

## CHAP. XXXI.

*AN ACT to authorise the Erection of the County of Hastings into a Separate District.*

[Passed 4th March, 1837.]

Preamble.

As soon as a Gaol and Court House is erected, Governor, with advice of Executive Council, may declare County of Hastings a separate District.

Nothing in this Act to affect the jurisdiction of the King's Bench or Quarter Sessions in the Midland District.

Proviso in case any suit be commenced or pending on any cause of action arising within the said County, or indictment be preferred and be pending, for an offence committed therein, at the time new District created.

**WHEREAS** from the increase of the Population of the County of Hastings, and the great Distance from the District Town, it is expedient to provide, under certain conditions, for erecting the said County of Hastings 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 the security of 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 and consent of His Majesty's Executive Council in this Province, to declare, by Proclamation, the said County of Hastings 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 affect the Jurisdiction of the Courts of General Quarter Sessions of the Peace, or District Court, within the Midland District: *Provided also*, 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 shall agree that the same shall not be tried in the said Midland District: *Provided always*, that such Gaol

and Court House shall be erected in the Town of Belleville, on the ground set apart and reserved by His Majesty for that purpose.

Gaol and Court-House to be erected at Belleville.

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; Courts of Request, and every other Court and Jurisdiction, with all District Offices whatsoever, held or to be holden, 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 authority, 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 extended from thenceforth, 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.

All Courts held, &c. in other Districts at the time of the creation of the new District, to be thenceforth held 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 and 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, 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 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 Hastings a separate District as aforesaid, the Court of General Quarter Sessions of the Peace, and sittings of the District Courts of the said District, shall be respectively commenced and held at the place hereinbefore appointed for that purpose, on the second Tuesday in the months of January and April, and the fourth Tuesday in the months of July and October in

Periods for holding the Court of Quarter Sessions, and District Courts.

each and every year, and that the terms of the said District Court 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 following Saturday.

Justices of the Peace and other persons holding offices, and residing in the new District at the time of its erection, to continue their functions within the new District.

Limitation of the period for holding such offices.

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

How Rates and Assessments are to be applied.

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 Hastings 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 Hastings, shall not in anywise be longer exercised or continued within the Midland District, but that the same, within that District, shall from thenceforth cease and determine: *Provided*, that after naming and declaring such new District as aforesaid, His Majesty's Justices of the Peace, and others who thenceforward continue 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 the 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.

VI. *And be it further enacted by the authority aforesaid*, That the ordinary Assessments and Rates levied within the said County of Hastings 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.

VII. *And whereas* it is necessary to make provision for the establishment and support of Schools within the said County of Hastings, when the said County shall be declared a separate District by virtue of this Act:

*Be it therefore further enacted by the authority aforesaid,* That from and after the erection of the said County of Hastings 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, 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 District School.

VIII. *And be it further enacted by the authority aforesaid,* That the said District School shall be open and kept in the Town of Belleville, 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 kept at Belleville.

IX. *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 and 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.

District School to be under the like regulations as other District Schools are.

X. *And be it further enacted by the authority aforesaid,* That from and after the erection of the said County of Hastings 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 established: *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 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 Pro-

£250 annually granted to His Majesty for the support of Common Schools; to be regulated in like manner as other Common Schools.

vince, 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.

*XI. 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 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 as His Majesty, His Heirs and Successors shall direct.

Justices, after three weeks notice, may hold a Meeting at Belleville;

*XII. And be it further enacted by the authority aforesaid,* 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 Town of Belleville, so soon after the passing of this Act as may be convenient, on 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 Midland District, or in any Newspaper published 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 purpose of selecting and determining upon one by the said Justices then and there assembled, as aforesaid.

to adopt means for procuring Plans and Elevation of a Gaol and Court House;

and to select one.

Justices at such Meeting to appoint a Chairman, Treasurer, Clerk, and Committee of three Justices;

to contract for and superintend the erection of a Gaol and Court House.

Public notice to be given to persons desirous to contract.

*XIII. And be it further enacted by the authority aforesaid;* That at the said Meeting as aforesaid, the 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, to contract 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 this Act; and for that purpose the Plan, Elevation, and Specification 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 for which he or they will engage to build and complete the same, conformably 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 hereinafter provided, for the due performance of his or their contract.

Contract to be taken at the lowest tender;

Provided security be given.

XIV. *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 Hastings, 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 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 vacancy or vacancies shall occur, of Chairman, Treasurer, Clerk, or other appointments of the 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.

Such Justices within County of Hastings, to have the like power and authority as Justices in other Districts, so far as relates to the building Gaols and Court Houses.

May adjourn from time to time.

Clerk to record Resolutions, Orders, &c.

Vacancies, how be filled.

XV. *And whereas* it is just and expedient, that until the said County of Hastings be declared a separate District, that the said County should bear and contribute a just proportion of the ordinary expenses of the District, *be it therefore enacted by the authority aforesaid*, That from and out of the Rates and Assessments raised, levied and collected, in the said County of Hastings, it shall and may be lawful for the Treasurer of the Midland District, annually to retain for the purposes aforesaid, such a sum as the majority of the Magistrates in General Quarter Sessions assembled, in the Month of April next, shall ascertain and determine to be the just and equitable proportion of such expenses, to be borne and paid by the said County of Hastings; and it shall be the duty of the said

Treasurer of the Midland District may retain such sum as the Magistrates in the April Sessions shall determine, out of Rates raised in the County of Hastings, towards defraying expenses of the Midland District, until the new District is erected;

and shall pay the balance to the Treasurer, to be named;

which may be applied towards building the Gaol and Court House in the new District.

The Building Committee may expend such monies in payment of contracts made by them.

