

Tolls how then accounted for.

General, to and for the public uses of this Province at the disposition of the Legislature thereof, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct: *Provided always*, that the said Harbour shall be commenced within one year, and completed within seven years after the passing of this Act, otherwise this Act, and every matter and thing herein contained, shall cease and be utterly null and void.

CHAP. XVI.

AN ACT to repeal part of and to extend the provisions of an Act passed in the last Session of the Parliament of this Province entitled, "An Act to erect the County of Prince Edward into a Separate District."

[Passed 28th January, 1832.]

Preamble.

WHEREAS it is expedient, to extend the provisions of an Act passed the last Session of the Parliament of this Province entitled, "An Act to erect the County of Prince Edward into a Separate District," so as to enable His Majesty's Justices of the Peace within the said County or intended District more conveniently to carry into effect the intentions of the said Act.—*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 the said Justices of the Peace within the said County be authorised, and they are hereby authorised, at a public meeting to be by them holden for that purpose, at some convenient place in the Township of Hallowell, so soon after the passing of this Act as may be convenient, (a notice signed by two or more of the said Justices fixing upon the time and place of such meeting having been three weeks published in some Newspaper within the said County previous to such meeting,) to procure by such means as to the said Justices, or the greater part of them present at the said meeting shall seem fitting and proper, different plans and elevations of a Gaol and Court House to be laid before them, for the pur-

Justices of the Peace to procure plans for the new Court House.

pose of selecting and determining upon one of the said plans and elevations which shall be approved of by a majority of the said Justices then and there assembled as aforesaid.

II. *And be it further enacted by the authority aforesaid,* That at the said meeting as aforesaid, the said Justices may nominate and appoint a Chairman, Treasurer and Clerk, and also three other persons, who together with the said Chairman and Treasurer, shall compose a Building Committee, who shall be authorised, and they are hereby authorised and empowered, to contract for and superintend the erection and completion of the said Gaol and Court House, under the control of the said Justices, and in the name and on the behalf of the Inhabitants of the said intended District, with any person or persons who shall desire to erect and finish the same according to the plan approved of as aforesaid, upon the site or situation fixed upon by the said Act authorising the erection of the said County into a separate District; and for that purpose the plan, elevation and specifications, of the said Gaol and Court House shall continue and remain in the office of the said Clerk for general inspection, and public notice shall be given to all persons desirous to contract for the Building the said Gaol and Court House, to deliver in within a certain limited time proposals in writing under seal, of the sum of money which he or they will engage to build and complete the same, conformable to certain articles and conditions to be agreed upon by the said Committee or a majority of them; and that the said Committee shall, on a day for that purpose previously to be fixed, openly examine the said proposals so given in as aforesaid, and if they shall approve thereof the said Committee shall be empowered, and they are hereby required to contract with such person or persons as shall offer to undertake and build the said Gaol and Court House for the lowest price: *Provided*, the said person or persons making the said proposals shall give and enter into good and sufficient security, to be approved of by the said Justices at some one of their meetings as is hereinafter provided for, for the due performance of his or their contract.

Justices may appoint a Chairman, Treasurer and Clerk.

Building Committee formed.

Building Committee to contract for the erection of the Gaol and Court House.

Public notice to be given for Tenders.

Tenders how to be made and received.

Contractors to give security.

III. *And be it further enacted by the authority aforesaid,* That the said Justices, so assembled as aforesaid, shall have the like power and authority within the said County of Prince Edward as the Justices of the Peace in other Districts of this Province in General Quarter Sessions assembled have by Law, so far as relates to building Gaols and Court Houses in their respective Districts, and no further, unless expressly provided for in this Act; and that they be authorised to adjourn the said Meeting from time to time, and assemble again as often as the business relating to the building of the said Gaol and Court House shall seem to

Power of Justices within the County.

require; that the said Building Committee be under their control and direction, and that the Clerk record all the resolutions, rules and orders of the said Meetings, in a book to be kept by him for that purpose; and if any vacancies shall occur of Chairman, Treasurer, Clerk, or other appointments of said Committee before the said County is declared and named a separate District, either by death, resignation or removal, the said Justices shall be authorised to supply the vacancy so often as it may occur, by other appointments.

Vacancies in the Building Committee how filled up.

IV. *And whereas* by due course of Law all the ordinary Rates and Assessments raised and collected within the said County of Prince Edward will continue to be paid into the Treasury of the Midland District until the said County shall be declared a separate District: *And whereas* it is provided in the said Act that as soon as the said County shall have paid the sum of Six Hundred Pounds after the passing of the said Act, out of the Rates and Taxes of the said County, it shall be deemed and taken their full portion and share of the Midland District debt, and that the residue of the said Rates and Taxes shall be applicable to the general benefit of the said intended District, and may be applied by His Majesty's Justices of the Peace residing within the said County towards the erecting and building a Gaol and Court House therein; *Be it therefore further enacted by the authority aforesaid*, That the Treasurer of the Midland District be authorised, and he is hereby authorised and required, to pay into the hands of the Treasurer hereafter to be appointed under the provisions of this Act all the Rates and Taxes raised and collected, or hereafter to be raised and collected, within the said County of Prince Edward, and which shall come into his hands from time to time, and shall take receipts for the same as the money shall be paid over, which receipts shall be allowed by the Justices of the Midland District in their settlement with him.

