

for the time being, or in the event of the death or absence from the Province of the Chief Justice for the time being, for any two of the Justices of the said Court for the time being, by one or more commission or commissions under the seal of the said Court, from time to time to empower what and as many persons as they shall think fit and necessary in Lower-Canada, to take and receive all and every such affidavit or affidavits as any person or persons shall be willing and desirous to make before any of the persons so empowered, in or concerning any cause, matter or thing depending, or hereafter to be depending, or in any wise concerning any of the proceedings to be had in the said Court of Queen's Bench, or in any other Court of Law of Record in Upper-Canada; which said affidavits taken as aforesaid shall be filed in the Office of the said Courts respectively, and there be read and made use of in the said Courts respectively, to all intents and purposes as other affidavits taken in the said Courts respectively ought to be; and that all and every affidavit and affidavits taken as aforesaid, shall be of the same force as affidavits taken in the said Courts respectively shall and may be.

L. C. for receiving affidavits to be used in the Court of Q. B. in Upper-Canada.

Effect of affidavits taken before such commissioners.

II. And be it enacted, That proof of the execution of any deed, will or probate thereof or memorial of the same in Lower-Canada, may be made before any of the Commissioners to be appointed under the authority of this Act, in the same manner as such proof may now by law be made before the Chief Justice or Judge of any Court of Queen's Bench in Lower-Canada, and all Registers of Counties in Upper-Canada shall enregister such deeds, wills, probates and memorials upon the execution thereof being so proven.

Proof of execution of deeds, &c., may be made before such commissioners.

III. And be it enacted, That the Chief Justice and Justices of the Court of Common Pleas in Upper-Canada shall have the same power and authority to appoint such Commissioners as are hereby given to the Chief Justice and Justices of the Court of Queen's Bench and the Commissioners to be so appointed by the said Chief Justice and other Justices of the Court of Common Pleas shall have the same power and authority, and the affidavits made before them shall have the same force and effect in all respects, as those made before any of the Commissioners to be appointed by the said Chief Justice and other Justices of the Court of Queen's Bench.

Commissioners may in like manner be appointed for the Court of Common Pleas.

Their powers.

IV. And be it enacted, That all and every person or persons forswearing him, her or themselves in any affidavit or affidavits to be made before any of the said Commissioners appointed or to be appointed under the authority of this Act, shall incur and be liable unto the same pains and penalties as if such affidavit or affidavits had been made and taken in open Court.

Punishment of persons swearing falsely.

CAP. LXXVIII.

An Act for abolishing the Territorial Division of Upper-Canada into Districts, and for providing for temporary Unions of Counties for Judicial and other purposes, and for the future dissolutions of such Unions, as the increase of wealth and population may require.

[30th May 1849.]

WHEREAS by reason of the subdivision of Districts in that part of this Province called Upper-Canada, the boundaries thereof have, in many cases, become identical with the boundaries of Counties, and there being no longer any sufficient reason

Preamble.

reason for continuing such territorial division in that part of the Province, it is expedient to abolish the same, and, following in this particular the Mother Country, to retain only the name of County as a territorial division for judicial as well as all other purposes, providing at the same time for temporary Unions of Counties for judicial and other purposes, and the future dissolution of such Unions as the increase of wealth and population may from time to time require: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That this Act shall come into and be in operation upon, from and after the first day of January, in the year of our Lord, one thousand eight hundred and fifty.

Commence-
ment of this
Act.

I. ABOLITION OF DISTRICT DIVISIONS.

II. And be it enacted, That the division of that part of this Province called Upper Canada, into Districts for judicial and other purposes, shall be and the same is hereby abolished.

Districts
abolished.

III. And be it enacted, That the Courts, Court Houses and Gaols, heretofore called District Courts, Court Houses and Gaols, shall from henceforth be called County Courts, Court Houses and Gaols, and the District Grammar Schools, County Grammar Schools, and all and singular the Offices and Officers now appertaining to the said Districts shall henceforth belong and appertain to the said Counties respectively, and whenever the said Offices or Officers have the title or denomination of Offices or Officers, of or for the District, they shall henceforth have the title or denomination of Offices or Officers of or for the County; and all laws at present in force, or during the present Session of Parliament made or to be made applicable to the said division of territory by the name of Districts, or the Courts, Offices or other Institutions thereof, shall be applied to and have the same operation and effect upon the said Counties and their respective Courts, Offices and other Institutions, as Counties.

District
Courts, &c., to
become County
Courts, &c.

