



No. 98.

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3rd Session, 5th Parliament, 20 Victoria, 1857.

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## BILL.

An Act providing for the separation of Cities  
in Upper Canada from Counties, for Judicial  
purposes.

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Received and read, first time, Thursday, 12th  
March, 1857.

Second reading, Monday, 16th March, 1857.

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MR. HARTMAN.

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TORONTO:

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**An Act providing for the Separation of Cities in Upper Canada from Counties, for Judicial purposes.**

**W**HEREAS it is expedient to provide for the separation, for judicial purposes, of cities in Upper Canada from the Counties in which they are now included for such purposes, whenever the population of such cities shall be sufficient to make such separation desirable; Therefore Her Majesty Preamble.  
5 &c., enacts as follows :

I. Whenever any City in Upper Canada which shall, for Judicial purposes, be connected with or form a part of any County or Union of Counties, shall contain a population of not less than fifteen thousand inhabitants, as shown by any census, it shall and may be lawful for the A city having a population of 15,000 may be separated from the County by proclamation.  
10 Governor of this Province for the time being, if he shall deem it expedient so to do, upon the petition of the Municipal Council of such City, or of the Municipal Council of such County or Union of Counties, to 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 5 connection between such City and County or union of Counties, for Judicial purposes, shall cease, but they shall not be separated as regards the registration of deeds.

II. The Court House, Gaol, House of Correction, and other County buildings belonging to such County, or Union of Counties, shall, notwithstanding they may be within the limits of such City, continue to be the County Court House, &c., to continue to belong to and be used for the County, notwithstanding such separation.  
10 property of and to be used by the said County, or Union of 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 5 other County buildings, shall not be subject to be used as the Court House, Gaol, House of Correction, or other public buildings of and for such City, except under an agreement mutually made by the Municipal Councils of such City and County, or Union of Counties.

III. From and after the date of such Proclamation it shall be the duty of City to provide a Court House, &c.  
10 the Municipal Council of such City, in the exercise of the powers conferred by law upon City Municipal Councils, to provide by and before the time named in the said Proclamation for such separation, a Court House, Gaol, and all other public buildings required for the uses of such City, under the provisions of this Act.

5 IV. All agreements in existence at the date of any such Proclamation, whereby the public buildings, or any of them, of such County or Union of Counties, shall or may be used for the public uses of such City, shall continue unaffected by any such Proclamation, until they would expire by Agreements between the County and City for use of Court House

valid until  
separation.

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 of such City from such County or Union of Counties.

Adjustment of  
claim by the  
City for any  
sum contri-  
buted towards  
the Court  
House, &c.

V. Where any City which shall, under the provisions of this Act, be separated from any County or Union of Counties, shall have contributed any sum of money towards the cost of erecting the Court House, Gaol, or other County buildings of such County or Union of Counties, such County or Union of Counties, shall be liable to pay to such City such sum as may be agreed upon between the Municipal Councils of such County or Union of Counties, and of such City respectively, or in case of non-agreement, as may be awarded by Arbitrators to be appointed in the same manner as is directed in and by the two hundredth section of the Upper Canada Municipal Corporations' Act of 1849, for the appointment of Arbitrators to determine the amount to be paid by any City for the use of the County buildings of any County or Union of Counties, with which such City may be connected; and the sum so agreed upon, or awarded by Arbitration, shall be a debt due by such County or Union of Counties, to such City, and may be collected in the same manner as any other debt may be collected by one Municipal Corporation from another.

Certain Courts  
to be held in  
and for the  
City, and cer-  
tain officers  
appointed.

VI. From and after the date fixed by any such proclamation for the separation of any such city from any County or Union of Counties, Courts of Assize and Nisi Prius, General Gaol Delivery and Oyer and Terminer, shall be held in and for such 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 such City 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 City and in and for the County or Union from which it was separated; And provided also that instead of the County Court, a Recorder's Court shall be established in every such City, and shall, in addition to the jurisdiction now conferred upon Recorder's Courts in Upper Canada, have and exercise in and for such City, the same jurisdiction as is now conferred upon and exercised by County Courts in Upper Canada in their respective Counties.

Proviso.

Proviso.

Certain laws  
to apply to  
City when so  
separated  
from the Coun-  
ty.

VII. 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 the Court Houses, Gaols, or Houses of Correction, or any of them which shall be in force and operation at the time so appointed by proclamation for disuniting such city from such County or Union of Counties as aforesaid, shall be and are hereby extended to the Court House and Gaol of such city so disuniting; and the Courts of Assize, Nisi Prius, Oyer and Terminer, Gaol Delivery, and Recorder's Court and every other Court in and for such city, required to be held at a certain place, shall be commenced and from time to time holden at the Court House of such city or any other place that may be lawfully substituted for the same: Provided always, that the Recorder's Court for any such City so separated shall commence and be holden on the Tuesday next following the day when the General Quarter Session of the Peace for the County or Union of Counties from which such city shall have been so separated, shall be held.

Proviso.

VIII. All actions, informations and indictments pending at the time so appointed by proclamation for the disuniting of any such city from any such County or Union of Counties, shall be tried in such County or Union of Counties, unless by order by the Court in which the same shall be pending  
 5 in Term time, or of some Judge thereof in vacation, the Venue therein shall be changed to such 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.

Pending suits  
not to be af-  
fected.

Exception.

10 IX. 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 such City.

Proceedings  
in case of  
change of  
Venue.