Assessments collected in Prince Edward to be paid over by Treasurer of Midland District to the Treasurer of the said County.

V. *And be it further enacted by the authority aforesaid*, That the said Building Committee shall and may apply the said monies so received by the Treasurer to be appointed as aforesaid from the Treasurer of the Midland District, from time to time towards the payment of any contract that they make with any person or persons whatsoever for the building of the said Gaol and Court House in conformity to the intentions of the said Act.

Monies received from the Treasurer of the Midland District to be expended in the erection of Gaol and Court House.

VI. *And be it further enacted by the authority aforesaid*, That the said Committee shall keep faithful and correct account of all monies expended by them in the erection of the said Gaol and Court House, and shall take vouchers for the same from the Contrator or Contractors, and

Building Committee to keep accounts of monies expended.

also shall keep an account of all monies which may from time to time come into their hands applicable or available for the building said Gaol and Court House, and that they shall exhibit a detailed statement, both in debtor and creditor, to the Justices of said intended District, at their first General Quarter Sessions of the Peace to be holden therein after the same shall have been declared and named a separate District.

VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Magistrates of the said County so assembled as aforesaid, and they are hereby empowered, by an order of such meeting, to authorise and direct the Treasurer so to be appointed as aforesaid, to raise by loan from such person or persons, bodies politic or corporate, who may be willing to lend the same on the credit of the Rates and Assessments to be raised levied and collected in the said intended District, a sum not exceeding Twelve Hundred Pounds, to be applied in defraying the expense of building the said Court House and Gaol.

Magistrates may authorize Treasurer to raise by Loan £1200 for building Gaol and Court House.

VIII. *Provided always, and be it further enacted by the authority aforesaid,* That the money so borrowed under the authority of this Act shall not bear a greater Interest than Six per Centum per annum; and that the Treasurer for the said intended District for the time being shall annually, until the loan so raised with the interest accruing thereon shall be paid and discharged, apply towards the payment of the same a sum not less than one hundred and fifty Pounds, together with the lawful interest upon the whole sum which may from time to time remain due, from and out of the Rates and Assessments so coming into his hands for the use of the said intended District.

Debt not to bear a higher Interest than 6 per cent, and funds appropriated for its gradual liquidation.

IX. *And be it further enacted by the authority aforesaid,* That no Treasurer hereafter to be appointed, either by the said meeting or by the Magistrates of the said intended District, shall be entitled or authorised to receive any Poundage or Percentage upon any sum or sums of money which shall or may be loaned under the authority of this Act, or which may come into his or their hands, or for paying out any sum or sums of money in discharging and liquidating such loan with the interest thereon as aforesaid.

Treasurer not to receive any poundage on monies borrowed.

X. *And whereas,* the Reverend William Macaulay, of the Township of Hallowell, in the County aforesaid, now is the true lawful and rightful owner of a certain piece or parcel of Land hereinafter mentioned and described, and hath by his Petition prayed that the same may be vested in trust to and for the use and benefit of the Inhabitants of the said intended District as a Site for a Gaol and Court House and other public purposes connected with the same; *Be it further enacted by the authority aforesaid,* That all that certain parcel or tract of Land, being a part of a

Site of Gaol and Court House to be vested in the Clerk of the Peace, and be under the controul of the Magistrates.

Block of Land composed of the South half of Lot number Twenty, and the whole of numbers Twenty-one and Twenty-two, in the First Concession East of the Carrying Place, in the Township of Hallowell aforesaid, which is butted and bounded as follows, that is to say :—“ commencing at the North Angle of a part of the above named Block of Land, commonly called ‘Block O,’ at the intersection of Union and Pitt Streets, being part of a Village Plot called Picton, in the said Township ; then South, Eighty degrees twenty minutes East, four hundred and twenty links, more or less, to Portland Street ; then South, nine degrees forty minutes West, five hundred and fifty-eight links, more or less, to York Street ; then North, eighty degrees twenty minutes West, four hundred and twenty links, more or less, to Pitt Street ; then North, nine degrees forty minutes East ; five hundred and fifty eight links, more or less, to Union Street, the place of beginning, containing two and half Acres, be and the same is hereby vested in the Clerk of the Peace of the said intended District for the time being, to and for the use of the Inhabitants of the said District for the purposes aforesaid ; and that it shall and may be lawful for the said Justices of the said intended District, in Quarter Sessions assembled, or a majority of them, to direct any legal proceedings, proper to be instituted, in the name of the Clerk of the Peace for the time being, by his name of office only, for punishing or restraining trespasses on the said Lands, or of recovering or maintaining possession thereof ; and that until the appointing of such Clerk of the Peace for such intended District the same be vested in His Majesty, His Heirs and Successors, to have and to hold the same to and for the use and purposes aforesaid, saving always, and reserving to all and every person or persons whomsoever, bodies politic or corporate, their heirs and successors, other than the said Reverend William Macaulay or his heirs, all his, her or their, right, title and interest, claim and demand whatsoever, of in or to the said premises.

XI. *And whereas*, by the Eighth Clause of the said Act, Chapter Seven, passed in the first year of His Majesty’s Reign, a Salary is provided for the office of Sheriff of the said intended District ; *And whereas* it is inexpedient that the said Salary should be permanently established ; *Be it further enacted by the authority aforesaid*, That the said Clause be and the same is hereby repealed.

1st Wm 4, Ch. 7,
Sec. 2, repealed.