Laws applica-
ble to Districts
to apply to
Counties.

IV. And be it enacted, That the Courts of Assize and Nisi Prius, and Oyer and Terminer, Gaol Delivery, Sessions of the Peace and District Courts, shall be held in and for the said Counties, as such Courts are now held for the different districts in Upper-Canada, and that the name County shall be used in designating such Courts, and also in all legal proceedings where the name District is now, or by any Act passed or to be passed during the present Session of Parliament, shall be used.

Courts of As-
size, &c., to be
held in and for
Counties.

II. UNIONS OF COUNTIES FOR JUDICIAL AND OTHER PURPOSES.

V. And be it enacted, That the Counties mentioned in the Schedule to this Act annexed, marked A, shall, for all judicial and municipal purposes, and for all other purposes whatsoever, except for the purpose of Representation in the Provincial Parliament, and that of the Registration of Titles, be formed into Unions as in the said Schedule particularly set forth, and each of such Unions under the name of the United Counties of _____ and _____ (*naming them*) shall for all such purposes

Certain Coun-
ties to be uni-
ted for purpo-
ses other than
Representation
and Registra-
tion of Titles,
to have Courts,

purposes (except as before excepted) have all Courts, Offices and Institutions established by law and now pertaining to Districts, or which by any Act passed or to be passed during the present or any future Session of Parliament, shall or may be established for Counties, in common between them, so long as such Counties shall remain so united as herein provided.

&c., in common.

VI. And be it enacted, That the County property of all such United Counties shall, so long as such Counties remain united, be the common property of such United Counties, in whichever of such Counties the same may be situated.

As to property of United Counties.

VII. And be it enacted, That in laying the Venue in any judicial proceeding in which the same may be necessary in any County which may be so united to any other County, or Counties as hereinbefore provided, the same shall be laid in such County by name describing it, as one of the United Counties of and (*naming them*), and for the trial of any issue, or for the assessment of damages, in the course of any such judicial proceeding, when such issue shall be tried or such damages assessed by Jury, the Jury shall be summoned from the body of the United Counties, as if the same were one County.

Mode of describing any United County in laying a Venue.

VIII. And be it enacted, That during the continuance of any such Unions of Counties, all Laws now existing and applicable to Districts, and all Laws hereafter to be made, whether during the present or any future Session of Parliament, and applicable to Counties generally in relation to any matter whatsoever, except only Representation in the Provincial Parliament, and Registration of Titles, shall, to all intents and purposes whatsoever, apply to every such Union of Counties, as if such Union formed but one County.

Laws relative to Districts to apply to Unions of Counties.

III. DISSOLUTION OF UNIONS OF COUNTIES.

IX. And be it enacted, That in all the Unions of Counties provided for by the fifth Section of this Act, the County within the limits of which the Court House and Gaol, heretofore the District Court House and Gaol shall be situated, shall be deemed the Senior County of such Union, and the other County or Counties, the Junior County or Counties thereof.

Which shall be called the Senior County.

X. And be it enacted, That so soon as by the census taken according to any Act of Parliament now in force, or hereafter to be in force, for taking a census of the inhabitants of this Province, or of that part of it called Upper-Canada, it shall appear that any Junior County of any such Union of Counties, as is provided for by the said fifth Section of this Act, contains a population of not less than fifteen thousand souls, it shall and may be lawful for the Governor of this Province, by an Order in Council, upon the Petition of two-thirds or more of the Townreeves for the time being of such Junior County, if he shall deem the circumstances of such Junior County such as to call for a separate establishment of Courts, and other County Institutions, to issue a Proclamation under the Great Seal of this Province setting forth the same, naming a place within such Junior County for a County Town, and erecting the Townreeves for such Junior County, then elected or thereafter to be elected for the same, into a Provisional Municipal Council for such Junior County, and declaring such Municipal Council a Provisional Municipal Council, under the authority

Townreeves of a Junior County may be made the Provisional Council of the County, provided certain conditions be complied with.

Proviso: Petition must be adopted by two thirds of the Townreeves after being adopted at two yearly meetings.

Of whom the Provisional Council shall consist.

Provisional Council may purchase property for Court Houses and Gaols, and raise money for that purpose.

Proviso as to powers of the Council of the Union.

Provisional Officers may be appointed for such purpose.

Provisional Council to be a Corporation.

