

Laws of His Majesty's Province of Upper Canada in North America, passed in the year 1802.
York: John Bennet, 1802.

42 George III – Chapter 2

An Act to provide for the Administration of Justice in the District of Newcastle. July 7th, 1802.

Whereas the Counties of Northumberland and Durham, with all the lands in their rear confined between their extreme boundaries, produced North sixteen degrees West, until they intersect the Northern limits of this Province, under and by virtue of a certain Act of Parliament entitled, "*an Act for the better division of this Province*," passed in the second Session of the Second Parliament thereof, (to which the Royal Assent was promulgated by proclamation bearing date the first day of January, in the fortieth year of his Majesty's reign) are declared to be a separate District of this Province, to be called the District of this Province, to be called the District of Newcastle; And whereas it is expedient that the said District of Newcastle should possess and enjoy all and every jurisdiction, privilege and advantage now possessed and enjoyed by the other Districts of this Province, 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 Courts of Oyer and Terminer, Assize, Nisi Prius, Gaol Delivery and of the Peace, Courts of General and Quarter Sessions of the Peace, District Court, Surrogate Court, Court of Requests, and every Court and Jurisdiction whatsoever held, or to be held, possessed and enjoyed in and by the other Districts of this Province, shall form henceforth, with the like powers and authorities, be held, possessed and enjoyed in, and by the said District of Newcastle; and that all and every jurisdiction, regulation, rule, privilege, exemption, matter or thing which hath, or have been enacted, provided and declared, or shall be hereafter enacted, provided and declared by any Act or Acts of the Parliament of this Province made or to be made, touching and concerning the said other Districts, shall be, and are hereby extended to that District, unless otherwise provided for and declared by this Act; and that Courts of Oyer and Terminer, Assize, Nisi Prius and Gaol Delivery, shall first be held (unless under special Commission) in and for the said District of Newcastle, during the Circuit of the Judges of his Majesty's Court of King's Bench through this Province, in the year of our Lord one thousand eight hundred and three, Provided nevertheless, that if any cause of action hath arisen, or shall arise, and any action thereupon hath been or shall be commenced, or any indictable offence hath been or shall be committed within the said District of Newcastle, which said action or indictable offence by due course of law might have been brought to issue and trial, if the said District of Newcastle had not been erected and constituted, at the next assize to be holden in and for the Home District, it shall and may be lawful as heretofore, then and there to try the said actions and indictments, any thing herein contained to the contrary notwithstanding.

II. And be it further enacted by the authority aforesaid, That a gaol and court-house for the said District of Newcastle shall be erected and built in some fit and convenient place within the town of Newcastle, in such manner and under the same rules, regulations and directions as in that respect are made and provided in and by a certain Act passed in the thirty-second year of his Majesty's reign, entitled, "*an Act for building a Gaol and Court-house in every District throughout this Province, and for altering the names of the said Districts,*" and that all and every the clauses, provisions, rules, regulations, matters and things in the said last recited Act contained, shall, under the same penalties as therein are contained in all cases, and in respect to all persons, extend and be extended to the District of Newcastle aforesaid.

III. Provided nevertheless, and be it further enacted by the authority aforesaid, that until such time as the said gaol and court house in and for the District of Newcastle aforesaid, shall have been erected and built, whether out of the fund produced by the District assessments and rates, or otherwise, that it shall and may be lawful for the majority of his Majesty's Justices of the Peace, residing within the District of Newcastle, to appoint some place therein for the holding of the Courts of General and Quarter Sessions of the Peace, and of all the other Courts, held at a place certain in the said Districts of the Province.

IV. And whereas the said counties of Northumberland and Durham, with the said other lands now constituting the District of Newcastle, did heretofore belong to and constitute a part of the Home District of the Province, and were subject to the jurisdictions, powers and authorities of that District, Be it therefore further enacted by the authority aforesaid, That no jurisdiction, power or authority of what nature or kind soever to the said Home District at this time belonging appertaining, shall extend or be construed to extend to the said District of Newcastle. Provided nevertheless that nothing herein contained shall affect, change or in any wise invalidate the Jurisdictions, Commissions, powers and authorities which heretofore were established, possessed and exercised in that part of the said Province, which before the erecting and constituting of the said District of Newcastle formed and constituted the Home District, and that all Acts, matter and things which have been lawfully done under and by virtue of the said Jurisdictions, Commissions, powers and authorities within that District so far as respects the validity of the authority under which the same have issued and constituted the Home District, and that all Acts, matters and things which have been lawfully done under and by virtue of the said Jurisdictions, Commissions, powers and authorities within that District so far as respects the validity of the authority under which the same have issued and are constituted previous to the erecting and constituting of the said District of Newcastle as aforesaid, and all Acts, matters and things which shall be lawfully done, under and by virtue of the same, in that part of the Province which now forms and constitutes the Home District, so far as respects the validity of the authority under which the same have issued and are constituted since the said District of Newcastle hath been so erected and constituted shall be held to be valid and good in Law to all intents and purposes whatsoever.

V. And be it further enacted by the authority aforesaid, that His Majesty's Justices of the Peace and other persons bearing lawful authority residing within the said District of Newcastle, shall hold, enjoy and exercise, the like authority, power and jurisdiction within that District at the times and in the manner which they heretofore held, enjoyed and exercised within the Home District,

before the erecting, constituting and declaring of the said District of Newcastle, or which is held, enjoyed and exercised by his Majesty's Justices of the Peace and other persons bearing lawful authority in other Districts of this Province, Provided that the authority, power and jurisdiction, heretofore exercised by His Majesty's Justices of the Peace and other persons bearing lawful authority residing within the said District of Newcastle shall not in any wise be exercised or continued within that part of this Province now constituting the Home District but the same within that District shall from henceforth cease and determine.

VI. And be it further enacted by the authority aforesaid, that the assessments and Rates levied or to be levied for this current year of our Lord one thousand eight hundred and two, within the said District of Newcastle, shall be applied and expended for like purposes within that District as they now are or may be applied and expended under and by virtue of any Act or Acts of Parliament made or to be made in the other Districts of this Province.