

Laws of His Majesty's Province of Upper Canada, passed in the year 1837. York: Robert Stanton, 1837.

7 William IV – Chapter 30

An Act to authorise the erection of the County of Oxford into a Separate District, by the name of the District of Brock. Passed 4th March, 1837.

Whereas from the great extent of the District of London, as at present constituted, and the consequent distance of some parts of it from the District Town, the Inhabitants of those parts suffer great inconvenience, and it is therefore expedient that the said District should be divided, and that certain parts thereof should be set off and erected into a new and 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, the Townships of Zorra, Nissouri, Blandford, Blenheim, Oxford, (three divisions) Burford, Oakland, Norwich and Dereham, shall form a new and separate District, under the name of the District of Brock, and that the Town of Woodstock shall be the District Town thereof.

II. And be it further enacted by the authority aforesaid, That so soon as it shall be ascertained that a good and sufficient Gaol and Court House have been erected therein, for the security of Prisoners, and for accommodating such Courts as shall or may be held within the said new District, it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this 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 Townships of Zorra, Nissouri, Blandford, Blenheim, Oxford, (three divisions) Burford, Oakland, Norwich and Dereham, to be a separate and distinct District, by the name of the "District of Brock": Provided nevertheless, that nothing herein 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 London District: Provided also, that if at the time the Townships aforesaid shall be set off as a separate District, any action shall have been commenced, or be pending for any cause of action arising therein, or any indictment of an indictable offence, that has been committed within the Territory comprising the intended new District, 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 District of London, unless all the parties shall agree that the same shall not be tried in the said District of London: Provided always, that such Gaol and Court House shall be erected at or near the Town of Woodstock, on such ground as may have been set apart and reserved by His Majesty for that purpose.

III. 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 Requests, 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 or some other Act or Acts of the Parliament of this Province.

IV. 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 or 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 Courthouse; 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.

V. And be it further enacted by the authority aforesaid, That from and after the declaring and naming the said new District, the Court of General Quarter Sessions of the Peace, and sittings of the District Court of the said District, shall be respectively commenced and held at the place hereinbefore appointed for that purpose, on the fourth Tuesday in the months of January and April, and the second Tuesday in the months of July and October, in 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.

VI. 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 intended District, 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 the same in the District of London: 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 and residing within the said new District, shall not in anywise be longer exercised or continued within the District of

London, but that the same within that District shall from thenceforth cease and determine: Provided that after the said new District shall have been declared and named 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 District of London, shall cease to hold such Commission or Office, or to exercise such lawful authority within the said District, to be declared and named as aforesaid; and that no Jurisdiction, power or authority, of whatever nature or kind soever, to the said District of London 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.

VII. And be it further enacted by the authority aforesaid, That the ordinary Rates and Assessments levied within the contemplated new District for the current year, at the time the said District shall be declared and named a separate District, by virtue of this Act, and all future Rates and Assessments 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 District of London, except in so far as the same may be varied by this Act.

VIII. And whereas, it is necessary to make provision for the establishment and support of Schools within the said new District, when the same shall have been declared and named as aforesaid: Be it therefore further enacted by the authority aforesaid, That from and after the erection of the said Townships into a separate District, 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.

IX. And be it further enacted by the authority aforesaid, That the said District School shall be open and kept at the Town of Woodstock, in the said new District, at such place as the Trustees of the said District School, or a majority of them, may appoint.

X. 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.

XI. And be it further enacted by the authority aforesaid, That from and after the erection of the said new 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 said 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 the said 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 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.

XII. Provided always, and it is hereby further enacted by the authority aforesaid, That the monies herein-before 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 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, in such manner as His Majesty, His Heirs and Successors, shall direct.

XIII. And be it further enacted by the authority aforesaid, That the said Justices of the Peace within the said intended District 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 Woodstock, so soon after the passing of this Act as may be convenient, on notice signed by two or more of the Justices fixing upon the time and place of such meeting, such notice having been published for the space of three weeks in some Newspaper printed within the District of London, or in any Newspaper published within the intended new District, 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.