How moneys directed to be raised shall be levied, &c.

authority of this Act, until the dissolution of such Union of Counties as provided for by this Act : Provided always, nevertheless, firstly, that no such petition shall be presented or acted upon, unless adopted and signed by such two-thirds, in the month of February after their election or appointment, nor until a resolution declaratory of the expediency of presenting such petition shall have been adopted by a majority of such Townreeves for the time being, present at two several meetings to be called for that purpose, by a majority of such Townreeves for the time being, the one to be held some time in the month of February, in the year next but one preceding that in which such petition shall have been so adopted and signed, and the other in the month of February in the year next preceding such last mentioned year : Provided also, secondly, that every such Provisional Municipal Council shall, from time to time, and at all times during its continuance as such, consist of the Townreeves for the several Townships, Villages and Towns in such Junior County.

XI. And be it enacted, That every Provisional Municipal Council erected by Proclamation as aforesaid, shall have all the powers in, over, and with respect to such Junior County as are now by Law vested, or as hereafter may by Law be vested in the different Municipal Councils in Upper-Canada, so far as the same shall or may be requisite, for the purchase or procuring of the necessary property on which to erect a Court House and Gaol,—for the erection of such Court House and Gaol,—and for raising, levying and collecting the necessary moneys to defray the expenses of the same, and for remunerating the Provisional Officers employed or to be employed in or about the same : Provided always, that nothing herein contained shall extend or be construed to extend in any way to interfere with the powers of the Municipal Council of such Union, but all moneys to be raised by such Provisional Municipal Council as aforesaid, shall be independent of, and in addition to, any moneys that may be directed to be raised by the Municipal Council of such Union, under the powers in them vested or to be vested by Law.

XII. And be it enacted, That every such Provisional Municipal Council shall have power in their discretion to appoint a Provisional Warden, a Provisional Treasurer, and such other Provisional Officers for such County as they may deem necessary for the purchase or procuring of such property,—the erection of such Court House and Gaol—the safe keeping of such moneys,—and the protection and preservation of such property when thus acquired ; which Provisional Warden, Treasurer and other Provisional Officers shall hold their offices during the pleasure of such Provisional Municipal Council.

XIII. And be it enacted, That every such Provisional Municipal Council shall be a Body Corporate by the name of the Provisional Municipal Council of the County of *(naming it,)* and as such, shall have all Corporate powers necessary for the purpose of carrying into effect the object of their erection into such Provisional Municipal Council as herein provided, and none other.

XIV. And be it enacted, That all moneys directed to be assessed, levied and collected upon such Junior County by any By-Law of such Provisional Municipal Council, shall be assessed, levied and collected by the same persons and in the same manner as the moneys directed to be assessed, levied and collected by the Municipal Council of the Union to which such County shall belong, and shall be paid over by the Collector thereof to the Provisional Treasurer of such Junior County in the like manner as other

other moneys are payable over to the Treasurer of such Union: Provided always, firstly, that every Collector of such moneys shall be entitled to deduct and apply to his own use, for the trouble and responsibility of such collection, a sum equal to two and a half per centum upon the moneys paid over by him to such Provisional Treasurer as aforesaid, and no more: Provided also, secondly, that the moneys so collected shall in law and equity be deemed and taken to be moneys collected for such Union, so far as to charge every such Collector with the same, and to render him and his sureties responsible to such Union for such moneys: And provided also, thirdly, that all such moneys recovered or received by any such Union from any such Collector or his sureties, shall, after deducting the expenses of collection, be accounted for to such Junior County, and paid over to the Provisional or other Treasurer thereof, so soon as the same shall be received.

Proviso: per centage to Collector.

Proviso: Collectors liable as for moneys of the Union.

Moneys to be accounted for to Junior County.

