

Laws of Her Majesty's Province of United Canada, passed in the year 1854. Quebec: Stewart Derbyshire and George Desbarts, 1854.

18 Victoria – Chapter 69

An Act making certain provisions rendered necessary by the separation of the Counties of Halton and Wentworth. Assented to 3rd April, 1855.

Whereas the County of Halton, in Upper Canada, was, on the first day of January, in the year of our Lord one thousand eight hundred and fifty-five, in due form of law disunited from the County of Wentworth, and it is necessary to make provision for the organizing of Division Courts and the selection of Jurors, and for confirming certain Municipal proceedings in the said County of Halton: 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, as follows:

I. The County Court Judge of the said County of Halton, together with one or more Justices of the Peace for the said County, shall hold, in his said County, a special Session of the Peace, and at such Sessions shall declare and appoint the numbers and limits of the divisions for the holding of Division Courts within the said County of Halton; 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 also, secondly, that until such declaration and appointment shall have been made, the Division Courts prior to the disunion of the said Counties of Wentworth and Halton, whose limits were within the County of Halton, shall be and be deemed to have been from the period of such disunion, Division Courts known by the numbers then affixed to such divisions, of, for and in the said County of Halton; and that all matters and things done since the period of such disunion 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 said County of Halton in due course of Law; and all actions commenced in the said Division Courts before or since the disunion of the said United Counties of Wentworth and Halton shall and may be continued to final judgment and execution, and the proceedings therein shall be, remain and continue, proceedings of the said Division Courts of the said County of Halton.

II. Whenever the Justices in Special Session aforesaid, shall declare and appoint the numbers and limits of the said Division Courts in the said County of Halton, 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 County of Halton, 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. The Sheriff and other officers within the County of Halton whose duty it is to summon and return Jurors, shall and may for the year one thousand eight hundred and fifty-five, select and return from among the resident inhabitants of the said County, the requisite number of persons to serve as Jurors within such County, without reference to the mode prescribed for selecting, balloting, or returning Jurors by the Upper Canada Jurors Acts; Provided, that Juries *de medictate 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 County, shall in due course take the necessary steps for selecting Jurors and balloting Jury lists, from which the panels of Jurors for the said County for the year one thousand eight hundred and fifty-six, under the provisions of the Upper Canada Jurors Acts, are to be taken.

IV. The Jurors balloted for at the Court, of General Quarter Sessions of the Peace held in and for the said United Counties of Wentworth and Halton in the month of November, one thousand eight hundred and fifty-four, and entered on the Jury lists accordingly, shall be liable to be summoned and empanelled and to serve on Juries within the now County of Wentworth, to all intents and purposes, as if the said County of Halton had continued united with the said County of Wentworth, and the Sheriff of the County of Wentworth may cause such persons to be summoned to serve as such Jurors, notwithstanding they may reside within the limits of the said County of Halton.

V. And be it enacted for the purpose of preventing injustice to parties, that in any case where a person shall have been heretofore, or shall hereafter be admitted to the limits of any Union of Counties in the manner prescribed by law, and when such Union shall have been heretofore or shall hereafter be dissolved, or where any one or more Counties shall have been heretofore or shall hereafter be separated from such Union, after such admission, then and in every such case, the said person shall be held to retain the light to travel and reside in any portion of the said Counties as if no dissolution or separation had taken place, and the said person shall not be held by reason of such travel or residence, to have broken any Bond or condition thereof, or to have forfeited any security given for the purpose of obtaining the benefit of such limits: Provided always, that in any case where proceedings in Law have been instituted before the passing of this Act against any person, or his or her sureties, by reason of such person having travelled from one County into another County of the said Union, or by reason of his or her having continued to reside in one County of the said Union after any such dissolution or separation, such legal proceedings may be continued and prosecuted until the payment by the defendant or defendants of the Plaintiffs' costs of suit, as between Attorney and client, and on such payment the said proceedings shall be discontinued.