XIV. 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 authorized, and they are hereby authorized 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 shall 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 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 and undertake to 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 the due performance of his or their contract.

XV. And be it further matted by the authority aforesaid, That the said Justices so assembled as aforesaid, shall have the like power and authority within the said intened new District, 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 shall occur of Chairman, Treasurer, Clerk or other appointments of the said Committee, before the said intended District shall be declared and named a separate District, either by death, resignation or removal, the said Justices shall be authorized to supply the said vacancy so often as it may occur, by another appointment.

XVI. And whereas, it is just and expedient, that until the contemplated new District shall be declared and named a separate District, it should bear and contribute a just proportion of the ordinary expenses of the District of London: Be it therefore further enacted by the authority aforesaid, That from and out of the Rates and Assessments raised, levied and collected, within the limits of the intended new District, it shall and may be lawful for the Treasurer of the District of London, 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 intended new District; and it shall be the duty of the Treasurer of the District of London, after deducting such sum, to pay over to the Treasurer to be appointed as hereinbefore directed, the balance of the Rates and Assessments raised, levied and collected, or which may hereafter be raised, levied and collected, within the Territory comprising the intended new District of Brock, and which shall be applicable to the general benefit of the same, and may be applied by His Majesty's Justices of the Peace residing within the said intended District, towards the erecting and building of a Gaol and Court-house therein; and the said Treasurer of the District of London shall take receipts for the same, as the money shall be paid over, which receipts shall be allowed by the Justices of the District of London in then settlement with him.

XVII. And be it further enacted by the authority aforesaid, That the said Building Committee shall and may apply the Monies so received by the Treasurer to be appointed as aforesaid, from the Treasurer of the District of London, from time to time, towards the payment of any Contract that

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

XVIII. 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 and available for building the said Gaol and Court-house; and that they shall exhibit a detailed Statement both in Debtor and Creditor, to the Justices of the said new District, at their first Court of General Quarter Sessions of the Peace, to be holden therein, after the same shall have been declared a separate District.

XIX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Magistrates residing within the contemplated new District, so assembled as aforesaid, and they are hereby empowered by an Order of such Meeting, to authorise and direct the Treasurer to be appointed as aforesaid, to raise by loan, from such Person or Persons, Bodies Politic or Corporate, as may be willing to lend the same upon 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 Gaol and Courthouse.

XX. 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 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.

XXI. 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 levied 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 or liquidating such Loan, with the interest thereon, as aforesaid.

XXII. And whereas, it is expedient that an additional Tax or Assessment should be levied on the property of the inhabitants residing within the limits of the intended new District, for the purpose of defraying the expenses of erecting a Court House and Gaol, be it therefore enacted by the authority aforesaid, That the Magistrates residing within the limits aforesaid, 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 such limits, 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 the said intended new District, and a copy of such resolution

shall be transmitted to the Clerk of the Peace of the District of London, signed by the Chairman of said Meeting.

XXIII. And be it further enacted by the authority aforesaid, That it shall be the duty of the Clerk of the Peace for the District of London, to add to the Assessment Lists of the several Townships and Lands comprising the intended new District, the increased rate, according to the Resolution furnished him by the Chairman of the said Meeting.

XXIV. And be it further enacted by the authority aforesaid, That it shall be the duty of the Collectors of the several Townships and Lands hereinbefore mentioned, and they are hereby required, to collect the monies authorised to be raised under the authority of this Act, and shall pay the same over to the Treasurer of the District of London, in the same way and manner as the ordinary Assessments of the Districts have been heretofore paid.

XXV. And be it further enacted by the authority aforesaid, That the Magistrates for and residing within the contemplated District, shall expend the monies raised by virtue of this Act, in defraying the expenses of building a Gaol and Court House for the use of the said District.

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

XXVII. And be it further enacted by the authority aforesaid, That so soon as the said part of the County of Oxford shall have been formed a separate District, by Proclamation as hereinbefore provided, all the Townships comprised within the limits of the said intended District, shall form and be called the County of Oxford, in the District of Brock.

XXVIII. And be it further enacted by the authority aforesaid, That the Court of Assize and Nisi Prius, 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.