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No. 118.

4th Session, 6th Parliament, 24 Victoria, 1861

BILL.

An Act to provide for the separation of the
City of Toronto from the United Counties
of York and Peel for judicial purposes.

[PRIVATE BILL.]

Received and read, first time, Tuesday, 9th
April, 1861.

Second reading, Thursday, 10th April, 1861.

MR. WRIGHT.

QUEBEC :

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

An Act to provide 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; **Therefore, Her Majesty, &c., enacts as follows:**

Preamble.

I. 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, authorising and directing that from and after a day to be named in such Proclamation, the union between the said City and the said United Counties, for judicial purposes, shall cease, and the same shall cease accordingly.

Separation may be effected by Proclamation:

II. The Court House, Gaol, House of Correction, Shire-Hall, 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 for the administration of justice; and the County Council may continue, so long as they see fit, to hold their sittings within the said city.

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

III. After the time fixed by the Proclamation for such separation, such Court House, Gaol, House of 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 the said City of Toronto, except under an arrangement made between the Municipal Councils of such City and United Counties.

County buildings not to be used for City purposes except under agreement.

IV. 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 have been made, or by the terms of arrangement between the said Municipalities: Provided always, no such agreement shall extend or remain in force beyond the time fixed by such Proclamation for the separation of the said City from the said United Counties.

Agreements existing as to the use of public buildings.

Proviso.

V. The 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 said Councils.

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

VI. In case of non-agreement, the sum to be paid shall be awarded by arbitrators in the manner provided by the 26th and 358th Sections of chapter 54 of the Consolidated Statutes for Upper Canada respect-

Arbitration in case of non-agreement.

ing the Municipal Institutions of Upper Canada ; and the amount so agreed 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.** VII. 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 the said City of Toronto shall be deemed a County for all matters and purposes connected with the administration of justice. 5 10
- Judicial functionaries in City and County.** VIII. Provided that there shall be the same judicial functionaries and officers connected with the administration of justice in such City, as for the time being are discharging the like offices and duties in the County ; but the Governor may, if he see fit, appoint distinct judicial officers for the City from those of the United Counties. 15
- Pending proceedings.** IX. 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 the City, unless by order by the Court in which the same is pending, in Term time, or of some Judge thereof, in vacation, the Venue shall be changed to the United Counties, which change may be made on the consent of parties or on hearing the parties by affidavit or otherwise. 20
- Change of Venue.**
- Transmission of record on change of venue.** X. 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 County, if and when distinct officers are appointed. 25
- Style of Officers for City and County.** XI. All Judicial Officers acting and appointed both for the City and the United Counties, shall be such officers, and shall be styled as officers of " The County of the City of Toronto," or of " The United Counties of York and Peel," as the case may be, according to the locality to which the business may pertain. 30