

Laws of Her Majesty's Province of United Canada, passed in the year 1856. Quebec: Stewart Derbyshire and George Desbarts, 1856.

20 Victoria – Chapter 6

An Act to facilitate the disuniting of the Counties of Lincoln and Welland, and for other purposes therein mentioned. Assented to 21st April, 1856.

Whereas the Municipal Council of the United Counties of Lincoln and Welland, have by their Petition prayed that an Act may be passed to facilitate the disuniting of the County of Welland from the County of Lincoln for judicial and other purposes; And whereas it appears by certificate of the Warden and Clerk of the said Municipal Council that an agreement has been entered into between the Provisional Municipal Council of the said County of Welland and the said Municipal Council of the said United Counties, for the adjustment and settlement of all debts of the said United Counties, in the manner provided by the fifteenth section of the Act of the Parliament of this Province passed in the twelfth year of Her Majesty's Reign, and intituled, *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*, and that the several other provisions of the said Section have been complied with by the said County of Welland; And whereas it is necessary and expedient to carry into effect the prayer of the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. At any time after the passing of this Act, it shall and may be lawful for the Governor of this Province, under an Order in Council, to be made so soon as he shall be satisfied that the County Buildings in the County of Welland are completed, to issue a Proclamation under the Great Seal of the Province, dissolving the Union between the said County of Welland and the said County of Lincoln, which dissolution shall take effect upon, from and after a day to be named for that purpose in such Proclamation.

II. All the provisions of the said Act hereinbefore first in part recited, and of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to make certain alterations in the Territorial Divisions of Upper Canada*, and of any other Act or Acts, in so far as such provisions are or were intended to be applicable to senior and junior Counties after the dissolution of the Union thereof, and in so far as they are not inconsistent with this Act, shall be and are hereby declared to be applicable to the said Counties of Lincoln and Welland respectively, as if such Proclamation had been issued under authority of the fifth Section of the Act last above in part recited

III. The Judge of the County Court for the said County of Welland shall, within thirty days after the day named in such Proclamation for the dissolution of the said Union, convene a special Sessions of the Peace at the said Court House in the said County, by such form of public notice as to the Judge shall seem meet, at which Sessions, one or more Justice or Justices of the Peace for the said County being present, shall be declared and appointed the number, limits and extent of Divisions

in the said County of Welland for the holding of Division Courts therein, and such Divisions shall be deemed and taken to be and to have been appointed and declared under authority of the "Upper Canada Division Courts Acts;" Provided firstly, that the Division Courts now appointed by the county Judge of the said United Counties to be held within the limits of the said County of Welland in the month of April, in the year of Our Lord, 1856, shall be held by the said Judge, and all suits, proceedings and judgments commenced, had and taken therein, shall be prosecuted to completion in the said Courts as if this Act had not been passed, unless transferred by the said Judge to some one or more of the Division Courts to be established in the said County of Welland, in which case all the provisions of the "Upper Canada Division Courts Extension Act of 1853" applicable to suits transferred from one Court to another, shall apply to such suits, proceedings and judgments so transferred; And provided secondly, that all suits and proceedings to be commenced in the Division Courts of the said County of Welland after the last day of service prior to' the time so fixed for holding the said April Courts, shall be commenced, prosecuted, and had in the Division Courts to be established in the said County of Welland; And it is hereby declared that the Justices of the Peace so assembled may do and perform all such other things and transact such other business as may now by law be done, performed and transacted at any General Quarter Sessions of the Peace in any County in Upper Canada.

IV. Within twenty days after the day so named for the dissolution of the said Union, the Clerks of the several Municipalities within the limits of the said County of Welland shall prepare and deliver to the Clerk of the Peace for that County, a true copy of the Report of the selectors of Jurors for their respective Municipalities made up in the year one thousand eight hundred and fifty-five, and certify the same under their hands and under the seal of the corporations of which they are such clerks, which copies shall be deemed and taken to be Reports of selectors of Jurors, made in conformity with the provisions of the Act passed in the session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act for the consolidation and amendment of the laws relative to Jurors, Junes, and Inquests in that part of this Province called Upper Canada*, and of the "Upper Canada Jurors' Law Amendment Act of 1853"; and the said Clerk of the Peace, shall, immediately after the receipt of such copies, prepare a Juror's Book and Ballots in the manner required of Clerks of the Peace in the said last in part recited Acts.

V. At the special Sessions of the Peace authorized to be held by the third Section of this Act, Jury Lists for the said County of Welland, for this present year, shall be ballotted in the manner required for balloting Jury Lists in the said last in part recited Acts, and all the provision of the said Acts shall apply to such Jury Lists so ballotted as well as to the Jurors named therein, to all the Courts of Superior or Inferior Jurisdiction thereafter to be held within the said County during the said year, and to all officers and persons whatsoever, except in so far as inconsistent with this Act; Provided firstly, that no person who shall be drawn and summoned as a Grand or Petit Juror at any of the Superior or Inferior Courts in virtue of such Lists, who may have already served as a Juror at any of the said Courts for the said United Counties during the present year, shall be required to serve again within the present year notwithstanding he may be so drawn and summoned; And provided secondly, that no person whose actual residence may, for the time being, be within the limits of the said County of Welland, shall, after the day on which such Sessions of the Peace shall be held, be summoned or required to serve as a Grand or Petit Juror at any Court within the County of

Lincoln: Provided, thirdly, that the Jury Lists already ballotted for the said United Counties, for this said present year, shall be and remain the Jury Lists for the said County of Lincoln, except in so far as the names therein are those of parties residing in the County of Welland as aforesaid; And provided fourthly, that the number of Petit Jurors to be returned on any general precept for the return of Petit Jurors for the said County of Welland, for the present year, shall not exceed forty-eight.

VI. All assessments and taxes for the said present year for the uses and purposes of the said County of Welland, which Municipal Councils of Counties are authorized by law to impose, shall be imposed by the Municipal Council of the said County of Welland, and shall be payable to the Treasurer thereof; any thing in the sixteenth section of the said Act herein first in part recited to the contrary notwithstanding.

VII. This Act shall be a Public Act.