Building Committee to keep account of monies expended by them, and to take vouchers;

and to keep account of all monies received by them;

and to exhibit a statement to the Justices of the new District, at the first Quarter Sessions to be held therein.

Justices of Hastings at their said Meeting may authorise their Treasurer to raise a Loan on the credit of the new District;

not to exceed £6000.

Loan not to bear a higher interest than six per cent.

Treasurer of the Midland District, after deducting such sum, to pay over to the Treasurer to be appointed as hereinbefore directed, the balance of all Rates and Assessments raised, levied and collected, or which may hereafter be imposed, raised, levied and collected, in the said County of Hastings, and shall be applicable to the general benefit of 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; and the said Treasurer of the Midland District 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.

*XVI. 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 Contracts that they may make with any person or persons whatsoever, for the building of the said Gaol and Court-house, in conformity to the intentions of this Act.*

*XVII. And be it further enacted by the authority aforesaid, That the said Committee shall keep faithful and correct accounts 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 Contractor or Contractors, and 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 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.*

*XVIII. 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 Six Thousand Pounds, to be applied in defraying the expenses of building the said Court-house and Gaol.*

*XIX. 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 of 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 of not less than Two Hundred Pounds, together with the lawful interest on 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.

Treasurer of new District annually to pay £200 of such Loan, besides the interest on the whole thereof, from time to time, remaining due.

*XX. 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 Per Centage 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 appointed at such Meeting, or by Magistrates of said new District, not to receive per centage on Loan, or on monies coming into their hands to liquidate the same, or the interest thereof.

*XXI. And whereas, the Inhabitants of the said County of Hastings have, by their petition, prayed that a tax be levied on the property of the said Inhabitants, for the purpose of defraying the expenses of erecting a Court House and Gaol in the said County; be it therefore further enacted by the authority aforesaid, That the Magistrates of and residing within said County shall have power, and they are hereby authorised, at a Meeting convened for that purpose, to resolve that an increased Tax, not exceeding One Penny in the Pound over and above the ordinary Assessment, on all ratable property within said County, shall be levied and collected, for a term of time not exceeding four years; which resolution shall be adopted by a majority of at least two-thirds of the Magistrates of and residing within said County, and a copy of such resolution shall be transmitted to the Clerk of the Peace of the Midland District, signed by the Chairman of said Meeting.*

Justices of Hastings may impose an additional Rate, not exceeding one penny in the pound, on ratable property within the said County, for a term not exceeding four years.

Two-thirds of Justices residing within the County to concur; and Resolution to be communicated to Clerk of the Peace for the Midland District.

*XXII. And be it further enacted by the authority aforesaid, That it shall be the duty of the Clerk of the Peace for the Midland District, to add to the Assessment List for the several Townships within the said County, the increased Tax, according to the Resolution furnished him by the Chairman of the said Meeting.*

Clerk of the Peace to make a corresponding addition to the Assessment Lists of Townships in Hastings.

*XXIII. And be it further enacted by the authority aforesaid, That it shall be the duty of the Collectors of the several Townships within the said County, and they are hereby required, to collect the monies authorised to be raised by the authority of this Act, and pay the same over to the Treas-*

Collectors of Townships in Hastings to collect and pay over to the Treasurer of the Midland District the whole amount in the usual manner.



surer of the Midland District, in the same way and manner as the ordinary Assessments of the Districts have been heretofore paid.

Justices of Hastings to expend the monies so raised, in Building the said Gaol and Court House.

**XXIV.** *And be it further enacted by the authority aforesaid,* That the Magistrates of and residing within the said County, shall expend the money raised by the authority of this Act, towards defraying the expenses of building a Gaol and Court House for the use of said County, as provided for by this Act.

No per centage to be allowed to any person for the monies so raised.

**XXV.** *And be it further enacted by the authority aforesaid,* That no Per Centage be allowed to the Treasurer of the Midland District, nor to any Assessor or Collector, for the monies raised and collected by the provisions of this Act.

After the erection of the new District, the Courts of Quarter Sessions for the Midland District to be held at Kingston.

**XXVI.** *And whereas,* by the Law now in force it is provided, that the Courts of General Quarter Sessions of the Peace in and for the Midland District, shall be holden in the Town of Adolphustown, on the fourth Tuesday in the Month of January, and on the second Tuesday in the month of July, and in the Town of Kingston, on the fourth Tuesday in the month of April, and the second Tuesday in the month of October: *And whereas,* by reason of the intended erection of the County of Hastings into a separate District, it will become inexpedient that the said provisions should be continued, *be it therefore enacted by the authority aforesaid,* That from and after the date of the Proclamation whereby the said County of Hastings shall be declared a separate and distinct District, so much of the several Laws of this Province as relates to the place of holding the Courts of Quarter Sessions of the Peace in and for the said Midland District, shall be and the same is hereby repealed, and from thenceforth the said Courts shall be held in the Town of Kingston, on the fourth Tuesday in the months of January and April, and the second Tuesday in the months of July and October.

Time of holding the same.

This Act not to go into effect till the County of Hastings shall have paid, or provided for one-third of the debt now due by the Midland District.

**XXVII.** *And be it further enacted by the authority aforesaid,* That the provisions of this Act shall not go into effect until the County of Hastings shall have paid, or shall have provided for the payment of one-third part of the Debt now due by the Midland District.

No Court of Assize, &c. to be held in new District until an increase of the Judges of the King's Bench.

**XXVIII.** *And be it further enacted by the authority aforesaid,* That the Courts of Assize and Nisi Prius, of Oyer and Terminer, and General Gaol Delivery, shall not be held in said District until provision shall be made by Law, for increasing the number of Judges in His Majesty's Court of King's Bench in this Province.