XV. And be it enacted, That so soon as any such Provisional Municipal Council for any such Junior County as aforesaid, shall have purchased or procured the necessary property, at the County Town of such County, and erected thereon suitable buildings for the purposes of a Court House and Gaol, adapted to the wants of such County, and in conformity with any statutory, or other rules or regulations in force respecting such buildings generally in Upper-Canada, it shall and may be lawful for such Provisional Municipal Council to enter into an agreement with the Municipal Council of the Union to which such Junior County shall belong, for the adjustment and settlement of the proportion, if any, of any debt due by such Union, and which it may be just that such Junior County, on its being disunited from such Union, should take upon itself, with the time or times of payment thereof; and every such agreement, so entered into, shall, both in law and equity, be and continue to be binding upon such Junior County, and upon the County or Counties from which it shall be disunited: Provided always, firstly, that none of the Members of the Municipal Council of such Union, who shall also be Members of the Provisional Municipal Council of such Junior County, shall take any part or give any vote in the Municipal Council of such Union, on any question or matter touching or concerning such agreement or any proposal connected with the same: Provided also, secondly, that in default of the said Municipal Councils entering into any such agreement, the proportion of such debt, to be assumed by such Junior County, shall be settled by the award of three Arbitrators, or the majority of them, to be appointed so soon as such property shall have been purchased or procured, and such Court House and Gaol erected, as follows, that is to say, one by the Municipal Council of such Senior County or Union of Counties, and the other by the Provisional Municipal Council of such Junior County, and the third by such two Arbitrators thus appointed: or in the event of such two Arbitrators omitting to appoint such third Arbitrator within ten days next after their own appointment, then by the Governor of this Province in Council: Provided also, thirdly, that in case either such Municipal Council or such Provisional Municipal Council, shall omit for one calendar month after they shall have been called upon for that purpose by the other of such Councils, to appoint an Arbitrator on their part as above provided, it shall and may be lawful for the Governor in Council to appoint an Arbitrator on the part and behalf of such Municipal Council or Provisional Municipal Council so neglecting or omitting to appoint such Arbitrator, who shall, in such case, have all the same powers as if he had been appointed by such Municipal Council, or Provisional Municipal Council, as the case may be: And provided also, fourthly, that every such submission and award shall be subject to the jurisdiction of Her Majesty's Court of Queen's Bench for Upper-Canada, in like manner as if the same were by bond with an agreement

Junior County and Union to make agreement as to debt.

Who may vote as to such agreement.

Arbitration for default of agreement.

Third Arbitrator how appointed.

Proviso: Governor in Council to appoint an Arbitrator in default of either Council.

Award to be subject to jurisdiction of Queen's Bench.

Settled portion as due by Junior County to bear interest, and be provided for as other debts.

Assessments for the year of separation to belong to the Union.

Appointment of Sheriff, Judges, Justices, &c., in the Junior County after separation.

Proviso as to the security to be given by the Sheriff under Act of U. C. 3. W. 4. c. 8.

On 1st January next after the end of two months from the date of a Proclamation to be issued in that behalf, the Union shall be dissolved, &c.

As to remaining Counties if the Union was of more than two.

agreement therein, that such submission might be made a Rule of that Court: And provided also, fifthly, that the portion, if any, of such debt so agreed upon or settled, shall be a debt due from such Junior County to the County or Counties from which it shall have been disunited, and shall bear legal interest from the day on which the Union shall be actually dissolved, as hereinafter provided: and its payment shall be provided for by the Municipal Council of such Junior County, after the dissolution of such Union, in like manner as is or shall be required by law, with respect to other debts due by such Municipal Council, in common with others, and in default thereof, may be sued for and recovered as any of such other debts.

XVI. And be it enacted, That all assessments imposed by the Municipal Council of any such Union, for the Calendar year in which any Proclamation for disuniting any Junior County from such Union shall issue, as hereinafter mentioned, shall belong to such Union, and shall be collected, accounted for, and paid over accordingly.

XVII. And be it enacted, That so soon as may be after such Provisional Municipal Council shall make it appear, to the satisfaction of the Governor of this Province in Council, that such property has been purchased or procured, and such Court House and Gaol erected, and the proportion of the said debt (if any) to be assumed by such Junior County shall have been adjusted or settled as aforesaid, a Judge, a Surrogate, a Sheriff, at least one Coroner, a Clerk of the Peace, and, at least, twelve Justices of the Peace, shall be appointed for such Junior County, with a proviso in the Commissions appointing them respectively, that such Commissions respectively shall not take effect or be in force until the day on which such Counties shall be disunited, as hereinafter provided: Provided always, nevertheless, that the sureties to be given by such Sheriff, as required by the Act of the Parliament of the late Province of Upper-Canada, passed in the third year of the Reign of His late Majesty King William the Fourth, numbered chapter eight, and intituled, *An Act to make certain regulations relating to the office of Sheriff in this Province, and to require the several Sheriffs of this Province to give security for the due fulfilment of the duties of their office*, and the affidavit of his qualification in respect of property required by the same Act, shall not be required to be entered into, made, or given, by any such Sheriff so appointed, within the time specified in that Act, but shall be entered into, and made and given within the first six calendar months next after the Commission of such Sheriff shall take effect as aforesaid, and in default of the same being duly entered into, made and given, within such six months, such Sheriff shall, *ipso facto*, forfeit his office.

