

Laws of Her Majesty's Province of United Canada, passed in the year 1851. Quebec: Stewart Derbishire and George Desbarts, 1852.

16 Victoria – Chapter 81

**An Act making certain provisions relative to the Counties of Perth, Brant and Waterloo.
Assented to 24th March, 1853.**

Whereas the Counties of Perth, Brant and Waterloo in Upper Canada, in the month of January, one thousand eight hundred and fifty-three, were in due form of law disunited from the several unions of Counties with which they had been respectively connected, and it is necessary to make provision for the organising of Division Courts and the selection of Jurors and confirming certain Municipal proceedings in the said Counties respectively: 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 the County Court Judges of the said Counties of Perth, Brant and Waterloo respectively, together with one or more Justices of the Peace for each of the said Counties after the passing of this Act, shall hold in their respective Counties a Special Sessions of the Peace, and at such Sessions shall declare and appoint the numbers and limits of divisions for the holding of Division Courts within such Counties respectively; Provided always that the Justices of the Peace so assembled may do, and perform all such other things as may now by law be done and transacted at a General Quarter Sessions of the Peace in any County in Upper Canada; And provided secondly, that until such declaration and appointment shall have been made, the Division Courts prior to the disunion of the said several united Counties, whose limits were within the Counties of Perth, Brant and Waterloo, shall be and be deemed to be from the periods of such disunions Division Courts, known by the numbers then affixed to such divisions of, for and in the said Counties of Perth, Brant and Waterloo respectively, and that all matters and things done since the periods of such disunions by or under the authority or supposed authority of such Division Courts, and until the declaration and appointment of new divisions as aforesaid, shall be deemed and be taken to be as valid and effectual to all intents and purposes as if such divisions for Division Courts respectively had been set apart by the Justices of the several Counties of Perth, Brant and Waterloo in due course of law; and all actions commenced in the said Division Courts before or since the disunion of the said several Counties shall and may be continued to final judgment and execution and the proceedings had thereon shall be, remain and continue proceedings of the said Division Courts of such disunited Counties respectively.

II. And be it enacted, That whenever the Justices in Special Sessions aforesaid shall declare and appoint the numbers and limits of the said Division Courts in the said Counties of Perth, Brant and Waterloo respectively, all proceedings and judgments had and taken in such Division Courts before the day when such declaration and appointment shall take effect, shall nevertheless be continued and prosecuted, and shall be considered proceedings of and in such of the Division

Courts of the said Counties respectively, as the Judge of such County shall order and direct; and the further prosecution of such proceedings and judgments shall be as valid and effectual as if the same had originated in the Courts to which they shall be so transferred, and the said Judge may order and direct the Clerks, Bailiffs and other Officers of the several Division Courts respectively to transfer to the proper Officers all the books, papers and documents of such Division Courts respectively.

III. And be it enacted, That the Sheriffs and other Officers within the said Counties of Perth, Brant and Waterloo, whose duty it is to summon and return Jurors, shall and may for the year one thousand eight hundred and fifty-three, select and return from among the resident inhabitants of such Counties respectively, the requisite number of persons to serve as jurors within such Counties respectively without reference to the mode prescribed for selecting, balloting or returning Jurors by the Upper Canada Jurors' Acts; Provided that juries de medietate linguæ, and juries of a like nature, may be ordered by the Court before which any cause may be pending: Provided also, that the Courts, selectors of Jurors, Officers and other persons upon whom the law devolves such duties within the said Counties respectively, shall in due course take the necessary steps for selecting Jurors and balloting Jury Lists from which the panels of Jurors for the said Counties respectively, for the year one thousand eight hundred and fifty-four, under the provisions of the Upper Canada Jurors' Acts, are to be taken.

IV. And be it enacted, That the Jurors balloted for at the Courts of General Quarter Sessions of the Peace held in and for the several united Counties of "Huron, Perth and Bruce," "Wentworth, Halton and Brant," "Waterloo, Wellington and Grey" in the month of November one thousand eight hundred and fifty-two, and entered on the Jury Lists accordingly, shall be liable to be summoned and empannelled and to serve on Juries within the now united Counties of "Huron and Perth," "Wentworth and Halton," "Wellington and Grey" respectively, to all intents and purposes as if the said Counties of Perth, Brant, and Waterloo had continued united with the said united Counties respectively, and the Sheriff's of the said Counties may cause such persons to be summoned to serve as such Jurors, notwithstanding they may reside within the limits of the said Counties of Perth, Brant and Waterloo respectively.

V. And be it enacted, That the appointments and elections of Municipal and other Officers in and for the said Counties of Brant and Waterloo respectively, and the assessments and taxes imposed of whatever kind soever they may be within the said two Counties for the year one thousand eight hundred and fifty-three, shall be taken to be valid and effectual to all intents and purposes; and that such taxes and assessments may be collected levied and enforced in the same manner as the like taxes and assessments are collected, levied and enforced, in other; Municipalities, and when received and paid shall belong to and be held and disposed of for the benefit of the said Counties of Brant and Waterloo respectively; Provided that such appointments, and the imposition of such taxes and assessments would have otherwise been legal but for the disuniting of the said two Counties as herein mentioned.