hereafter to be raised levied and collected, to and for the uses of this Province and unappropriated, the sum of Fifty Pounds annually, which said sum of Fifty Pounds shall be appropriated and applied

for the payment of a Salary to the Sheriff, for the time being, of the said District to be named and declared as aforesaid.

IX. *And be it further enacted by the authority aforesaid,* That from and after the erection of the said County of Prince Edward into a Separate District by virtue of this Act, there be granted annually to His Majesty His Heirs and Successors, from and out of the monies now raised levied and collected, or hereafter to be raised levied and collected to and for the uses of this Province and unappropriated, the sum of One Hundred Pounds annually, which said sum of One Hundred Pounds shall be appropriated applied and disposed of in paying the Salary of the Teacher of the Public District School which may be hereafter erected in the said District.

£100 granted annually to His Majesty for the support of a District School.

X. *And be it further enacted by the authority aforesaid,* That the said District School shall be opened and kept in the Township of Hallowell in the said District, at such place as the Trustees of the said District School or a majority of them may appoint.

District School to be opened in Hallowell.

XI. *And be it further enacted by the authority aforesaid,* That the said District School shall be established in like manner and under the same rules, regulations, and restrictions in every particular, as shall be mentioned and provided in the several Acts of the Parliament of this Province for the regulation of similar Schools in the other Districts of this Province in force and operation at the time such School shall be established.

The said District School to be under the like Rules as other District Schools.

XII. *And be it further enacted by the authority aforesaid,* That from and after the erection of the said County of Prince Edward into a Separate District as aforesaid, there be granted annually to His Majesty His Heirs and Successors, from and out of the Monies now raised levied and collected, or hereafter to be raised levied and collected to and for the uses of this Province and unappropriated, the sum of Two Hundred and Fifty Pounds, which sum of Two Hundred and Fifty Pounds shall be appropriated applied and disposed of in the establishment of Common Schools in the said District, in manner and under the same rules, regulations, provisions and restrictions in every particular, mentioned specified and contained in the several Acts of the Parliament of this Province for the regulation and support of similar Schools in the other Districts of this Province, which shall be in force and operation at the time such Schools shall be so established in the said projected District; *Provided nevertheless,* that nothing herein contained shall be construed or taken to destroy or abridge the right of such New District to participate in the Monies appropriated to the use of Common Schools in this Province by a certain

£250 granted annually to His Majesty for the support of Common Schools,

Which are to be under the same Regulations as other Common Schools.

Act of the Parliament of this Province passed in the fourth year of His late Majesty's Reign entitled, "An Act to make permanent and extend the provisions of the Laws now in force for the establishment and regulation of Common Schools throughout this Province, and for granting to His Majesty a further sum of Money to promote and encourage Education within the same," in addition to the above mentioned sum of Two Hundred and Fifty Pounds.

How Monies to be accounted for.

XIII. *Provided always, and it is hereby further enacted by the authority aforesaid,* That the Monies hereinbefore granted to His Majesty shall be paid by the Receiver General of this Province in discharge of such Warrant or Warrants as shall, for the purposes aforesaid, be from time to time issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, and the said Receiver General shall account for the same to His Majesty through the Lords Commissioners of His Majesty's Treasury, for the time being, in such manner and form as His Majesty His Heirs and Successors shall direct.

£600 to be paid by the new District to the Treasurer of the Midland District, in full of arrears of Loan to the Midland District.

And thereafter the funds of the new District shall be applied to the uses thereof, &c.

XIV. *And whereas,* under the authority of two several Acts of the Parliament of this Province, one passed in the second year of His late Majesty's Reign Chapter twenty-one, and the other passed in the fourth year of His late Majesty's Reign Chapter thirty-two, by which Acts His Majesty's Justices of the Peace for the Midland District are authorised to obtain by loan a sum of Money for the purpose of erecting a Gaol and Court House in the Town of Kingston, and under the authority of said Acts the sum of Four Thousand Pounds hath been borrowed by the Justices of the Peace for the said Midland District for the purposes therein specified, for the redemption of which loan the Rates of said Midland District, including the said County of Prince Edward, are by the said Acts rendered liable; *And whereas* it is expedient in case the said County should be declared and named a Separate District by virtue of this Act before the total liquidation of the said Debt of the said Midland District that the Inhabitants of the said County should continue subject and liable to contribute equally towards the payment thereof as if the said County had not been erected into a Separate District: *Be it therefore further enacted by the authority aforesaid,* That so soon after the passing of this Act as the said County of Prince Edward shall have paid into the Midland District Treasury, out of the Assessed Rates and Taxes now or hereafter raised within said County, the full sum of Six Hundred Pounds, it shall be and be taken to be in full satisfaction for all arrears of said Loan and Interest thereon to be contributed and paid by the said County towards the said Midland District Debt, and that from thenceforth all Rates and Taxes assessed and raised thereafter within said County or New District may and shall

be applicable and be applied to the uses and benefit of said County, and may by His Majesty's Justices of the Peace of and residing within said County be laid out and applied towards the erecting and building a Gaol and Court House as provided by this Act in and for the said County or New District, anything in this Act to the contrary in anywise notwithstanding.

May be applied towards the erection of a Gaol and Court House.

CHAP. VIII.

AN ACT to extend the time for taking the Oath prescribed by a certain Act passed in the ninth year of His late Majesty's Reign entitled, "An Act to secure to and confer upon certain Inhabitants of this Province the Civil and Political Rights of Natural Born British Subjects."

[Passed 16th March, 1831.]

WHEREAS the time allowed by the second Clause of an Act passed in the ninth year of His late Majesty's Reign entitled, "An Act to secure to and confer upon certain Inhabitants of this Province the Civil and Political Rights of Natural Born British Subjects," will shortly expire; *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That so much of the said second Clause of the said Act as limits the time for taking the Oath therein prescribed to three years from the passing thereof be and the same is hereby repealed.

Preamble.
9 Geo. 4, part of the 2nd Clause repealed.

II. *And be it further enacted by the authority aforesaid,* That the said period of three years be extended and the same is hereby extended to four years from and after the passing of this Act, and thence to the end of the then next ensuing Session of Parliament.

Time extended for taking Oath prescribed by 9 Geo. 4.

III. *And be it further enacted by the authority aforesaid,* That this Act shall be publicly read by the Clerk of the Peace immediately after

Act to be publicly read at the Court of Quarter Sessions.