XVIII. And be it enacted, That so soon as such appointments shall be so made as aforesaid, it shall and may be lawful for the Governor of this Province in Council, by Proclamation under the Great Seal thereof, to declare such Junior County disunited from such Union, upon, from and after the first day of January which shall occur next after three calendar months after the *teste* of such Proclamation, and such Junior County shall, upon, from and after such first day of January, to be so named in the said Proclamation, as aforesaid, be, to all intents and purposes whatsoever, disunited from such Union, and if such Union shall have consisted of only two Counties, such Union shall, upon, from and after such first day of January, be absolutely dissolved; and if of more than two Counties, the remaining Counties shall remain united, and thereupon the said Provisional Municipal Council of such Junior County shall, upon, from and after such day, lapse and be absolutely dissolved, and none of the Courts or Officers of the Senior County,

County, or of the Union, shall, as such, have any jurisdiction or authority whatsoever in or over the said County so disunited from such Union as aforesaid; any thing in their respective Commissions, or in any Act of Parliament, either of this Province or the late Province of Upper-Canada, to the contrary notwithstanding.

XIX. And be it enacted, That upon the disuniting any such Junior County from any such Union, there shall be a separate Registry of Titles for such County as for other Counties generally in Upper-Canada.

Separate Registry of deeds for Junior Counties.

XX. And be it enacted, That upon the disuniting any such Junior County from any such Union, all the Public Property of such Union not situate, lying and being within such Junior County, shall, *ipso facto*, become the sole property of, and be thereupon vested in the remaining County or Counties of such Union, and all the public property of such Union situate, lying and being within the limits of such Junior County, shall, *ipso facto*, become the sole property of and be thereupon vested in such Junior County.

Property of the Union in either County to become the property of that County.

XXI. And be it enacted, That all Actions, Informations and Indictments, pending at the time so appointed by Proclamation for the disuniting such Junior County from such Union, shall be tried in the Senior County, unless by order of the Court in which the same shall be pending in Term time, or of some Judge thereof in vacation, the Venue therein shall be changed to the Junior County, which change every such Court or Judge is hereby authorized to grant and direct, either on the consent of parties, or in their or his discretion, on hearing such parties to the point by affidavit or otherwise.

Provisions as to actions, &c., pending at the dissolution of any Union.

XXII. And be it enacted, That upon any such change of Venue, the records and papers of every such Action, Information and Indictment shall, when necessary, be transmitted to the proper Offices of such Junior County.

Proceedings if the Venue be changed.

XXIII. And be it enacted, That all and every the Rules and Regulations, provisions matters and things contained in any Act or Acts of the Parliament of this Province, or of the Parliament of the late Province of Upper-Canada, for the Regulation of or relating to Court Houses and Gaols, or either of them, which shall be in force and operation at the time so appointed by Proclamation for disuniting such Junior County from such Union as aforesaid, shall be and are hereby extended to the Court House and Gaol of such County so disunited as aforesaid, and the said Courts of Assize, Nisi Prius, Oyer and Terminer, Gaol Delivery, Sessions of the Peace, County, Surrogate, and every other Court of the said Junior County required to be held at a certain place, shall be commenced, and from time to time holden at the Court House so erected and declared to be the Court House of such County by such Proclamation as aforesaid, or any other that may be lawfully substituted for the same.

Laws applicable to Gaols and Court Houses to become applicable to those in the Junior County, &c.

XXIV. And whereas the Counties mentioned in the Schedule to this Act annexed marked C. comprehend one area of territory for some purposes, and another and different area for other purposes: And whereas such diversities are inconvenient and should be discontinued—Be it enacted, That the several Counties mentioned in the said Schedule marked C, shall, as well for the purposes of Representation, and the Registration of Titles, as for Judicial, Municipal, and all other purposes whatsoever, consist of and include the Townships and places mentioned as lying therein, the said

Certain Counties to consist of all the Townships within their area for all purposes.

Schedule

Schedule C, and such other Townships and places as from time to time may hereafter be attached thereto according to Law.

Oneida and Seneca attached to Wentworth for certain purposes.

XXV. And be it enacted, That for judicial purposes only, the Townships of Oneida and Seneca shall remain attached to and form part of the County of Wentworth so long as the County of Haldimand shall remain united to the County of Lincoln, and no longer.

Rainham and Walpole attached to Norfolk for certain purposes.

