

Laws of Her Majesty's Province of Upper Canada, passed in the year 1838. York: Robert Stanton, 1838.

1 Victoria – Chapter 25

An Act to erect certain Townships now forming parts of the Districts of Bathurst, Johnstown and Ottawa, into a separate District, to be called the District of Dalhousie, and for other purchases therein-mentioned. Passed 6th March, 1838.

Whereas it is expedient to erect, from certain parts of the Districts of Bathurst, Johnstown and Ottawa, a new District, with Bytown for its District Town, and that the following Townships, videlicet — Nepean, Goulburn [Goulbourn], March, Huntly [Huntley], Torbolton and Fitzroy, now forming part of the District of Bathurst; North Gower and Marlborough, of the District of Johnstown; and Gloucester and Osgoode, of the District of Ottawa, together with the Islands lying wholly or in greater part opposite thereto, do form the said new District, to be called the District of Dalhousie: Be it therefore enacted, by the Queen'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 it shall be made to appear to the satisfaction of the Lieutenant Governor, and the Executive Council of this Province, that a good and sufficient Gaol has been erected therein, for the accommodation of prisoners, and a suitable Court House for the accommodation of Courts of Justice; and also that the amount of assessments raised within the said Townships is sufficient to defray the necessary charges attending a separate District, then it shall and may be lawful to and for the Lieutenant Governor aforesaid, by and with the advice and consent of Her Majesty's Executive Council in this Province, to declare, by Proclamation, the said Townships a separate and distinct District, by the name of the District of Dalhousie: Provided, nevertheless, that nothing in this Act contained shall affect, or be construed to affect the jurisdiction of Her 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 Districts of Bathurst, Johnstown and Ottawa: Provided also, that if at the time the said Townships 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 either of the said Townships, 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 in which such Township shall be situate, unless all the parties shall agree that the same shall not be tried in that District: Provided always, that such Gaol and Court House shall be erected on some part of the ground reserved or set apart by Government for such public uses in the Town of Bytown aforesaid.

II. And be it further enacted by the authority aforesaid, That the said Townships of Gloucester, Nepean, Osgoode, North Gower, March, Torbolton, Fitzroy, Huntly, Goulbourn and Marlborough,

together with the Islands lying wholly or in greater part opposite thereto, do constitute and form the County of Carleton; and that the Township of Pakenham [Pakenham] shall hereafter be annexed to and form part of the County of Lanark.

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, Court of Requests, and every other Court and Jurisdiction with all District Offices whatsoever, held or to be held, 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, from henceforth, extended 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.

IV. And be it further enacted by the authority aforesaid, That all and every the provisions, rules, 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 Court, 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 declaring and naming of the said Townships a separate District as aforesaid, the Court of General Quarter Sessions of the Peace, and the 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 second Tuesday in the months of January and April, and on the third 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 General Quarter Sessions, and sittings 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 Her 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 Townships at the time the same shall be declared a separate District as aforesaid, shall continue to hold and 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 Districts of Bathurst, Johnstown and Ottawa: Provided, that the authority, power and jurisdiction, previously exercised by Her Majesty's Justices of the Peace, and other persons bearing Commission or office or lawful authority within, or residing within the said Townships, shall not in anywise be longer exercised or continued within the Districts of Bathurst, Johnstown and Ottawa, but the same within those Districts shall from thenceforth cease and determine: Provided, that after declaring such new District, as aforesaid, Her Majesty's Justices of the Peace, and others who thenceforth continue to hold Commission or office, or bear lawful authority within the before-mentioned Districts, shall cease to hold such Commission or office, or to exercise such lawful authority within the said new District to be declared as aforesaid, and that no jurisdiction, power or authority, of whatever nature or kind soever, to the said Districts, 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 whereas it is necessary to make provision for the establishment and support of Schools within the said new District, when the same 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 time that the same shall be declared and named a separate District as aforesaid, there be granted annually to Her Majesty, Her 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 Teacher of the Public District School, which may be hereafter erected in the said new District.

