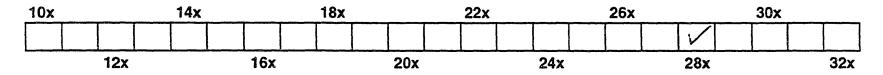
Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below. L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

\square	Coloured covers /		Coloured pages / Pages de couleur
LJ	Couverture de couleur		
	Covers damaged /		Pages damaged / Pages endommagées
	Couverture endommagée		Pages restored and/or laminated /
·	Covers restand and/an laminated /		Pages restaurées et/ou pelliculées
	Covers restored and/or laminated /		
LJ	Couverture restaurée et/ou pelliculée	\checkmark	Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
	Cover title missing / Le titre de couverture manque	L	r ages decolorees, lachelees of piquees
	cover alle micenty, se alle de obavertare manque		Pages detached / Pages détachées
	Coloured maps / Cartes géographiques en couleur		r ages belached / r ages belachees
			Showthrough / Transparence
	Coloured ink (i.e. other than blue or black) /		Chewmough? Hansparence
	Encre de couleur (i.e. autre que bleue ou noire)		Quality of print varies /
		\checkmark	Qualité inégale de l'impression
	Coloured plates and/or illustrations /		
	Planches et/ou illustrations en couleur		Includes supplementary material /
_			Comprend du matériel supplémentaire
\Box	Bound with other material /		
	Relié avec d'autres documents		Pages wholly or partially obscured by errata slips,
			tissues, etc., have been refilmed to ensure the best
	Only edition available /		possible image / Les pages totalement ou
	Seule édition disponible		partiellement obscurcies par un feuillet d'errata, une
	,		pelure, etc., ont été filmées à nouveau de façon à
	Tight binding may-cause shadows or distortion along		obtenir la meilleure image possible.
	interior margin / La reliure serrée peut causer de		
	l'ombre ou de la distorsion le long de la marge		Opposing pages with varying colouration or
	intérieure.	L	discolourations are filmed twice to ensure the best
	Plank leaves added during restarations may appear		possible image / Les pages s'opposant ayant des
	Blank leaves added during restorations may appear within the text. Whenever possible, these have been		colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image
	omitted from filming / Il se peut que certaines pages		possible.
	blanches ajoutées lors d'une restauration		
	apparaissent dans le texte, mais, lorsque cela était		
	possible, ces pages n'ont pas été filmées.		

Additional comments / Commentaires supplémentaires:

This item is filmed at the reduction ratio checked below / Ce document est filmé au taux de réduction indiqué ci-dessous.



1st Session. 6th Parliament, 21 Victoria, 1858.

ŕ

BILL.

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

Received and read first time, Friday, 9th April, 1858.

Second reading, Thursday, 15th April, 1858.

MR. HARTMAN.

TORONTO:

PRINTED BY JOHN LOVELL, YONGE STREET.

No. 30.]

BILL.

[1858.

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 Preamble. Judicial purposes, of the 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 5 desirable ; Therefore Her Majesty &c., enacts as follows :

I. Whenever any City in Upper Canada which shall, for Judicial A city having purposes, be connected with or from a part of any County or union of a population of 25,000 may Counties, shall contain a population of not less then twenty-five thous be separated sand inhabitants, as shown by any census, it shall and may be lawful from the 10 for the Governor of this Province for the time being, if he shall deem County by 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 Preplamation and the 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 15 such Proclamation, the 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, Houses of Correction, and other County Court buildings belonging to such County, or union of Counties, shall, not-House, &c., to 20 withstanding they may be within the limits of such City, continue to long to and be be the property of and to be used by the said County, or union of used for the Counties, and they shall be held to be within the County for all pur- County, not-Counties, and they shall be held to be within the County for an pur-poses of the administration of justice; and after the time fixed by such such such separa-Proclamation for such separation, such Court House, Gaol, House of tion. 25 Correction and 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 City to pro-30 of the Municipal Council of such City, in the exercise of the powers vide a Court House, &o. 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.

35 IV. All agreements in existence at the date of any such Proclamation, Agreements 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 City for use of continue unaffected by any such Proclamation, until they would expire Court House

valid until separation. Proviso.

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

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 of such City from such County or union of Counties.

V. Where any City which shall, under the provisions of this Act, be 5 separated from any County or union of Counties, shall have contributed any sum of morey 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 10 County or unic. 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 hundreth section of the Upper Canada Municipal Corporations' Act of 1849, for the appointment of Arbitrators to determine the amount to be paid by any 15 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 20 Corporation from another.

Certain Courts to be held in and for the City, and certain officers appointed.

Proviso.

Proviso.

Certain laws to apply to City when so separated from the County.

Proviso.

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 25 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 30 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 Recorders' Court shall be established in every such City, and shall, in addition to the jurisdiction now conferred upon 35 Recorders' 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.

VII. All and every the rules and regulations, provisions, matters and things contained in any Act or Acts of the Parliament of this Province, 40 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 45 extended to the Court House and Gaol of such City so disunited; 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 50 that may be lawfully substituted for the same; Provided always, that the Recorders' 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.

VIII. All actions, imformations and indictments pending at the time Pending suits 5 so appointed by proclamation for the disuniting of any such city from not to be afany such County or union of Counties, shall be tried in such or union fected. of Counties, unless by order by the Court in which the same shall be Exception. pending in Term time, or of some Judge thereof in vacation, the Venue therein shall be changed to such city, which change every such Court 10 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.

IX. Upon any such change of Venue the records and papers of Proceedings every such action, information, and indictment shall, when necessary, in case of be transmitted to the proper officers for such City 15 be transmitted to the proper officers for such City. Venue.