XXVI. And be it enacted, That for judicial purposes only, the Townships of Rainham and Walpole shall remain attached to and form part of the County of Norfolk so long as the County of Haldimand shall remain united to the County of Lincoln, and no longer.

How certain Counties are to be formed for all purposes.

XXVII. And be it enacted, That the several Counties in Upper-Canada not mentioned in the Schedule to this Act annexed marked C, shall, as well for the purpose of Representation and the Registration of Titles, as for Judicial, Municipal and all other purposes whatsoever, consist of and include the several Townships, Villages, Towns and places of which, for the purpose of Representation, such Counties are now by Law declared to consist, and such other Townships and Places as from time to time may hereafter be attached thereto according to Law: Provided always nevertheless, that nothing in this Section contained shall interfere, or be construed to interfere, with the union of certain of such Counties for the purposes of Representation in Parliament as hereinafter mentioned.

Proviso.

How Cities are to be formed for purposes of Representation.

XXVIII. And be it enacted, That for the purposes of Representation in the Provincial Parliament, the City of Toronto and the Liberties thereof shall form no part of the County of York; the City of Kingston and the Liberties thereof, no part of the County of Frontenac; and the City of Hamilton and the Liberties thereof, no part of the County of Wentworth; and the Towns of Niagara, Cornwall, Brockville, London and Bytown, no part of the respective Counties of Lincoln, Stormont, Leeds, Middlesex, or Carleton, within the bounds of which such Towns are respectively situated.

Toronto, Kingston and Hamilton, united to their counties for Judicial purposes.

Exceptions.

XXIX. And be it enacted, That the Cities of Toronto, Kingston and Hamilton, with their respective Liberties, shall for all Judicial purposes, except as hereinafter excepted, be united to the following Counties respectively, that is to say: the said City of Toronto and the Liberties thereof to the County of York; the said City of Kingston and the Liberties thereof to the County of Frontenac; and the said City of Hamilton and the Liberties thereof to the County of Wentworth; excepting always nevertheless, as respects such Cities and the Liberties thereof, such Judicial Powers and Provisions as are comprehended in the respective Legislative Charters of such Cities respectively, or such powers and provisions as may be so comprehended in any Act or Acts for amending those Charters or any of them, or in any general Act for that purpose applicable to the whole of such Cities in general, or in any other Act or Acts applicable to them, or any of them in particular.

IV. MISCELLANEOUS AND TEMPORARY PROVISIONS.

Provision as to the united

XXX. And be it enacted, That the Townreeves of the different Townships, Unions of Townships, Villages and Towns in the Counties of Kent and Lambton, shall form a Provisional

Provisional Municipal Council for such Counties as United Counties, and such Provisional Municipal Council shall, with respect to such Counties, have, possess and exercise all and singular the rights, powers, privileges and duties hereby conferred, granted or imposed upon Provisional Municipal Councils generally, erected by Proclamation under the authority of this Act, and also all such powers as by an Act of the Parliament of this Province, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, intituled, *An Act to divide the Western District of the Province of Canada, and for other purposes therein mentioned*, were conferred upon the Township Councillors of the different Townships of the said Counties; and such Provisional Municipal Council shall be charged with and liable to any debt that may have been contracted by competent authority on behalf of the District by that Act intended to be erected; and the Municipal Corporation of such United Counties, both Provisional and Permanent, shall and they are hereby required to provide for the payment of every such debt, and in default of their doing so, the same shall and may be sued for, recovered and levied by rate or otherwise, as in the case of debts of any other Municipal Corporation in Upper-Canada.

Counties of
Lambton and
Kent.

Act 10 & 11
V. c. 39.

XXXI. And be it enacted, That so soon as the Court House and Gaol, now in course of being erected under the authority of the said Act of Parliament last mentioned, shall have been completed, according to the provisions of the said Act, and the other provisions of the fifteenth Section of this Act, shall have been complied with by the said United Counties of Kent and Lambton, it shall and may be lawful for the Governor of this Province in Council to issue a Proclamation, dissolving the Union between the said United Counties of Kent and Lambton and the County of Essex, and from thenceforth the said United Counties of Kent and Lambton shall form a Union of Counties, and all the provisions of this Act applicable to Unions of Counties in general shall be applicable to such Union to all intents and purposes, as if such United Counties were set forth as such in the Schedule to this Act annexed marked A.

Further pro-
vision in regard
to the United
Counties of
Kent and
Lambton.

