

Laws of His Majesty's Province of Upper Canada, passed in the year 1816. York: R. C. Horne, 1816.

56 George III – Chapter 2

An Act to repeal part of an Act of the Parliament of this Province, passed in the Thirty-Eighth Year of His Majesty's Reign, intituled "An Act for the better division of this Province" and more effectually to provide for the administration of Justice, by constituting the Counties of Prescott and Russell under certain modifications a separate District. Passed 22d of March, 1816.

Whereas, from the great extent of the Eastern District of this Province, the Inhabitants of the Counties of Prescott and Russell, in the said District experience much inconvenience in attending His Majesty's Courts of Justice at present established, Be it 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 from and after the passing of this Act, so much of an Act, passed in the thirty-eighth year of His Majesty's Reign, entitled, "An Act for the better division of this Province" as directs that the Counties of Russell and Prescott, shall form part of the Eastern District shall be repealed, and the same is hereby repealed accordingly.

II. And be it further enacted by the Authority aforesaid, That from and after the passing of this Act, there shall be formed, constituted and established a new District to consist of the said Counties of Prescott and Russell to be called the District of Ottawa, and the said District shall enjoy all the privileges and be subject to the same Laws, Rules and Regulations as any other District in this Province enjoy, except as is hereinafter provided.

III. And be it enacted by the Authority aforesaid, That it shall and may be lawful for the Justices of the Peace to be appointed in and for the said District of Ottawa to fix upon some fit and proper place within the said District, where a Gaol and Court House may be built in the same manner and subject to the same Rules and Regulations as the Gaols and Court Houses are directed by Law to be built, in ether Districts in this Province, Provided that nothing in this Act shall extend or be construed to extend to authorize the said Justices of the Peace to fix the place for building the said Gaol and Court House on any reserve of the Crown or Clergy or on any Land belonging to any Person or Persons without permission first obtained from the Government or from the owner of said Land; and Provided also, that until such time as the said Gaol and Court House in and for the District of Ottawa 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 for the said District of Ottawa, to appoint some place therein for the holding of the Courts of General Quarter Sessions of the Peace, and of all other Courts authorised to be held by virtue of this Act.

IV. And be it further enacted by the Authority aforesaid, That the Courts of General Quarter Sessions of the Peace in and for the said District of Ottawa, shall commence on the second Tuesdays in the months of January and April and on the fourth Tuesdays in the months of June and September.

V. And be it enacted by the Authority aforesaid, That nothing in this Act contained shall extend or be construed to extend to affect the jurisdiction of His Majesty's Court of King's Bench in this Province, or to make it necessary or lawful to issue any Commissions of Oyer and Terminer and General Gaol Delivery or Commissions of Assize and Nisi Prius for the said District of Ottawa, or to authorize any of the Officers to be appointed in the said District, to in anywise interfere in any of the proceedings of the said Courts, but that all actions that shall have been, or may hereafter be commenced, in either of the said Courts, shall and may be tried at the Courts of Assize and Nisi Prius and General Gaol Delivery for the Eastern District, in the same manner as if this Act had never been made, any thing herein contained to the contrary notwithstanding.

VI. And be it further enacted by the Authority aforesaid, That notwithstanding the appointment of a Sheriff in and for the said District of Ottawa, the Sheriff of the Eastern District shall have full power to Summon Jurors in the said District of Ottawa, and perform all other services in the said District of Ottawa that appertain or relate to the Courts of Oyer and Terminer and General Gaol Delivery, and Courts of Assize and Nisi Prius to be holden in the said Eastern District, any law or usage to the contrary notwithstanding.

VII. And be it further enacted by the Authority aforesaid, That whenever one or more Prisoner or Prisoners shall be committed to Gaol in the said District of Ottawa for any Felony or other crime too high in its nature to be tried before the Court of General Quarter Sessions of the Peace in the said District of Ottawa, such Prisoner or Prisoners shall be removed from the District of Ottawa, to the common Gaol for the Eastern District before the then next sitting of the Court of Oyer and Terminer and General Gaol Delivery in and for the Eastern District, there to take his, her or their trial, for the offence or offences with which the said Prisoner or Prisoners may be charged, and the Magistrate or Magistrates who originally committed such Prisoner or Prisoners, to the Gaol of the District of Ottawa, shall and he is hereby required, when such Prisoner or Prisoners are removed as aforesaid, to transmit to the Sheriff or Gaoler of the Eastern District, the commitments, informations and other documents, respecting such commitment, which commitment being indorsed by the committing Magistrate shall be a sufficient authority to the Gaoler of the said Eastern District, to receive such Prisoner or Prisoners, and from thence shall be responsible for such Prisoner or Prisoners until discharged by due course of Law.

VIII. And be it further enacted by the Authority aforesaid, That the expense of maintenance, of such Prisoner or Prisoners so conveyed from, the District of Ottawa to the Eastern District shall be borne by the District of Ottawa.

IX. And be it further enacted by the Authority aforesaid, That in all civil actions brought against Defendants in the said District of Ottawa, the first process of the Court of King's Bench and the

Writs of Execution after Judgment shall be addressed to the Sheriff of the District of Ottawa, whose returns nevertheless shall be made to the Office of the Deputy Clerk of the Crown in the Eastern District.

X. And be it further enacted by the Authority aforesaid, That in all Criminal cases arising in the District of Ottawa, it shall and may be lawful for the Magistrates of the said District of Ottawa, to bind over parties and witnesses to appear at the Court of Oyer and Terminer in the Eastern District, which shall have the same effect and be equally binding on the Persons entering into such recognizances as if duly entered into in the Eastern District.