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No. 174.

3rd Session, 6th Parliament, 23rd Victoria, 1860.

BILL.

An Act providing for the Separation of the
City of Toronto from the United Counties
of York and Peel, for judicial purposes.

Received and read, 1st time, Monday, 16th
April, 1860.
Second reading, Wednesday, 18th April,
1860.

MR. WRIGHT.

QUEBEC:

PRINTED BY THOMPSON & CO., ST. URSULE STREET.

An Act providing for the Separation of the City of Toronto from the United Counties of York and Peel, for judicial purposes.

WHEREAS it is expedient to provide for the separation, for judicial purposes, of the City of Toronto from the United Counties of York and Peel, in which it is now included for such purposes ; Therefore, Her Majesty, &c., enacts as follows :

Preamble.

5 1. The Governor may, if he shall deem it expedient so to do, upon the petition of the Municipal Council of the said City, or of the Municipal Council of the said United Counties, issue a Proclamation, under the great seal of the Province, authorizing and directing that from and after a day to be named in such Proclamation, the connection between the said City and the said United Counties, for judicial purposes, shall
10 cease.

Separation may be effected by proclamation.

15 2. The Court House, Gaol, House of Correction, and other County buildings belonging to the said United Counties, shall, notwithstanding they may be within the limits of the said City, continue to be the property of and to be used by the said United Counties, and they shall be held to be within the County for all purposes of the administration of justice; and after the time fixed by such Proclamation for such separation, such Court House, Gaol, House of Correction, and other County
20 buildings, shall not be subject to be used as the Court House, Gaol, House of Correction, or other public buildings of and for the said City of Toronto, except under an agreement mutually made by the Municipal Councils of such City and United Counties.

Court House, &c., to continue to be the property of the United Counties.

25 3. All agreements in existence at the date of such Proclamation, whereby the public buildings, or any of them, of the said United Counties of York and Peel, shall or may be used for the public uses of the said City, shall continue unaffected by such Proclamation, until they would expire by their own terms, or by the terms of any law under which they shall have been made : Provided always, no such agreement shall extend beyond the time fixed by such Proclamation for the separation
30 of the said City from the said United Counties.

Agreements now existing as to the use of public buildings.

35 4. And whereas the costs of erecting the Court House and Jail in the said City of Toronto, were incurred solely by the Municipality of the said United Counties of York and Peel ; Therefore, in the event of the said City continuing to make use of the said buildings, the said City shall be bound to pay for such use and occupation, such yearly sum to the Municipality of the said United Counties as may be agreed upon by the Municipal Councils of the City and the said United Counties respectively ; or in case of non-agreement, as may be awarded by arbitrators in the manner provided by the 26th and 358th Sections of
40 chapter 54 of the Consolidated Statutes for Upper Canada, respecting the Municipal Institutions of Upper Canada, and the amount so agreed

City to pay annual sum for the use of such buildings.

upon or awarded may be collected in the same manner as any other debt may be collected by one Municipal Corporation from another.

City to be deemed a County as regards the administration of justice.

5. From and after the date fixed by the said proclamation for the separation of the City from the United Counties, Courts of Assize and Nisi Prius, General Gaol Delivery and Oyer and Terminer, shall be held in and for the said City, as shall also all other Courts, which by the laws in force in Upper Canada are appointed to be held in Counties, and there shall be the like judicial functionaries and officers connected with the administration of justice in such City as in a County, and the said City of Toronto shall be deemed a County for all matters and purposes connected with the administration of justice: Provided always, the same person may, if the Governor shall see fit, be appointed to hold the same office in and for the said City and in and for the United Counties from which it was separated. 5 10

Pending proceedings.

6. All actions, informations and indictments pending at the time appointed by the proclamation for disuniting the said City from any of the said United Counties, shall be tried in such United Counties, unless by order by 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 City, 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. 15 20

Transmission of record on change of venue.

7. 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 officers for the said City. 25