XXXII. And be it enacted, That all actions, informations, indictments, inquisitions and other proceedings, of what nature or kind soever, whether of a judicial or any other character, now pending in the several Districts in Upper-Canada, shall from henceforth be deemed and taken to all intents and purposes whatsoever, to be pending in the Counties or Unions of Counties, to which they are respectively transferred, as respectively set forth in the Schedule to this Act annexed marked B, as if the same had been originally instituted and proceeded with in such Counties or Unions of Counties respectively, and the different Courts, Officers and other Authorities in which or before whom the same shall be respectively pending, shall take such order respecting the same as may be necessary or expedient for the proper disposition of the same, according to law, without prejudice to the parties interested or affected, or any of them, from the abolition of such Division into Districts, and the establishment of a Division into Counties in lieu thereof, as herein provided.

Provision as to
pending ac-
tions and other
proceedings in
the present
Districts.

XXXIII. And whereas divers of the inhabitants of each of the two Counties of Haldimand and Welland, the Junior Counties of the United Counties of Lincoln, Haldimand and Welland, have petitioned Parliament to be set apart for judicial and other purposes, and the sense of the said two Counties respectively being in favour of such separation, and their wealth and population being sufficient to entitle them to the same, according to the provisions of this Act, for the dissolution of such Unions, it

Recital.

appears

appears expedient that provision should be at once made for enabling such two Counties, or either of them, to procure such separation so soon as they shall have made the necessary preparations for that purpose: Be it therefore enacted, That the Townreeves of the different Townships, Unions of Townships, Villages and Towns in each of the said two Counties of Haldimand and Welland, shall form a Provisional Municipal Council for each of such Counties respectively; And each of such Provisional Municipal Councils shall, with respect to their respective Counties, have, possess and exercise all and singular the rights, powers, privileges and duties hereby conferred, granted or imposed upon Provisional Municipal Councils generally erected by Proclamation, under the authority of this Act, and each of such Provisional Municipal Councils shall and may, so soon as they shall think fit so to do, proceed to determine the place in such County for the County Town thereof, and to purchase the necessary property thereat, and to erect the necessary public buildings upon such property.

Townreeves
in each of the
counties of
Haldimand
and Welland
to be a Provi-
sional Council,
&c.

Provision res-
pecting the
Union of the
counties of
Lincoln, Hal-
dimand and
Welland.

XXXIV. And be it enacted, That so soon as the Court House and Gaol of either of such two Counties shall have been erected and completed at the County Town of such County, according to the provisions of the fifteenth section of this Act, and the other provisions of the said fifteenth section shall have been complied with by such County, it shall and may be lawful for the Governor of this Province in Council, to issue a Proclamation dissolving the Union between such County and the United Counties of Lincoln, Haldimand and Welland, or, if one of such Counties shall have been then already separated by Proclamation from such Union, then dissolving the Union between such County and the said County of Lincoln, and from the date of such Proclamation dissolving the Union between either of such Counties and the other two Counties belonging to such Union, the remaining County shall, with the said County of Lincoln, form a Union of Counties until the Union between the other of such Counties and the said County of Lincoln shall in like manner be dissolved, and from the separation of either of such two Counties from the said United Counties of Lincoln, Haldimand and Welland, the said County of Lincoln and the other of such two Counties shall form a Union of Counties under this Act, until the separation of such two last mentioned Counties as herein provided; and all the provisions of this Act applicable to Unions of Counties in general, shall be applicable to such Union, to all intents and purposes, as if the said County of Lincoln and such other County had been set forth as such, in the Schedule to this Act annexed marked A.

Property of
Districts trans-
ferred to
Counties and
Unions.

XXXV. And be it enacted, That all the public property, both real and personal, of the several Districts in Upper-Canada, shall become the property of, and the same is hereby conveyed and transferred to and vested in the Municipal Corporations of the several Counties and Unions of Counties, to which respectively the judicial and other proceedings pending in such Districts respectively, are transferred by the thirtieth Section of this Act, as set forth in the said Schedule to this Act annexed marked B.

Acts, &c., in-
consistent
with this Act
repealed.

XXXVI. And be it enacted, That all Acts and parts of Acts and provisions of Law of what nature or kind soever, in force in that part of this Province called Upper Canada, or any part thereof, immediately before the time this Act shall come into force, which shall be inconsistent with or contradictory to this Act, or any part thereof, or which make any provision in any matter provided for by this Act, other than such as is hereby made in such matter, shall, so far as the same shall be inconsistent with the provisions of this Act or any of them, be, and the same is hereby so far repealed to all intents and purposes whatsoever.