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

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, 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.

X. And be it further enacted by the authority aforesaid, That from and after the declaring and naming of the said new District as aforesaid, there be granted annually to Her Majesty, Her 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 the several 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 the reign of His late Majesty King George the Fourth, entitled, "An Act to make permanent and to 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.

XI. And be it further enacted by the authority aforesaid, That the ordinary assessments and rates levied within the said Townships for the current year, at the time the said Townships 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 Districts of Bathurst, Johnstown and Ottawa, except in so far as the same may be varied by this Act.

XII. And be it further enacted by the authority aforesaid, That the Justices of the Peace within the said Townships be authorised, and they are hereby authorised, at a public meeting to be by them holden for that purpose, at some convenient place within the said Town of Bytown, 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 Districts of Bathurst, Johnstown and Ottawa, 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, estimates and proposals for the building of a Gaol and Court House, subject, nevertheless, as respects the Gaol, to the provisions of a certain Act of the Parliament of this Province, passed during the present Session, entitled, "An Act to regulate the future erection of Gaols in this Province."

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 and 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 who shall desire to erect and finish the same, according to the plan approved of, agreeably to the Statute passed during the present Session, as aforesaid, upon the site or situation fixed by the authority of 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 of 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, 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 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 the due performance of his or their contract.

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 Townships 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 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 Townships are declared and named a separate District, by death, resignation or removal, the said Justices shall be authorised to supply the vacancy so often as it may occur, by other appointments.

XV. And whereas it is expedient that until the said Townships be declared a separate District, that they should bear and contribute a just proportion of the ordinary expenses of the several Districts in which they respectively belong: Be it further enacted by the authority aforesaid, That from and out of the rates and assessments raised, levied and collected, in the said Townships, it shall and may be lawful for the Treasurers of the aforesaid Districts, annually to retain, for the purposes aforesaid, such a sum as a majority of the Magistrates, in General Quarter Sessions assembled, in the month of June next, shall ascertain and determine to be the just and equitable proportion of such expenses to be borne and paid by the said Townships; and it shall be the duty of the Treasurers of the several Districts, 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 Townships, and shall be applicable to the general benefit of the said intended District, and may be applied by Her Majesty's Justices of the Peace residing within the said Townships, towards the erecting and building a Gaol and Court House therein; and the said Treasurers of the Bathurst, Johnstown, and Ottawa Districts, shall take receipts for the same, as the money shall be paid over, which receipts shall be allowed by the Justices of the aforesaid Districts, 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 Treasurers of the aforesaid Districts from time to time towards the payment of any contract that they may make with any person 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 a 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 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 the 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.

XVIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Magistrates of the said District 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 who may be willing to advance 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 two thousand five hundred pounds, to be applied in defraying the expense of building the said Court House and Gaol.

XIX. Provided always, and he 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 two hundred 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.

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.

XXI. Provided, however, and be it further enacted by the authority aforesaid, That the assessments and revenues arising from the Townships of Osgoode and Gloucester, be annually paid to the Treasurer of the Ottawa District, to the uses of the said District, until its population shall increase to seven thousand five hundred.

XXII. And be it further enacted by the authority aforesaid, That the Township of Montague, and so much of the Townships of Elmsley and Burgess as lie on the north shore of the Rideau waters, be attached to and form part of the District of Bathurst, and compose part of the County of Lanark, so soon as the proposed new District may go into operation.

XXIII. And be it further enacted by the authority aforesaid, That the Townships of Pakenham, McNab, Horton, Ross, Westmeath and Pembroke, together with the unsurveyed lands within the District of Bathurst, and all the Islands in the Ottawa River, wholly or in greater part opposite to the

From: British North America Legislative Database; University of New Brunswick
bnald.lib.unb.ca

said Townships and unsurveyed lands, do from the time that the said new District goes into operation, compose a County, to be called the County of Renfrew.