

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

1 Victoria – Chapter 26

An Act to authorise the erection of the County of Huron, and certain other Territory adjacent thereto, into a separate District. Passed 6th March, 1838.

Whereas the tract of Country lately sold by His Majesty's Government to the Canada Company, and commonly known by the name of the County of Huron, is now attached to the District of London: And whereas, from the great extent of the said tract of land, and its great distance from the District Town of the London District, it is highly expedient and necessary that the said County of Huron should be set off into a distinct and separate District: 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 County is sufficient to defray the necessary charges attending a separate District, then it shall and may be lawful for the Lieutenant Governor, by and with the advice and consent of Her Majesty's Executive Council for the affairs of this Province, to declare, by Proclamation, the said County of Huron into a distinct and separate District, by such name as he may think proper: 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 the Jurisdiction of the Courts of General Quarter Sessions of the Peace, or District Court, within the District of London: 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 London District, unless all the parties shall agree that the same shall not be tried in the said London District: Provided always, that such Gaol and Court House shall be erected in the Town of Goderich, in the County aforesaid.

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 Officers whatsoever, held or to be holder possessed and enjoyed, in and by 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 they are hereby extended from thenceforth to the District to be thereby declared and named as aforesaid, unless otherwise provided for by this Act, or any other Act of the Parliament of this Province.

III. And be it further enacted by the authority aforesaid, That all and every the rules and regulations, provisions, 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, to be erected by virtue of this Act.

IV. And be it further enacted by the authority aforesaid, That from and after the declaring and naming the said County of Huron 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 first Tuesday in January, April, 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.

V. 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 County of Huron at the time it 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 within the District of London: Provided, that the authority, power and jurisdiction, previously held, enjoyed and exercised, by Her Majesty's Justices, of the Peace, and other persons bearing Commission or office or lawful authority within, and residing within the said County of Huron, 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 naming and declaring such new District as aforesaid, Her 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 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 London 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 Huron, 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 District of London, 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, when the same shall be declared a separate District by virtue of this Act: Beit therefore further enacted by the authority aforesaid, That from and after the erection of the said County into a separate District, there be granted annually to Her Majesty, Her Heirs and Successors, 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.

VIII. 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.

IX. And be it further enacted by the authority aforesaid, That from and after the erection of the said County into a separate District, 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 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 Common 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 taken or construed 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 an 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 support 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.

X. 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 Goderich, 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, such notice having been three weeks published in some Newspaper in the London District, or in some Newspaper published within the said County, previous to such meeting, to procure by such means as to the said Justices, or to the major part of them present at such 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."

XI. And be it further enacted by the authority aforesaid, That at the said meeting 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, and in the name and on 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 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 of the Peace 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 as shall offer to undertake and build the said Gaol and Court House for the lowest price; Provided the said person 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 herein provided, for the due performance of his contract.

XII. 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 Huron as the Justices of the Peace in other Districts of this Province, in General Quarter Sessions of the Peace 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 by 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 appointment 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.

XIII. And whereas, it is just and expedient, that until the said County of Huron be declared a separate District, the said County shall 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, in the said County, it shall and maybe lawful for the Treasurer of the London 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 aforesaid County of Huron; and it shall be the duty of the Treasurer of the London 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 Huron, which 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 County, towards the erecting and building a Gaol and Court House therein; and the said Treasurer of the London District shall take receipts fertile same as the money shall be paid over, which receipts shall be allowed by the Justices of the said District of London, in their settlement with him.

XIV. 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 District of London, from time to time, towards the payment of any contract that they may make with any person whomsoever for the building of the said Gaol and Court House, in conformity to the intention and true meaning of this Act.

XV. And be it further enacted by the authority aforesaid, That the said Committee shall keep faithful and true 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; and also shall keep an account of all monies which may from time to time come into their hands, applicable to the building of the said Gaol and Court House: and that they shall exhibit a detailed account, 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 and named a separate District.

XVI. 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 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 Court House.

XVII. 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 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.

XVIII. 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 hands for the purpose of being paid out in discharge or liquidation of such loan, with the interest thereon as aforesaid.

XIX. And whereas, it is expedient that the said loan of six thousand pounds, authorised to be contracted by this Act, should be paid off and discharged within a reasonable time, and it is necessary to make provision for the liquidation of the same: Be it therefore further enacted by the authority aforesaid, That it shall and may be lawful for the Justices of the Peace of the said County, so soon as the said County shall be declared by Proclamation to be a distinct and separate District, to order an additional tax of one penny in the pound to be levied on the inhabitants of the said new District, over and above the ordinary rates and assessments now authorised by law; which additional tax shall continue to be levied and collected from the inhabitants of said new District, until the said loan of six thousand pounds, and all arrears of interest which may have accrued thereon, be liquidated and discharged.

XX. And be it further enacted by the authority aforesaid, That it shall be the duty of the Clerk of the Peace of the said new District, to add the said additional tax of one penny in the pound to the assessment rolls of the several Townships in the said District, and it shall be the duty of the Collectors of the several Townships to collect all monies authorised to be raised by this Act, and to pay the same over to the Treasurer of the District, together with the ordinary assessments of the District authorised by law.

XXI. And be it further enacted by the authority aforesaid, That the Justices of the Peace for and residing within the said County, shall expend the monies raised under the authority of this Act, in the erection of a Gaol and Court House, for the use of the said new District, and for no other purpose whatsoever.

XXII. And be it further enacted by the authority aforesaid, That no per centage be allowed to the Treasurer of the London District, nor to any Treasurer or Collector on any monies raised by virtue of this Act.

XXIII. And be it further enacted by the authority aforesaid, That on any future survey of the territory lying to the northward of the said County of Huron, one range of Townships lying

immediately contiguous to the northerly boundary of the said County, shall be attached to and become part of the said intended new District; and that at any convenient time subsequent to the survey of the said range of Townships as aforesaid, it shall and maybe lawful to and for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, by and with the advice and consent of Her Majesty's Executive Council for the affairs thereof, to divide the said new District into two Counties, under such names and with such limits as may be expedient.