XXXVII.

XXXVII. And be it enacted, That Her Majesty's Justices of the Peace, and other persons holding Commission or Office, or bearing lawful authority, in the different Districts in Upper-Canada, from which judicial and other proceedings are by this Act transferred to the several Counties and Unions of Counties in the same, as set forth in the Schedule to this Act annexed marked B, shall continue to hold, enjoy and exercise the like Commission, Office, Authority, Power and Jurisdiction, within the County or Union of Counties respectively, to which such judicial and other proceedings are hereby respectively transferred as in the said Schedule set forth, respectively, to all intents and purposes whatsoever, as if their respective Commissions or other authorities were expressed to be for such County or Union of Counties, instead of for such District respectively.

Who shall be Justices of the Peace in Counties and Unions.

XXXVIII. And be it enacted, That this Act may be amended, altered or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended this Session.

SCHEDULE A.

Counties of Upper-Canada united for Judicial and other purposes.

The United Counties of—

1. Essex and Kent.
2. Frontenac, Lennox and Addington.
3. Lanark and Renfrew.
4. Leeds and Grenville.
5. Lincoln, Haldimand and Welland.
6. Northumberland and Durham,
7. Prescott and Russell.
8. Stormont, Dundas and Glengarry.
9. Wentworth and Halton.

SCHEDULE B.

Counties and Unions of Counties in Upper-Canada, to which Judicial and other proceedings of the late Districts are transferred respectively under this Act :

To,

- | | |
|----------------------------------------|----------------------------------|
| 1. Carleton..... | those of the Dalhousie District. |
| 2. Essex and Kent..... | “ Western “ |
| 3. Frontenac, Lennox and Addington.... | “ Midland “ |
| 4. Hastings..... | “ Victoria “ |
| 5. Huron..... | “ Huron “ |
| 6. Lanark and Renfrew..... | “ Bathurst “ |
| 7. Leeds and Grenville..... | “ Johnstown “ |
| 8. Lincoln, Haldimand and Welland..... | “ Niagara “ |

9. Middlesex.....	those of the London District.
10. Norfolk.....	“ Talbot “
11. Northumberland and Durham.....	“ Newcastle “
12. Oxford.....	“ Brock “
13. Peterborough.....	“ Colborne “
14. Prescott and Russell.....	“ Ottawa “
15. Prince Edward.....	“ Prince Edward “
16. Simcoe.....	“ Simcoe “
17. Stormont, Dundas and Glengarry.....	“ Eastern “
18. Waterloo.....	“ Wellington “
19. Wentworth and Halton.....	“ Gore “
20. York.....	“ Home “

SCHEDULE C.

Counties in Upper-Canada which henceforth shall, for all purposes, include and consist of the Townships and places therein mentioned.

1. Haldimand, which shall include and consist of the Townships of Canboro, Cayuga, Dunn, Moulton, Oneida, Rainham, Seneca, Sherbrooke and Walpole.

2. Halton, which shall include and consist of the Townships of Beverley, Dumfries, Esquesing, East Flamborough, West Flamborough, Nassagaweya, Nelson and Trafalgar.

3. Norfolk, which shall include and consist of the Townships of Charlotteville, Houghton, Middleton, Townsend, Woodhouse, Windham, Walsingham and Long Pointe, and Ryerson's Island in Lake Erie.

4. Waterloo, which shall include and consist of the Townships of Arthur, Amaranth, Bentinck, Derby, Eramosa, Egremont, Erin, Guelph, Glenelg, Garrafraxa, Holland, Luther, Mornington, Minto, Maryborough, Melancton, Normanby, Nichol, Peel, Proton, Puslinch, Sydenham, Sullivan, Waterloo, Wilmot, Woolwich and Wellesley.

5. Wentworth, which shall include and consist of the Townships of Ancaster, Brantford, Binbrooke, Barton, Glandford, Onondago, Saltfleet and Tuscarora.

CAP. LXXIX.

An Act to supply certain necessary Legislative provisions not included in certain Acts therein mentioned.

[30th May, 1849.]

Preamble.

10 and 11
Vict. c. 39.

WHEREAS an Act of the Parliament of this Province was passed in the Session of Parliament held in the tenth and eleventh years of Her Majesty's Reign, chaptered thirty-nine, and intituled, *An Act to divide the Western District of the Province of Canada, and for other purposes therein mentioned*, and which Act is referred